

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 14, 2009

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC 105
Austin, Texas 78711-3087

Re: Executive Director's Response to Hearing Requests for City of Gatesville; Permit No. WQ0004464000; Docket No. 2009-0545-SLG

Dear Ms. Castañuela:

Enclosed for filing are the original and seven copies of the "Executive Director's Response to Hearing Requests." If you have any questions or comments, please call me at (512) 239-5692.

Sincerely,

A handwritten signature in cursive script that reads "Celia Castro".

Celia Castro
Staff Attorney
Environmental Law Division

Enclosure

cc: Mailing List

CHIEF CLERKS OFFICE

2009 JUL 14 PM 3:42

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 JUL 14 PM 3:42

APPLICATION BY	§	BEFORE THE
	§	CHIEF CLERKS OFFICE
CITY OF GATESVILLE	§	TEXAS COMMISSION ON
AUTHORITY FOR PROPOSED	§	
	§	
SLUDGE PERMIT NO. WQ0004464000	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

I. Introduction

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to Hearing Requests (Response) on the application by the City of Gatesville (Applicant) for a renewal of Beneficial Land Use Permit, No. WQ0004464000. TCEQ received timely hearing requests¹ from the following individual: Don Strieber.

Attached for Commission consideration are the following:

- | | |
|--------------|---|
| Attachment A | Statement of Basis/Technical Summary (Fact Sheet) and Executive Director's Preliminary Decision |
| Attachment B | Draft Permit |
| Attachment C | Compliance History |
| Attachment D | Executive Director's Response to Public Comments (RTC) |
| Attachment E | ED's Satellite Map |
| Attachment F | Applicant's Affected Landowner Map & Legend |
| Attachment G | Coryell County Central Appraisal District Report |

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

¹ On July 8, 2009, the ED received an undated letter from Debra Sloane requesting reconsideration of the ED's decision. Other entities and individuals, including the Office of the Chief Clerk, received the letter the same day. Because this request is untimely, the ED will not consider it in this response.

II. Facility Description

The Applicant has applied to TCEQ for a renewal of the existing permit that would authorize the beneficial land application of wastewater treatment plant (WWTP) sewage sludge and water treatment plant (WTP) sludge at a rate not to exceed 8.5 dry tons per acre per year (tons/acre/year). The proposed land application site is approximately 25 acres within an approximately 51.5 acre tract located on the Gatesville Airport property, approximately one mile southwest of the intersection of State Highway 116 and U.S. Highway 84 in Coryell County, Texas. The draft permit does not authorize any discharge of pollutants into or adjacent to water in the State. The proposed land application site is located in the drainage area of the Leon River Below Proctor Lake in Segment No. 1221 of the Brazos River Basin.

III. Procedural Background

TCEQ received the renewal application on November 26, 2007 and declared it administratively complete on February 11, 2008. The Applicant published the Notice of Receipt of Application and Intent to Obtain a Beneficial Land Use Permit in the *Gatesville Messenger* on April 12, 2008. The ED completed the technical review of the application and prepared a preliminary decision and draft permit on November 17, 2008. The Applicant published the Notice of Application and Preliminary Decision (NAPD) in the *Gatesville Messenger* on December 20, 2008. The public comment period ended on January 20, 2009. The ED filed the RTC on March 13, 2009 and the period for requesting reconsideration or a contested case hearing ended on April 16, 2009. Since this application was administratively complete after September 1, 1999, it is subject to House Bill 801 (76th Legislature, 1999). This application is also subject to the Texas Health and Safety Code, § 361.121(c).

IV. The Evaluation Process for Hearing Requests

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings. For those applications declared administratively complete on or after September 1, 1999, it established new procedures for providing public notice and public comment, and for the Commission's consideration of hearing requests. TCEQ declared the application administratively complete on February 11, 2008 and therefore, it is subject to the requirements of HB 801. The commission implemented HB 801 by adopting procedural rules in 30 Texas Administrative Code (30 TAC) Chapters 39, 50, and 55. The regulations governing requests for contested case hearings are found at 30 TAC, Chapter 55.

A. Responses to Requests

“The Executive Director, the public interest counsel, and applicant may submit written responses to [hearing] requests” 30 TAC §55.209(d).

Responses to hearing requests must specifically address:

- (1) whether the requestor is an affected person;
- (2) which issues raised in the hearing request are disputed;
- (3) whether the dispute involves questions of fact or of law;
- (4) whether the issues were raised during the public comment period;
- (5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;
- (6) whether the issues are relevant and material to the decision on the application; and
- (7) a maximum expected duration for the contested case hearing.

30 TAC § 55.209(e).

B. Hearing Request Requirements

In order for the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements.

A request for a contested case hearing by an affected person must be in writing, must be filed with the chief clerk within the time provided . . . and may not be based on an issue that was raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment.

30 TAC §55.201(c).

A hearing request must substantially comply with the following:

- (1) give the time, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
- (2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;
- (4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the executive director's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law or policy; and

- (5) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

C. Requirement that Requestor be an Affected Person

In order to grant a contested case hearing, the commission must determine that a requestor is an affected person.

- (a) 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.
- (b) Governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.
- (c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
 - (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) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
 - (5) 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.

30 TAC § 55.203.

D. Referral to the State Office of Administrative Hearings

“When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing.” 30 TAC § 50.115(b).

The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue:

- (1) involves a disputed question of fact;
- (2) was raised during the public comment period; and
- (3) is relevant and material to the decision on the application.

V. Analysis of the Requests

1. *Whether the Requestors Complied With 30 TAC §§ 55.201(c) and (d).*

Don Strieber submitted timely written comments on February 28, 2008, and July 2, 2008 that included relevant contact information and raised disputed issues. Mr. Strieber subsequently submitted a hearing request dated March 24, 2009 and received by the Office of the Chief Clerk on March 30, 2009; however, one of the issues (concerning land applied sludge being inconsistent with current land use) stated in this third communication was not raised during the public comment period.

The ED recommends the Commission find that the hearing request of Don Strieber (with the exception of the comment not raised during the comment period) substantially complies with the requirements of 30 TAC § 55.201(c) & (d). Although the ED recommends the Commission find that the majority of Don Strieber's hearing request complies with the requirements, the ED recommends the Commission find that the untimely issue did not comply with 30 TAC § 55.201(c) because it was not raised during the comment period.

2. *Whether the Requestor Met the Requirements of an Affected Person under the Commission Rules*

Don Strieber claimed that his "air, residence, land and water ways have been impacted by the activities and consequences" of the permit, but failed to state the proximity of his residence to the application site. The Texas Health and Safety Code (THSC), § 361.121(c), specifies that those persons living within one-quarter mile from the site are affected persons. The Applicant's affected landowner map and legend (Attachment F) fails to list Mr. Strieber as an affected landowner. However, after consulting with TCEQ Region 9 Staff and researching the Coryell County Central Appraisal District records (Attachment G), the ED has concluded that a landowner listed as affected conveyed their property to Mr. Strieber in 2002. Therefore, the ED believes that Mr. Strieber resides within the one-quarter mile that is necessary for affectedness. See ED's map (Attachment E). In addition, 30 TAC § 312.13(b)(3)(B) states that for Class B sewage sludge beneficial land use permit renewals under THSC § 361.121(c), an owner of the land located within one-quarter mile of the proposed land application unit who lives on the land is considered an "affected person" for purposes of Texas Water Code, § 5.115, and Chapter 55 of this title. Also, this rule states that individuals who do not own land within one-quarter mile of the proposed land application site are not excluded from being considered "affected persons" under § 55.203 of this title. Mr. Strieber has raised concerns about human health and the environment in regards to potential groundwater contamination, nuisance odor, and vector attraction. He has demonstrated that this facility or the activities conducted at the facility will have a likely impact on his health and safety, on the use of his property, or on the use of any impacted natural resource. There is a reasonable relationship between the interest claimed and the regulated activity.

Under 30 TAC § 55.203(c), because of the proximity of the requestor's residence, a reasonable relationship does exist between the interest claimed and the activity regulated. Similarly, it is likely that the activities at the facility might impact his health and safety, the use of his property, and the use of any impacted natural resource. Therefore, the requestor has raised personal justiciable interests not common to that of the general public. The ED concludes that Don Strieber is an affected person.

The ED recommends the Commission find that Don Strieber is an affected person under the requirements of 30 TAC § 55.203 and the Health and Safety Code, § 361.121(c).

3. *Whether the Issues Raised are Referable to SOAH for a Contested Case Hearing*

In the event the Commission finds that Mr. Strieber is an affected person, the ED has analyzed issues raised in accordance with the regulatory criteria. The majority of the issues discussed were raised during the public comment period and addressed in the RTC. There was one issue that was not raised during the public comment period. None of the issues were withdrawn. All identified issues in this response are considered disputed, unless otherwise noted. The issues raised for this application and the ED's analysis and recommendations follow.

1. Whether the land application of Class B sludge has a negative impact on groundwater, particularly during rainfall events? (RTC # 1)

This issue was raised and addressed in the ED's Response to Public Comment (RTC) number 1. The issue involves a question of fact. The issue raises water quality concerns, including protection of human health and safety, as a result of the continued operation of the facility. These issues are relevant and material to the Commission's decision on this application.

The Executive Director concludes that this issue is relevant and material and recommends referral to SOAH.

2. Whether the proposed activity satisfies regulatory requirements intended to address nuisance odor? (RTC # 2)

This issue was raised and addressed in the ED's RTC number 2. The issue involves a question of fact. The issue of nuisance odor from the operation of the facility is relevant and material to the Commission's decision on this application.

The Executive Director concludes that this issue is relevant and material and recommends referral to SOAH.

3. Whether vectors from the beneficial use site will constitute a nuisance to the adjacent landowners? (RTC # 3)

This issue was raised and addressed in the ED's RTC number 3. This issue involves a question of fact and is relevant and material to the Commission's decision on this application.

The Executive Director concludes that this issue is relevant and material and recommends referral to SOAH.

4. Whether Applicant should be required to move the facility to a more appropriate location? (RTC # 4)

This issue was raised and addressed in the ED's RTC number 4. The ED does not address this issue in the permitting process for land application sites. TCEQ rules do not allow the ED to determine or mandate a different facility location if the proposed facility complies with the applicable rules and statutes. The rules require an Applicant to select a land application site and operate it in a manner to prevent public health nuisances.

The Executive Director concludes that this issue is not relevant and material and does not recommend referral to SOAH.

5. Whether the Applicant has authority to use the landfill site for sludge disposal? (RTC # 6)

This issue was raised and addressed in the ED's RTC number 6. This application is for land application and not sludge disposal. Therefore, the Applicant is not authorized to use the landfill site for sludge disposal. This issue involves a question of law and is not relevant and material to the Commission's decision on this application.

The Executive Director concludes that this issue is not relevant and material and does not recommend referral to SOAH.

6. Whether sludge disposal is inconsistent with current land use in proximity to the airport site?

Mr. Strieber did not raise this issue during the comment period, which ended on January 20, 2009. He raised it for the first time in the hearing request dated March 24, 2009; therefore, it is not addressed in the RTC that was filed on March 13, 2009. This issue is not timely; therefore, it is not relevant and material to the Commission's decision on this application.

The Executive Director concludes that this issue is not timely and does not recommend referral to SOAH.

VI. Duration of the Contested Case Hearing

Should the Commission decide to refer this case to SOAH, the Executive Director recommends a nine-month duration for a contested case hearing from the date of the preliminary hearing to the presentation of a proposal for decision.

VII. Executive Director's Recommendation

The ED recommends that the Commission grant the hearing request of Don Strieber (an affected person), and refer the following issues to SOAH for a contested case hearing with a duration of nine months:

- 1. Whether the land application of Class B sludge has a negative impact on groundwater, particularly during rainfall events? (RTC # 1)**
- 2. Whether the proposed activity satisfies regulatory requirements intended to address nuisance odor? (RTC # 2)**
- 3. Whether vectors from the beneficial use site will constitute a nuisance to the adjacent landowners? (RTC # 3)**

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Mark R. Vickery, P.G.
Executive Director

Robert Martinez, Director
Environmental Law Division

By Celia Castro

Celia Castro, Staff Attorney
Environmental Law Division
State Bar No. 03997350
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(512) 239-5692
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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on July 14, 2009, the original and seven copies of the "Executive Director's Response to Hearing Requests" for the City of Gatesville, TCEQ Permit No. WQ0004464000, were filed with the TCEQ's Office of the Chief Clerk and a complete copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.

Celia Castro

Celia Castro, Staff Attorney
Environmental Law Division
State Bar No. 03997350

CHIEF CLERKS OFFICE

2009 JUL 14 PM 3:42

TEXAS
COMMISSION
ON ENVIRONMENTAL
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MAILING LIST
for
City of Gatesville
TPDES Permit No. WQ0004464000

FOR THE APPLICANT:

Roger Mumby
City of Gatesville
110 North 8th Street
Gatesville, Texas 76528

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PROTESTANTS/INTERESTED PERSONS:

Elizabeth Haley, Director of Human Resources
Bowhead Logistics Support
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Debra Sloane, EH&S Engineer
Laerdal Medical Corp.
P.O. Box 38
Gatesville, Texas 76528

Don Strieber
840 Chitwood Road
Gatesville, Texas 76528

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Celia Castro, Staff Attorney
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FOR THE CHIEF CLERK

La Donna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Executive Director's
Attachment A

TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

DESCRIPTION OF APPLICATION

Applicant: City of Gatesville

Permit No. WQ0004464000

Regulated Activity: Beneficial Land Application of Wastewater Treatment Plant (WWTP) Sewage Sludge and Water Treatment Plant (WTP) sludge

Type of Application: Permit

Request: Renewal

Authority: Texas Water Code §26.027; 30 TAC Chapters 281, 305, 312, and Texas Health and Safety Code (THSC) §361.121; 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 will expire five years from the date of issuance in accordance with 30 TAC Chapter 312, and THSC section 361.121.

REASON FOR PROJECT PROPOSED

City of Gatesville has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Permit No. 04464 to authorize the beneficial land application of WWTP sewage sludge and water treatment plant sludge at a rate not to exceed 8.5 dry tons/acre/year.

PROJECT DESCRIPTION AND LOCATION

The land application site is located on the Gatesville Airport property, approximately one mile southwest of the intersection of State Highway 116 and U.S. Highway 84 in Coryell County, Texas.

No discharge of pollutants into water in the State is authorized by this permit.

PROPOSED PERMIT CONDITIONS

Sludge Provisions are included in the draft permit according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal and Transportation. The draft permit authorizes the land application of sewage sludge for beneficial use on 25 acres.

SUMMARY OF CHANGES FROM APPLICATION

None.

WATER QUALITY ASSESSMENT TEAM CHANGES

None.

SUMMARY OF CHANGES FROM EXISTING PERMIT

More stringent limitations are required in the proposed draft permit than exist in the current permit. The Sludge Provisions, Special Provisions and Standard Provisions have been revised in the draft permit.

BASIS FOR PROPOSED DRAFT PERMIT

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

1. Application received on November 26, 2007 and additional correspondence received on January 23, 2008, March 18, 2008, September 2, 2008, October 3, 2008, October 8, 2008, October 14, 2008, October 28, 2008, October 30, 2008, and November 17, 2008.
2. Existing TCEQ Permit No. 04464.
3. Interoffice Memorandum from the Water Quality Assessment Team, 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.

City of Gatesville, Permit No. WQ0004464000
Technical Summary and Executive Director's Preliminary Decision

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 Ms. Kellie Crouch-Elliott at (512) 239-2435.

Kellie Crouch-Elliott
Municipal Permits Team
Wastewater Permitting Section (MC 148)
Water Quality Division

Date

Executive Director's
Attachment B



TCEQ PERMIT NO. WQ0004464000

Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

This is a renewal of
Permit No. 04464
issued November 27, 2002.

PERMIT TO LAND APPLY SEWAGE SLUDGE
under provisions of Chapter 26 of the Texas Water Code,
Chapter 361 of Health and Safety Code, Chapter 312 of Texas Administrative Code.

I. PERMITTEE:

City of Gatesville
110 North 8th Street
Gatesville, Texas 76528

II. AUTHORIZATION:

Beneficial Land Application of Wastewater Treatment Plant (WWTP) sewage sludge and Water Treatment Plant (WTP) sludge.

III. GENERAL DESCRIPTION AND LOCATION OF SITE:

Description: The permittee is authorized to land apply WWTP sewage sludge and WTP sludge at an annual rate not to exceed 8.5 dry tons per acre per year on 25 acres located within approximately 51.5 acres at this site.

Location: The sewage sludge land application site is located on the Gatesville Airport property, approximately one mile southwest of the intersection of State Highway 116 and U.S. Highway 84 in Coryell County, Texas (see Attachment A).

SIC Code: 0139

Drainage Basin: The land application site is located in the drainage area of the Leon River Below Proctor Lake in Segment No. 1221 of the Brazos 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 five years from the date listed below.

ISSUED DATE:

For the Commission

IV. GENERAL REQUIREMENTS:

- A. The permittee shall handle and dispose of sewage sludge (including WTP) 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.
- B. Application for renewing this permit shall be submitted by the permittee at least 180 days prior to expiration date of this permit.
- C. WWTP and WTP sludge
 - 1. In all cases, the generator or processor of sewage sludge shall provide necessary analytical information to the parties who receive the sludge, including those receiving the sewage sludge for land application, to assure compliance with these regulations.
 - 2. Permittee shall not accept the sewage sludge that fails the Toxicity Characteristic Leaching Procedure (TCLP) test per the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I or other method, which receives the prior approval of the TCEQ for the contaminants listed in Table 1 of 40 CFR Section 261.24.
 - 3. Sewage sludge shall not be applied to the land if the concentration of any metal exceeds the ceiling concentration listed in Table 1 below. Additional information on the frequency of testing for metals is found in Section IX.

TABLE 1

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

* Dry weight basis

- 4. When the total aggregate amount of any metal in Table 2 (in all sludge applied at the site during the entire use of this site) reaches the cumulative level listed in table 2 below, only sludge with metal levels at or below those shown Table 3 below can be applied at the site. To compute this criteria, the total amount of each metal in all sludge applied must be summed on a continuing basis as sludge is applied.

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	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

5. Sludge also cannot be applied in excess of the most restrictive of the following criteria:
- The maximum sludge application rate (MSAR) based on crop nitrogen needs (also referred to as the agronomic rate), which is calculated based on the total amount of nitrogen in the sludge, septage and in the soils at the application site and on the nitrogen requirements of the vegetation in the application area.
 - The MSAR for each metal pollutant in Table 1 above, which is calculated individually for each metal based on its concentration in the sludge and in the soils in the application area.
6. All of the MSARs above must be calculated using Appendix A of the "Application for Permit for Beneficial Land Use of Sewage Sludge." These calculations must cover both sludge and septage for areas where both are applied. If sludge is received from multiple sources, the average concentration of each of the elements above must be determined using "Table 2 - Volume Weighted Average (Mean) of Nutrient and Pollutant Concentration" from the application form.
7. Anytime the permittee plans to accept WWTP or WTP sludge from any source(s) other than those listed in the application and approved for this permit, the permittee must notify and receive authorization from the Water Quality Division, Municipal Permits Team(MC 148) of the TCEQ prior to receiving the new sludge. The notification must include information to demonstrate the sludge from the proposed new source(s) meets the requirements of this permit. The permittee must provide certifications from each source that the sludge meets the requirement for a Process to Significantly Reduce Pathogens (PSRP) or other alternatives. The permittee must provide documentation that the sludge meets the limits for polychlorinated biphenyls (PCBs), vector attraction and the metal pollutants in Table 1 above. No sludge from sources other than the ones listed in the application can be land applied prior to receiving written authorization from the TCEQ.

V. OPERATIONAL REQUIREMENTS:

The operation and maintenance of this land application site must be in accordance with 30 TAC Chapter 312 and Title 40 of the Code of Federal Regulations (40 CFR) Part 503 as they relate to land application for beneficial use. All applicable local and county ordinances must also be followed.

VI. REQUIRED MANAGEMENT PRACTICES:

- A. Sludge applications must not cause or contribute to the harm of a threatened or endangered species of plant, fish, or wildlife or result in the destruction or adverse modification of the critical habitat of a threatened or endangered species.
- B. Sludge must not be applied to land that is flooded, frozen or snow-covered to prevent entry of bulk sewage sludge into wetland or other waters in the State.
- C. Sludge shall be land applied in a manner which complies with Management Requirements in accordance with 30 TAC Section 312.44 including maintaining the following buffer zones for each application area:

a.	Established school, institution, business or residence	750 feet
b.	Public water supply well, intake, public water supply spring or similar source, public water treatment plant, or public water supply elevated or ground storage tank	500 feet
c.	Solution channels, sinkholes, or other conduits to groundwater	200 feet
d.	Waters in the State of Texas - when sludge is not incorporated	200 feet
e.	Waters in the State of Texas - when sludge is incorporated within 48 hours of application and a vegetated cover is established	33 feet
f.	Private water supply well	150 feet
g.	Public right of way	50 feet
h.	Property boundary	50 feet
i.	Irrigation conveyance canals	10 feet

- D. Sludge must be applied to the land at an annual application rate that is equal to or less than the agronomic rate for the vegetation in the area on which the sludge is applied.
- E. The seasonally high water table, groundwater table, or depth to water-saturated soils must be at least three (3) feet below the treatment zone for soils with moderate to slow permeability (less than two inches per hour) or four (4) feet below the treatment zone for soils with rapid to moderately rapid permeability (between two and twenty inches per hour). Sludge can not be applied to soils with permeation rates greater than twenty inches per hour.

- F. Sludge must be applied by a method and under conditions that prevent runoff beyond the active application area and that protect the quality of the surface water and the soils in the unsaturated zone. In addition the following conditions must be met:
1. Sludge must be applied uniformly over the surface of the land.
 2. Sludge must not be applied to areas where permeable surface soils are less than 2 feet thick.
 3. Sludge must not be applied during rainstorms or during periods in which surface soils are water-saturated.
 4. Sludge must not be applied to any areas having a slope in excess of 8%.
 5. Where runoff from the active application area is evident, the operator must cease further sludge application until the condition is corrected.
 6. The site operator must prevent public health nuisances. Sludge debris must be prevented from leaving the site. Where nuisance conditions exist, the operator must eliminate the nuisance as soon as possible.
 7. Sludge application practices must not allow uncontrolled public access, so as to protect the public from potential health and safety hazards at the site.
 8. Sludge can be applied only to the land application area shown on Attachment B. The buffer zones as listed on that map as well as the buffer zone distances listed in section VI.C. must not have any sludge applied on them.
- G. The permittee shall post a sign that is visible from a road or sidewalk that is adjacent to the premises on which the land application unit is located stating that a beneficial land use application site is located on the premises.

VII. PATHOGEN CONTROL:

- A. 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.

1. 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 §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 §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 §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 Processes to Further Reduce Pathogens (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.

2. 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 provide 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.

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

1. 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.
2. 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.
3. 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.
4. Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of sewage sludge.
5. Animals shall not be allowed to graze on the land for 30 days after application of sewage sludge.
6. 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.
7. Public access to land with a high potential for public exposure shall be restricted for 1 year after application of sewage sludge.
8. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge.
9. Land application of sludge shall be in accordance with the buffer zone requirements found in 30 TAC §312.44.

VIII. VECTOR ATTRACTION REDUCTION REQUIREMENTS:

A. 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 for Vector Attraction Reduction.

- Alternative 1 The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38 percent [30 TAC §312.83(b)(1)].

- 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 [30 TAC §312.83(b)(2)].
- 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 [30 TAC §312.83(b)(3)].
- 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. This test may only be run on sludge with a total percent solids of 2.0% or less [30 TAC §312.83(b)(4)].
- 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 [30 TAC §312.83(b)(5)].
- 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 [30 TAC §312.83(b)(6)].
- 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 [30 TAC §312.83(b)(7)].
- 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 [30 TAC §312.83(b)(8)].
- Alternative 9 Sewage sludge shall be injected below the surface of the land. No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected. 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 [30 TAC §312.83(b)(9)].

Alternative 10 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. 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 [30 TAC §312.83(b)(10)].

IX. MONITORING REQUIREMENTS:

The sewage sludge must be monitored according to 30 TAC §312.46(a)(1) for the ten metals in Table 1 of Section IV.C.3, pathogen reduction, and vector attraction reduction.

- A. If the concentration of nitrogen or any of the metals in Table 1 in Section IV.C.3 exceeds the concentration used to calculate any of the MSARs in Sections IV.C.5 and IV.C.6, the MSAR for that element must be recalculated. If the sludge comes from multiple sources, the calculations must use Table 2 in Section IV.C.4 to provide a volume weighted average of all sludge that will be applied during the current monitoring period.
- B. After the sludge has been monitored according to 30 TAC §312.46(a)(1) for a period of two years, an application may be submitted to amend this permit to reduce the frequency of monitoring.
- C. The frequency of monitoring will be increased if recalculation of the agronomic rate increases the amount of sludge that can be applied to a higher threshold, as shown in 30 TAC §312.46(a)(1). The frequency of monitoring may also be increased if the TCEQ determines that the level of pollutants or pathogens in the sludge warrants such action.
- D. If WWTP and WTP sludge is received at this site for land application then the permittee must ensure that the test data for TCLP and PCBs is provided from the generators.
- E. All metal constituents and Fecal coliform or Salmonella sp. bacteria shall be monitored at the appropriate frequency pursuant to 30 TAC §312.46(a)(1).
- F. Representative samples of sewage sludge shall be collected and analyzed in accordance with the methods referenced in 30 TAC §312.7.
- G. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

X. RECORD KEEPING REQUIREMENTS:

The permittee shall fulfill record keeping requirements per 30 TAC §312.47. The documents shall be retained at the site and/or shall be readily available for review by a TCEQ representative.

- A. Records of the following general information must be kept for all types of sludge and domestic septage land application permits:
 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 §312.47(a)(4)(A)(ii) or 30 TAC §312.47(a)(5)(A)(ii), which ever is applicable.

2. The location, by street address, and specific latitude and longitude, of each site on which sewage sludge (including WTP sludge and/or domestic septage if applicable) is applied.
 3. The number of acres in each site on which bulk sludge is applied.
 4. The dates, times and quantities of sludge (and/or domestic septage if applicable) is applied to each site.
 5. The cumulative amount of each pollutant in pounds per acre listed in Table 2 of Section IV.C.4 applied to each site.
 6. The total amount of sludge applied to each site in dry tons.
 7. A description of how the management practices listed above in Section IV.C., and 30 TAC §312.44 are being met. If these requirements are being met, prepare and keep a certification statement per 30 TAC §312.47(5)(B)(viii).
- B. For Sewage Sludge with metal concentrations at or below levels in Table 3 of Section IV.C.4; which also meets Class A pathogen requirements in 30 TAC §312.82(a), and the vector attraction reduction requirements in 30 TAC §312.83(b)(9) or (10):
1. A description of how the vector attraction reduction requirements are met. If these requirements are being met prepare and keep a certification statement per 30 TAC §312.47(5)(B)(xii).
- C. For Sewage Sludge with metal concentrations at or below levels in Table 3 of Section IV.C.4; and which also meets Class B pathogen requirements in 30 TAC §312.82(b), and the vector attraction reduction requirements in 30 TAC §312.83(b)(9) or (10):
1. A description of how site restrictions for Class B sludge in 30 TAC §312.82(b)(3) are being met. If these requirements are being met prepare and keep a certification statement per 30 TAC §312.47(5)(B)(x).
 2. A description of how the vector attraction reduction requirements in 30 TAC §312.83(b)(9) or (10) are met. If these requirements are being met prepare and keep a certification statement per 30 TAC §312.47(5)(B)(xii).
- D. For Sewage Sludge with metal concentrations at or below levels in Table 1 of Section IV.C.3; and which also meets Class B pathogen requirements in 30 TAC §312.82(b), and the vector attraction reduction requirements in 30 TAC §312.83(b)(9) or (10):
1. A description of how the requirements to obtain information from the generators of sludge in 30 TAC §312.42(e) are being met. If these requirements are being met prepare and keep a certification statement per 30 TAC §312.47(5)(B)(vi).
 2. A description of how site restrictions for Class B sludge in 30 TAC §312.82(b)(3) are being met. If these requirements are being met prepare and keep a certification statement per 30 TAC §312.47(5)(B)(x).
 3. A description of how the vector attraction reduction requirements in 30 TAC §312.83(b)(9) or (10) are met. If these requirements are being met prepare and keep a certification statement per 30 TAC §312.47(5)(B)(xii).

XI. REPORTING REQUIREMENTS:

A. Permittee shall submit a separate annual report by September 30th of each year per 30 TAC §312.48 for each site. The annual report must include all the information required under 30 TAC §312.48 (including the items listed below) for a period covering September 1 of previous year through August 31 of current year. Additionally an "Annual Sludge Summary Report Form" (**Attachment C**) should be filled out and submitted with the annual report. Submit your report to the Water Quality Division, Municipal Permits Team (MC 148) and the TCEQ Regional Office (MC Region 9). Record retention requirements must be followed in accordance with 30 TAC §312.47.

1. Annual Sludge Summary Sheet (a blank form is provided in Attachment C of this permit) with following information. This information must be submitted by all permittees:
 - i. Permit number.
 - ii. The site location (address or latitude and longitude).
 - iii. Operator address, contact person name, telephone number, and fax number.
 - iv. Amount of sludge disposal dry weight (lbs/acre) at each disposal site. Report domestic septage quantities in gallons.
 - v. Number of acres on which sludge and septage is land applied.
 - vi. Vegetation grown and number of cuttings.
 - vii. Other items listed in the summary sheet.
2. If the sludge concentration for any metal listed in Table 3 of Section IV.C.4 is exceeded, the report must include the following information:
 - i. Date and time of each sludge application.
 - ii. All four certification statements required under 30 TAC §312.47(a)(5)(B).
 - iii. A description of how the information from the sludge generator was obtained, as per 30 TAC §312.42(e).
 - iv. A description of how each of the management practices in 30 TAC §312.44 were met for this site.
 - v. A description of how the site restrictions in 30 TAC §312.82(b)(3) were met for the site.
 - vi. If the vector attraction reduction requirements in 30 TAC §312.83(b)(9) or (10) are met, a description of how this was done.
 - vii. Soil and sludge test reports, as required in Section XII of this permit.
 - viii. Calculations of the current agronomic sludge application rate and the life of the site based on metal loadings (Appendix A of application, as identified in Section IV.C.4, or similar form).

3. If none of the concentrations for the metals exceed the values listed in Table 3 in Section IV.C.4 of this permit:
 - i. Information per 30 TAC §312.47(a)(3)(B) for Class A sludge.
 - ii. Information per 30 TAC §312.47(a)(4)(B) for Class B Sludge.
 4. 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 in Section IV.C.4 of this permit the permittee shall provide the following additional information:
 - i. Date and time of each sludge application.
 - ii. The information in 30 TAC §312.47(a)(5)(A) must be obtained from the sludge generator and included in the report.
 - iii. The cumulative amount in pounds per acre of each pollutant listed in Table 2 in Section IV.C.4 applied to each application field of this site through bulk sewage sludge.
 5. Permittee shall submit evidence that the permit holder is complying with the nutrient management plan developed by a **certified nutrient management specialist** in accordance with the practice standards of the Natural Resources Conservation Service of the United States Department of Agriculture.
- B. Permittee shall submit a quarterly report by the 15th day of the month following each quarter during the reporting period (ie. quarterly reports will be due December 15th, March 15th, June 15th, and September 15th). Additionally, a "Quarterly Sludge Summary Report Form" (**Attachment D**) should be filled out and submitted with the quarterly report. The quarterly report must include all the information listed below. Submit your report to the Water Quality Division, Municipal Permits Team (MC 148) and the TCEQ Regional Office (MC Region 9). Record retention requirements must be followed in accordance with 30 TAC §312.47.
1. The source, quality, and quantity of sludge applied to the land application unit.
 2. The location of the land application unit, either in terms of longitude and latitude or by physical address, including the county.
 3. The dates of delivery of Class B sludge.
 4. The dates of application of Class B sludge.
 5. The cumulative amount of metals applied to the land application unit through the application of Class B sludge.
 6. Crops grown at the land application unit site.
 7. The suggested agronomic application rate for the Class B sludge.

XII. SOIL SAMPLING:

The permittee is required to notify the local TCEQ Regional Office 48 hours prior to taking annual soil samples at the permitted site. Samples will need to be taken within the same 45 day time-frame each year, or by an approved sampling plan and analyzed within 30 days of procurement.

The permittee must monitor the soil-sludge mixture for the site as follows using soil sampling requirements described in 30 TAC §312.11(d)(2) and (3):

	PARAMETER	NOTE	FREQUENCY	SAMPLE DEPTH	
				0"-6"	6"-24"
1	Nitrate Nitrogen (NO ₃ -N, mg/kg)		1 per year	X	X
2	Ammonium Nitrogen (NH ₄ -N, mg/kg)		1 per year	X	X
3	Total Nitrogen (TKN, mg/kg)	1	1 per year	X	X
4	Phosphorus (plant available, mg/kg)	2	1 per year	X	X
5	Potassium (plant available, mg/kg)	2	1 per year	X	X
6	Sodium (plant available, mg/kg)	2	1 per year	X	X
7	Magnesium (plant available, mg/kg)	2	1 per year	X	X
8	Calcium (plant available, mg/kg)	2	1 per year	X	X
9	Electrical Conductivity	3	1 per year	X	X
10	Soil Water pH (S.U.)	4	1 per year	X	X
11	Total Arsenic (mg/kg)	*	1 per 5 years	X	NA
12	Total Cadmium (mg/kg)	*	1 per 5 years	X	NA
13	Total Chromium (mg/kg)	*	1 per 5 years	X	NA
14	Total Copper (mg/kg)	*	1 per 5 years	X	NA
15	Total Lead (mg/kg)	*	1 per 5 years	X	NA
16	Total Mercury (mg/kg)	*	1 per 5 years	X	NA
17	Total Molybdenum (mg/kg)	*	1 per 5 years	X	NA
18	Total Nickel (mg/kg)	*	1 per 5 years	X	NA
19	Total Selenium (mg/kg)	*	1 per 5 years	X	NA
20	Total Zinc (mg/kg)	*	1 per 5 years	X	NA

1. Determined by Kjeldahl digestion or an equivalent accepted procedure. Methods that rely on Mercury as a catalyst are not acceptable.
2. Mehlich III extraction (yields plant-available concentrations) with inductively coupled plasma.
3. Electrical Conductivity (EC) - determine from extract of 2:1 (volume/volume) water/soil mixture and expressed in ds/m (same as mmho/cm).
4. Soil pH must be analyzed by the electrometric method in "Test Methods for Evaluating Solid Waste," EPA SW-846, 40 CFR 260.11; method 9045C - determine from extract of 2:1 (volume/volume) water/soil mixture.

* Analysis for metals in sludge and soil must be performed according to methods outlined in "Test Methods for Evaluating Solid Waste," EPA SW-846; method 3050.

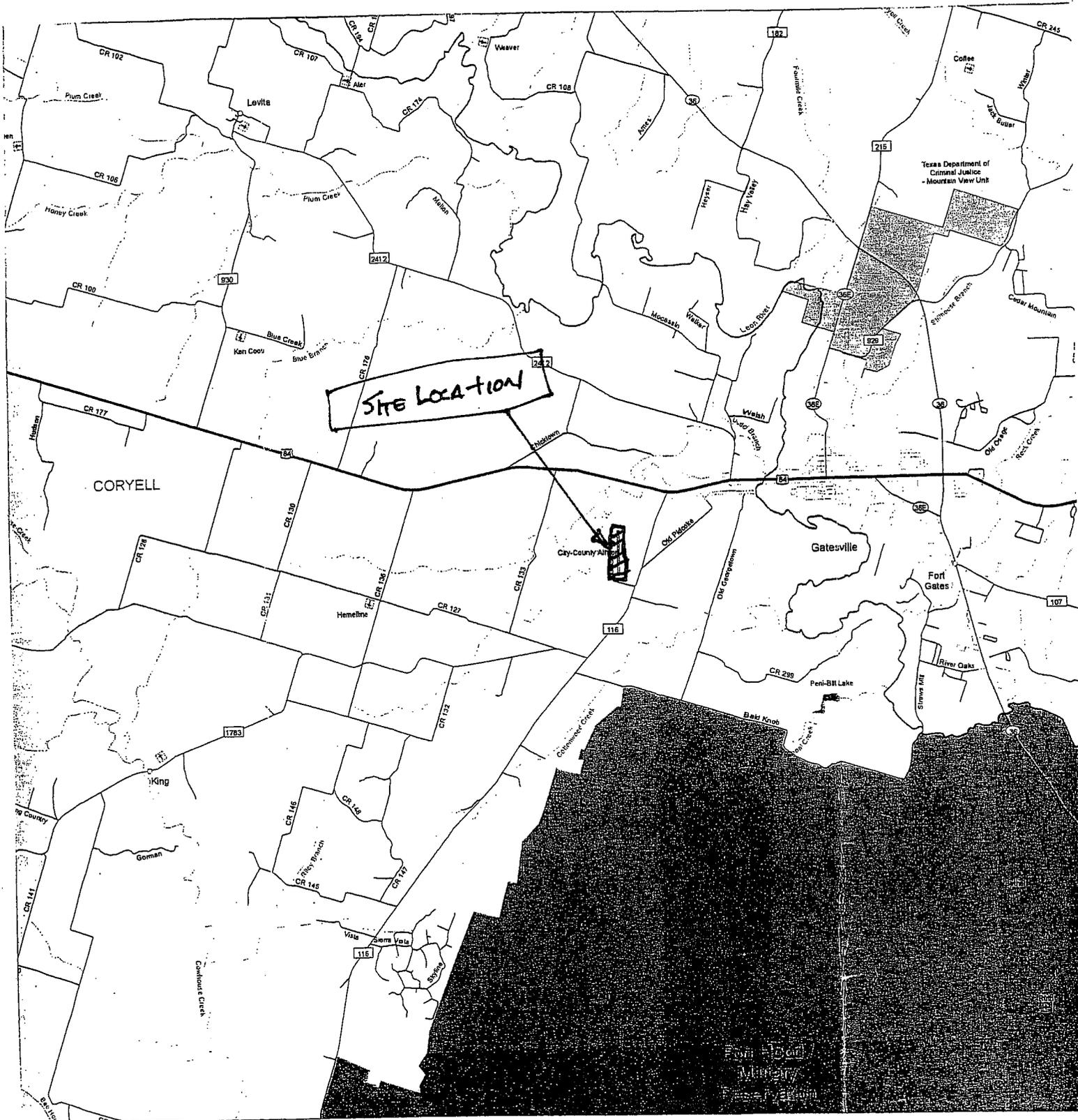
XIII. STANDARD PROVISIONS:

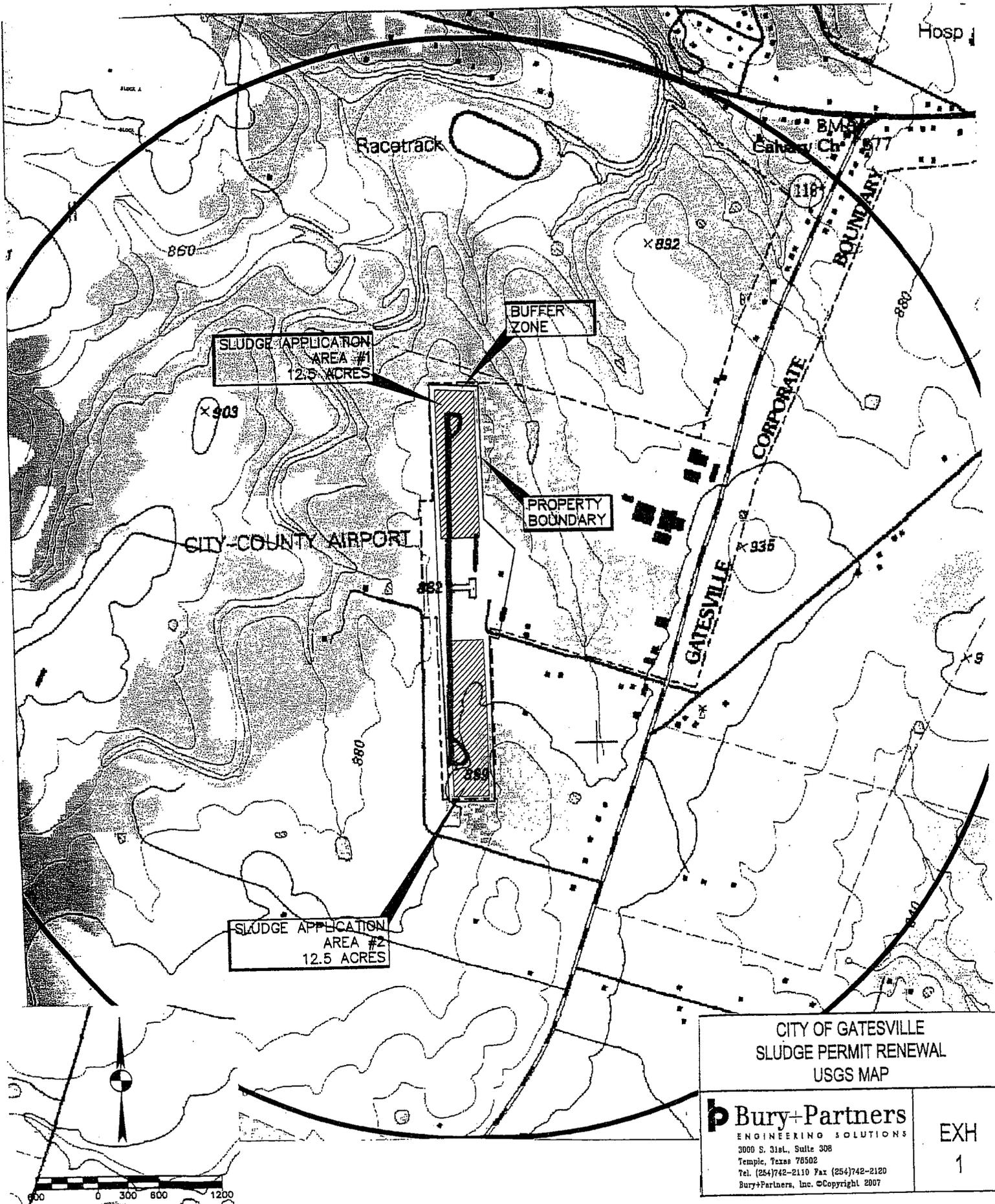
- A. This permit is granted in accordance with the Texas Water Code, Health and Safety Code, and the rules and other Orders of the Commission and the laws of the State of Texas.
- B. Unless specified otherwise, any noncompliance which may endanger human health or safety, or the environment shall be reported 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 to the TCEQ Regional Office (MC Region 9) and to 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 anticipated 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.
- C. Any noncompliance other than that specified in the Standard Provision B, or any required information not submitted or submitted incorrectly, shall be reported to the TCEQ Enforcement Division (MC 224) as promptly as possible.
- D. Acceptance of this permit constitutes an acknowledgment and agreement that the permittee will comply with all the terms, provisions, conditions, limitations and restrictions embodied in this permit and with the rules and other Orders of the Commission and the laws of the State of Texas. Agreement is a condition precedent to the granting of this permit.
- E. Prior to any transfer of this permit, Commission approval must be obtained. The Commission must be notified, in writing, of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.
- F. 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.
- G. The permittee is subject to the provisions of 30 TAC §305.125.
- H. The permittee shall remit to the Commission annual fees per 30 TAC §312.9. Failure to pay the fees on time may result in revocation of this permit.
- I. This permit does not become a vested right in the permit holder.
- J. The permittee may not accept Class B sludge unless the sludge has been transported to the land application unit in a covered container with the covering firmly secured at the front and back.

XIV. SPECIAL PROVISIONS:

- A. Maximum annual sludge application rate shall not exceed 8.5 dry tons/acre/year and shall be land applied at a frequency proposed in the application. Agronomic loading rates shall be calculated on an annual basis to ensure that nutrient balances are not exceeded.
- B. For soils with permeability greater than 2 inches per hour and less than 20 inches per hour, the land application of sludge is prohibited if the soil is saturated or groundwater is present within a depth of 4 feet of the treatment zone as demonstrated through the determination of presence or absence of the perched or apparent water table. Records of monitoring data shall be maintained per 30 TAC §312.47. In the absence of groundwater monitoring, land application is prohibited during months that the most recently published soil survey data indicate that a perched or apparent water table may be present within 4 feet of the treatment zone.
- C. For soils with permeability less than 2 inches per hour, the land application of sludge is prohibited if the soil is saturated or groundwater is present within a depth of 3 feet of the treatment zone as demonstrated through the determination of presence or absence of the perched or apparent water table. Records of monitoring data shall be maintained per 30 TAC §312.47. In the absence of groundwater monitoring, land application is prohibited during months that the most recently published soil survey data indicate that a perched or apparent water table may be present within 3 feet of the treatment zone.
- D. Land application of sludge must not occur when there is visible pooling of water on the surface. Regulatory support for this condition can be found at 30 TAC §312.44(i)(3).
- E. Maximum amount of sludge in dry tons per acre per year that can be land applied from each source cannot exceed the "Estimated dry tons" for that source entered in the second column of Table 2 of the permit application.
- F. The permittee should consider nutrient management practices appropriate for land application of sewage sludge and assess the potential risk for nitrogen and phosphorous to contribute to water quality impairment. Information and assistance on a certification program for Nutrient Management Specialists is available on the web at "<http://nmp.tamu.edu>".

Nutrient management should be practiced within the context of the Natural Resources Conservation Service (NRCS) Code 590 Practice Standard which addresses the kind, source, placement, from, amount, timing and application method of nutrients and soil amendments. This is available on the web at "http://efotg.nrcs.usda.gov/references/public/TX/finalTX590_07_09_07.pdf". The 590 Standard should be conducted using the Phosphorus Index, a simple screening tool to rank vulnerability of fields as sources of phosphorus loss to surface runoff. Information on Phosphorus Index is available on the web at "http://efotg.nrcs.usda.gov/references/public/TX/TXTechNote15_rev.pdf". The annual analysis of extractable phosphorus in soil samples should be conducted using the Mehlich III extraction with inductively coupled plasma.





CITY OF GATESVILLE
 SLUDGE PERMIT RENEWAL
 USGS MAP

Bury+Partners
 ENGINEERING SOLUTIONS
 3000 S. 31st, Suite 308
 Temple, Texas 76702
 Tel. (254)742-2110 Fax (254)742-2120
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EXH
 1



Annual Sludge Summary Report Form

- Note 1: If your site has more than one land application field, please submit a separate form for each field.
- Note 2: Please note, in addition to the summary form, you need to submit all information as required by 30 TAC 312.48.
- Note 3: If you operate other registered/permitted sludge land application sites, a form should be submitted for each site.
- Note 4: Also send one complete copy of your report and this form to the TCEQ regional office in your area.

For TCEQ Fiscal year _____; Reporting period from September 1, _____, August 31, _____

PERMIT NO.: _____ **DATE:** _____

NAME OF PERMITTEE: _____

MAILING ADDRESS: _____

CONTACT PERSON: Name: _____ Telephone No: _____

Field No. (if any): _____ (Please submit a separate form for each field).

1. Sewage Sludge :
 - a. Land Applied : _____ dry tons/year
 - b. Disposed Via Monofill : _____ dry tons/year
 - c. Disposed Via MSW Landfill : _____ dry tons/year
2. Treated Domestic Septage - Land Applied : _____ gallons/year
 - a. Method used to treat Domestic Septage: _____
3. Water Treatment Plant Sludge:
 - a. Land Applied: _____ dry tons/year;
 - b. Dedicated Land Disposal: _____ dry tons/year
 - c. Disposed Via monofill : _____ dry tons/year

Class A sludge land applied : _____ dry tons / year

Acreage used for Sludge Application/disposal at this site: _____ acres

Site Vegetation (such as grass type etc) and # of cuttings: _____

Sewage Sludge only – Please provide information regarding the following 3 items:

1. Does any of the sludge you have generated or received NOT MEET the concentration limits for the metals listed in Table 3 of "30 TAC §312.43 (b)"? Yes _____ No _____
2. Has your field/site reached or exceeded 90% of the cumulative metal loading rates for any metals as listed in Table 2 of 30 TAC §312.43 (b)"? Yes _____ No _____
3. Has sewage sludge been applied to the field/site after 90% of cumulative metal loading rates for any of the metals per Table 2 of " 30 TAC §312.43 (b)" been reached? Yes _____ No _____

PLEASE MAIL THE COMPLETED ANNUAL REPORT TO :

Texas Commission on Environmental Quality
 Municipal Permits Team (MC 148)
 Wastewater Permitting Section
 P.O. Box 13087
 Austin, TX 78711-3087



Quarterly Sludge Summary Report Form

- Note 1: If your site has more than one land application field, please submit a separate form for each field.
- Note 2: Please place this sheet at the top of your Quarterly Sludge Report.
- Note 3: If you have more than one permitted site, then fill-out this form for each one of those sites.
- Note 4: Please send a copy of this sheet and all attachments to the local TCEQ regional office.

For TCEQ Quarter _____ Reporting period from _____, to, _____

PERMIT NO.: _____ **DATE:** _____

NAME OF PERMITTEE: _____

MAILING ADDRESS: _____

CONTACT PERSON: Name: _____ **Telephone No:** _____

Field No: _____ (Submit separate form for each field, if site has two or more fields)

- Class B Sewage Sludge Land Applied : _____ dry tons / quarter
 - Treated Domestic Septage - Land Applied : _____ gallons / quarter
 - Method used to treat Domestic Septage: _____
 - Water Treatment Plant Sludge - Land Applied: _____ dry tons /quarter
 - Class A sludge land applied : _____ dry tons / quarter
- a. Acreage used for Sludge Application/disposal at this site:- _____ acres
- b. Site Vegetation (such as grass type etc) and # of cuttings:- _____
- c. Does any of the sludge you have generated or received DOES NOT MEET concentration limits for any of the metals listed in Table 3 of "30 TAC §312.43 (b)? Yes _____ No _____
- d. Site location: Latitude: _____, Longitude: _____
- e. Site physical address: _____

Please attach the information regarding the following items (Sewage Sludge only):-

- * Please note the following information shall be provided in computer generated report format:
- * Please place check mark before each item below to indicate you have attached that item with this report.

- _____ 1. Metal concentration, pathogen analysis data and vector attraction certifications of sludge for each source.
- _____ 2. Provide a list containing the name and permit number of each source of sludge.
- _____ 3. Date of delivery of each load of sludge land applied.
- _____ 4. Date of land application of each load of sludge.
- _____ 5. The cumulative metal loading rates for any metals as listed in Table 2 of 30 TAC §312.43 (b)?"
- _____ 6. The suggested agronomic rate for the class B sludge.

PLEASE MAIL THE COMPLETED REPORT TO :

Texas Commission on Environmental Quality
Municipal Permits Team (MC 148)
Wastewater Permitting Section
P.O. Box 13087
Austin, TX 78711-3087

Executive Director's
Attachment C

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600702633	City of Gatesville	Classification: AVERAGE	Rating: 0.96
Regulated Entity:	RN101664274	CITY OF GATESVILLE COUNTY AIRPORT	Classification: HIGH	Site Rating: 0.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION		74432
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION		49417
	SLUDGE PERMIT	PERMIT		04464
	SLUDGE PERMIT	PERMIT		WQ0004464000
Location:	LOCATED ON THE GATESVILLE AIRPORT PROPERTY, APPROX. ONE MILE SOUTHWEST OF THE INTERSECTION OF STATE HWY 116 AND US HWY 84 IN CORYELL COUNTY, TEXAS.			Rating Date: 9/1/2008 Repeat Violator: NO
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	November 03, 2008			
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.			
Compliance Period:	November 26, 2002 to November 03, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Kellie Crouch-Elliott		Phone:	239 - 2435

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? | Yes |
| 3. If Yes, who is the current owner? | City of Gatesville
Coryell County |
| 4. If Yes, who was/were the prior owner(s)? | City of Gatesville |
| 5. When did the change(s) in ownership occur? | 05/30/2003 |

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.)
1 02/26/2008 (618271)
N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
Date: 01/14/2003 (17153)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 312, SubChapter B 312.47(a)(5)(B)
Description: Failure to maintain a record of each individual collection and deposit of sludge in the form of a trip ticket or manifest.
- 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

Executive Director's
Attachment D

TCEQ PERMIT NO. WQ0004464000

APPLICATION BY §
CITY OF GATESVILLE §
AUTHORITY FOR PROPOSED §
SLUDGE PERMIT NO. WQ0004464000 §

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 MAR 13 PM 2: 09
CHIEF CLERKS OFFICE

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or the Commission) files this Response to Public Comment (Response) on the application of the City of Gatesville (Applicant) for a renewal of Beneficial Land Use Permit, No. WQ0004464000, and the ED's preliminary decision. Pursuant to Title 30, Section 55.156 of the Texas Administrative Code (TAC), before a permit is issued, the ED must prepare a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk timely received comments from Elizabeth Haley, Debra Sloane, and Don Strieber. This Response addresses all 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.

DESCRIPTION OF FACILITY

The Applicant has applied to TCEQ for a renewal of the existing permit that would authorize the beneficial land application of wastewater treatment plant (WWTP) sewage sludge and water treatment plant (WTP) sludge at a rate not to exceed 8.5 dry tons per acre per year (tons/acre/year). The proposed land application site is approximately 25 acres within an approximately 51.5 acre tract located on the Gatesville Airport property, approximately one mile southwest of the intersection of

State Highway 116 and U.S. Highway 84 in Coryell County, Texas. The draft permit does not authorize any discharge of pollutants into or adjacent to water in the State. The proposed land application site is located in the drainage area of the Leon River Below Proctor Lake in Segment No. 1221 of the Brazos River Basin.

PROCEDURAL BACKGROUND

TCEQ received the permit application on November 26, 2007, and declared it administratively complete on February 11, 2008. The Applicant published the Notice Of Receipt Of Application And Intent To Obtain A Beneficial Land Use Permit in the *Gatesville Messenger* on April 12, 2008. The ED completed the technical review of the application and prepared a preliminary decision and draft permit on November 17, 2008. The Applicant published the Notice Of Application And Preliminary Decision in the *Gatesville Messenger* on December 20, 2008. The public comment period closed on January 20, 2009. The application is subject to the procedural requirements of House Bill 801, 76th Legislature, 1999.

COMMENTS AND RESPONSES

COMMENT 1:

Don Strieber commented that the TCEQ does not seem to be concerned about the impacts from land application of Class B sludge on groundwater in the area, particularly during rainfall events.

RESPONSE 1:

TCEQ has established management requirements, in accordance with 30 TAC Section 312.44, to protect against groundwater contamination. The draft permit incorporates these

requirements. The Applicant is required to apply sludge uniformly over the surface of the land and under conditions that prevent runoff of sludge beyond the active application area and protect the quality of the surface water and the soils in the unsaturated zone. The draft permit prohibits the Applicant from applying sludge during rainstorms or periods in which surface soils are water-saturated. If sludge runoff from the active application area is evident, the draft permit requires the Applicant to cease further sludge application until the situation is corrected.

TCEQ also reviewed the application to determine if the proposed site has adequate buffer zones between it and any private water wells, sources of public water supply, conduits to ground water, and any surface bodies. Specifically, 30 TAC Section 312.44(c)(2) requires the following buffer zones from application areas:

- (A) 150 feet, private water supply well;
- (B) 500 feet, public water supply well, intake, spring or similar source, public water supply treatment plant, or public water supply elevated or ground storage tank;
- (C) 200 feet, solution channel, sinkhole, or other conduit to groundwater;
- (D) 750 feet, established school, institution, business, or occupied residential structure;
- (E) 50 feet, public right-of-way and property boundaries; and
- (F) 10 feet, irrigation conveyance canal.

In addition, the draft permit contains additional criteria that are protective of surface and groundwater and that will help ensure the utilization of plant nutrient within the application area and within the rooting zone. A maximum sludge application must not exceed 8.5 dry tons/acre/year. The Applicant may not apply sludge when the water table is within 3 feet of the surface in soils with permeabilities less than 2 inches per hour (inches/hour), or when it is within 4 feet of the surface in soils with permeabilities between 2 inches/hour and 20 inches/hour. In addition, the Applicant may not apply sludge within 33 feet of water in the State when sludge is incorporated into the soil within

48 hours of application and a vegetated cover is established; or on land that is flooded, frozen, or snow covered. These requirements are designed to protect water sources against adverse effects on the groundwater in the area. In addition, the Applicant is required to land apply sludge at rates no greater than the agronomic rates.

In its application, the Applicant submitted information that the proposed sludge application of 8.5 dry tons/acre/year will supply 91 pounds of nitrogen per acre per year for Coastal Bermuda grass growth. According to the Natural Resources Conservation Service, Coastal Bermuda grass can uptake upwards of 500 pounds of nitrogen per acre per year. At this site, the Bermuda grass is expected to consume the smaller amount of nitrogen proposed for plant growth by the incorporation of 8.5 tons/acre/year of sludge. Movement of plant nutrients from the breakdown of incorporated sludge is not expected out of the land application area or beyond the rooting zone. Movement of incorporated sludge in a grassed field during rainfall events is not expected to occur. Therefore, contamination of surface or groundwater is not likely from the proposed sludge application operation.

COMMENT 2:

Don Strieber commented that odors from the site affect nearby residents and property owners.

RESPONSE 2:

TCEQ has established management requirements for odor controls at land application sites and has incorporated them into the draft permit. In addition, the draft permit does not allow the Applicant to maintain or create any nuisance odor conditions. Title 30 of the TAC, Section 312.44(k)(3), requires the applicant to operate the proposed site in a manner to prevent public health

nuisances. The Applicant must prevent sludge debris from blowing or running off site boundaries or into surface waters. The Applicant must minimize dust migration from the site and access roadways and minimize objectionable odors through incorporation of sludge into the soil or by taking some other type of corrective action. Also, 30 TAC § 312.44(d) requires the permit to include buffer restrictions that do not allow a land application area to be located closer than 750 feet to a business or occupied residential structure or closer than 50 feet to a public right of way or property boundary to minimize any off-site odor problems.

If the ED or the Commission issues the permit and the facility has problems with odor or other issues with the application area, members of the public may contact the TCEQ Regional Office at (254) 751-0335 or call the toll free 24-hour hot line at 1-888-777-3186. Citizens may also register complaints on-line at <http://www.tceq.state.tx.us/compliance/complaints/index.html>. If the regional investigator documents a violation of TCEQ regulations or the permit, then appropriate action may include referral for an enforcement action, fines, and penalties. In addition, the draft permit does not limit the ability to seek legal remedies regarding any potential nuisance or other causes of action in response to activities that may result in injury to human health or property or that interfere with the normal use and enjoyment of property.

COMMENT 3:

Don Strieber commented that problems with flies affect nearby residents and property owners.

RESPONSE 3:

An applicant is not required to eliminate all vectors from a beneficial use site due to the

pervasive presence of flies and other vectors in agriculture operations and on land in general. However, an applicant is required to treat sludge intended for beneficial land use in order to reduce odors, thereby limiting its attraction for vectors, such as flies and mosquitoes. This action limits the potential for transmitting diseases.

Title 30 of the TAC, Section 312.83, outlines required methods for vector attraction reduction: a reduction of the volatile solids by 38%, Specific Oxygen Uptake Rate (SOUR) Test, injection of the sludge into the soil, incorporation of the sludge into the soil, etc. The permit application states that the Applicant will be treating sludge (by incorporating it into the soil within six hours after application) from each of the wastewater treatment plants that may provide it for land application at this specific site. Additionally, if the site does attract vectors, it is considered a nuisance condition, which the permit and rules specifically prohibit. Should such a problem occur, the site operator must take appropriate steps to correct it within a short time.

COMMENT 4:

Elizabeth Haley and Debra Sloane commented that the land application site has affected their businesses and they wanted to discuss options to renewal of the permit. Don Strieber commented that the site has affected his residence, land, and waterways, and he requested that the Applicant relocate the site to a more appropriate location.

RESPONSE 4:

TCEQ does not address these issues in the permitting process for land application sites. The Texas Legislature has authorized TCEQ to protect the quality of surface and groundwater in the state. Section 26.027 of the Texas Water Code authorizes the TCEQ to issue permits to control the

discharge of wastes or pollutants into or adjacent to water in the state. The permitting process protects the water quality of the state's rivers, lakes and coastal waters. TCEQ rules do not allow the ED to determine or mandate a different facility location or alternative means of conveyance and disposal if the proposed facility complies with the applicable rules and statutes. Title 30 of the TAC, Section 312.44(j), states that an Applicant must select a land application site and operate it in a manner to prevent public health nuisances.

However, the 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:

Don Streiber asked if TCEQ has approved the pending permit at the airport site and issued it to the Applicant.

RESPONSE 5:

The proposed permit at the airport site is currently pending and TCEQ has not issued it; however, it is for a renewal of an existing permit. The ED has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The ED has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, technical summary and ED's preliminary decision, and draft permit are available for viewing and copying at Gatesville

City Hall, 110 North 8th Street, Gatesville, Texas.

The TCEQ's Office of the Chief Clerk will mail this Response to everyone who submitted public comments and to those persons who are on the mailing list for this application. The mailing will also provide instructions for requesting a contested case hearing or reconsideration of the ED's decision. The ED may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If this occurs, the ED will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

COMMENT 6:

Don Streiber wanted a copy of the Applicant's previously proposed permit for beneficial land use, but did not know the permit number. He also wanted to know if the Applicant had authority to use the landfill site for sludge disposal.

RESPONSE 6:

You may obtain information regarding the application for the proposed permit, WQ0004851000, at TCEQ's Central Records office in Austin at (512) 239-2900, or you may contact the TCEQ Office of Public Assistance at their toll-free number, 1-800-687-4040. According to TCEQ staff, this is not an issued permit. In addition, the application is for land application and not sludge disposal. Therefore, the Applicant is not authorized to use the landfill site for this purpose.

No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark R. Vickery, P.G.
Executive Director

Robert Martinez, Director
Environmental Law Division

Celia Castro

Celia Castro, Staff Attorney
Environmental Law Division
Texas State Bar No. 03997350
P.O. Box 13087, MC-173
Austin, Texas 78711-3087
(512) 239-5692
(512) 239-0606 (Fax)
REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

TEXAS
COMMISSION
ON
ENVIRONMENTAL
QUALITY
2009 MAR 13 PM 12:09
CHIEF CLERKS OFFICE

CERTIFICATE OF SERVICE

I certify that on March 13, 2009, the "Executive Director's Response to Public Comment" for Permit No. WQ0004464000 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.

Celia Castro

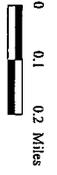
Celia Castro
Staff Attorney
Environmental Law Division

Executive Director's
Attachment E

City of Gatesville
WQ0004464000
Map Requested by TCEQ Office of Legal Services
for Commissioners Agenda



Texas Commission on Environmental Quality
 GIS Team (Mail Code 197)
 P.O. Box 13087
 Austin, Texas 78711-3087
 May 13, 2009

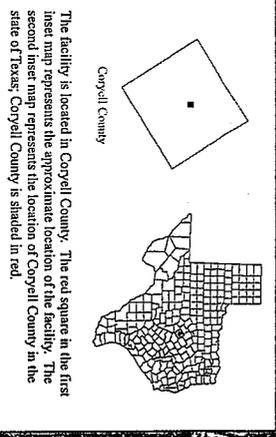
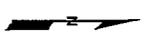


Projection: Texas Statewide Mapping System
 (TSMSS)
 Scale 1:21,470

- Legend**
- Sludge Application Area
 - Requestor

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information and the requester information from the applicant. The counties are U.S. Census Bureau 1992 TIGER/Line Data (1:100,000). The background of this map is a source photograph from the 2004 U.S. Department of Agriculture Imagery Program. The imagery is one-meter Color-Infrared (CIR). The image classification number is k099_1-1.

This map depicts the following:
 (1) The approximate location of the proposed sludge application area. This is labeled "Sludge Application Area".
 (2) Circle and arrow depicting 1-mile radius from the center of the application area. This is labeled "1-Mile Radius".
 (3) Polygon and arrow depicting 1/4-mile radius from the border of the application area. This is labeled "1/4-Mile Radius".



The facility is located in Coryell County. The red square in the first inset map represents the approximate location of the facility. The second inset map represents the location of Coryell County in the state of Texas; Coryell County is shaded in red.

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 Resources Division at (512) 239-0800.

Executive Director's
Attachment F



APPLICATION AREA

1/4 MILE OFFSET

04464

CITY OF GATESVILLE - AIRPORT SITE
AFFECTED LAND OWNERS LIST

OWNER	MAILING ADDRESS	CITY	STATE	ZIP	#
1 BOBBY E BERRY	335 STATE SCHOOL ROAD	GATESVILLE	TEXAS	76528	103047
2 LUTHER WELDON CHITWOOD	900 CHITWOOD ROAD	GATESVILLE	TEXAS	76528	109122
3 JAYDIE DIXON	P O BOX 67	GATESVILLE	TEXAS	76528	
4 BEASLEY PARTNERSHIP LTD	2625 US HIGHWAY 84	GATESVILLE	TEXAS	76528	109131
5 LEROY AND ILENE HAIRSTON	2015 WEST HIGHWAY 84	GATESVILLE	TEXAS	76528	109142
6 A J GORDAN	136 FM 116	GATESVILLE	TEXAS	76528	109135
7 JAY GIDDENS	204 FM 116	GATESVILLE	TEXAS	76528	109133
8 MEDICAL PLASTICS LABORATORY INC	P O BOX 38	GATESVILLE	TEXAS	76528	111174
9 CHARLES H WILLIAMS	132 AIRPORT ROAD	GATESVILLE	TEXAS	76528	111183
10 GARNET GRANT	301 CEADER RIDGE ROAD	GATESVILLE	TEXAS	76528	111184
11 SFW CO INC	P O BOX 771	GATESVILLE	TEXAS	76528	111179
12 AMERICAN MEDICAL WASTE	P O BOX 1050	COPPERAS COVE	TEXAS	76522	111178
13 FRED CAMPBELL	P O BOX 1098	GATESVILLE	TEXAS	76528	111177
14 HARLEY WHALEY C/O DORIS WHALEY	1008 SOUTH LOVERS LANE	GATESVILLE	TEXAS	76528	111181
15 TIMOTHY LOWRY	111 AIRPORT ROAD	GATESVILLE	TEXAS	76528	103050
16 BETTY JEAN DAVIS	105 AIRPORT ROAD	GATESVILLE	TEXAS	76525	103052
17 GARY STAYTON	103 AIRPORT ROAD	GATESVILLE	TEXAS	76528	103053
18 DUBAY ENTERPRISES	1531 PITKIN ROAD	LEESVILLE	LOUISIANA	71446	103045
19 DAVID DILLEY	502 FM 116	GATESVILLE	TEXAS	76528	103040
20 RICKY SNODDY	250 THE GROVE ROAD	GATESVILLE	TEXAS	76528	103011
21 DONNA TAYLOR	514 FM 116	GATESVILLE	TEXAS	76528	103067
22 LARRY KRUEGER	520 FM 116	GATESVILLE	TEXAS	76528	103049
23 PHIL BONE	822 FM 116	GATESVILLE	TEXAS	76528	103066
24 TOMMY SHELTON	704 FM 116	GATESVILLE	TEXAS	76528	103068

RECEIVED
JAN 28 2008
Water Quality
Applications Team

Executive Director's
Attachment G

Coryell CAD

Property Search Results > 133715 STRIEBER DONALD R ETUX for Year 2009

Property

Account

Property ID: 133715 Legal Description: 1062 A WOOD - 1.022 AC
 Geographic ID: 063111000 Agent Code:
 Type: Real

Location

Address: 840 CHITWOOD DR Mapsco:
 TX
 Neighborhood: REG 2GATESVILLE & OUTLYING AREA Map ID: NULL
 Neighborhood CD: 0600

Owner

Name: STRIEBER DONALD R ETUX Owner ID: 147759
 Mailing Address: 840 CHITWOOD RD % Ownership: 100.0000000000%
 GATESVILLE , TX 76528-1065
 Exemptions: HS, OV65

Values

(+) Improvement Homesite Value:	+	N/A
(+) Improvement Non-Homesite Value:	+	N/A
(+) Land Homesite Value:	+	N/A
(+) Land Non-Homesite Value:	+	N/A Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A N/A
(+) Timber Market Valuation:	+	N/A N/A
<hr/>		
(=) Market Value:	=	N/A
(-) Ag or Timber Use Value Reduction:	-	N/A
<hr/>		
(=) Appraised Value:	=	N/A
(-) HS Cap:	-	N/A
<hr/>		
(=) Assessed Value:	=	N/A

Taxing Jurisdiction

Owner: STRIEBER DONALD R ETUX
 % Ownership: 100.0000000000%
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
		N/A	N/A	N/A	N/A
		N/A	N/A	N/A	N/A
050	Coryell County	N/A	N/A	N/A	N/A
GV	Gatesville ISD	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
				Taxes w/Current Exemptions:	N/A
				Taxes w/o Exemptions:	N/A

*Not all taxes covered by Tax Ceiling when Homesite and Non-Homesite values exist.

Improvement / Building

Improvement #1:	Misc imp	State Code:	E2	Living Area:	sqft	Value:	N/A
	Type	Description	Class CD	Exterior Wall		Year Built	SQFT
	MBS4	MTL BLDG SLAB 4	*			2005	2800.0
	MBD2	MTL BLDG DIRT 2	*			2006	1250.0

Improvement #2:	RESIDENTIAL	State Code:	E1	Living Area:	3278.0 sqft	Value:	N/A
	Type	Description	Class CD	Exterior Wall		Year Built	SQFT
	MA	MAIN AREA	RF7			2007	1982.0
	OP	OPEN PORCH	*			2007	144.0
	OP	OPEN PORCH	*			2007	90.0
	AFG	ATT FINISHED GARAGE	*			2007	528.0
	STR2	STORY TWO	*			2007	880.0
	STR2	STORY TWO	*			2007	416.0

Improvement #3:	RESIDENTIAL	State Code:	E1	Living Area:	sqft	Value:	N/A
	Type	Description	Class CD	Exterior Wall		Year Built	SQFT
	SV	SITE VALUE	SV			2008	1.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	NG	NATIVE GRASS	89.7180	3908116.08	0.00	0.00	N/A	N/A
2	RES	RESIDENTIAL	1.0000	43560.00	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2009	N/A	N/A	N/A	N/A	N/A	N/A
2008	\$250,410	\$278,890	6,730	260,210	\$0	\$260,210
2007	\$22,500	\$163,290	6,800	29,300	\$0	\$29,300
2006	\$21,000	\$163,290	6,800	27,800	\$0	\$27,800
2005	\$0	\$165,130	6,880	6,880	\$0	\$6,880
2004	\$0	\$109,770	6,800	6,800	\$0	\$6,800
2003	\$0	\$99,790	6,800	6,800	\$0	\$6,800
2002	\$0	\$72,570	6,800	6,800	\$0	\$6,800
2001	\$0	\$72,570	6,530	6,530	\$0	\$6,530

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page
1	2/5/2002 12:00:00 AM	OT	Other	DIXON JACKIE A Jf	STRIEBER DONALI		
2	11/16/2001 12:00:00 AM	OT	Other	DIXON JAYDIE & Jf	DIXON JACKIE A Jf		
3	5/24/2001 12:00:00 AM	OT	Other	BROWN JOHN DAY	DIXON JAYDIE & Jf		

Questions Please Call (254) 865-6593

This year is not certified and ALL values will be represented with "N/A".

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