

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 2, 2009

TO: Persons on the attached mailing list.

RE: Randy Earl Wyly/ Randy Wyly Dairy # 2
TPDES Permit No. WQ0003190000

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** Unless a timely request for contested case hearing or reconsideration is received (see below), the TCEQ executive director will act on the application and issue the permit.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Stephenville Public Library, 174 North Columbia, Stephenville, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

How To Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and
 - (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** 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. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

How To Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at <http://www.tceq.state.tx.us/about/comments.html> or by mail to the following address:

LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040.

Sincerely,



LaDonna Castañuela
Chief Clerk

LDC/ms

Enclosures

MAILING LIST
for
Randy Earl Wyly/ Randy Wyly Dairy # 2
TPDES Permit No. WQ0003190000

FOR THE APPLICANT:

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Randy Wyly Dairy No. 2
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Norman Mullin, P.E.
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PROTESTANTS/INTERESTED PERSONS:

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FOR THE CHIEF CLERK
via electronic mail:

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

Application by §
Randy Earl Wyly/ Wyly #2 Dairy §
 for **TPDES Permit No. WQ0003190000** §
 §

Before the 2009 JUN 30 AM 9:47
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY CHIEF CLERKS OFFICE

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the application by Randy Earl Wyly / Wyly #2 Dairy (Applicant) for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0003190000 and on the ED's preliminary decision on the application. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the ED prepares a response to all timely, relevant and material, or significant, comments. The Office of Chief Clerk timely received comment letters from the City of Waco (Waco). This Response addresses all comments received, whether or not withdrawn. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

BACKGROUND

Description of Facility

The Applicant has applied to TCEQ for a major amendment to his Concentrated Animal Feeding Operation (CAFO) permit to authorize the applicant to expand an existing Dairy facility from 950 head to a maximum capacity of 2,950 head, of which 1,800 head are milking cows.

The dairy has two retention control structures (RCSs) and five Land Management Units (LMUs): LMU#1- 39 acres, LMU#2- 42 acres, LMU#3- 40 acres, LMU#4W- 14 acres, and LMU#4E- 24 acres. The dairy is located on the east side of County Road 209, approximately 4 miles south of the intersection of US Highway 67 and County Road 209, approximately 7 miles southeast of the intersection of US Highway 67 and US Highway 281 in Erath County, Texas. The dairy is located in the drainage area of the North Bosque River in Segment No. 1226 of the Brazos River Basin.

Procedural Background

The application was received on November 27, 2006 and declared administratively complete on January 15, 2008. The Notice of Receipt of Application and Intent to Obtain a Water Quality Permit was published in the *Stephenville Empire Tribune* on January 21, 2008. The ED completed the technical review of the application and prepared a draft permit. The Notice of Application and Preliminary Decision for a Water Quality Permit was published in the *Stephenville Empire Tribune*

on November 28, 2008 and the public comment period ended on December 29, 2008. This application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

COMMENTS and RESPONSES

COMMENT 1:

Waco comments that the draft permit would allow the dairy to store excess wastewater in its RCSs for up to one year. Waco comments that if this is the case then the storage volumes of the RCSs need to be based on 365 days rather than 30 days.

RESPONSE 1:

Section X.A.4 of the draft permit addresses a temporary condition that is discussed in the executive summary of the NMP. It states that during the first year while the LMUs are being established with permanent grass, all of the effluent can not be used on the LMUs. It is expected that once permanent grass is established, all of the available effluent will be used on the LMUs. Therefore, during the interim the Applicant is required to develop a contingency plan for the storage or export of excess effluent. The plan could include additional storage, but the permit did not require it because this is a temporary condition.

COMMENT 2:

Waco is concerned that draft permit does not require a stage/storage table to calculate the effect of evaporation on the monthly water balance. Waco requests that Section VII.A.5(a)(2)(iv) should be revised as follows: "a stage/storage table for each RCS with minimum depth increments of one foot, including the storage volume and surface area provided at each depth."

RESPONSE 2:

The surface area of a RCS is a factor used in designing the required capacity; the expected evaporation surface area used in the water balance was taken as a percentage of the total top of the berm surface area. Surface area will also be a factor in calculating the volume at each depth increment in the stage/storage table for the RCS management plan. For operational purposes, it is the volume measurement at each depth increment that needs to be known, not the surface area.

COMMENT 3:

Waco comments that the draft permit does not require an RCS Management Plan until after the RCSs are modified. Waco comments that this does not allow for meaningful staff or public review before the plan is implemented. At minimum, Waco recommends revising the draft permit to require the RCS Management Plan to be submitted to TCEQ permitting staff when completed for review and approval.

RESPONSE 3:

The CAFO rules at 30 TAC § 321.42(g) and the draft permit require that the Applicant implement an RCS management plan and maintain a copy in the pollution prevention plan (PPP). TCEQ rules do not require review of RCS management plans by permitting staff prior to or after the permit is issued. This requirement is being implemented through issuance of the permit. *See* 30 TAC § 321.42(a). Until the actual expansion and modification of the RCS system is completed and volumes certified, which takes place after the permit is issued, the RCS management plan cannot be completed and implemented.

The purpose of the RCS management plan is to assist the operator with proper management of the RCS system, and to provide information for the regional staff to determine if the system is being operated in compliance with the permit and the design of the RCS. Submittal of the RCS management plan is not necessary to achieve these purposes.

COMMENT 4:

Waco comments that the draft permit does not properly regulate slurry from freestall barns. Waco notes that the Applicant has not included storage capacity in its RCS for slurry. Therefore, Waco recommends changing Section X.G.3. of the draft permit to specifically prohibit slurry storage at the facility.

RESPONSE 4:

30 TAC, Chapter 321 does not specify a specific method of slurry storage, thus Section X.G.3 of the draft permit requires that slurry removed from freestall barns be stored within the drainage area of the RCSs. Additionally, this provision requires that the slurry storage area be large enough to prevent overflow in the settling basin or RCSs. Should any inflow of slurry occur, the Applicant is required to record the overflow in the PPP as well as notify the TCEQ Region 4 Office within thirty days. The Applicant identified a manure storage area on the Runoff Control Map. This area may be used in the process of handling and storing slurry. Therefore, the ED declines to change Section X.G.3.

COMMENT 5:

Waco comments the Applicant calculated the sludge accumulation volume from open lot runoff based on 25% of the runoff from the 25-year, 10-day rainfall event and that there is no technical or historical data to justify this value.

RESPONSE 5:

Sludge accumulation volume requirements for sludge accumulation from runoff have been estimated as 25% of the 25-year, 24-hour runoff volume from open lot areas. The draft permit uses the

calculated 10-year sludge volume as a 5-year design volume. It also uses the 25-year, 10-day storm event, which further increases the design volume of the RCS. The method used by the Applicant is one of a limited number of methodologies and is considered acceptable for use in Texas.

COMMENT 6:

Waco comments that settling basins meet the definition of RCSs. Waco notes that Section VII.A.3 (a) of the draft permit appears to be inconsistent with TCEQ rules concerning capacity certifications for settling basins. Waco suggests revising the draft permit to make clear that certified design specifications and completed construction specifications must be submitted for each settling basin it proposes in the permit application prior to issuance of the draft permit.

RESPONSE 6:

The permit requires that documentation describing the sources of information, assumptions, and calculations used in determining the appropriate volume capacity and structural features of each RCS must be included in the PPP.

The ED agrees that settling basins are defined as RCSs. Settling basins are an optional treatment practice to reduce sludge accumulation in the RCS designed to store wastewater. However, settling basins are not used to store wastewater, so their capacity may not be used to meet the minimum required volume on page 1 of the draft permit. Therefore, the capacity of the settling basin is not relevant for purposes of sizing the RCS so that it meets the 25-year, 10-day design volume.

COMMENT 7:

Waco comments that there is no evidence in the permit application that the settling basin will meet the removal efficiency assumption of 50% of the solids. Waco comments that the Applicant cites the Midwest Plan Services Structures and Environment Handbook in justifying the removal rate, but notes that the pond identified as the settling basin was built as a storage lagoon. Therefore, the Applicant has no justified use of a 50% solid removal rate. Additionally, Waco expressed concern that the Applicant is claiming a 50% removal of solids from open lot runoff, although the site map shows that much of the runoff bypasses the settling basin.

RESPONSE 7:

The Midwest Plan Service Structures and Environmental Handbook, which the Applicant used to derive the settling basin removal rate, states that: "Settling basins remove 50%-85% of the solids..." The application is based on 50% removal rate applied to the process generated wastewater, which falls within the acceptable range in the reference material. The draft permit requires that documentation describing the sources of information, assumptions, and calculations used in determining the appropriate volume capacity and structural features of each RCS must be included in the PPP.

Although Table 2.2 identifies a 50% settling basin efficiency for sludge from open lots, a review of the calculations reveals that the total sludge accumulation from open lots is not reduced by any settling basin efficiency.

COMMENT 8:

Waco comments that given the importance of removing solids to maintain the removal efficiency of the settling basins, it recommends including a provision in the draft permit that states: “Solids from the settling basin shall be removed after every rainfall event in excess of one inch and at a minimum of four times per year.”

RESPONSE 8:

The ED declines to make this change. Settling basins are used to reduce the sludge accumulation in RCSs. The RCS is designed for five years of sludge accumulation. If the settling basins do not achieve the removal efficiencies proposed in the design calculations, sludge will accumulate in the RCS at a faster rate than expected. The permit addresses this issue by requiring monitoring of the sludge accumulation in the RCS as needed, but at least annually beginning in year three of the permit. Taking volume measurements starting in year three will help reevaluate the accumulation rates prior to reaching the five-year design volume. The permit also requires the Applicant to maintain the sludge volume at or below the designed sludge volume.

COMMENT 9:

Waco notes a typographical error in Section X.H.1. of the draft permit that states: “...for the purpose of this permit, settling basin solids manure,...” Waco comments that if that phrase means to define settling basin solids as manure that would be inconsistent with the definition of sludge in 30 TAC § 321.32(49). Waco notes that settling basin solids are clearly materials resulting from sedimentation of waste in an RCS. Therefore, Section X.H.1. of the draft permit should be revised to define settling basin solids as sludge.

RESPONSE 9:

The ED agrees that there is a typographical error in Section X.H.1 and revised this section to read: “For the purpose of this permit, settling basin solids shall be defined as manure.” Settling basin solids are not “sludge” since there is no sludge volume allocation. Therefore, settling basin solids are defined as “manure.” If settling basin solids are land applied, an annual sample must be collected and analyzed in accordance with Section VII.A.9(a) of the permit, in addition to other manure and wastewater.

COMMENT 10:

Waco comments that the draft permit should require an annual determination of sludge accumulations in RCSs.

RESPONSE 10:

30 TAC § 321.39(c) and Section VII.A.5(a)(7) of the draft permit prohibits the Applicant from allowing sludge accumulation to exceed the design volume. This is achieved by removing the sludge according to the design schedule. The design criterion for this dairy is five years of accumulation. The RCS management plan will establish accumulation rates in the RCS, which will identify the current sludge volume in the RCS. Taking volume measurements starting in year three will help reevaluate the accumulation rates prior to reaching the five-year design volume.

By starting measurements in year three, the operator will have time to complete construction of RCS #2; and to develop and implement an RCS management plan to appropriately manage the sludge volume in the ponds. Furthermore, taking daily pond marker readings should assist in determining excessive sludge accumulation in any RCS.

COMMENT 11:

Waco comments that Section VII.A.3(a)(2) should be amended to make it clear that all capacity certifications require certification of both total as-built capacity and the remaining capacity as a result of sludge accumulation by inserting the following sentence: "Capacity certifications shall include both the total as-built RCS capacity and the remaining RCS capacity due to sludge accumulation."

RESPONSE 11:

Capacity certifications reflect the total as-built capacity. This maximum volume does not change, unless modifications are made to the RCS. Sludge accumulations, on the other hand, fluctuate, just as the wastewater levels fluctuate. Sludge accumulations are required to be monitored and recorded in the PPP, as necessary, but at minimum, beginning in year three of the permit and then annually thereafter.

COMMENT 12:

Waco comments that the Applicant did not submit a current capacity certification for RCS #1. Waco notes that the existing capacity was calculated in 1990 and that the Applicant is not planning any changes to the size of this RCS. Waco suggests a new capacity certification by a professional engineer be required prior to issuance of the permit.

Additionally, Waco notes that the liner certification for RCS #1 is based on an inadequate number and distribution of samples. Waco states that proper certification should be performed before the permit is issued.

RESPONSE 12:

The draft permit requires that the capacity of RCS #1 be 15.5 acre-feet. The capacity certification is documentation that the pond meets the permit with respect to the required volume. Capacity certifications represent as-built capacity. This maximum volume does not change, unless modifications are made to the RCS.

The liner certification for RCS #1 submitted with the permit application meets the requirements of the CAFO rules in effect at the time the RCS was certified. Recertification of the liner is not required, unless structural or mechanical damage occurs.

COMMENT 13:

Waco comments that in previous Bosque CAFO permits, TCEQ has required a minimum of one floor sample per acre of surface area and a minimum of one sidewall sample per each two acres of surface area in order to certify the hydraulic conductivity of the liner. Waco believes this should be the minimum standard in this permit as well.

RESPONSE 13:

The requirement in the draft permit exceeds the requirement of the existing permit and of the rules. Section VII.A.3.(g)(3)(ii) of the draft permit requires the following:

- For each RCS, a minimum of one undisturbed sample shall be collected per plan surface acre at the spillway elevation. For the purpose of determining the number of samples to collect, surface acres shall be rounded up to the next whole acre. Distribution of the samples shall be representative of liner characteristics, and proportional to the surface area of the sidewalls and floor. Documentation shall be provided identifying the sample locations with respect to the RCS liner.

This requirement is considered to provide certifications that will adequately document the permeability of the RCS liners. Therefore, the ED declines to make the change.

COMMENT 14:

Waco recommends that in addition to the compaction testing requirements in Section VII.A.3(f)(4) of the draft permit the following should also be included: 1) requiring the field density tests be based on predetermined moisture density compaction curves, 2) defining the frequency of testing, 3) requiring compaction testing on each lift during construction of the liner, 4) requiring documentation of compaction test locations and results provided to TCEQ, and 5) requiring continuous on-site inspection during construction. Additionally, the Applicant should provide TCEQ the opportunity to review the compaction testing results.

RESPONSE 14:

Section VII.A.3(b) of the draft permit requires that the RCS be designed and constructed in accordance with the technical standards developed by NRCS, ASABE, ASCE, or ASTM. Additionally the permit identifies specific RCS design, construction, and testing criteria in Section VII.A.3(f) and (g). The construction and testing requirements for embankment lifts are in Section VII.A.3(f)(2) and are as follows:

Embankment Lifts. The embankment shall be constructed in lifts or layers no more than eight (8) inches compressed to six (6) inches thick at a minimum compaction effort of 95 percent (%) Standard Proctor Density (ASTM D698) at -1% to +3% of optimum moisture content.

The compaction testing requirements are in Section VII.A.3(f)(4) and are as follows:

Compaction Testing. Embankment construction must be accompanied by certified compaction tests including in place density and moisture in accordance with ASTM D 1556, D 2167 or D 2937 for density and D 2216, D 4643, D 4944 or D 4959 for moisture, or D 6938 for moisture and density. Compaction tests will provide support for the liner certification performed by a licensed Texas professional engineer as meeting a permeability no greater than 1×10^{-7} centimeters per second (cm/sec) over a thickness of 18 inches or its equivalency in other materials.

More specific liner requirements are included in Section VII.A.3(g) of the permit. The liner must be designed by a licensed Texas professional engineer and documented to have hydraulic conductivities no greater than 1×10^{-7} cm/sec in accordance with ASTM D 5084, or other method approved by the ED, with a thickness of 18 inches or greater or its equivalency in other materials, and not to exceed a specific discharge through the liner of 1.1×10^{-6} cm/sec with a water level at spillway depth. These testing requirements should be adequate for protection of water quality.

COMMENT 15:

Waco comments that 30 TAC § 321.38(e)(3) requires each RCS to be constructed in accordance with the standards in effect at the time of construction. Waco notes that Section VII.A.3(f)(4) refers to ASTM standard D6938-07, which is not longer in effect. Waco states this provision should be change to state simply “D6938” and the following sentence be added: “The ASTM standards shall be those that are in effect at the time of construction.”

RESPONSE 15:

In response to the comment, referenced ASTM standard D6938-07 in Section VII.A.3(f)(4) of the draft permit was changed to D6938. However, the requested language change was not made to this section because it is already stated in Section VII.A.3(b) of the permit as follows:

- (b) Design and Construction Standards. The permittee shall ensure that each RCS is designed and constructed in accordance with the technical standards developed by the NRCS, American Society of Agricultural and Biological Engineers, American Society of Civil Engineers, or American Society of Testing Materials that are in effect at the time of construction. Where site-specific variations are warranted, a licensed Texas Professional Engineer must document these variations and their appropriateness to the design.

COMMENT 16:

Waco comments that 30 TAC § 321.38(g)(1) requires that the permit include that standards for quality of soils used in construction of the RCS. Waco suggests the draft permit be revised to describe minimum values for the following quality of soil standards: plasticity index, liquid limit, percent passing 200 mesh sieve, and percent passing one inch screen.

RESPONSE 16:

Section VIIA.3(b) of the draft permit specifies design and construction standards for RCSs. Section VIIA.3(f) and (g) specifies additional design and construction standards relative to liners. Analysis of plasticity index, liquid limits, and percent passing a 200 mesh sieve will assist the construction contractor and design engineer in determining if the soil proposed for use as a liner can achieve the compaction, permeability, and specific discharge requirements of the permit. The liner design and construction requirements in the draft permit should ensure that there is adequate protection of groundwater and also meet the requirements of 30 TAC § 321.38(g).

COMMENT 17:

Waco comments that Section VII.A.3(g)(3) skips to Section VII.A.3(g)(5). Waco notes that this is either a numbering error or that there is a provision missing.

RESPONSE 17:

The provision was incorrectly numbered and Section VII.A.3(g)(5) was changed to VII.A.3(g)(4).

COMMENT 18:

Waco comments that the draft permit should include a specific list of circumstances that would qualify for granting extensions to the RCS compliance schedule.

RESPONSE 18:

The conditions that may delay construction of a RCS are numerous and highly variable. The extension request must provide an explanation of the conditions that prevented construction during the specified timeframe. The ED will evaluate the specific reasons to determine if an extension should be granted.

COMMENT 19:

Waco comments that the permit application does not provide an adequate description of the structural controls for the berms and ditches.

RESPONSE 19:

Attachment A of the permit clearly identifies the control features directing run-off. This map shows a thick dashed line identified as the diversion berm/ditch.

The permit only authorizes discharges from a properly designed, constructed, operated, and maintained RCS in the event that chronic or catastrophic rainfall events or catastrophic conditions cause an overflow. Discharges are not authorized under any circumstances from diversion structures.

The permit requires the Applicant to conduct weekly inspections on all control facilities, including the RCS, storm water diversion devices, runoff diversion structures, control devices for management of potential pollutant sources, and devices channeling contaminated storm water to the RCS; and to annually conduct a complete site inspection of the production area. Additionally, the permit requires the Applicant to have a licensed Texas professional engineer complete a site evaluation of the structural controls every five years.

COMMENT 20:

Waco comments that the Applicant did not provide an accurate site map. Waco comments that the current map indicates runoff from the pen area will enter RCS #2 (based on drainage arrows), but the map also shows a line identified as a “berm” that appears to block flow into RCS #2.

RESPONSE 20:

The Attachment A site map has since been revised so that the word “berm” upslope of RCS #2 was removed.

COMMENT 21:

Waco comments that the Applicant has failed to demonstrate the adequacy of its dewatering capability and that the Applicant should be required to provide additional information on the design of its system. Waco also asks the ED to verify the dewatering capabilities of the equipment listed in the application.

RESPONSE 21:

TCEQ rules do not require ED review or approval of the equipment an applicant will use to dewater the RCS. The draft permit requires that the Applicant ensure that the irrigation system design is capable of removing wastewater from the RCS on a regular schedule. Equipment capable of

dewatering the RCS must be available and operational whenever needed to restore the operating capacity required by the RCS management plan. This gives the Applicant flexibility on the type of equipment to be used at the time of dewatering.

COMMENT 22:

Waco comments that the draft permit does not require the annual facility inspection report or five year evaluation to be sent to TCEQ as required by 30 TAC §§ 321.46(c)(2) and (e)(2). Waco states that submission to TCEQ should be required by the draft permit and not just be kept in the PPP.

RESPONSE 22:

The rules cited by Waco do not require these records be submitted to TCEQ. However, 30 TAC § 321.46(d) requires that these records be maintained on site for a minimum of five years from the date the record was created and submitted to the Commission within five days upon written request by the ED. These records should be maintained in the PPP where they are subject to review during site inspections conducted by TCEQ field staff. Failure to conduct an annual site inspection or the five year evaluation; and to document the findings of both in the PPP or failure to correct the deficiencies identified would be a violation of the permit and rules subjecting the Applicant to potential enforcement action by the Commission.

COMMENT 23:

Waco comments that the draft permit should be amended to require that an engineer certify to the adequacy of structural controls in the five year evaluation. Additionally, Waco comments that the Applicant should be required to provide a current certification of structural controls before the draft permit is issued.

RESPONSE 23:

The draft permit will require a licensed Texas professional engineer to review the existing engineering documentation, complete a site evaluation of the structural controls, review existing liner and RCS capacity documentation, and complete and certify a report of their findings. The site evaluation would be a comparison of what is required by the engineering documentation and the actual structural controls, as constructed, operated, and maintained. Should the engineer determine that the structural controls are inadequate with respect to the design requirements in the engineering documentation, those findings would be included in the certified report. Licensed Texas professional engineers are subject to standards of performance as established by the Texas Board of Professional Engineers.

The Applicant is currently required to have a site evaluation conducted every five years. However, neither the rules nor the draft permit require the five year evaluation to be submitted to TCEQ. Instead, the permit requires these records to be maintained onsite and provided to TCEQ personnel upon request.

The permit requires the Applicant to conduct weekly inspections on all control facilities, including the RCS, storm water diversion devices, runoff diversion structures, control devices for management of potential pollutant sources, and devices channeling contaminated storm water to the RCS; and to annually conduct a complete site inspection of the production area. Additionally, the permit requires the Applicant to have a licensed Texas professional engineer complete a site evaluation of the structural controls every five years.

The permit only authorizes discharges from a properly designed, constructed, operated, and maintained RCS in the event of chronic or catastrophic rainfall events, or catastrophic conditions that cause an overflow. Discharges are not authorized under any circumstances from diversion structures.

COMMENT 24:

Waco comments that the draft permit fails to require adequate sampling of wastewater and solids, with respect to sample collection and frequency. Waco also requests a requirement similar to Section X.M. that would require analysis of sludge prior to haul-off.

RESPONSE 24:

The permit provisions for sampling manure and effluent are consistent with 30 TAC § 321.36(e) and with the requirements of NRCS Practice Standard Code 590. The draft permit requires collecting representative samples annually for manure and wastewater. The results of the analyses must be used in determining application rates. Because they are used in determining application rates, the sample collection should be representative of the material, as applied. If manure and wastewater samples are not representative of the materials, as applied, the following year's soil analyses results may be higher than expected. This in turn would result in a reduced application rate.

COMMENT 25:

Waco comments that the draft permit fails to account for proper management of phosphorus production. Waco comments that 2,950 cows will produce 795 lb/day P_2O_5 which is equivalent to 290,175 lb/yr P_2O_5 and only 4,578 lb/yr of P_2O_5 will be applied to LMUs as indicated in the NMP. Waco states that leaves 285,597 lb/yr P_2O_5 to be managed and potentially applied to third party fields in the watershed.

RESPONSE 25:

The permit application identifies how much phosphorus is generated and the methods used to utilize or dispose of it. It is projected that 2,950 cows will generate 795 lbs. of P_2O_5 per day. The calculation is based on a book value for phosphorus production by dairy cows developed by the American Society of Agricultural and Biological Engineers. It is part of a set of data intended for use in designing facilities to accommodate actual waste production. As long as the phosphorus being land applied or hauled-out is accounted for as required under TCEQ rules, an accounting to reflect what remains in the CAFO production area is not necessary.

The NRCS 590 Standard does not require that all LMUs be limited to the phosphorus removal rate of application. If the soil test levels for phosphorus are below 200 ppm, the crop nitrogen recommendation or some multiple of the crop phosphorus recommendation is the allowable rate, depending on the phosphorus risk index. Only when the soil test levels exceed 200 ppm on permitted LMUs, or 50 ppm on third party fields, is the crop phosphorus removal rate of application a requirement.

COMMENT 26:

Waco notes that the draft permit allows up to 100 percent of the manure to be land applied within the watershed. Waco comments that this would not be consistent with the 50% reduction goal of the North Bosque TMDL. Waco asks how the water quality standards and maximum phosphorus loadings are going to be achieved without requiring each dairy to remove 50% of the solid manure.

RESPONSE 26:

The North Bosque TMDL has a goal of a 50% reduction in instream loading. The TMDL and TMDL I-Plan address growth of CAFOs through BMPs designed to decrease instream loading. Neither the TCEQ rules nor the TMDL I-Plan requires a 50% haul-out of collectible manure.

COMMENT 27:

Waco comments that multiple NMP's have been submitted and that the draft permit should state the date of the NMP that will go into effect when the permit is issued.

RESPONSE 27:

In response to comment, the date of the most recent NMP was added to Section V. of the Fact Sheet.

COMMENT 28:

Waco comments that Texas NRCS Code 590 requires sampling to be conducted in accordance with Texas A&M University guidance. The course and guidance limit the size of LMUs to 40 acres or less. LMU #2 is larger than 40 acres. Waco recommends subdividing the 42 acres of LMU #2 to meet the NRCS Code 590 standard and requiring submission of a revised LMU map and NMP.

RESPONSE 28:

The CAFO rules in 30 TAC Chapter 321 do not require that the soil sampling area define the size of an LMU. Also, the CAFO rules do not specify or limit the size of a LMU. Management considerations are important when determining LMU size.

COMMENT 29:

Waco comments that the Applicant has not submitted data to justify that the predicted crop yields are reasonable. Waco also comments that the draft permit should be amended to require reports of the actual annual yields of harvested crops be submitted to demonstrate that the Applicant is using reasonable crop yields. Waco also comments that the Applicant should be required to submit to TCEQ the actual annual yields of harvested crops on third party fields. Waco requests revising Section VIII.B.7. to include a requirement that records of crops and crop yields be submitted to TCEQ in the annual report. Waco also requests revising Section VII.A.8(e)(5)(iv) to require that records of crops and crop yields on third party fields be submitted to TCEQ on a quarterly basis.

RESPONSE 29:

The Applicant is not required to demonstrate that the crop yields are reasonable, but is required to use realistic yield goals for the location of the facility. The average annual rainfall for Erath County is approximately 31 inches. This rainfall should supply enough water to achieve the yield goals presented in the application. Water availability does not present a limitation in achieving the proposed yield goals. Furthermore, nutrients will not limit the yield goal on any field due to the application of manure and wastewater. The ED determined that the yield goals used in the NMP are achievable. If the proposed yield goals are not achieved, due to lower than average rainfall, crop damage, or any other crop failure, the soil test results will indicate a higher than expected nutrient value. These values will then be used to determine the maximum application rate for the following year.

Record keeping requirements at 30 TAC § 321.46(d)(8)(F) state the actual yield of each harvested crop for LMUs must be recorded on a monthly basis. The information is available to the ED during field investigations. Crop removal rates are based on yields when the NMP software is used.

There are no rules requiring CAFO operators to track yields on third party fields. 30 TAC § 321.42(j) requires CAFO operators to submit records to the appropriate region office on a quarterly basis that contain the name, locations, and amounts of litter or wastewater transferred to operators of third party fields.

The draft permit allows the Applicant to provide wastewater, sludge and/or manure to third party fields. The third party field operators must adhere to the contract requirements outlined in the draft permit, which include land application at an agronomic rates based on soil test phosphorus. The draft permit establishes a three-tiered approach to application rates on third party fields. The proposed crop and yield goal are used by the third party operator to determine the application rates. In the event that the yield goal is not achieved, the soil test results will be higher than expected. If soil test results reach 200 ppm, the Applicant cannot provide wastewater, sludge, and/or manure to that third party field operator. Based on these requirements, the ED disagrees that submitting crops and yields on third party fields is necessary.

COMMENT 30:

Waco comments that the Applicant's proposed NMP does not include the approximate locations or time of year that soil tests will be taken. To ensure consistency with 30 TAC § 321.42(i)(5)(A), the Applicant should be required to include this information in the NMP.

RESPONSE 30:

The permit provisions for sampling and monitoring are consistent with 30 TAC § 321.36(g) and with the requirements of NRCS Practice Standard Code 590. NRCS Code 590 requires the approximate locations where soil tests will be taken and the timing and frequency of soil sampling. Page 7 of the NMP, in the permit application, states the soil test location as being on "each field" and frequency as "annually." These statements comply with 30 TAC § 321.36(g) and Section VII.A.9(b) of the draft permit.

COMMENT 31:

Waco comments that the planned application rate is 100% of the maximum application rate, which is based on the average annual rainfall used in the water balance. Waco comments that in years with above average rainfall, the Applicant can not meet the NRCS Code 590 requirements.

RESPONSE 31:

The NMP submitted with the application indicated that 525 acre-inches will be land applied on-site and the remaining volume will be applied off-site. During years with above average rainfall, the Applicant may be required to export a larger volume of effluent to remain in compliance with the NMP. The ED determined that the Applicant's NMP was submitted in accordance with NRCS Practice Code 590 and meets the requirements of 30 TAC § 321.36.

COMMENT 32:

Waco comments that the basic agronomic rate calculation methodology is flawed because it does not account for available plant nutrients in the root zone to satisfy the crop requirement.

RESPONSE 32:

NMPs are developed in accordance with NRCS Practice Standard Code 590. NMPs evaluate nutrients in the soil as part of the Phosphorus Risk Index. The allowable application rate, as determined by the NMP, takes both risk factors and soil phosphorus levels into account.

COMMENT 33:

Waco comments that the draft permit allows land application on land exceeding 200 ppm of phosphorus. The North Bosque River TMDL Implementation Plan, dated December 2002 (p.16),

provides that formal enforcement action will result if CAFOs “apply waste or wastewater to a WAF that has been documented to have exceeded 200 parts per million of phosphorus in Zone 1 of the soil horizon.” Section VII.A.8(c)(2) of the draft permit appears to be inconsistent with the TMDL I-Plan. Waco also notes that 200 ppm phosphorus is four to seven times the amount needed for optimum growth and therefore, contradicts the definition of “beneficial use.”

RESPONSE 33:

The draft permit requirements are consistent with TCEQ rules relative to phosphorus reduction in waste application fields. All waste application is limited under the permit provisions to avoid significantly increasing phosphorus runoff into the North Bosque River. An LMU that reaches 200 ppm of phosphorus triggers the nutrient utilization plan (NUP) requirement. See 30 TAC § 321.40(k)(3) and Section VII.A.8(c). A NUP must be approved by the ED prior to land application of any additional manure, sludge, or wastewater to the LMU. For third party fields, there is no NUP requirement, but land application of all manure, sludge, or wastewater must cease when a field reaches a phosphorus level of 200 ppm or higher.

Page 16 of the TMDL I-Plan for the North Bosque does read as indicated by Waco. However, immediately following this statement the document states that more information is available in the section entitled "Enforcement Program." In that section of the TMDL I-Plan, it states that owners of facilities would be subject to enforcement if they performed land application on fields where soil phosphorus exceeded 200 ppm, unless land application was done according to an approved NUP.¹ This is consistent with TCEQ rules that require an approved NUP prior to any additional land application on LMUs that exceed 200 ppm of phosphorus and prohibit land application on third party fields that exceed that amount.

COMMENT 34:

Waco comments that the draft permit should be revised to prohibit waste application onto non-cultivated fields. At minimum, Waco encourages TCEQ to prohibit application of manure on non-cultivated fields within 500 feet of a stream. In addition, Waco comments that a specific permit provision be added to require adherence to NRCS Code 590 on third party fields if it is more restrictive and that TCEQ should require NMPs be prepared for third party fields.

RESPONSE 34:

The ED declines to make the requested change regarding NRCS Code 590 because the CAFO rules do not require that land application on third party fields be consistent with the NRCS Practice Code 590. However, the limitations placed in the draft permit assure that application on third party fields will take into account the potential for phosphorus build-up to occur. Land application on third party fields may not exceed a maximum soil test phosphorus level of 200. When a third party fields tests 200 ppm or higher for phosphorus, all land application on that field must cease.

¹ See "An Implementation Plan for Soluble Reactive Phosphorus in the North Bosque Watershed," December, 2002, page 39:

The application limitations on third party fields are based on soil test phosphorus levels instead of the Phosphorus Risk Index. The restrictions are more conservative than the rules require. Similar to an NMP, as soil phosphorus levels increase on third party fields, the Applicant will have to reduce waste application rates in order to continue land applying on those fields and to prevent those fields from exceeding 200 ppm of phosphorus.

Section VII.A.8(e)(5) of the draft permit provides the requirements for third-party fields. These provisions apply to cultivated and non-cultivated fields, with the exception of (5)(i)(B), which is specific to cultivated fields. Cultivated fields are fields used for row cropping that require the ground to be tilled, disced, or plowed to prepare for seed planting, such as corn, wheat, and oats. Non-cultivated fields are used to grow plants that do not require the ground to be tilled, disced, or plowed, such as Bermuda grass or native grasses. If the requirement in (5)(i)(B) to incorporate manure and sludge was applied to non-cultivated fields, the vegetation would be significantly damaged, thus reducing the yield goal and nutrient uptake. The ED finds that the permit has adequate provisions related to land application on both cultivated and non-cultivated third-party fields.

Section VII.A.8(e)(5)(i)(A) of the permit requires that land application to third-party fields be conducted in accordance with the applicable requirements in 30 TAC § 321.36 and § 321.40. 30 TAC § 321.40(h) requires that “vegetative buffer strips shall be no less than 100 feet of vegetation to be maintained between manure, litter, or wastewater application areas and water in the state.” The CAFO operator must maintain the buffer strips in accordance with NRCS guidelines.

COMMENT 35:

Waco comments that according to the NMP, the Applicant plans to apply 61 acre-inches of wastewater offsite. However, Waco notes that there does not seem to be any way wastewater can be applied using any portion of the dairy’s irrigation system, since utilizing this type of system would necessitate control over the third party field by the Applicant, which is prohibited. Waco recommends the draft permit be amended to allow wastewater application to third party fields only when wastewater is transported from the dairy by truck.

RESPONSE 35:

TCEQ rules do not require ED review or approval of the mode of conveyance an applicant will use to transport wastewater to a third-party field. The draft permit allows the Applicant to provide wastewater to operators of third party fields, but does not specify the delivery method. This gives the Applicant flexibility on the mode of transportation to be used at the time of transfer to the third party field. Therefore, the ED declines to make this change.

COMMENT 36:

Waco comments that the draft permit should prohibit sludge application to third-party fields. Waco

comments that 30 TAC § 321.42(j) only allows manure, litter, and wastewater to be applied to third-party fields.

RESPONSE 36:

30 TAC § 321.32(49) defines sludge as solid, semi-solid, or slurry waste generated during the treatment of or storage of any wastewater. The term includes materials resulting from treatment, coagulation, or sedimentation of waste in a RCS. 30 TAC § 321.32(56) defines waste as manure (feces and urine), litter, bedding, or feedwaste from animal feeding operations. Therefore, sludge is a product of the treatment, coagulation, or sedimentation of its parent materials, waste and wastewater. More simply, it is modified manure and wastewater. Therefore, 30 TAC § 321.42(j), which allows dairy operators to transfer manure, litter, and wastewater to operators of third party fields is inclusive of sludge. The draft permit incorporates this rationale by explicitly including the term sludge when appropriate.

Appropriate utilization of the nutrients is tied to the BMPs and is not based on nutrient source. These BMPs include, but are not limited to, land application at agronomic rates and hydrologic needs of the crop, adherence to buffers between land application areas and water in the state, and the prohibition of discharges from land application areas. Land application on third party fields is not only limited to agronomic rates, but is further limited by soil test phosphorus ranges. For example, land application rates must not exceed the crop nitrogen requirement when soil phosphorus concentration in Zone 1 is less than or equal to 50 ppm phosphorus. Ultimately, land application on third party fields is prohibited once the soil test phosphorus level is equal to or greater than 200 ppm.

COMMENT 37:

Waco comments that the draft permit fails to require a demonstration of sustainability for the term of the permit.

RESPONSE 37:

30 TAC § 321.36(d)(2) and Section VII.A.8(a) of the permit require the operator to create and maintain a site-specific NMP along with documentation regarding implementation of the plan. 30 TAC § 321.36(e) and (g) and Section VII.A.8(c)(1) through (5) of the draft permit require annual sampling and the NMP must be updated to modify application amounts based on soil testing and wastewater testing. A five-year NMP would be impracticable because the NMP is likely to change yearly due to changing climatic and operational conditions; and soil sampling results. It is important that NMPs remain flexible. When the NMP is updated, the new version should be kept with the PPP documentation and available to TCEQ personnel during field investigations.

Long term sustainability of a field may be a planning consideration, but there are no rule requirements that LMUs be sustainable for the permit term.

COMMENT 38:

Waco comments that the historical waste application fields should be identified in the application or the permit.

RESPONSE 38:

Section VII.A.9(b)(2) of the permit requires the Applicant to collect soil samples annually for each current and historical LMU. This provision tracks the requirement in 30 TAC § 321.42(k) that historical waste application fields must be sampled every year, regardless of whether the Applicant eliminates them from the permit.

Special Provision X.R. in the draft permit requires the Applicant to maintain a map in the PPP that identifies the location of all historical LMUs and reads as follows: "A LMU map showing historical LMUs needs to be maintained in the PPP." Fields no longer associated with the dairy facility (historical LMUs) may be used as third party fields so long as all third party requirements in TCEQ rules are met.

COMMENT 39:

Waco comments that draft permit fails to define what comprises a vegetative buffer. Waco recommends adding the following sentence to Section X.D.:

A vegetative buffer shall meet the criteria of Riparian Forest Buffers defined by NRCS Practice Code 391 or the criteria of Vegetative Filter Strips as defined by NRCS Practice Code 393.

RESPONSE 39:

30 TAC § 321.40(h) states: "Vegetative buffer strips shall be no less than 100 feet of vegetation to be maintained between manure, litter, or wastewater application areas and water in the state." Although not defined by TCEQ rules, vegetative buffers are commonly understood to mean vegetation that reduces shock due to contact. NRCS Practice Code 393 refers to Practice Code 391, *Riparian Forest Buffer*. Riparian forest buffers are areas predominantly in trees or shrubs located adjacent to and up-gradient from watercourses or water bodies. One of the purposes of a riparian forest buffer is to reduce excess amounts of sediments, organic material, nutrients, and pesticides in surface runoff. This purpose is the same as that performed by vegetative filter strips according to NRCS Practice Code 393. Citing the practice code is adequate for permit requirements and the ED made no changes in response to the comment.

COMMENT 40:

Waco is concerned about how the bacterial problems in the North Bosque Watershed are being addressed and are concerned about the control of pathogens from the land application and irrigation operations.

RESPONSE 40:

40 CFR § 122.44(k)(3) allows states to use BMPs to control or abate discharges “when numeric effluent limitations are infeasible.” This also applies to bacteria. In the case of North Bosque dairies, they are only authorized to discharge in the event of a chronic or catastrophic rainfall event that exceeds the 25-year, 10-day storm event. The BMPs in place to limit the amount of nutrients applied to the LMUs also limit the amount of bacteria that can be applied. Therefore, bacteria applied to LMUs are limited by the BMPs that limit nutrient application.

The requirements in the draft permit satisfy this requirement because the North Bosque River TMDLs are intended to achieve significant reductions in the annual average concentrations and total annual loading of soluble phosphorus in the river. The TMDLs are designed to do this by focusing on controlling soluble phosphorus loading and in-stream concentrations to protect designated uses. The management measures for controlling phosphorus loading will also have some corollary effect on reducing pathogen and bacteria loading, since non-point source nutrient and pathogen loads largely originate from the same sites and materials; and are transported via the same processes and pathways. Other provisions in the rules and draft permit directed at reducing and minimizing all pollutants, including pathogens and bacteria, that are potential constituents of animal wastes include:

1. Requiring a larger RCS with capacity to contain a designed 25-year, 10-day rainfall event (approximately 60% larger than required to contain the 25-year, 24-hour rainfall event);
2. Establishing an RCS management plan;
3. Controlling runoff from manure piles by covering, berming, or requiring that they drain into an RCS;
4. Setting additional minimum buffer distances between land application units and surface water in the state;
5. Prohibiting nighttime land application between 12 a.m. and 4 a.m.; and
6. Requiring a NMP that uses phosphorus transport considerations to determine allowable applications of nutrients. The phosphorus index approach reduces allowable application of nutrients to levels that are appropriate for reducing and minimizing all pollutants that are constituents of animal wastes.

COMMENT 41:

Waco comments that the draft permit should require the Applicant to report information to TCEQ on third party fields regarding soil testing, areas of application, and application rates. Waco also comments that the information should also be included in the annual report along with copies of

contracts with applicable third party field operators, statements of compliance with permit requirements for the previous year, and a summary of discharges from third party fields or a statements that there has not been any discharge from a third party field. For example, Waco suggests adding the following phrase at the end of Section VII.8.(e)(5)(iv):

...a copy of any initial or annual soil analyses, land application locations, dates and times, and nutrient concentration of applied materials, rates, acreage of application rates, and crops and crop yields for the preceding quarter.

RESPONSE 41:

30 TAC § 321.42(j) and Section VII.A.8(e)(5)(iv) of the draft permit contain the requirements for land application on third party fields in the North Bosque River watershed. It requires that records be maintained that contain the name, locations, and amounts of manure, litter, or wastewater transferred to operators of third party fields and requires that information be submitted to the appropriate TCEQ region office on a quarterly basis. *See* 30 TAC § 321.42(j)(4). Soil sample testing on third party fields must be included in the annual report due February 15th and submitted to TCEQ. *See* Section VII.B.7(i) of the draft permit.

30 TAC § 321.42(j)(1) requires a written contract between the CAFO dairy operator and the operator of a third party field; and any such contracts should be maintained in their PPP. 30 TAC § 321.46(d) specifies the requirements for recordkeeping at the CAFO. Records must be kept on site for a minimum of five years from the date the record was created and records must be submitted to TCEQ within five days of a request by the ED.

COMMENT 42:

Waco comments that the draft permit should clearly state that drainage or discharges of wastewater or manure from third party fields is prohibited. Waco also comments that the Applicant should be prohibited from any further use of third party fields if it is determined that the Applicant disposed of waste on a third party field when the most current soil test reflects phosphorus concentrations of over 200 ppm or if the application rate established by the permit for third party fields is ever exceeded.

RESPONSE 42:

The ED declines to make the suggested changes. Rainfall runoff from third party fields where waste is applied at agronomic rates is allowed under the Clean Water Act. Runoff from third party fields where waste is not applied at agronomic rates or applied using proper operational controls is already prohibited. In those instances, runoff would be an unauthorized discharge and subject to TCEQ enforcement action.

There is no basis in the CAFO rules for including a blanket prohibition against delivery of all waste to all third party fields based on a single violation on a single third party field. However, such land application when soil phosphorus is in excess of 200 ppm or land application in excess of the

agronomic rate or established application rate would be a violation of the CAFO rules and subject the operator to enforcement action by TCEQ.

Changes made to the draft permit in response to comments:

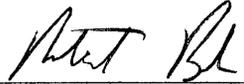
- Section X.H.1 and has revised this section to read: “For the purpose of this permit, settling basin solids shall be defined as manure.”
- The numbering of Section VII.A.3(g)(5) was changed to VII.A.3(g)(4).
- Referenced ASTM standard D6938-07 in Section VII.A.3(f)(4) of the draft permit was changed to D6938.
- The date of the most recent NMP was added to Section V. of the Fact Sheet.
- The Attachment A site map has since been revised so that the word “berm” upslope of RCS #2 was removed.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark R. Vickery, P.G.
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By 
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Representing the EXECUTIVE DIRECTOR of
the Texas Commission on Environmental
Quality

CERTIFICATE OF SERVICE

I certify that on June 30, 2009 the "Executive Director's Response to Public Comments" for Permit No. WQ0003190000 was filed with the Texas Commission on Environmental Quality's Office of Chief Clerk.



Robert D. Brush, Staff Attorney
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