**DOCKET NUMBER 2006-1869 -MWD**

| | | |
|---|---|---|
| Application by<br>**GRASON VOLENTE INVESTMENTS**<br>for **TCEQ Permit No. WQ0014563001** | §<br>§<br>§ | Before the<br>**TEXAS COMMISSION ON**<br>**ENVIRONMENTAL QUALITY** |

---

## EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUEST

---

### I. Introduction

The Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to Hearing Request (Response) on the application of Grason Volente Investments (Applicant) for new Permit Number WQ0014563001. Linda Carter submitted a timely letter requesting a contested case hearing (CCH) and did not withdraw her hearing request.

Attached for commission consideration are the following:

Attachment A - Technical Summary & Draft Permit
Attachment B - TCEQ Response to Comments (RTC)
Attachment C - GIS Map
Attachment D - Compliance History

Copies were provided to all parties. The RTC was previously mailed by the Office of the Chief Clerk to all persons on the mailing list.

### II. Description Of The Facility

The Applicant has applied to the TCEQ for a new permit that would authorize the Applicant to dispose of treated domestic wastewater at a daily average flow not to exceed 175,000 gallons per day via non-public access subsurface drip irrigation with a minimum area of 1,742,400 square feet. This permit will not authorize a discharge of pollutants into water in the state. The wastewater treatment plant will serve two residential developments near Lake Travis.

The wastewater treatment facilities and disposal site will be located 6 miles west of the intersection of Ranch Road 620 and Farm-to-Market Road 2769 and 1.5 miles north of Farm-to-Market Road 2769 (Volente Road) in Travis County, Texas.

### III. Procedural Background

The permit application for a new permit was received on September 27, 2004 and declared

administratively complete on December 10, 2004. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on January 9, 2005 in the Austin American Statesman. After the publication of the NORI the Applicant requested the TCEQ put the processing of the application on hold while they discussed concerns and comments with local opposition. The Notice of Application and Preliminary Decision (NAPD) for a Water Quality Permit was published on March 25, 2006 in the Austin American Statesman. The Notice of Public Meeting was published on March 25, 2006 in the Austin American Statesman. A public meeting was held on April 25, 2006 in Volente, Texas. The public comment period ended on April 25, 2006. The RTC was filed on September 19, 2006. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

## IV. The Evaluation Process For Hearing Requests

The regulations governing requests for contested case hearings are found at 30 Texas Administrative Code (TAC), Chapter 55. 30 TAC § 55.201(c) and (d) requires that a request for a contested case hearing must "substantially comply" with the following:

1) Be in writing;
2) Be timely filed;
3) Request a contested case hearing;
4) Give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request;
5) Provide any other information specified in the public notice of application; and
6) Raise disputed issues.

In addition to requesting a contested case hearing, a person must be an "affected person" as defined in 30 TAC § 55.203(a). The rule defines an affected person as follows:

> For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.

In making an "affected person" determination, the rules list specific factors to consider when making the determination. The factors listed in 30 TAC § 55.203(c) are:

1) Whether the interest claimed is one protected by the law under which the application will be considered;
2) Distance restrictions or other limitations imposed by law on the affected interest;
3) Whether a reasonable relationship exists between the interest claimed and the activity regulated;
4) The likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
5) The likely impact of the regulated activity on use of the impacted natural resource

by the person; and

6) For governmental entities, their statutory authority over or interest in the issues relevant to the application.

If the Commission determines that the hearing request is timely and that the requestor is an affected person, the Commission must apply the following test from 30 TAC § 55.211 to the issues raised to determine if any of the issues should be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing:

1) Involve questions of fact, not questions strictly of law or policy,
2) Have been raised during the public comment period,
3) Have not been withdrawn, and
4) Be relevant and material to the Commission's decision on the application.

## V. Analysis Of The Requests

### A. Whether Requestor "Substantially Complied" with 30 TAC § 55.201 (c) and (d).

Linda Carter timely submitted a written CCH request that requested a contested case hearing, included relevant contact information, and raised disputed issues.

The Executive Director concludes that the CCH request substantially complied with the requirements of 30 TAC Section 55.201 9 (c) and (d).

### B. Whether Requestor Met Requirements of an Affected Person

Mrs. Carter's property is not adjacent to the proposed wastewater treatment plant, drain fields, or the property to be serviced by the wastewater treatment plan. Mrs. Carter's property is approximately 5,000 feet from the drain fields and 8,000 feet from the wastewater treatment plant. This permit is for a no discharge subsurface drip irrigation permit. Therefore, it is unlikely that there will be an impact from the regulated activity on the of Mrs. Carter, her property, or the water quality in Lake Travis. In addition, Mrs. Carter's issue is one of water quality in Lake Travis. Mrs. Carter does not allege that she has a property right in Lake Travis and the water quality of Lake Travis is a concern common to the general public.

The Executive Director recommends that the Commission find that Linda Carter is not an affected person because she did not meet the requirements of 30 TAC Section 55.203.

### C. Whether Issue is Referable to SOAH for a Contested Case Hearing

Although Linda Carter did not demonstrate she was an affected person, the following is an analysis of the issues raised in her CCH request. All issues noted below are disputed, were raised during the public comment period, and were not withdrawn.

**Issue #1: Whether the water quality of the Lake Travis will be adversely affected by**

**this permit.**

This issue is within TCEQ's jurisdiction and is relevant or material to TCEQ's decision on the permit application. The issue involves a question of fact, is disputed, was raised during the public comment period, and was not withdrawn.

The Executive Director concludes that this issue is referable to SOAH because it meets the relevant criteria.

## VI. Duration For The Contested Case Hearing

The Executive Director recommends that a contested case hearing, should the Commission decide to refer the case, last approximately six months. This time period begins with the preliminary hearing and concludes with presentation of a proposal for decision before the Commission.

## VII. Executive Director's Recommendation

The Executive Director recommends the following actions by the Commission:

A. Find that Linda Carter is not an affected person.

B. However, if the Commission finds Linda Carter an affected person, refer the following issues to SOAH for a proceeding of six months duration:

1. Whether the water quality of the Lake Travis will be adversely affected by this permit.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Glenn Shankle, Executive Director

Robert Martinez, Director
Environmental Law Division

By: Michael F. Northcutt Jr.

Michael F. Northcutt, Jr.
Staff Attorney
Environmental Law Division
Texas State Bar No. 24037194
P.O. Box 13087, MC-173
Austin, Texas 78711-3087
(512) 239-6994
(512) 239-0606 (Fax)

ATTORNEYS FOR
THE EXECUTIVE DIRECTOR

## CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2007 the original and eleven true and correct copies of the "Executive Director's Response to Hearing Request" relating to the application of Grason Volente Investments Permit No. 14563-001 were filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, or by deposit in the U.S. Mail.



Michael F. Northcutt, Jr.

Michael F. Northcutt, Jr.
Staff Attorney
Environmental Law Division
Texas State Bar No.24037194
P.O. Box 13087, MC-173
Austin, Texas 78711-3087
Tel: (512) 239-6994
Fax: (512) 239-0606

**MAILING LIST**
**GRASON VOLENTE INVESTMENTS**
**DOCKET NO. 2006-1869-MWD; PERMIT NO. WQ0014563001**

FOR THE APPLICANT:
Jason Hammonds
Grason Volente Investments, Ltd.
7171 Highway 6 North, Ste. 100
Houston, Texas 77095-2563
Tel: (281) 656-0555
Fax: (281) 656-0540

Fred Ramirez, P.E.
Baker-Aicklen & Associates, Inc.
405 Brushy Creek Road
Cedar Park, Texas 78613
Tel: (512) 260-3700
Fax: (512) 260-3701

FOR THE EXECUTIVE DIRECTOR:
Michael Northcutt, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6994
Fax: (512) 239-0606

Julian Centeno, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division, MC -148
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4671
Fax: (512) 239-4114

OFFICE OF PUBLIC INTEREST COUNCIL
Mr. Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Office of Public Interest, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6363
Fax: (512) 239-6377

FOR OFFICE OF PUBLIC ASSISTANCE:
Jody Henneke, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4000
Fax(512) 239-4007

FOR ALTERNATIVE DISPUTE RESOLUTION
Mr. Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE CHIEF CLERK:
LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

REQUESTER:
Linda Carter
16120 Wharf Cove
Volente, Texas 78641

# Attachment A

# TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

## DESCRIPTION OF APPLICATION

| | |
|---|---|
| Applicant: | Grason Volente Investments, Ltd.<br>Permit No. WQ0014563001 |
| Regulated Activity: | Domestic Wastewater Permit |
| Type of Application: | Proposed Permit |
| Request: | New Permit |
| Authority: | Texas Water Code §26.027; 30 TAC Chapters 305, 309, 312, 319, and 30; and Commission policies. |

## EXECUTIVE DIRECTOR RECOMMENDATION

The executive director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The proposed permit includes an expiration date of December 1, 2009 according to 30 TAC Section 305.127(1)(C)(III), Conditions to be Determined for Individual Permits.

## REASON FOR PROJECT PROPOSED

Grason Volente Investments, Ltd. has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, Permit No. WQ0014563001, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 0.10 million gallons per day (MGD) via non-public access subsurface drip irrigation with a minimum area of 1,089,000 square feet in the interim phase and at a daily average flow not to exceed 0.175 MGD via non-public access subsurface drip irrigation with a minimum area of 1,742,400 square feet in the final phase. The wastewater treatment facility will serve two residential developments near Lake Travis.

## PROJECT DESCRIPTION AND LOCATION

The Volente Peak Wastewater Treatment Facilities will consist of an activated sludge process plant using the extended aeration mode. Treatment units in the interim phase will include an equalization basin, bar screen, aeration basin with chemical addition for phosphorus removal, final clarifier, two effluent filters, two chlorine contact chambers and a sludge holding tank. The facility will include one effluent holding tank with a capacity of 200,000 gallons in the interim phase, and an effluent holding tank with a capacity of 350,000 gallons for the storage of treated effluent prior to drip irrigation in the final phase. An additional aeration basin, final clarifier, two effluent filters and two chlorine contact chambers will be added in the final phase. The facility has not been constructed.

Sludge generated from the treatment facility will be hauled by a registered hauler and disposed of at a TCEQ permitted wastewater treatment facility, the City of Austin's Walnut Creek Wastewater Treatment Plant, TPDES Permit No. WQ0010543011, in Travis County. The draft permit authorizes the disposal of sludge only at a TCEQ permitted land application site, commercial land application site, co-disposal landfill or wastewater treatment facility.

The wastewater treatment facilities and disposal site are located 6 miles west of the intersection of Ranch Road 620 and Farm-to-Market Road 2769 and 1.5 miles north of Farm-to-Market Road 2769 (Volente Road) in Travis County, Texas.

The disposal site is located in the drainage basin of Lake Travis in Segment No. 1404 of the Colorado River Basin. No discharge of pollutants into water in the State is authorized by this permit.

SUMMARY OF EFFLUENT DATA

N/A - No self-reporting data is available because the facility has not been constructed.

PROPOSED PERMIT CONDITIONS

The draft permit authorizes the disposal of treated domestic wastewater effluent at a daily average flow not to exceed 0.10 MGD in the interim phase via non-public access subsurface drip irrigation with a minimum area of 1,089,000 square feet and at a daily average flow not to exceed 0.175 MGD in the final phase via non-public access subsurface drip irrigation with a minimum area of 1,742,400 square feet. Application rates shall not exceed 0.09 gallons per square foot per day in the interim phase and 0.1 gallons per square foot per day in the final phase. Storage requirements are 200,000 gallons in the interim phase and 350,000 gallons in the final phase. The effluent limitations in the draft permit, based on a 30-day average, are 5 mg/l $CBOD_5$, 5 mg/l TSS, 2 mg/l $NH_3$-N and 1 mg/l Total Phosphorus. The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes based on peak flow.

The cover crop on the irrigation area will be existing native vegetation.

The draft permit includes a requirement for the permittee to obtain legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the permittee according to 30 TAC Section 309.13(e)(3).

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal and Transportation. The permittee is authorized to dispose of sludge at a TCEQ-authorized land application site or co-disposal landfill. Sludge from the wastewater treatment facility shall be hauled by a licenced hauler. The permittee is also authorized to haul sludge from the wastewater treatment facility to a TCEQ permitted wastewater treatment plant that is authorized to accept sludge from other wastewater treatment plants or a TCEQ permitted sludge processing facility for further processing and subsequent disposal.

SUMMARY OF CHANGES FROM APPLICATION

There are no changes from the application.

BASIS FOR PROPOSED DRAFT PERMIT

The following items were considered in developing the proposed permit draft:

1. Application submitted with letter dated September 27, 2004 and additional information submitted with letters dated November 10, 2004, January 5, 2005, February 16, 2005, September 27, 2005, November 21, 2005, January 6, 2006 and January 11, 2006.
2. Interoffice Memoranda from the Water Quality Assessment Team, Water Quality Assessments Section, Water Quality Division.

PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the Chief Clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for review and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The Chief Clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application, and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application. This notice sets a deadline for public comment. Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment, and is not a contested case proceeding.

After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application or the draft permit raised during the public comment period. The Chief Clerk then mails the Executive Director's Response to Comments and Final Decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the Executive Director's response and decision, they can request a contested case hearing or file a request to reconsider the Executive Director's decision within 30 days after the notice is mailed.

The Executive Director will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the Executive Director's Response to Comments and Final Decision is mailed. If a hearing request or request for reconsideration is filed, the Executive Director will not issue the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If the Executive Director calls a public meeting or the Commission grants a contested case hearing as described above, the Commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the Commission will consider all public comments in making its decision and shall either adopt the Executive Director's response to public comments or prepare its own response.

For additional information about this application contact Julian D. Centeno, Jr. at (512) 239-4608.

_____ _____

Julian D. Centeno, Jr. Date
Municipal Permits Team
Wastewater Permitting Section (MC 148)

PERMIT NO. WQ0014563001

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087

PERMIT TO DISCHARGE WASTES
under provisions of Chapter 26
of the Texas Water Code

Permittee:

Grason Volente Investments, Ltd.
7171 Highway 6 North, Suite 100
Houston, Texas 77095-2563

Nature of Business Producing Waste: Domestic wastewater treatment operation, SIC Code 4952

General Description and Location of Waste Disposal System:

Description: The Volente Peak Wastewater Treatment Facilities consist of an activated sludge process plant using the extended aeration mode. Treatment units in the interim phase will include an equalization basin, bar screen, aeration basin with chemical addition for phosphorus removal, final clarifier, two effluent filters, two chlorine contact chambers and a sludge holding tank. The facility will include one effluent holding tank with a capacity of 200,000 gallons in the interim phase, and an effluent holding tank with a capacity of 350,000 gallons in the final phase for the storage of treated effluent prior to drip irrigation. An additional aeration basin, final clarifier, two effluent filters and two chlorine contact chambers will be added in the final phase. The permittee is authorized to dispose of treated domestic wastewater effluent at a daily average flow not to exceed 0.10 million gallons per day (MGD) via non-public access subsurface drip irrigation with a minimum area of 1,089,000 square feet in the interim phase, and a daily average flow not to exceed 0.175 MGD via non-public access subsurface drip irrigation with a minimum area of 1,742,400 square feet in the final phase. Cover crop will be the existing native vegetation in the irrigation area. Application rates shall not exceed 0.09 gallons per square foot per day in the interim phase and 0.1 gallons per square foot per day in the final phase.

Location: The wastewater treatment facilities and disposal site will be located 6 miles west of the intersection of Ranch Road 620 and Farm-to-Market Road 2769 and 1.5 miles north of Farm-to-Market Road 2769 (Volente Road) in Travis County, Texas. (See Attachment A.)

Drainage Area: The disposal site is located in the drainage basin of Lake Travis in Segment No. 1404 of the Colorado River Basin. No discharge of pollutants into water in the State is authorized by this permit.

This permit and the authorization contained herein shall expire at midnight on **December 1, 2009**.

ISSUED DATE:

For the Commission

## EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

**Conditions of the Permit: No discharge of pollutants into water in the State is authorized.**

A. Effluent Limitations

Character: Treated Domestic Sewage Effluent

Interim phase Volume: 30-day Average - 0.10 MGD from the treatment system

Final phase Volume: 30-day Average - 0.175 MGD from the treatment system

Quality: The following effluent limitations shall be required:

| Parameter | Effluent Concentrations (Not to Exceed) Daily Average mg/l | 7-Day Average mg/l | Daily Maximum mg/l | Single Grab mg/l |
|---|---|---|---|---|
| Carbonaceous Biochemical Oxygen Demand (5-day) | 5 | 10 | 20 | 30 |
| Total Suspended Solids | 5 | 10 | 20 | 30 |
| Ammonia Nitrogen | 2 | 5 | 10 | 15 |
| Total Phosphorus | 1 | 2 | 4 | 6 |

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units.

The effluent shall be chlorinated in a chlorine contact chamber to a residual of 1.0 mg/l with a minimum detention time of 20 minutes.

B. Monitoring Requirements:

| Parameter | Monitoring Frequency | Sample Type |
|---|---|---|
| Flow | Five/week | Instantaneous |
| Carbonaceous Biochemical Oxygen Demand (5-day) | One/week | Grab |
| Total Suspended Solids | One/week | Grab |
| Ammonia Nitrogen | One/week | Grab |
| Total Phosphorus | One/week | Grab |
| pH | One/week | Grab |
| Chlorine | Five/week | Grab |

The monitoring shall be done after the final treatment unit and prior to land application. These records shall be maintained on a monthly basis and be available at the plant site for inspection by authorized representatives of the Commission for at least three years.

## STANDARD PERMIT CONDITIONS

This permit is granted in accordance with the Texas Water Code and the rules and other Orders of the Commission and the laws of the State of Texas.

### DEFINITIONS

All definitions in Section 26.001 of the Texas Water Code and 30 TAC Chapter 305 shall apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

1. Flow Measurements

   a. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

   b. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with a 1 million gallons per day or greater permitted flow.

   c. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

2. Concentration Measurements

   a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.

      i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

      ii. For all other wastewater treatment plants - When four samples are not available in a calender month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.

   b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.

   c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calender month.

3. Sample Type

   a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (b).

   b. Grab sample - an individual sample collected in less than 15 minutes.

4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.

5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids which have not been classified as hazardous waste separated from wastewater by unit processes.

6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

## MONITORING REQUIREMENTS

1. Monitoring Requirements

Monitoring results shall be collected at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling in accordance with 30 TAC §§ 319.4 - 319.12.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Texas Water Code, Chapters 26, 27, and 28, and Texas Health and Safety Code, Chapter 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record or other document submitted or required to be maintained under this permit, including monitoring reports, records or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

2. Test Procedures

Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§319.11 - 319.12. Measurements, tests and calculations shall be accurately accomplished in a representative manner.

3. Records of Results

a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.

b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, and records of all data used to complete the application for this permit shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, or application. This period shall be extended at the request of the Executive Director.

c. Records of monitoring activities shall include the following:

i. date, time and place of sample or measurement;
ii. identity of individual who collected the sample or made the measurement.
iii. date and time of analysis;
iv. identity of the individual and laboratory who performed the analysis;
v. the technique or method of analysis; and
vi. the results of the analysis or measurement and quality assurance/quality control records.

The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that maybe instituted against the permittee.

4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in determining compliance with permit requirements.

5. Calibration of Instruments

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site and/or shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date to the Regional Office and the Enforcement Division (MC 224).

7. Noncompliance Notification

a. In accordance with 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:

i. Unauthorized discharges as defined in Permit Condition 2(g).

ii. Any unanticipated bypass which exceeds any effluent limitation in the permit.

c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible.

8. In accordance with the procedures described in 30 TAC §§ 35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.

9. Changes in Discharges of Toxic Substances

All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Office, orally or by facsimile transmission within 24 hours, and both the Regional Office and the Enforcement Division (MC 224) in writing within five (5) working days, after becoming aware of or having reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. One hundred micrograms per liter (100 μg/L);
ii. Two hundred micrograms per liter (200 μg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
iv. The level established by the TCEQ.

b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. Five hundred micrograms per liter (500 μg/L);
ii. One milligram per liter (1 mg/L) for antimony;

iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
iv. The level established by the TCEQ.

10. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

## PERMIT CONDITIONS

1. General

a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.

b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:

i. Violation of any terms or conditions of this permit;
ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

2. Compliance

a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.

b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment.

e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.

f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and Texas Water Code Section 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Special Provisions section of this permit.

h. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §§7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties).

3. Inspections and Entry

a. Inspection and entry shall be allowed as prescribed in the Texas Water Code Chapters 26, 27, and 28, and Texas Health and Safety Code Chapter 361.

b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in Texas Water Code Section 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment and/or Renewal

a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:

i. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9;

ii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.

c. The permittee must apply for an amendment or renewal prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.

d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.

e. In accordance with the Texas Water Code § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.

5. Permit Transfer

   a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Water Quality Applications Team (MC 161) of the Registration, Review, and Reporting Division.

   b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

   This permit does not authorize any activity of hazardous waste storage, processing, or disposal which requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Property Rights

   A permit does not convey any property rights of any sort, or any exclusive privilege.

8. Permit Enforceability

   The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

9. Relationship to Permit Application

   The application pursuant to which the permit has been issued is incorporated herein; provided, however, that in the event of a conflict between the provisions of this permit and the application, the provisions of the permit shall control.

10. Notice of Bankruptcy.

    a. Each permittee shall notify the executive director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:

       i. the permittee;
       ii. an entity (as that term is defined in 11 USC, §101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or
       iii. an affiliate (as that term is defined in 11 USC, §101(2)) of the permittee.

    b. This notification must indicate:

       i. the name of the permittee;
       ii. the permit number(s);
       iii. the bankruptcy court in which the petition for bankruptcy was filed; and
       iv. the date of filing of the petition.

## OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.

2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.

3. Domestic wastewater treatment facilities shall comply with the following provisions:

   a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.

   b. The permittee shall submit a closure plan for review and approval to the Land Application Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.

4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.

6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under Texas Water Code § 7.302(b)(6).

7. Documentation

   For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for information specified as not confidential in 30 TAC § 1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice. If the Commission or Executive Director agrees with the designation of confidentiality, the TCEQ will not provide the information for public inspection unless required by the Texas Attorney General or a court pursuant to an open records request. If the Executive Director does not agree with the designation of confidentiality, the person submitting the information will be notified.

8. Facilities which generate domestic wastewater shall comply with the following provisions; domestic wastewater treatment facilities at permitted industrial sites are excluded.

   a. Whenever flow measurements for any domestic sewage treatment facility reach 75 percent of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90 percent of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility which reaches 75 percent of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

      If in the judgement of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 149) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

   b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission, and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.

   c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this

permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.

10. Facilities which generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:

a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.

b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.

c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Corrective Action Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Registration, Review, and Reporting Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.

e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.

f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:

i. Volume of waste and date(s) generated from treatment process;
ii. Volume of waste disposed of on-site or shipped off-site;
iii. Date(s) of disposal;
iv. Identity of hauler or transporter;
v. Location of disposal site; and
vi. Method of final disposal.

The above records shall be maintained on a monthly basis. The records shall be retained at the facility site, or shall be readily available for review by authorized representatives of the TCEQ for at least five years.

11. For industrial facilities to which the requirements of 30 TAC Chapter 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with Chapter 361 of the Texas Health and Safety Code.

## SLUDGE PROVISIONS

The permittee is authorized to dispose of sludge only at a Texas Commission on Environmental Quality (TCEQ) registered or permitted land application site, commercial land application site or co-disposal landfill. **The disposal of sludge by land application on property owned, leased or under the direct control of the permittee is a violation of the permit unless the site is permitted or registered with the TCEQ. This provision does not authorize Distribution and Marketing of sludge. This provision does not authorize land application of Class A Sludge. This provision does not authorize the permittee to land apply sludge on property owned, leased or under the direct control of the permittee.**

## SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE LAND APPLICATION

### A. General Requirements

1. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC Chapter 312 and all other applicable state and federal regulations in a manner which protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants which may be present in the sludge.

2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.

3. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

### B. Testing Requirements

1. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method, which receives the prior approval of the TCEQ for the contaminants listed in Table 1 of 40 CFR Section 261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Registration, Review, and Reporting Division and the Regional Director (MC Region 11) within 7 days after failing the TCLP Test.

   The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 11) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year.

2. Sewage sludge shall not be applied to the land if the concentration of the pollutants exceed the pollutant concentration criteria in Table 1. The frequency of testing for pollutants in Table 1 is found in Section I.C.

TABLE 1

| Pollutant | Ceiling Concentration (milligrams per kilogram)* |
|---|---|
| Arsenic | 75 |
| Cadmium | 85 |
| Chromium | 3000 |
| Copper | 4300 |
| Lead | 840 |
| Mercury | 57 |
| Molybdenum | 75 |
| Nickel | 420 |
| PCBs | 49 |
| Selenium | 100 |
| Zinc | 7500 |

* Dry weight basis

3. Pathogen Control

All sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following methods to ensure that the sludge meets either the Class A or Class B pathogen requirements.

a. Six alternatives are available to demonstrate compliance with Class A sewage sludge. The first 4 options require either the density of fecal coliform in the sewage sludge be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. Below are the additional requirements necessary to meet the definition of a Class A sludge.

Alternative 1 - The temperature of the sewage sludge that is used or disposed shall be maintained at or above a specific value for a period of time. See 30 TAC Section 312.82(a)(2)(A) for specific information.

Alternative 2 - The pH of the sewage sludge that is used or disposed shall be raised to above 12 std. units and shall remain above 12 std. units for 72 hours.

The temperature of the sewage sludge shall be above 52 degrees Celsius for 12 hours or longer during the period that the pH of the sewage sludge is above 12 std. units.

At the end of the 72-hour period during which the pH of the sewage sludge is above 12 std. units, the sewage sludge shall be air dried to achieve a percent solids in the sewage sludge greater than 50 percent.

Alternative 3 - The sewage sludge shall be analyzed for enteric viruses prior to pathogen treatment. The limit for enteric viruses is less than one Plaque-forming Unit per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC Section 312.82(a)(2)(C)(i-iii) for specific information. The sewage sludge shall be analyzed for viable helminth ova prior to pathogen treatment. The limit for viable helminth ova is less than one per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC Section 312.82(a)(2)(C)(iv-vi) for specific information.

Alternative 4 - The density of enteric viruses in the sewage sludge shall be less than one Plaque-forming Unit per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed.

Alternative 5 (PFRP) - Sewage sludge that is used or disposed of shall be treated in one of the processes to Further Reduce Pathogens (PFRP) described in 40 CFR Part 503, Appendix B. PFRP include composting, heat drying, heat treatment, and thermophilic aerobic digestion.

Alternative 6 (PFRP Equivalent) - Sewage sludge that is used or disposed of shall be treated in a process that has been approved by the U. S. Environmental Protection Agency as being equivalent to those in Alternative 5.

b. Three alternatives are available to demonstrate compliance with Class B criteria for sewage sludge.

Alternative 1 -

i. A minimum of seven random samples of the sewage sludge shall be collected within 48 hours of the time the sewage sludge is used or disposed of during each monitoring episode for the sewage sludge.

ii. The geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 MPN per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

Alternative 2 - Sewage sludge that is used or disposed of shall be treated in one of the Processes to Significantly Reduce Pathogens (PSRP) described in 40 CFR Part 503, Appendix B, so long as all of the following requirements are met by the generator of the sewage sludge.

i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;

ii. An independent Texas Licensed Professional Engineer must make a certification to the generator of a sewage sludge that the wastewater treatment facility generating the sewage sludge is designed to achieve one of the PSRP at the permitted design loading of the facility. The certification need only be repeated if the design loading of the facility is increased. The certification shall include a statement indicating the design meets all the applicable standards specified in Appendix B of 40 CFR Part 503;

iii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U. S. Environmental Protection Agency final guidance;

iv. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review; and

v. If the sewage sludge is generated from a mixture of sources, resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the PSRP, and shall meet the certification, operation, and record keeping requirements of this paragraph.

Alternative 3 - Sewage sludge shall be treated in an equivalent process that has been approved by the U. S. Environmental Protection Agency, so long as all of the following requirements are met by the generator of the sewage sludge.

i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;

ii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U. S. Environmental Protection Agency final guidance;

iii. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review;

iv. The executive director will accept from the U. S. Environmental Protection Agency a finding of equivalency to the defined PSRP; and

v. If the sewage sludge is generated from a mixture of sources resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the Processes to Significantly Reduce Pathogens, and shall meet the certification, operation, and record keeping requirements of this paragraph.

In addition, the following site restrictions must be met if Class B sludge is land applied:

i. Food crops with harvested parts that touch the sewage sludge/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of sewage sludge.

ii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of sewage sludge when the sewage sludge remains on the land surface for 4 months or longer prior to incorporation into the soil.

iii. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of sewage sludge when the sewage sludge remains on the land surface for less than 4 months prior to incorporation into the soil.

iv. Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of sewage sludge.

v. Animals shall not be allowed to graze on the land for 30 days after application of sewage sludge.

vi. Turf grown on land where sewage sludge is applied shall not be harvested for 1 year after application of the sewage sludge when the harvested turf is placed on either land with a high potential for public exposure or a lawn.

vii. Public access to land with a high potential for public exposure shall be restricted for 1 year after application of sewage sludge.

viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge.

ix. Land application of sludge shall be in accordance with the buffer zone requirements found in 30 TAC Section 312.44.

4. Vector Attraction Reduction Requirements

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following alternatives 1 through 10 for Vector Attraction Reduction.

Alternative 1 - The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38 percent.

Alternative 2 - If Alternative 1 cannot be met for an anaerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30 and 37 degrees Celsius. Volatile solids must be reduced by less than 17 percent to demonstrate compliance.

Alternative 3 - If Alternative 1 cannot be met for an aerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge with a percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20 degrees Celsius. Volatile solids must be reduced by less than 15 percent to demonstrate compliance.

Alternative 4 - The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20 degrees Celsius.

Alternative 5 - Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40 degrees Celsius and the average temperature of the sewage sludge shall be higher than 45 degrees Celsius.

Alternative 6 - The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali shall remain at 12 or higher for two hours and then remain at a pH of 11.5 or higher for an additional 22 hours at the time the sewage sludge is prepared for sale or given away in a bag or other

container.

Alternative 7 - The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75 percent based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Alternative 8 - The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90 percent based on the moisture content and total solids prior to mixing with other materials at the time the sludge is used. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Alternative 9 -

i. Sewage sludge shall be injected below the surface of the land.

ii. No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.

iii. When sewage sludge that is injected below the surface of the land is Class A with respect to pathogens, the sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

Alternative 10-

i. Sewage sludge applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.

ii. When sewage sludge that is incorporated into the soil is Class A with respect to pathogens, the sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

## C. Monitoring Requirements

Toxicity Characteristic Leaching Procedure (TCLP) Test - once during the term of this permit

PCBs - once during the term of this permit

All metal constituents and Fecal coliform or Salmonella sp. bacteria shall be monitored at the appropriate frequency shown below, pursuant to 30 TAC Section 312.46(a)(1):

| Amount of sewage sludge (*) metric tons per 365-day period | | | | Monitoring Frequency |
|---|---|---|---|---|
| 0 | ≤ Sludge | < | 290 | Once/Year |
| 290 | ≤ Sludge | < | 1,500 | Once/Quarter |
| 1,500 | ≤ Sludge | < | 15,000 | Once/Two Months |
| 15,000 | ≤ Sludge | | | Once/Month |

(*) The amount of bulk sewage sludge applied to the land (dry weight basis).

Representative samples of sewage sludge shall be collected and analyzed in accordance with the methods referenced in 30 TAC Section 312.7.

## SECTION II. REQUIREMENTS SPECIFIC TO BULK SEWAGE SLUDGE FOR APPLICATION TO THE LAND MEETING CLASS A or B PATHOGEN REDUCTION AND THE CUMULATIVE LOADING RATES IN TABLE 2, OR CLASS B PATHOGEN REDUCTION AND THE POLLUTANT CONCENTRATIONS IN TABLE 3

For those permittees meeting Class A or B pathogen reduction requirements and that meet the cumulative loading rates in Table 2 below, or the Class B pathogen reduction requirements and contain concentrations of pollutants below listed in Table 3, the following conditions apply:

### A. Pollutant Limits

Table 2

| Pollutant | Cumulative Pollutant Loading Rate (pounds per acre) |
|---|---|
| Arsenic | 36 |
| Cadmium | 35 |
| Chromium | 2677 |
| Copper | 1339 |
| Lead | 268 |
| Mercury | 15 |
| Molybdenum | Report Only |
| Nickel | 375 |
| Selenium | 89 |
| Zinc | 2500 |

Table 3

| Pollutant | Monthly Average Concentration (milligrams per kilogram)* |
|---|---|
| Arsenic | 41 |
| Cadmium | 39 |
| Chromium | 1200 |
| Copper | 1500 |
| Lead | 300 |
| Mercury | 17 |
| Molybdenum | Report Only |
| Nickel | 420 |
| Selenium | 36 |
| Zinc | 2800 |

* Dry weight basis

### B. Pathogen Control

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, a reclamation site, shall be treated by either Class A or Class B pathogen reduction requirements as defined above in Section I.B.3.

### C. Management Practices

1. Bulk sewage sludge shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters in the State.

2. Bulk sewage sludge not meeting Class A requirements shall be land applied in a manner which complies with the Management Requirements in accordance with 30 TAC Section 312.44.

3. Bulk sewage sludge shall be applied at or below the agronomic rate of the cover crop.

4. An information sheet shall be provided to the person who receives bulk sewage sludge sold or given away. The information sheet shall contain the following information:

a. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.

b. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instruction on the label or information sheet.

c. The annual whole sludge application rate for the sewage sludge application rate for the sewage sludge that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

**D. Notification Requirements**

1. If bulk sewage sludge is applied to land in a State other than Texas, written notice shall be provided prior to the initial land application to the permitting authority for the State in which the bulk sewage sludge is proposed to be applied. The notice shall include:

   a. The location, by street address, and specific latitude and longitude, of each land application site.

   b. The approximate time period bulk sewage sludge will be applied to the site.

   c. The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) for the person who will apply the bulk sewage sludge.

2. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

**E. Record keeping Requirements**

The sludge documents will be retained at the facility site and/or shall be readily available for review by a TCEQ representative. The person who prepares bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative for a period of <u>five years</u>. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC Section 312.47 for persons who land apply.

1. The concentration (mg/kg) in the sludge of each pollutant listed in Table 3 above and the applicable pollutant concentration criteria (mg/kg), <u>or</u> the applicable cumulative pollutant loading rate and the applicable cumulative pollutant loading rate limit (lbs/ac) listed in Table 2 above.

2. A description of how the pathogen reduction requirements are met (including site restrictions for Class B sludges, if applicable).

3. A description of how the vector attraction reduction requirements are met.

4. A description of how the management practices listed above in Section II.C are being met.

5. The following certification statement:

   "I certify, under penalty of law, that the applicable pathogen requirements in 30 TAC Section 312.82(a) or (b) and the vector attraction reduction requirements in 30 TAC Section 312.83(b) have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

6. The recommended agronomic loading rate from the references listed in Section II.C.3. above, as well as the actual agronomic loading rate shall be retained.

   The person who applies bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative <u>indefinitely</u>. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC Section 312.47 for persons who land apply.

1. A certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 30 TAC Section 312.47(a)(4)(A)(ii) or 30 TAC Section 312.47(a)(5)(A)(ii), as applicable, and to the permittee's specific sludge treatment activities.

2. The location, by street address, and specific latitude and longitude, of each site on which sludge is applied.

3. The number of acres in each site on which bulk sludge is applied.

4. The date and time sludge is applied to each site.

5. The cumulative amount of each pollutant in pounds/acre listed in Table 2 applied to each site.

6. The total amount of sludge applied to each site in dry tons.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 11) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 1 of each year the following information:

1. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.

2. The frequency of monitoring listed in Section I.C. which applies to the permittee.

3. Toxicity Characteristic Leaching Procedure (TCLP) results.

4. Identity of hauler(s) and TCEQ transporter number.

5. PCB concentration in sludge in mg/kg.

6. Date(s) of disposal.

7. Owner of disposal site(s).

8. Texas Commission on Environmental Quality registration number, if applicable.

9. Amount of sludge disposal dry weight (lbs/acre) at each disposal site.

10. The concentration (mg/kg) in the sludge of each pollutant listed in Table 1 (defined as a monthly average) as well as the applicable pollutant concentration criteria (mg/kg) listed in Table 3 above, or the applicable pollutant loading rate limit (lbs/acre) listed in Table 2 above if it exceeds 90% of the limit.

11. Level of pathogen reduction achieved (Class A or Class B).

12. Alternative used as listed in Section I.B.3.(a. or b.). Alternatives describe how the pathogen reduction requirements are met. If Class B sludge, include information on how site restrictions were met.

13. Vector attraction reduction alternative used as listed in Section I.B.4.

14. Annual sludge production in dry tons/year.

15. Amount of sludge land applied in dry tons/year.

16. The certification statement listed in either 30 TAC Section 312.47(a)(4)(A)(ii) or 30 TAC Section 312.47(a)(5)(A)(ii) as applicable to the permittee's sludge treatment activities, shall be attached to the annual reporting form.

17. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the annual reporting form.

    a. The location, by street address, and specific latitude and longitude.

    b. The number of acres in each site on which bulk sewage sludge is applied.

    c. The date and time bulk sewage sludge is applied to each site.

    d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk sewage sludge applied to each site.

    e. The amount of sewage sludge (i.e., dry tons) applied to each site.

    The above records shall be maintained on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

## SECTION III. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE DISPOSED IN A MUNICIPAL SOLID WASTE LANDFILL

A. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC Chapter 330 and all other applicable state and federal regulations to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present. The permittee shall ensure that the sewage sludge meets the requirements in 30 TAC Chapter 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.

B. If the permittee generates sewage sludge and supplies that sewage sludge to the owner or operator of a Municipal Solid Waste Landfill (MSWLF) for disposal, the permittee shall provide to the owner or operator of the MSWLF appropriate information needed to be in compliance with the provisions of this permit.

C. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

D. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I (Toxicity Characteristic Leaching Procedure) or other method, which receives the prior approval of the TCEQ for contaminants listed in Table 1 of 40 CFR Section 261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal.

Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Registration, Review, and Reporting Division and the Regional Director (MC Region 11) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 11) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year.

E. Sewage sludge shall be tested as needed, in accordance with the requirements of 30 TAC Chapter 330.

F. Record keeping Requirements

The permittee shall develop the following information and shall retain the information for five years.

1. The description (including procedures followed and the results) of all liquid Paint Filter Tests performed.

2. The description (including procedures followed and results) of all TCLP tests performed.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

G. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 11) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year the following information:

1. Toxicity Characteristic Leaching Procedure (TCLP) results.
2. Annual sludge production in dry tons/year.
3. Amount of sludge disposed in a municipal solid waste landfill in dry tons/year.
4. Amount of sludge transported interstate in dry tons/year.
5. A certification that the sewage sludge meets the requirements of 30 TAC Chapter 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
6. Identity of hauler(s) and transporter registration number.
7. Owner of disposal site(s).
8. Location of disposal site(s).
9. Date(s) of disposal.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

SPECIAL PROVISIONS:

1. This permit is granted subject to the policy of the Commission to encourage the development of areawide waste collection, treatment and disposal systems. The Commission reserves the right to amend this permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an areawide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such areawide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

2. The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

   This Category C facility must be operated by a chief operator or an operator holding a Category C license or higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. Where shift operation of the wastewater treatment facility is necessary, each shift which does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.

3. The permittee shall maintain and operate the treatment facility in order to achieve optimum efficiency of treatment capability. This shall include required monitoring of effluent flow and quality as well as appropriate grounds and building maintenance.

4. Land application practices shall be designed and managed so as to prevent ponding of effluent or contamination of ground and surface waters and to prevent the occurrence of nuisance conditions in the area. Tailwater control facilities shall be provided as necessary to prevent the discharge of any wastewater from the drip irrigation fields.

5. Wastewater shall not be applied during rainfall events or when the ground is frozen or saturated.

6. Application rates to the drip irrigation fields shall not exceed 0.09 gallons per square foot per day in the interim phase and shall not exceed 0.1 gallons per square foot per day in the final phase. The permittee is responsible for providing equipment to determine application rates and maintaining accurate records of the volume of effluent applied. These records shall be made available for review by the Texas Commission on Environmental Quality and shall be maintained for at least three years.

7. Prior to construction of the interim and final phases of the treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary submittal letter in accordance with the requirements in 30 TAC Section 317.1. If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications and a final engineering design report which comply with 30 TAC Chapter 317, Design Criteria for Sewerage Systems. The permittee shall clearly show how the treatment system will meet the permitted effluent limitations required on Page 2 of the permit.

8. Monitoring requirements contained in the permit are suspended from the effective date of the permit until plant startup. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 11) and the Water Quality Applications Team (MC 148) of the Registration, Review, and Reporting Division at least forty-five (45) days prior to plant startup.

9. The permittee shall maintain a long term contract with the owner(s) of the land application site which is authorized for use in this permit, or own the land authorized for land application of treated effluent.

10. If the effluent is to be transferred to a holding pond or tank, re-chlorination prior to the effluent being delivered into the irrigation system will be required. A trace chlorine residual shall be maintained in the effluent at the point of irrigation application.

11. Adequate signs shall be erected stating that the irrigation water is from a non-potable water supply. Said signs shall consist of a red slash superimposed over the international symbol for drinking water accompanied by the message "DO NOT DRINK THE WATER" in both English and Spanish. All piping transporting the effluent shall be clearly marked with these same signs.

12. Permanent transmission lines shall be installed from the holding tank to each tract of land to be irrigated utilizing effluent from that tank.

13. Prior to construction of the interim phase, the permittee shall submit sufficient evidence of legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the permittee according to 30 TAC Section 309.13(e)(3). The evidence of legal restrictions shall be submitted to the executive director in care of the TCEQ Wastewater Permitting Section (MC 148).The permittee shall comply with the requirements of 30 TAC Section 309.13(a) through (d). (See Attachment B.)

14. All drip zones and tubing shall be placed on contour to ensure equal distribution within each individual zone. The lateral slope of the tubing shall not exceed 1%.

15. The permittee shall maintain sufficient mulch coverage to ensure that the tubing is not visible from the surface.

16. The permittee shall maintain a minimum 100-foot buffer from surface water bodies and watercourses in the irrigation areas.

17. The permittee shall submit a finalized irrigation/dosing schedule, for review and comment, 90 days prior to construction, to the TCEQ Water Quality Assessment Team (MC 150), TCEQ Regional Office (MC Region 11) and the Wastewater Permitting Section (MC 148) of the Water Quality Division. Construction shall not begin until the permittee has received written approval from the TCEQ Water Quality Assessment Team.

18. The permittee shall maintain a minimum soil depth below the drip irrigation lines of 12 inches. If imported soils are utilized, the permittee shall submit for review and approval, prior to construction, to the TCEQ Water Quality Assessment Team (MC 150), TCEQ Regional Office (MC Region 11), and the Wastewater Permitting Section (MC 148) of the Water Quality Division how the imported soils will be incorporated into the native soils.

19. Areas that do not illustrate 12 inches or greater of root penetration, as delineated by the Site Soil Investigation Report, shall be avoided for wastewater application.

20. The permittee shall develop a Soil Water/Springs Monitoring Plan and submit the plan to the TCEQ Water Quality Assessment Team (MC 150) and the Wastewater Permitting Section of the Water Quality Division for review and approval 30 days prior to construction of the drip irrigation fields. At a minimum, the plan shall include:

a. Quarterly field checks at the drip irrigation fields and down-gradient of the fields to identify emerging springs or seeps. At a minimum, these checks must include the four sites identified by the permittee as being potential wet weather seeps in the intermittent tributary located within the irrigation acreage.
b. Grab sampling of at least one spring or seep in the event that springs/seeps develop after drip irrigation of effluent commences.
c. Analyses and frequency of springs/seeps sampling to follow the protocol for lysimeter sampling.
d. Installation of two suction lysimeters, one up-gradient and one down-gradient of the drip irrigation site.
e. Collection of background data by sampling water from the lysimeter outside the influence of the drip irrigation sites using the frequency and parameters described in (f) below. Four background samples shall be collected from that lysimeter.
f. Quarterly sampling of the springs/seeps and lysimeters, with spring and fall sampling occurring after rainfall events, if possible.
g. Analysis of shallow groundwater and springs/seeps water for nutrients, including a complete nitrogen series [($NO_3$ + $NO_2$ - N), Total Kjeldahl Nitrogen, ammonia-N], total phosphorus, ortho-phosphate, and specific conductivity.
h. Soil moisture water quality monitoring shall continue for the life of the drip irrigation system.
i. The permittee shall submit the data from the Soil Water/Springs Monitoring Plan to the Water Quality Assessment Team (MC 150) of the Water Quality Division during the month of September of each year for review and approval.

21. The permittee shall develop an Irrigation System Management Plan and submit the plan to the TCEQ Water Quality Assessment Team (MC 150), TCEQ Regional Office (MC Region 11) and the Wastewater Permitting Section (MC 148) of the Water Quality Division for review and approval 90 days prior to construction. At a minimum, the plan shall contain the following elements:

a. A maintenance contract for the drip irrigation system.
b. One soil moisture monitoring device per drip irrigation zone.
c. Automatic function programming such that if any one soil moisture monitoring device within a drip irrigation zone indicates saturation, the zone will go off-line.
d. Maps depicting the proposed locations of the monitoring devices.
e. Soil moisture monitoring shall continue for the life of the irrigation system.

The permittee shall notify, in writing, the TCEQ Water Quality Assessment Team (MC-150) and the TCEQ Regional Office (MC Region 11) 14 days prior to installation of soil moisture monitoring sensors.

22. The permittee shall develop a Soil Monitoring Plan and submit the plan to the TCEQ Water Quality Assessment Team (MC 150), TCEQ Regional Office (MC Region 11) and Wastewater Permitting Section (MC 148) of the Water Quality Division 90 days prior to the construction of the drip irrigation drainfields. At a minimum, the plan shall include the following:

a. The permittee shall identify soil sampling locations in the drip irrigation drainfields for the purpose of collecting composite soil samples.
b. Background soil samples shall be collected and analyzed prior to effluent disposal using the protocol in items ( c) through (h) below.
c. Composite samples shall be collected and mixed thoroughly by like depth. Samples shall be obtained from 0-6", 6-18", and 18-30" depth intervals (or to the first impermeable layer) from each sampling site.
d. Soil samples shall be collected on a composite basis which means that soils collected from each

given depth interval are to be mixed thoroughly from each drainfield.

e. Soil samples shall be collected and analyzed annually in mid-January.

f. Composite soil samples shall be analyzed for the following parameters:

(1) pH, specific conductivity, complete nitrogen series [($NO_3$+$NO_2$-N), Total Kjeldahl Nitrogen (TKN), ammonium-N, reported separately] and

(2) Plant-available phosphorus, potassium, sodium, magnesium, calcium, shall be analyzed using the Mehlich III procedure.

g. Soil monitoring shall continue for the life of the drip irrigation system.

h. The permittee shall submit the results of the soil sample analyses to the TCEQ Regional Office (MC Region 11), the Water Quality Assessment Team (MC 150) of the Water Quality Division, and the Enforcement Division (MC 224) by the end of March of each sampling year.

23. The physical condition of the drip irrigation fields shall be monitored on a weekly basis. Any areas with problems such as surface runoff, inadequate mulch cover, surficial erosion, stressed or damaged vegetation, etc., will be recorded in the site log book and corrective measures will be implemented immediately.

24. If complete shutdown of the facility becomes necessary or if the storage capacity is exceeded, the permittee shall employ pump and haul method to prevent the discharge of treated or untreated wastewater. The permittee shall obtain the necessary authorization from the TCEQ Regional Office (MC Region 11) before undertaking the pump and haul activity.

25. An audio-visual alarm shall be provided for the system to monitor pump tank high water levels, power failure and pump failure. The alarm system shall be capable of notifying the treatment system operator during all hours of operation, including drainfield dosing and backwash.

26. The permittee shall provide facilities for the protection of its wastewater treatment facilities from a 100-year flood.

# Attachment B

PROPOSED TCEQ PERMIT NO. WQ0014563001

| | | |
|---|---|---|
| APPLICATION BY GRASON | § | BEFORE THE |
| | § | |
| VOLENTE INVESTMENTS, LTD. | § | TEXAS COMMISSION ON |
| | § | |
| for TCEQ Permit No. 14563-001 | § | ENVIRONMENTAL QUALITY |

# EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the Grason Volente Investments, Ltd.'s (Applicant) application and ED's preliminary decision. As required by 30 Texas Administrative Code (TAC) Section 55.156, before a permit is issued, the ED prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk timely received comment letters or comments at the public meeting from the following persons: Scott Attwood, Jim and Victoria Brown, Carl Campbell, Linda Carter, Connie Curtiss, Scott Crossett, Commissioner Gerald Daugherty Travis County Commissioner Precinct 3, Gary M. Frame, Mario and Sylvia Guzman, Justine Hlista, Norma L. Hutchinson, Jo R. Kimbro and Charles L. Dwyer, Sam W. Love, Richard Roucloux, John Schlotzhauer, Judy Schlotzhauer, Clifton Seifert, Frances Seifert, Leonard A. Seifert, Anne Steichen, Dan Thost, Allison Thrash, John C. Thrash, Jr., Patricia Frances Thrash, Jan Yenawine, Jennifer Zufelt on behalf of the Village of Volente Village Council and Mayor. In addition, the TCEQ received a request for a public meeting from State Representative Todd Baxter. This response addresses all such timely public comments received, whether or not withdrawn. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

## BACKGROUND

### Description of Facility

The Applicant has applied to the TCEQ for a new permit that would authorize the Applicant to dispose of treated domestic wastewater at a daily average flow not to exceed 175,000 gallons per day via non-public access subsurface drip irrigation with a minimum area of 1,742,400 square feet. This permit will not authorize a discharge of pollutants into water in the state. The wastewater treatment plant will serve two residential developments near Lake Travis.

The wastewater treatment facilities and disposal site will be located 6 miles west of the intersection of Ranch Road 620 and Farm-to-Market Road 2769 and 1.5 miles north of Farm-to-Market Road 2769 (Volente Road) in Travis County, Texas.

## Procedural Background

The permit application for a new permit was received on September 27, 2004 and declared administratively complete on December 10, 2004. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on January 9, 2005 in the Austin American Statesman. The Notice of Application and Preliminary Decision (NAPD) for a Water Quality Permit was published on March 25, 2006 in the Austin American Statesman. The Notice of Public Meeting was published on March 25, 2006 in the Austin American Statesman. A public meeting was held on April 25, 2006 in Volente, Texas. The public comment period ended on April 25, 2006. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

## COMMENTS AND RESPONSES

### COMMENT 1:

Jim and Victoria Brown, Connie Curtiss, Sam W. Love, Scott Crossett, Mario and Sylvia Guzman, Norma L. Hutchinson, John Schlotzhauer and Judy Schlotzhauer stated that the irrigation field overlays certain springs that feed one of the coves, e.g., Gun Hollow, of Lake Travis and that the irrigation field is approximately 800 feet from Lake Travis. In addition, John Schlotzhauer and Judy Schlotzhauer question what impact this facility will have on the lake's ecology. Linda Carter states that her home and business are on the Cove of Gun Hollow and that the lake should be a clean as possible because the water is used for her household. Dan Throst, Frances Seifert, Clifton Seifert, Leonard Seifert, and Norma Hutchinson stated concern over the irrigation fields close proximity to Lake Travis, that they want to water to remain clear and safe, and that it is used for recreational purposes as well as drinking Mr. Carl Campbell stated during the public meeting held on April 25, 2006, that he is concerned with his drinking water.

### RESPONSE 1:

The TCEQ Water Quality Assessment (WQA) Team geologist conducted a site visit of the proposed irrigation area on May 25, 2006 to look for onsite springs or seeps. No offsite areas were visited during this site visit as there was no access to the offsite lands. The Applicant's consultant, Mr. Fred Ramirez of Baker-Aicklen & Associates, presented a map locating previously identified water features in the drainage that feeds into the cove of Lake Travis, and took the WQA Team geologist to look at these features. These features appeared to be intermittent wet weather features in the creek. During the May 25, 2006 site visit, no water was discharging from the features. No active

springs were identified onsite during the site visit.

The draft permit contains special provisions designed to be protective of ground and surface water quality. Special Provision No. 4 states that the permittee's land application practices must be designed and managed to prevent contamination of ground and surface waters. Special Provision 16 mandates a buffer distance from surface water bodies and watercourses. Special Provision 20 requires that the permittee develop a Soil Water/Springs Monitoring Plan. As a result of the site visit conducted by the WQA Team geologist, Special Provision 16 will be revised to require a 100-foot buffer from surface water bodies and watercourses instead of the 33-foot buffer required in the draft permit. Additionally, Special Provision 20 will mandate that the previously identified wet weather features must be included in the quarterly checks required in the Soil Water/Springs Monitoring Plan.

This permit is for subsurface irrigation and is a no discharge permit. If any effluent is discharged it will be a violation of the permit, and the Applicant will be subject to enforcement.

**COMMENT 2:**

Charles L. Dyer and Jo R. Kimbro question how many and what type of structures will be serviced by the facility.

**RESPONSE 2:**

The Applicant's facility will service a residential community which will serve approximately 600 homes.

**COMMENT 3:**

Jim and Victoria Brown, Sam W. Love, Scott Crossett, Mario and Sylvia Guzman, and Connie Curtis commented that the TCEQ is charged with protecting the environmental quality not only of Lake Travis, but also its surrounding flora and fauna.

**RESPONSE 3:**

The TCEQ is charged with the protection of the water quality of Lake Travis under the Texas Water Code and Title 30 Texas Administrative Code Chapter 311, Subchapter A. In addition, in the wastewater permitting context the TCEQ is tasked with maintaining the quality of water in the state consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, and the operation of existing industries, taking into consideration the economic development of the state.

This permit is for subsurface irrigation and is a no discharge permit. If any effluent is discharged it will be a violation of the permit, and the Applicant will be subject to enforcement.

COMMENT 4:

Jim and Victoria Brown, Sam W. Love, Scott Crossett, and Mario and Sylvia Guzman commented that it is their understanding that TCEQ is charged with protecting the property of affected landowners from the proposed wastewater treatment facility and disposal site.

RESPONSE 4:

In the wastewater permitting context, the TCEQ is tasked with maintaining the quality of water in the state consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, and the operation of existing industries, taking into consideration the economic development of the state. The draft permit does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or actually do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation, or property.

COMMENT 5:

John Schlotzhauer and Judy Schlotzhauer stated that landowners directly adjacent to the site were notified and others were not. They state that everyone who is in the area will be affected.

RESPONSE 5:

Title 30 Texas Administrative Code Section 55.203(a) states an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. In a no discharge subsurface drip application, the ED has determined that adjacent landowners meet this definition and have required that information to be included in the Application.

COMMENT 6:

John Schlotzhauer and Judy Schlotzhauer point to the effect on the business of Dodd Street Docks Marina at the entrance of Gun Hollow.

RESPONSE 6:

The draft permit does not authorize the discharge of pollutant into the water in the state. The effluent quality expected from the proposed wastewater treatment facility exceeds the effluent quality required under the rules, 30 Texas Administrative Code Section 309.4. The effluent is further disinfected before beneficially used for irrigation via subsurface application. The effluent will be utilized only to supply the crops' water needs in the irrigation area and, under the conditions of the

draft permit, none is expected to leave the irrigation area either through surface or subsurface flow. If the permit is followed correctly effluent from the proposed wastewater treatment facility will not affect the business of Dodd Street Docks Marina.

COMMENT 7:

John Schlotzhauer and Judy Schlotzhauer would like to know the effect of the proposed facility on the Balcones Canyonlands.

RESPONSE 7:

The Balcones Canyonlands will not be affected because it is located in another watershed.

COMMENT 8:

John Schlotzhauer and Judy Schlotzhauer state that the odor from this type of wastewater treatment facility can be offensive. During the public meeting of April 25, 2006, Mr. Richard Roucloux expressed his concern over odor.

RESPONSE 8:

Minimizing the generation of odors from a treatment plant depends on the design of the plant and the operation and maintenance of the plant and appropriate siting. Maintaining an adequate dissolved oxygen concentration in the early stages of treatment helps to minimize sulfide generation. Oxygen turns the sulfide compounds into odorless sulfates. The Applicant proposes to treat the wastewater using an activated sludge process operated in the extended aeration mode. This process utilizes oxygen to breakdown the organic pollutants in the wastewater.

The Applicant indicates that the proposed wastewater treatment facility will be provided with the required 150-foot buffer zone to abate and control a nuisance of odor.

Minimizing generation of odors from a treatment plant depends on proper design, operation, and maintenance of the plant. The public may report possible violations of the draft permit or regulations, including odors, of a facility in Travis County by contacting the TCEQ Region 11 office in Austin at 512-339-2929, or the statewide toll-free number at 1-888-777-3186. Calls to the statewide toll-free number from Travis County are automatically routed to the Austin regional office. In addition, complaints may be filed online: http://www.tceq.state.tx.us/compliance/complaints/index.html. If the facility is found to be out of compliance with the terms or conditions of the permit, the Applicant may be subject to enforcement.

COMMENT 9:

Allison Thrash, John C. Thrash, Jr., and Patricia Thrash point out in letters from January 11, 2005

that the application is not available for viewing and copying at the Travis County Courthouse at 1000 Guadalupe Street, Austin or at the Travis County Clerk Recording Division on 5501 Airport Boulevard. They therefore ask that the permit not be considered administratively complete.

RESPONSE 9:

The Applicant explains that the application was located on the first floor of the Travis County Courthouse on 1000 Guadalupe Street in the public notice section bulletin board. The Applicant clarifies that the application was made available on January 7, two days before the NORI was published in the local newspaper and that the application's availability was verified on January 13, 2005 and January 31, 2005.

COMMENT 10:

During the public meeting held on April 25, 2006, Mr. Scott Atwood inquired what the penalty is for discharge of raw sewage or possible accident.

RESPONSE 10:

When there is a discharge of raw sewage, an investigation is conducted. If a violation is noted during the inspection, the violation is handled according to the TCEQ enforcement initiation criteria. If the violation results in the issuance of an administrative enforcement order, which contains technical requirements to resolve the violation and a monetary penalty, the penalty will be based on the impact of the discharge to the environment and the duration of the discharge.

COMMENT 11:

During the public meeting held on April 25, 2006, Mr. Scott Atwood stated that he would like to see the irrigation field move to the back side of the hill. Mr. Carl Campbell stated during the public meeting held on April 25, 2006, that he owned a water front property and the lake side community will be the last step before the effluent gets into the lake, and he would like to see the proposed drainfield moved. Also, Mr. Richard Roucloux and Ms. Norma Hutchinson expressed concern over the location of the drainfield during the public meeting. Charles L. Dyer and Jo R. Kimbro question the location of the wastewater facility and the associated drainage and irrigation areas.

RESPONSE 11:

The draft permit does not authorize the discharge of pollutant into the water in the state. The effluent will be utilized only to supply the crops' water needs in the irrigation area and, under the conditions of the draft permit, none is expected to leave the irrigation area either through surface or subsurface flow.

The Commission evaluates the water quality land application permit application based on a defined

effluent application area location proposed by the applicant. For this area to be changed requires an amendment to the permit application by the Grason Volente Investments, Ltd. The TCEQ does not have the authority to require the Applicant to explore other effluent application areas if the Applicant demonstrates that land application at this proposed site will not adversely effect the environment.

COMMENT 12:

During the public meeting held on April 25, 2006, Mr. John Schlotzhauer and Ms. Allison Thrash commented that with the effluent being placed on land and covered, and not subsurface application, there would be a potential for runoff. Ms. Thrash also stated that she would like a clarification on how the irrigation design will contribute to erosion. In their written comments, Dan Throst, Frances Seifert, and Clifton Seifert also question runoff from the facility.

RESPONSE 12:

The drip lines will be placed on the contour. This will avoid over application due to backdraining. The drip lines are proposed to be placed in direct contact with the ground on the treads of the stair-step topography of the proposed irrigation area. This placement of the drip lines promotes downward movement of the effluent into the soil rather than lateral runoff. The proposed irrigation area has soils with available water capacities in the range of 0.05 to 0.16 inch /in. At an application of 0.1 gallons/ft$^2$/day, the storage capacity in the top 2 inches of soil would be necessary to temporarily store the added treated effluent for subsequent use by the plant roots. At least 12 inches of soil will be required under the drip lines. Under saturated ground conditions such as those that rainfall can produce, the system will not be allowed to land apply treated effluent.

The following permit conditions are proposed to ensure that treated effluent will be absorbed by the soil for use by plant roots and avoid leaving the proposed irrigation area via runoff.

1. The drip lines will be placed on contour with lateral slopes not exceeding 1 percent (draft permit Special Provision 14).

2. A minimum of 12 inches of absorbing soil is required under each drip line to ensure sufficient temporary retention of the emitted effluent to subsequent uptake by plant roots (draft permit Special Provision 18).

3. All drip lines will be covered with mulch which will diffuse direct rainfall impact in small open areas (promoting infiltration) and provide an additional barrier to lateral runoff (draft permit Special Provision 15).

4. A 100-foot buffer will be maintained between the proposed application area and surface water bodies and water courses (draft permit Special Provision 16).

5. Drip irrigation will not be effected under saturated soil conditions (draft permit Special Provision 5)

The management practices and conditions described above as proposed to be applied to the proposed irrigation site and buffer areas are designed to keep the treated effluent from leaving the permit area.

COMMENT 13:

Mr. Schlotzhauer would like the U.S. Fish and Wildlife Department to revisit the location.

RESPONSE 13:

The TCEQ does not have jurisdiction over the U.S. Fish and Wildlife Department, but U.S. Fish and Wildlife may be contacted by mail at 10711 Burnet Road, Suite 200, Austin, Texas 78758-4460 or by telephone at 512-490-0057.

COMMENT 14:

Mr. Schlotzhauer claims that trucking of effluent will not work in a prolonged rainfall (a week or two or month-long period of heavy rainfall).

RESPONSE 14:

The Applicant, in a memorandum dated June 7, 2006, indicates that based on the National Weather Service Climate data from the years 1856 to 2005, the worst-case recorded precipitation was in 1921 when the area received 20 inches of rain in a single month. Fifteen inches of that twenty was received in one day. The Applicant indicates that even under the worst-case scenario, the proposed wastewater system will be able to treat and irrigate the wastewater and will not be required to rely on pumping and hauling because the irrigation fields will be equipped with soil moisture sensors.

Soil moisture sensors measure soil saturation. With these sensors, the system will be able to irrigate even during rainfall events because the sensors will detect when the soil is saturated and rotate the irrigation to a different zone that is not saturated. The Applicant further states that because of the size of the irrigation field (25 acres in the interim phase), the depth of the soils (over 36 inches), the type of the soil (type II and type III soils, which are fairly well drained), the dosing rate (0.10 gallons per square foot, or 1/8 of an inch of soil depth), the ability of the native trees and species to uptake effluent (large cedar trees have been shown to utilize as much as 40 gallons of water per day), and the percentage of native plant coverage over the irrigation field (90 percent of the area is covered with oak and cedar trees), it is unlikely that all the irrigation zones will be saturated during a rainfall event and doubtful that all of the irrigation zones will remain saturated for longer than 3.5 days, which is the storage capacity of the proposed plant for this phase.

COMMENT 15:

Ms. Thrash would like a clarification on monitoring of the system when the operator will not be on site all the time.

RESPONSE 15:

The Applicant in a memorandum dated June 7, 2006 explains that the proposed control system will have radio capability and paging to contact the operator in case of any alarm or failure. An emergency generator as well as a battery backup will be utilized to assure the control system can page the operator. The plant contract operator has the ability to log in via a computer to verify information and will be on site daily to take samples and check plant operation.

COMMENT 16:

Ms. Thrash claims that the draft permit on file at the "library" shows a different list from what was mailed out by the Office of the Chief Clerk.

RESPONSE 16:

The Office of the Chief Clerk mailing list will include the adjacent landowners list in the permit application. In addition to the adjacent landowners, the mailing list includes those who sent comment letters, county officials, state legislators, city officials, interested parties, and the standard mailing list used by the Office of the Chief Clerk.

COMMENT 17:

During the public meeting of April 25, 2006, Mr. Richard Roucloux expressed his concern over storage capacity.

RESPONSE 17:

The Applicant, in a memorandum dated June 7, 2006, indicates that based on the National Weather Service Climate data from the years 1856 to 2005, the worst-case recorded precipitation was in 1921 when the area received 20 inches of rain in a single month. Fifteen inches of that twenty was received in one day. The Applicant indicates that even under the worst-case scenario, the proposed wastewater system will be able to treat and irrigate the wastewater and will not be required to rely on pumping and hauling because the irrigation fields will be equipped with soil moisture sensors.

Soil moisture sensors measure soil saturation. The Applicant explains that with these sensors, the system will be able to irrigate even during rainfall events because the sensors will detect when the soil is saturated and rotate the irrigation to a different zone that is not saturated. The Applicant further states that because of the size of the irrigation field (25 acres in the interim phase), the depth

of the soils (over 36 inches), the type of the soil (type II and type III soils, which are fairly well drained), the dosing rate (0.10 gallons per square foot, or 1/8 of an inch of soil depth), the ability of the native trees and species to uptake effluent (large cedar trees have been shown to utilize as much as 40 gallons of water per day), and the percentage of native plant coverage over the irrigation field (90 percent of the area is covered with oak and cedar trees), it is unlikely that all the irrigation zones will be saturated during a rainfall event and doubtful that all of the irrigation zones will remain saturated for longer than 3.5 days, which is approximately the storage capacity of the plant for this phase.

COMMENT 18:

Justine Hlista, during the public meeting held on April 25, 2006, inquired about consideration of worst-case scenarios stating that LCRA plans for 100-year floods.

RESPONSE 18:

The permit application indicates that the proposed wastewater treatment facility and effluent application area will be above the 100-year frequency flood level. Furthermore, the draft permit provides for the protection of the wastewater treatment facilities from a 100-year flood.

COMMENT 19:

During the public meeting on April 25, 2006, Mr. Jan Yenawine suggested incorporating a "closed loop" alarm system that will indicate when the alarm system is offline when, for example, lightning strikes.

RESPONSE 19:

The Applicant explains, in a memorandum dated June 7, 2006, that the proposed alarm system will have radio telemetry and a paging system in case of failures. If lightning eliminates power, an emergency generator will automatically start and will be used to power the plant. Generators will also be used at the lift stations as a secondary power source. All lift stations will communicate with the main control system via radio telemetry and each will have its own paging system.

COMMENT 20:

During the public meeting on April 25, 2006, Mr. Jan Yenawine suggested using visual aids during similar public meetings.

RESPONSE 20:

The suggestion to use visual aids during similar presentations is well taken. The Applicant brought a large aerial map which was displayed for public viewing during the April 25, 2006 public meeting.

The map showed the proposed subdivision, wastewater treatment facility, and the irrigation area.

COMMENT 21:

In the public meeting held on April 25, 2006, Ms. Norma Hutchinson stated that it is only a matter of time before an accident can happen.

RESPONSE 21:

In consideration of safety, the design engineer shall design the proposed wastewater treatment facility and disposal system in accordance with the provisions of 30 Texas Administrative Code Chapter 317, Design Criteria for Sewage Systems, and the generally accepted engineering standards or procedures.

## CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT

- In response to public comment, the Executive Director made the following changes to the draft permit:

    1. Special Provision No. 16 of the draft permit is revised to require a minimum of 100 feet buffer from surface water bodies and watercourses in the irrigation area.

    2. Special Provision No. 20 is modified to include four wet features which appear to be wet weather seeps and may represent discharge points from intermittent, perched zones of groundwater.

    3. Special Provision No. 25 for the provision of an audio-visual alarm system to monitor pump tank high water levels, power failure and pump failure has been incorporated in the draft permit.

    4. Special Provision No. 26 for the protection of the wastewater treatment facilities from a 100-year flood has been incorporated in the draft permit.

Respectfully submitted,

Texas Commission on Environmental Quality

Robert Martinez, Director
Environmental Law Division

Michael F. Montcrief

Michael F. Northcutt, Jr.
Staff Attorney
Environmental Law Division
State Bar No. 24037194
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Tel: (512) 239-6994
Fax: (512) 239-0606

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

## CERTIFICATE OF SERVICE

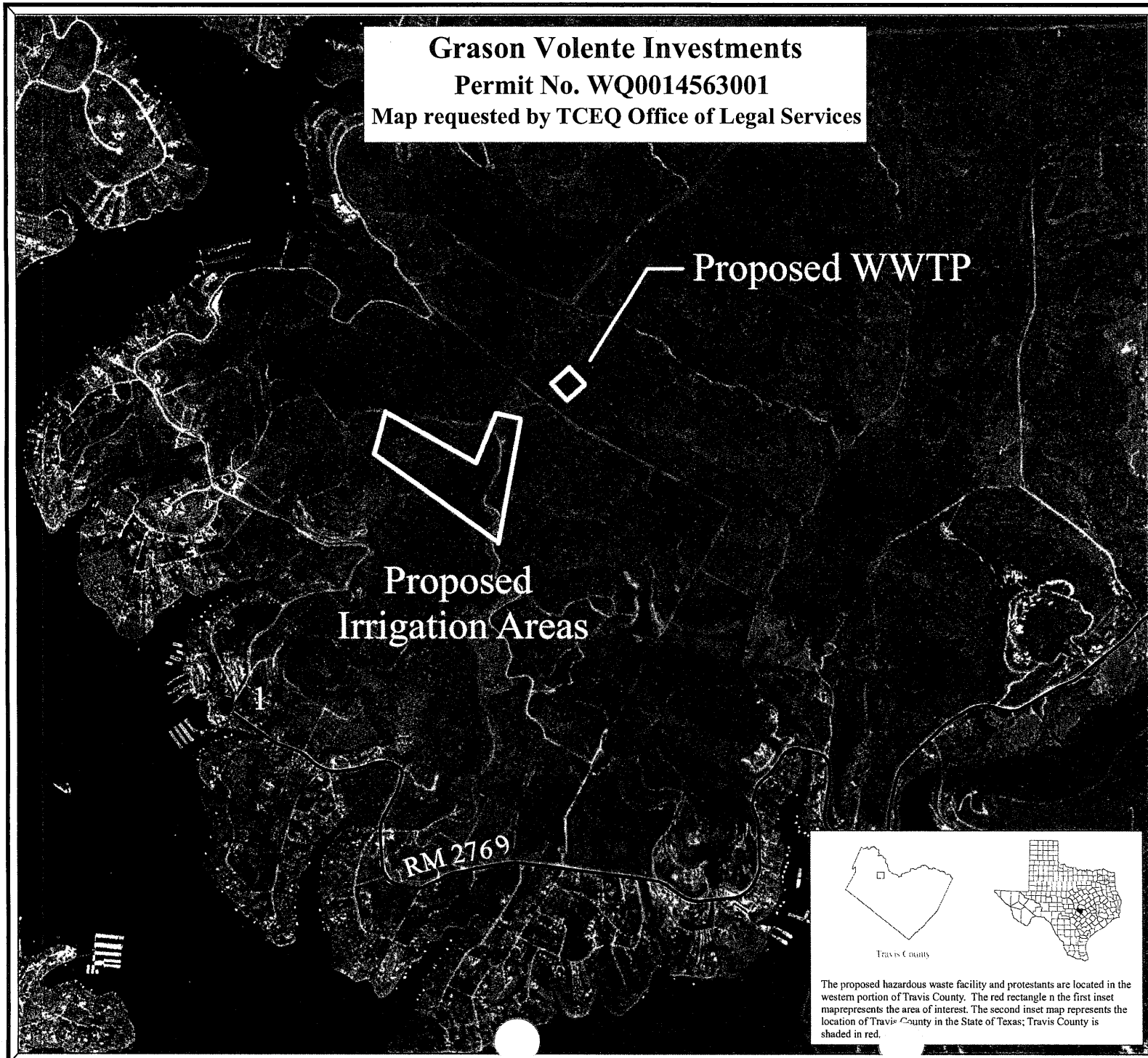
I certify that on September 19, 2006, the "Executive Director's Response to Public Comment" for Permit No. WQ0014563001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.

Michael F. Northcutt, Jr.

Michael F. Northcutt, Jr.
Staff Attorney
Environmental Law Division
State Bar No. 24037194
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone (512) 239-6994

# Attachment C

# Grason Volente Investments
## Permit No. WQ0014563001
## Map requested by TCEQ Office of Legal Services







The proposed hazardous waste facility and protestants are located in the western portion of Travis County. The red rectangle n the first inset maprepresents the area of interest. The second inset map represents the location of Travis County in the State of Texas; Travis County is shaded in red.

*Protecting Texas by Reducing and Preventing Pollution*

TCEQ


Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087


October 30, 2006

0 1,000 2,000 3,000 Feet

Projection: Texas Statewide Mapping System (TSMS)
Scale 1:29,072

Legend
- Protestant
- Proposed Facility & Irrigation Areas
- RM Roads

Protestant:
1 - Linda Carter

Source: The location of the WWTP sites were provided by the TCEQ Office of Legal Services (OLS). The locations for the protestants were provided by OLS. OLS obtained this information from a petition from the protestants.
The RM roads are TxDOT 1996 data (1:24000).

This map depicts the following:
(1) The approximate location of the proposed Volente Peak WWTP. The site is located in the western portion of Travis County. This facility is labeled "Proposed WWTP".
(2) The approximate location of the proposed irrigation areas. These are labeled "Proposed Irriation Areas.
(3) Points identifying the locations of the protestants.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This map was not generated by a licensed surveyor, and is intended for illustrative purposes only. No claims are made to the accuracy or completeness of the data or to its suitability for a particular use. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

*M McDonough CRF 061030125*

# Attachment D

# Compliance History

| | | | | |
|---|---|---|---|---|
| Customer/Respondent/Owner-Operator: | CN602748725 | Grason Volente Investments Ltd. | Classification: AVERAGE BY DEFAULT | Rating: 3.01 |
| Regulated Entity: | RN104467428 | GRASON VOLENTE INVESTMENTS LTD | Classification: AVERAGE BY DEFAULT | Site Rating: 3.01 |
| ID Number(s): | WASTEWATER | PERMIT | | WQ0014563001 |
| Location: | On the property 1.5 miles North of the intersection of FM 2769 and Jackson St near the town of Volente, TX. 6 miles west of intersection of RR620 and FM 2769 | | Rating Date: 9/1/2006 Repeat Violator: NO | |
| TCEQ Region: | REGION 11 - AUSTIN | | | |
| Date Compliance History Prepared: | February 07, 2007 | | | |
| Agency Decision Requiring Compliance History: | Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit. | | | |
| Compliance Period: | September 27, 1999 to February 07, 2007 | | | |

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: J. D. Centeno, Jr. Phone: 239-4608

## Site Compliance History Components

| | |
|---|---|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

**Components (Multimedia) for the Site :**

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A