

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 28, 2011

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

Re: Synagro of Texas-CDR, Inc.
TCEQ Docket No. 2010-0651-IWD; TCEQ Permit No. WQ0004888000
Executive Director's Response to Hearing Requests and Request for
Reconsideration

Dear Ms. Castañuela:

Enclosed for filing, please find an original and 7 copies of the "Executive Director's Response to Hearing Requests and Request for Reconsideration." I have also included the following attachments to assist the Commission in the resolution of this matter:

- Attachment A – Technical Summary and Draft Permit
- Attachment B – Executive Director's First Amended Response to Public Comment
- Attachment C – Compliance History Report
- Attachment D – GIS Map
- Attachment E – Landowners Map & List

Please file stamp these documents and return one complete set to Timothy J. Reidy, Staff Attorney, Environmental Law Division, MC 173. If you have any questions, please do not hesitate to contact me at (512) 239-0969.

Sincerely,

A handwritten signature in black ink that reads "Tim Reidy".

Timothy J. Reidy, Staff Attorney
Environmental Law Division

DOCKET NO. 2011-0651-IWD

APPLICATION BY	§	BEFORE THE
	§	
SYNAGRO OF TEXAS-CDR, INC.	§	TEXAS COMMISSION ON
	§	
FOR TCEQ PERMIT NO.	§	ENVIRONMENTAL QUALITY
	§	
WQ0004888000	§	

**EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS AND
REQUEST FOR RECONSIDERATION**

I. INTRODUCTION

The Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to Hearing Requests and Request for Reconsideration (Response) on the application of Synagro of Texas-CDR, Inc. (Applicant) for TCEQ Permit Number WQ0004888000. Travis County, David E. Rogers, and Victoria T. Rogers timely filed requests for a contested case hearing. Travis County filed a timely request for reconsideration.

Attached for Commission consideration are the following:

- Attachment A – Technical Summary and Draft Permit
- Attachment B – Executive Director's First Amended Response to Public Comment
- Attachment C – Compliance History Report
- Attachment D – GIS Map
- Attachment E – Landowners Map & List

II. DESCRIPTION OF FACILITY

The Applicant has applied to the TCEQ for a new permit that would authorize the beneficial land application of Class B sewage sludge at a rate not to exceed 10.62 dry tons per acre per year on Field 1, 6.14 dry tons per acre per year on Field 2, and 10.16 dry tons per acre per year on Field 3. The draft permit does not authorize the discharge of pollutants into water in the State. The land application fields are located on a total of 137.7 acres within the 189.68 acres site. The land application site is located approximately seven miles east of Austin Bergstrom International Airport, off of Richards Drive, 300 feet south of Highway 71, in Travis County, Texas. The land application site is located in the drainage area of the Colorado River Below Town Lake in Segment No. 1428 of the Colorado River Basin.

III. PROCEDURAL BACKGROUND

The permit application was received on April 3, 2009, and declared administratively complete on May 19, 2009. The Notice of Receipt and Intent to Obtain a Beneficial Land Use Permit (NORI) was published on June 17, 2009 in the *Austin-American Statesman*. Notice of a Public Meeting was published on September 1, 2009 in the *Austin-American Statesman*. A public meeting was held on October 1, 2009 in the Del Valle Opportunity Center in Del Valle, Texas. The Notice of Application and Preliminary Decision of Land Application of Sewage Sludge Permit (NAPD) was published on December 23, 2009 in the *Austin-American Statesman*. The first public comment period ended on January 22, 2010, and the Executive Director's Response to Public Comment (RTC) was filed on March 23, 2010.

At the request of the Executive Director, the Applicant published a Combined Notice of Receipt of Application and Intent to Obtain a Beneficial Land Use Permit and Notice of Application and Preliminary Decision for Land Application of Sewage Sludge Permit (Combined NORI/NAPD) on September 21, 2010 in the *Austin-American Statesman* (English version) and on September 23, 2010 in *iahora si!* (Spanish version). The Executive Director requested that the Applicant re-publish notice in the order to cure deficiencies relating to the alternative language newspaper notice requirement at 30 TAC § 39.405(h) during the first public comment period. The second public comment period ended on October 25, 2010. On December 30, 2010, the Executive Director's First Amended Response to Public Comment (First Amended RTC) was filed with the TCEQ Office of the Chief Clerk, and the Executive Director's Final Decision was mailed. The period to timely file a Request for Reconsideration or a Contested Case Hearing Request ended on January 31, 2011. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801 (76th Legislature, 1999).

IV. THE EVALUTATION 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. The Commission implemented House Bill 801 by adopting procedural rules in 30 Texas Administrative Code (30 TAC) Chapters 39, 50, and 55. The application was declared administratively complete on May 19, 2009; therefore, it is subject to the procedural requirements of HB 801.

A. Response to Request

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written response to a hearing request. 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

- a) whether the requestor is an affected person;
- b) whether issues raised in the hearing request are disputed;
- c) whether the dispute involves questions of fact or of law;
- d) whether the issues were raised during the public comment period;
- e) 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 RTC;
- f) whether the issues are relevant and material to the decision on the application; and
- g) 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:

- a) give the name, 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;
- b) 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;
- c) request a contested case hearing;
- d) 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 response to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law or policy; and
- e) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

C. "Affected Person" Status

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected person." Section 55.203 sets out who may be considered 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 the 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 § 50.203.

Section 361.121(c) of the Texas Health & Safety Code (THSC) reads, in pertinent part, "An owner of land located within one-quarter mile of the proposed land application unit who lives on that land is an affected person for purposes of Section 5.115, Water Code."

THSC § 361.121(c).

30 TAC § 312.13(b)(3)(B) provides that for Class B sewage sludge beneficial land use applications an owner of the land located within 1/4 mile of the proposed land application unit who lives on the land is considered an "affected person" for purposes of Texas Water Code (TWC) § 5.115, and 30 TAC Chapter 55 (relating to Requests for

Reconsideration and Contested Case Hearings; Public Comment). Individuals who do not own land within 1/4 mile of the proposed land application site are not excluded from being considered “affected persons” under 30 TAC § 55.203 (relating to Determination of Affected Person).

30 TAC § 312.13(b)(3)(b).

D. Referral to the State Office of Administrative Hearings (SOAH)

When the Commission grants a request for a contested case hearing, the Commission is required to issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing. 30 TAC § 50.115(b). Subsection 50.115(c) sets out the test for determining whether an issue may be referred to SOAH. “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.” 30 TAC § 50.115(c).

V. ANALYSIS OF THE REQUESTS

A. Analysis of the Hearing Requests

The Executive Director analyzed the hearing requests to determine whether they comply with Commission rules, who qualifies as an affected person, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

1. Whether the Requestors Complied with 30 TAC § 55.201

- a. Travis County – The public comment period for this permit application ended on October 25, 2010. The period for timely filing a request for a contested case hearing for this permit application ended on January 31, 2011. On January 27, 2011, Steven M. Manilla, P.E., Executive Manager, Travis County Transportation and Natural Resources Department filed a request for reconsideration and contested case hearing on behalf of Travis County with the TCEQ’s Office of the Chief Clerk. Travis County’s hearing request raised issues related to: 1) human health and safety, 2) air quality, 3) surface water quality, 4) nuisance odors, 5) land use, 6) whether the Commission is legally obligated to deny the permit application pursuant to THSC § 363.112(d), 7) whether the Commission is legally obligated to deny the permit application pursuant to THSC § 364.012(f), 8) whether the Commission should, in its discretion, deny the permit application pursuant to THSC § 361.089, 9) whether the proposed land application site is technically suitable for the land application of Class B sewage sludge at the proposed land application rate., 10) flooding, 11) whether the proposed land application site complies with buffer zone requirements located at 30 TAC § 312.44, and 12) whether the Commission should, in its discretion, grant a land use compatibility hearing pursuant to THSC § 361.069.

The Executive Director recommends that the Commission find that Travis County's hearing request substantially complies with 30 TAC § 55.201, except with regard to Issues 6, 7, 8, 9, 10, 11, and 12 below which do not raise relevant and material disputed issues of fact raised during the public comment period.

- b. David E. Rogers & Victoria T. Rogers – The public comment period for this permit application ended on October 25, 2010. The period for timely filing a request for a contested case hearing for this permit application ended on January 31, 2011. On June 29, 2009, David and Victoria Rogers filed their comment letter and contested case hearing request with the TCEQ's Office of the Chief Clerk. The hearing request provided: 1) the requestors' names, address, and daytime telephone number, 2) requested a contested case hearing, and 3) raised relevant and material issues of fact raised during the comment period (i.e., nuisance odor and proximity to schools, churches, and residences). However, the hearing request failed to identify either David or Victoria Rogers' personal justiciable interest affected by the application; nor did it include a brief written statement explaining in plain language their location and distance relative to the proposed land application site, and how and why they would be personally affected by the proposed activity in a manner not common to members of the general public.

The Executive Director recommends that the Commission find that David and Victoria Rogers' hearing request **does not** substantially comply with 30 TAC § 55.201.

2. Whether the Requestors are Affected Persons

- a. Travis County – Governmental entities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons. Subchapter B of THSC Chapter 341 (THSC §§ 341.011-341.018) gives county health authorities the authority to issue orders to abate a public health nuisance. The land application site for the beneficial land application of Class B sewage sludge must be selected and operated in a manner to prevent public health nuisances. See 30 TAC § 312.44(j)(1). Travis County is a local government with authority under state law over issues raised by the application, and should be considered an affected person under 30 TAC § 55.203.

The Executive Director recommends that the Commission find that Travis County is an affected person under 30 TAC § 55.203.

- b. David E. Rogers and Victoria T. Rogers – David and Victoria Rogers' hearing request raised concerns regarding nuisance odor and the proximity of the proposed land application site to nearby schools, churches, and residences. Both THSC § 361.121(c) and 30 TAC § 312.13 mandate that landowners within one-quarter mile of a proposed land application site who live on that land are considered affected persons. Individuals who do not own land within a quarter-mile of a proposed land application site are not excluded from being considered affected persons under 30 TAC § 55.203.

David and Victoria Rogers' hearing request stated that nearby schools, a nearby church, and their neighborhood would be negatively impacted by nuisance odor emanating from a wastewater treatment plant or a wastewater treatment sludge plant. The hearing request also expressed the Requestor's concern that the proposed site is located in an economically disadvantaged area in southeast Travis County, and that the neighborhood needs employment support/life skills services and training rather than a waste plant. First and foremost, the draft permit would authorize the beneficial land application of Class B sewage sludge; not the operation of a wastewater treatment plant. David and Victoria Rogers' hearing request did not describe their location and distance relative to the proposed land application site. Their address did not appear on the Affected Landowners Map or Affected Landowners List. The GIS Map developed by Executive Director staff indicates that the Requestors are located approximately 1.29 miles from the proposed land application site contained in Draft TCEQ Permit No. WQ0004888000.

Neither David nor Victoria Rogers have identified a personal justiciable interest that is not common to members of the general public. Due to the Requestors' distance from the proposed land application site, it is unlikely that they would be impacted by the proposed beneficial land application of Class B sewage sludge. The Requestors have failed to show how the beneficial land application of Class B sewage sludge would adversely impact their health and safety or the use of their property.

The Executive Director recommends that the Commission find that David E. Rogers and Victoria T Rogers are not affected persons under 30 TAC § 55.203.

B. Whether the Issues Are Referable to SOAH

In addition to recommending to the Commission those persons who qualify as affected persons, the Executive Director analyzes issues raised in accordance with the regulatory criteria. Unless otherwise noted, the issues discussed below were all raised during the public comment period. None of the issues were raised solely in a comment which has been withdrawn. All the identified issues in the response are considered disputed, unless otherwise noted.

Issue 1: Whether the beneficial land application of Class B sewage sludge at the proposed site will adversely affect human health and safety.

This issue was raised and addressed in the Executive Director's First Amended RTC, Comments Two and Seven. It involves a question of fact and is relevant and material to the Commission's decision on the application. TCEQ rules and the draft permit require the Applicant to comply with detailed management practices designed to protect human health and the environment. This includes recordkeeping and monitoring requirements. *See* 30 TAC §§312.46 and 312.47. The Applicant is required to comply with all applicable vector attraction reduction requirements in 30 TAC § 312.83,

pathogen reduction requirements in 30 TAC § 312.82, and the metal limits, concentrations and loading rate requirements in 30 TAC § 312.43.

The Executive Director concludes that his issue **is relevant and material** and **recommends that the Commission refer** this issue to SOAH.

Issue 2: Whether the beneficial land application of Class B sewage sludge at the proposed site will adversely impact surface water quality.

This issue was raised and addressed in the Executive Director's First Amended RTC, Comments Two and Six. It involves a question of fact and is relevant and material to the Commission's decision on the application. The draft permit does not authorize the discharge of waste into water in the State. Class B sewage sludge must be treated to meet specific standards set by both the Environmental Protection Agency and the State of Texas before the stabilized sludge may be land applied. 30 TAC § 312.44 requires the Applicant to apply sludge uniformly over the surface of the land, under conditions that prevent runoff of sludge beyond the active application area. The Applicant must also protect the surface water and soils in the unsaturated zone. The Applicant may only apply sludge at a rate equal to the nitrogen uptake rate of the plants being grown (the agronomic rate), thus ensuring that the nutrients are fully utilized by the plant and none are available for horizontal seepage into groundwater or lateral seepage into surface water bodies.

The Executive Director concludes that his issue **is relevant and material** and **recommends that the Commission refer** this issue to SOAH.

Issue 3: Whether the beneficial land application of Class B sewage sludge will create nuisance odors.

This issue was raised and addressed in the Executive Director's First Amended RTC, Comment Two. It involves a question of fact and is relevant and material to the Commission's decision on the application. Section 312.44(j) requires the Applicant to control nuisance odor. Under 30 TAC § 312.44(j) "a land application site location must be selected and the site operated in a manner to prevent public health nuisances; sewage sludge debris must be prevented from blowing or running off site boundaries or into surface water; [i]f necessary or when significant nuisance conditions occur, the operator shall: (A) minimize dust migration from the site and access roadways; and (B) minimize objectionable odors through incorporation of sewage sludge into the soil or by taking some other type of corrective action."

The Executive Director concludes that his issue **is relevant and material** and **recommends that the Commission refer** this issue to SOAH.

Issue 4: Whether the proposed land application site is technically suitable for the beneficial land application of Class B sewage sludge at the proposed land application rate.

This issue was raised and addressed in the Executive Director's First Amended RTC, Comments Two and Six. It involves a question of fact and is relevant and material to the Commission's decision on the application. The Applicant is prohibited from land applying in areas that have a topographical slop in excess of eight percent. The proposed application area has a topographical slope of less than eight percent. Also, the draft permit requires that sludge be applied at a rate equal to the nitrogen uptake rate of the plants being grown (the agronomic rate); thus, ensuring that the nutrients are completely used by the plants and none are available for lateral seepage, or running off into surface waters.

The Executive Director concludes that his issue **is relevant and material** and **recommends that the Commission refer** this issue to SOAH.

Issue 5: Whether the proposed land application site complies with the buffer zone requirements at 30 TAC § 312.44, Management Practices.

This issue was raised and addressed in the Executive Director's First Amended RTC, Comment Eight. It involves a question of fact and is relevant and material to the Commission's decision on the application. 30 TAC § 312.44 requires that the Applicant ensure that the proposed land application site is located at least: 1) 200 feet from surface water, 2) 150 feet from a private water supply well, 3) 500 feet from a public water supply well, intake, spring or similar source, public water supply treatment plant, or public water supply elevated or ground storage tank, 4) 200 feet from a solution channel, sinkhole, or other conduit to groundwater, 5) 750 feet from an established school, institution, business, or occupied residential structure, 6) 50 feet from a public right-of-way and property boundaries, and 7) 10 feet from an irrigation conveyance canal.

The Executive Director concludes that his issue **is relevant and material** and **recommends that the Commission refer** this issue to SOAH.

Issue 6: Whether the beneficial land application of Class B sewage sludge at the proposed site is an appropriate land use in the area.

This issue was raised and addressed in the Executive Director's First Amended RTC, Comment Two. It involves a question of fact, but is not relevant and material to the Commission's decision on the application. THSC § 361.121 authorizes the TCEQ to issue permits for the beneficial land application of Class B sewage sludge. However, neither THSC § 361.121 nor 30 TAC Chapter 312 condition the issuance of a permit for the beneficial land application of Class B sewage sludge on a successful land use

compatibility determination. In contrast to the sludge rules in 30 TAC Chapter 312, Municipal Solid Waste (MSW) rules in 30 TAC Chapter 330 require an applicant to submit land use compatibility information as part of their permit application.

Applicants for beneficial land application permits under 30 TAC Chapter 312 are not required to submit similar land use compatibility information with their permit applications. THSC § 361.121(h) contains the minimum application requirements for beneficial land application permits. THSC § 361.121(h) does not require the submission of land use compatibility information.

The Executive Director concludes that this issue **is not relevant and material** to the Commission's decision on this application and **does not recommend** its referral to SOAH.

Issue 7: Whether the beneficial land application of Class B sewage sludge will adversely impact air quality.

This issue was raised and addressed in the Executive Director's First Amended RTC, Comments Two and Seven. It involves a question of fact, but is not relevant and material to the Commission's decision on the application. Air quality issues are outside of the scope of normal evaluations for a beneficial land application permit.

The Executive Director concludes that this issue **is not relevant and material** to the Commission's decision on this application and **does not recommend** its referral to SOAH.

Issue 8: Whether the Commission is legally obligated to deny the permit application pursuant to THSC § 363.112(d).

This issue was not raised during the comment period, involves a question of law, and is not relevant and material to the Commission's decision on the application. THSC § 363.112(d) prohibits the Commission from granting an application for a permit to process or dispose of municipal or industrial solid waste in an area in which the processing or disposal of municipal or industrial solid waste is prohibited by an ordinance or order, provided that the municipality or county adopting the ordinance or order has specifically designated an area of the municipality or county where the disposal of municipal or industrial solid waste is not prohibited. First and foremost, the beneficial land application of Class B sewage sludge does not constitute the processing or disposal of municipal or industrial solid waste. 30 TAC 312.8(14) defines "beneficial use" as the "[p]lacement of sewage sludge onto land in a manner that complies with the requirements of Subchapter B of [30 TAC Chapter 312] (relating to Land Application for Beneficial Use and Storage at Beneficial Use Sites), and does not exceed the agronomic need or rate for a cover crop, or any metal or toxic constituent limitations that the cover crop may have." Stated another way, a beneficial use is a use in such way that what is being land applied is being used and not disposed of. This interpretation is supported

by 30 TAC § 312.8(25), which defines “disposal” as the “placement of sewage sludge on the land for any purpose *other than* beneficial use.” (emphasis added).

The Executive Director concludes that this issue **was not raised during the comment period, involves a question of law, and is not relevant and material** to the Commission’s decision on this application. The Executive Director **does not recommend** that this issue be referred to SOAH.

Issue 9: Whether the Commission is legally obligated to deny the permit application pursuant to THSC § 364.012(f).

This issue was not raised during the comment period, involves a question of law, and is not relevant and material to the Commission’s decision on the application. THSC § 364.012 authorizes a county to prohibit the disposal of municipal or industrial solid waste in the county if the disposal of the municipal or industrial solid waste is a threat to the public health, safety, and welfare. Section 364.012(f) prohibits the Commission from granting an application for a permit to process or dispose of municipal or industrial solid waste in an area in which the processing or disposal of municipal or industrial solid waste is prohibited by an ordinance, provided that the county adopting the ordinance has specifically designated an area of the county where the disposal of municipal or industrial solid waste is not prohibited. The beneficial land application of Class B sewage sludge does not constitute the processing or disposal of municipal or industrial solid waste. 30 TAC 312.8(14) defines “beneficial use” as the “[p]lacement of sewage sludge onto land in a manner that complies with the requirements of Subchapter B of [30 TAC Chapter 312] (relating to Land Application for Beneficial Use and Storage at Beneficial Use Sites), and does not exceed the agronomic need or rate for a cover crop, or any metal or toxic constituent limitations that the cover crop may have.” Stated another way, a beneficial use is a use in such way that what is being land applied is be used and not disposed of. This interpretation is supported by 30 TAC § 312.8(25), which defines “disposal” as the “placement of sewage sludge on the land for any purpose *other than* beneficial use.” (emphasis added).

The Executive Director concludes that this issue **was not raised during the comment period, involves a question of law, and is not relevant and material** to the Commission’s decision on this application. The Executive Director **does not recommend** that this issue be referred to SOAH.

Issue 10: Whether the Commission should, in its discretion, deny the permit application pursuant to THSC § 361.089.

This issue was not raised during the comment period. THSC § 361.089 provides the Commission discretionary power to deny or amend permits for several reasons, including land use. THSC § 361.089(a) states that the Commission may “for good cause, deny or amend a permit it issues or has authority to issue...” Therefore, the Commission has the discretion provided by THSC § 361.089 when issuing beneficial land application permits under THSC § 361.121. However, there is no statutory or

regulatory guidance regarding land use compatibility determinations in relation to beneficial land application permits.

Applicants for beneficial land application permits under 30 TAC Chapter 312 are not required to submit similar land use compatibility information with their permit applications. THSC § 361.121(h) contains the minimum application requirements for beneficial land application permits. 30 THSC § 361.121(h) does not require the submission of land use compatibility information.

The Executive Director concludes that this issue was not raised during the comment period and does not recommend that this issue be referred to SOAH.

Issue 11: Whether the Commission should, in its discretion, grant a land use compatibility hearing pursuant to THSC § 361.069.

This issue was not raised during the comment period. THSC § 361.069 provides for an optional procedure for considering land use compatibility issues before making a second determination on the merits of the application. The legislative history of THSC § 361.069 indicates that it applies to “an application for a permit under Subchapter C, Chapter 361, Health and Safety Code.” See THSC § 361.069, *as amended by* Act of May 30, 1993, 73rd Leg., R.S., ch. 802, § 11, 1993 Tex. Gen. Laws 3195, 3197. Beneficial land application permits are issued under THSC § 361.121, which is found in Subchapter C of THSC Chapter 361. Therefore, the Commission has discretionary authority to make a separate land use compatibility determination before addressing the technical merits of the application. However, TCEQ regulations do not contemplate applying THSC § 361.069 to beneficial land application permits. In contrast, MSW regulations contemplate a bifurcated process where land use compatibility may be determined separately from the technical merits of the application. 30 TAC § 330.57 allows an applicant for a MSW permit request a land use only determination.

Unlike 30 TAC Chapter 330, the sludge rules at 30 TAC Chapter 312 do not contain provisions for a separate land use compatibility hearing. There are no statutory or regulatory guidelines for such a hearing as it relates to beneficial land application permits.

The Executive Director concludes that this issue was not raised during the comment period and does not recommend that this issue be referred to SOAH.

Issue 12: Whether the beneficial land application of Class B sewage sludge at the proposed land application site will cause flooding.

This issue was raised and addressed in the Executive Director’s First Amended RTC, Comment Six. It involves a question of fact, but is not relevant and material to the Commission’s decision on the application. Flooding issues are outside of the scope of normal evaluations for a beneficial land application permit.

The Executive Director concludes that this issue **is not relevant and material** to the Commission's decision on this application and **does not recommend** its referral to SOAH.

Issue 13: Whether the land application of sludge at the proposed site will disproportionately affect an economically disadvantaged neighborhood.

This issue was raised and addressed in the Executive Director's First Amended RTC, Comment Four. It involves a question of fact, but is not relevant and material to the Commission's decision on the application. The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Beneficial land use permits evaluated by the TCEQ are reviewed without reference to the socioeconomic status of the surrounding community.

The Executive Director concludes that this issue **is not relevant and material** to the Commission's decision on this application and **does not recommend** its referral to SOAH.

VI. DURATION OF THE CONTESTED CASE HEARING

Should the Commission decide to refer the case, the Executive Director recommends that the duration for a contested case hearing on this matter, between the preliminary hearing and the presentation of a proposal for decision before the Commission, be nine months.

VII. RESPONSE TO REQUEST FOR RECONSIDERATION

On January 27, 2011, Steven M. Manilla, P.E., Executive Manager, Travis County Transportation and Natural Resources Department timely filed a request for reconsideration on behalf of Travis County with the TCEQ's Office of the Chief Clerk. A number of the issues raised by Travis County were addressed in the Executive Director's First Amended RTC. The draft permit complies with all applicable statutes and regulations, and Travis County did not provide any additional information that would cause the Executive Director to alter his recommendation to issue the permit. Consequently, the Executive Director respectfully recommends denial of Travis County's request for reconsideration.

The Executive Director respectfully recommends that the Commission **deny Travis County's request for reconsideration.**

VIII. EXECUTIVE DIRECTOR'S RECOMMENDATIONS

The Executive Director recommends the following actions by the Commission.

- a) Find that Travis County is and affected person.

- b) Find that David E. Rogers and Victoria T. Rogers are not affected persons.
- c) Should the Commission find that any of the requestors are affected persons, the following issues should be referred to SOAH for a Contested Case Hearing for a duration of nine months.

Issue 1: Whether the beneficial land application of Class B sewage sludge at the proposed site will adversely affect human health and safety.

Issue 2: Whether the beneficial land application of Class B sewage sludge at the proposed site will adversely impact surface water quality.

Issue 3: Whether the beneficial land application of Class B sewage sludge will create nuisance odors.

Issue 4: Whether the proposed land application site is technically suitable for the beneficial land application of Class B sewage sludge at the proposed land application rate.

Issue 5: Whether the proposed land application site complies with the buffer zone requirements at 30 TAC § 312.44, Management Practices.

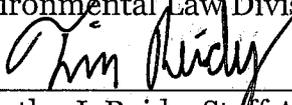
- d) Deny Travis County's request for reconsideration.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Mark R. Vickery, P.G.
Executive Director

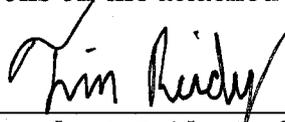
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By 
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REPRESENTING THE

EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on March 28, 2011, the original and seven copies of the "Executive Director's Response to Hearing Requests and Request for Reconsideration" relating to the application of Synagro of Texas-CDR, Inc. for TCEQ Permit No. WQ0004888000 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk, and a complete copy was transmitted by mail, facsimile, inter-agency mail, electronic mail, or hand-delivery to all persons on the attached mailing list.



Timothy J. Reidy, Staff Attorney
Environmental Law Division
State Bar No. 24058069

Mailing List
Executive Director's Response to Hearing Requests and Request for
Reconsideration

Synagro of Texas-CDR, Inc.
TCEQ Docket No. 2011-0651-IWD
TCEQ Permit No. WQ0004888000

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**Attachment A –
Technical Summary and Draft
Permit**

TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

DESCRIPTION OF APPLICATION

Applicant: Synagro of Texas - CDR, Inc.

TCEQ Permit No.: WQ0004888000

Regulated Activity: Beneficial Land Application of Wastewater Treatment Plant (WWTP) Sewage Sludge

Type of Application: Permit

Request: New

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

Synagro of Texas - CDR, Inc. has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, Permit No. WQ0004888000 to authorize the beneficial land application of sewage sludge from wastewater treatment plants at a rate not to exceed 10.62 dry tons/acre/year on Field 1, 6.14 dry tons/acre/year on Field 2, and 10.16 dry tons/acre/year on Field 3.

PROJECT DESCRIPTION AND LOCATION

The land application site will be located approximately seven miles east of Austin Bergstrom International Airport off Highway 71, approximately 300 feet from the intersection of Richard Road and Highway 71 in Travis County, Texas 78617.

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 137.7 acres.

SUMMARY OF CHANGES FROM APPLICATION

The land application area was reduced from 180.68 acres to 137.7 acres to provide for sufficient buffer zones from surface water features on site.

Synagro of Texas - CDR, Inc.

Permit No. WQ0004888000

Technical Summary and Executive Director's Preliminary Decision

WATER QUALITY ASSESSMENT TEAM CHANGES

The permittee shall not exceed a daily sludge application rate of 0.5 dry tons/acre/day, with an annual application rate shall not exceed that indicated in the permit.

Prior to sludge application, permittee must observe surface soil for desiccation cracks in the areas mapped as Houston Black clay (HnA, HnB, and HnC2) and Heiden clay (HeC2) on a Natural Resources Conservation Service soil map of the application site. The permittee shall not apply sludge to this area if surface cracks are present. A copy of the soil map shall be kept onsite and made available to TCEQ personnel upon request.

Permanent markers shall be installed to indicate required buffers from all surface water features. An elevation survey of the area, aerial photographs of the area, or other resources may be used to determine the outline of the buffered areas.

The applicant shall notify the TCEQ Regional Office (Region 11) prior to land application of sludge in order for the TCEQ to verify the buffers for all surface water features.

SUMMARY OF CHANGES FROM EXISTING PERMIT

None. This is a new permit.

BASIS FOR PROPOSED DRAFT PERMIT

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

1. Application submitted with letter dated April 3, 2009 and additional information submitted with letter dated May 14, 2009, May 28, 2009, June 30, 2009, and November 2, 2009.
2. Interoffice Memorandum from the TCEQ Regional Office (MC Region 11), 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.

Synagro of Texas - CDR, Inc.
Permit No. WQ0004888000
Technical Summary and Executive Director's Preliminary Decision

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

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

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

For additional information about this application, contact Kellie Crouch-Elliott at (512) 239-2435.

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

Date



PERMIT NO. WQ0004888000

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

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:

Synagro of Texas - CDR, Inc.
1002 Village Square, Suite C
Tomball, Texas 77375

II. AUTHORIZATION:

Beneficial Land Application of sewage sludge from Wastewater Treatment Plant (WWTP).

III. GENERAL DESCRIPTION AND LOCATION OF SITE:

Description: The permittee is authorized to land apply sewage sludge from WWTP at an annual rate not to exceed 10.62 dry tons/acre/year on 17.4 acres on Field 1, 6.14 dry tons/acre/year on 34.4 acres on Field 2, and 10.16 dry tons per acre per year on 85.9 acres on Field 3. All fields are located within approximately 189.68 acres at this site.

Location: The sewage sludge land application site is located approximately seven miles east of Austin Bergstrom International Airport, off of Richards Drive, 300 feet south of Highway 71, in Travis County, Texas 78617 (see Attachment A).

SIC Code: 0139

Drainage Basin: The land application site is located in the drainage basin of Colorado River Below Town Lake in Segment No. 1428 of the Colorado River Basin. No discharge of pollutants into water in the State is authorized by this permit.

This permit and the authorization contained herein shall expire at midnight **five years from the date of issuance** listed below.

ISSUED DATE:

For the Commission

IV. GENERAL REQUIREMENTS:

- A. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC Chapter 312 and all other applicable state and federal regulations in a manner which protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants which may be present in the sludge.
- 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 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 I 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:
 - a. 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.
 - b. 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 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.
- D. The permittee shall maintain a commercial liability insurance policy for the duration of the permit that:
 1. is issued by an insurance company authorized to do business in this state that has a rating by the A.M. Best Company of A- or better;
 2. designates the commission as an additional insured; and

3. is in an amount of not less than \$3 million.

E. The permittee shall maintain an environmental impairment insurance policy for the duration of the permit that:

1. is issued by an insurance company authorized to do business in this state that has a rating by the A.M. Best Company of A- or better;
2. designates the commission as an additional insured; and
3. is in an amount of not less than \$3 million.

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 septage is not incorporated	200 feet
e. Waters in the State of Texas - when septage 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. The calculation of this rate must include both the sludge that is to be 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 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 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 is applied.
 - 3. The number of acres in each site on which bulk sludge is applied.
 - 4. The dates, times and quantities of sludge 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 1st of previous year through August 31st 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 11). 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.
 - 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 11). 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/septage mixture for the site as follows using soil sampling requirements described in 30 TAC §312.11(d)(2) and (3):

No.	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	N/A
12.	Total Cadmium (mg/kg)	*	1 per 5 years	X	N/A
13.	Total Chromium (mg/kg)	*	1 per 5 years	X	N/A
14.	Total Copper (mg/kg)	*	1 per 5 years	X	N/A
15.	Total Lead (mg/kg)	*	1 per 5 years	X	N/A
16.	Total Mercury (mg/kg)	*	1 per 5 years	X	N/A
17.	Total Molybdenum (mg/kg)	*	1 per 5 years	X	N/A
18.	Total Nickel (mg/kg)	*	1 per 5 years	X	N/A
19.	Total Selenium (mg/kg)	*	1 per 5 years	X	N/A
20.	Total Zinc (mg/kg)	*	1 per 5 years	X	N/A

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 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 11) 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.

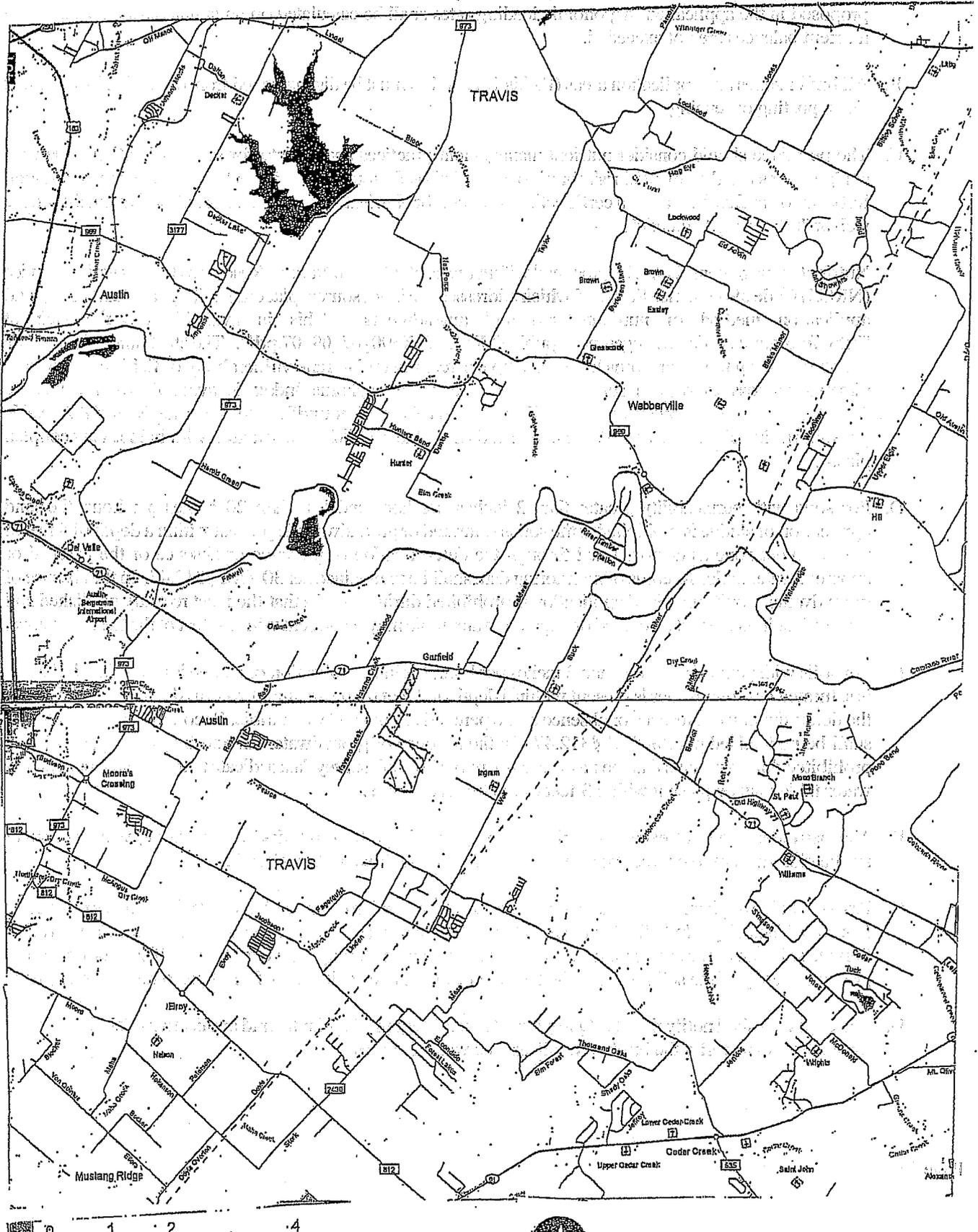
XIV. SPECIAL PROVISIONS:

- A. Maximum annual sludge application rate shall not exceed 10.62 dry tons/acre/year on Field 1, 6.14 dry tons/acre/year on Field 2, and 10.16 dry tons/acre/year on Field 3, 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. All buffer zones and application areas (Fields 1, 2, and 3) must be distinguished from each other by the use of flags, posting or fencing.
- C. 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, form, 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.

- D. 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.
- E. 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.
- F. The permittee shall not exceed a daily sludge application rate of 0.5 dry tons/acre/day, with an annual application rate not to exceed the rates stated in the above Special Provision A.
- G. Prior to sludge application, permittee must observe surface soil for desiccation cracks in the areas mapped as Houston Black clay (HnA, HnB, and HnC2) and Heiden clay (HeC2) on a Natural Resources Conservation Service soil map of the application site. The permittee shall not apply sludge to this area if surface cracks are present. A copy of the soil map shall be kept onsite and made available to TCEQ personnel upon request.
- H. The applicant shall notify the TCEQ Regional Office (Region 11) prior to land application of sludge in order for the TCEQ to verify the buffers for all surface water features.

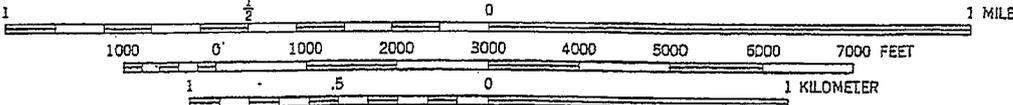
Attachment A



Attachment B (1 of 2)

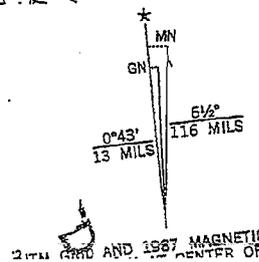


SCALE 1:24 000



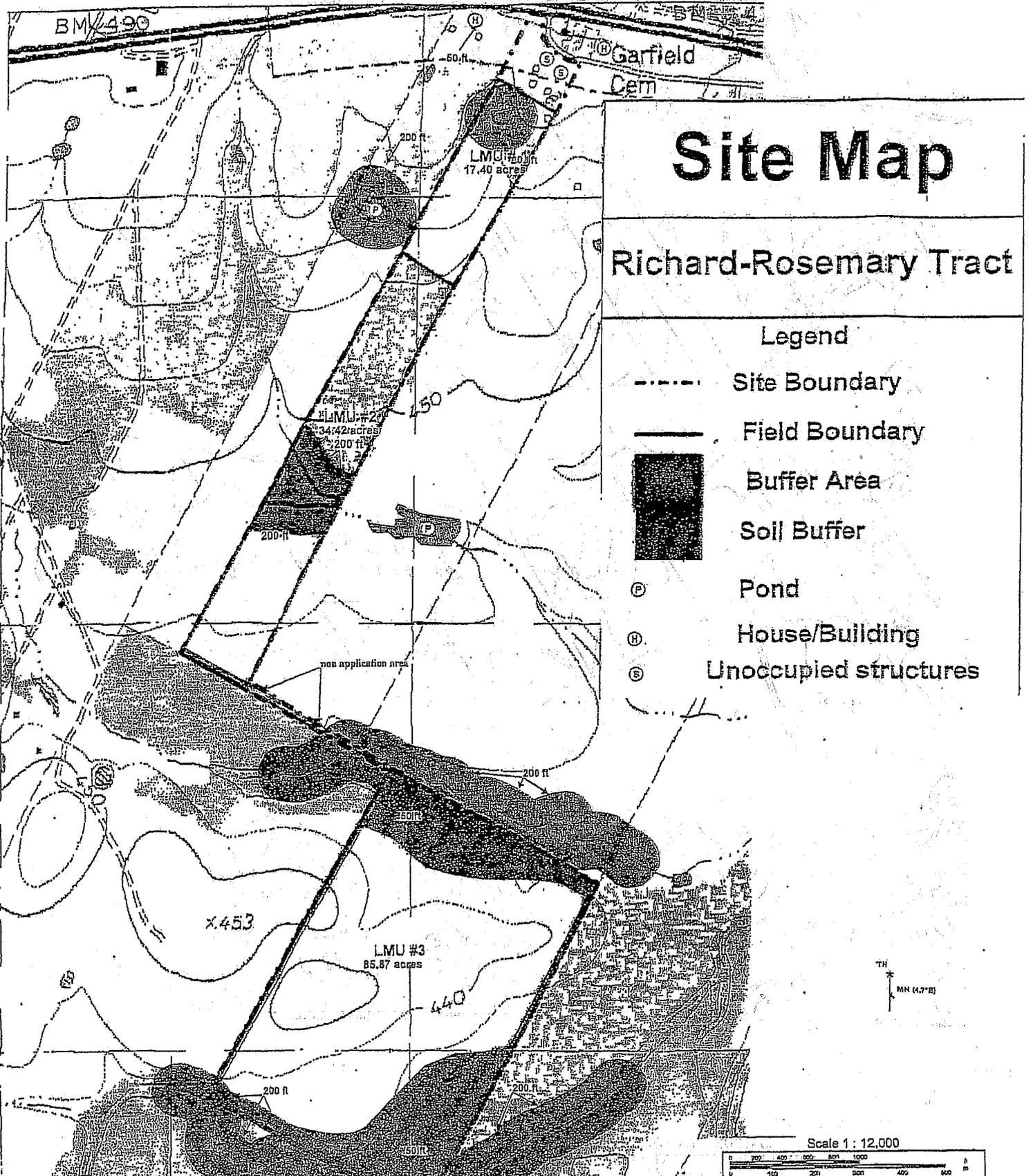
CONTOUR INTERVAL 10 FEET
DOTTED LINES REPRESENT 5-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

QUADRANGLE LOCATION



2014 GRID AND 1987 MAGNETIC NORTH
CENTER OF MAP

Attachment B (2 of 2)



Site Map

Richard-Rosemary Tract

Legend

- Site Boundary
- Field Boundary
- Buffer Area
- Soil Buffer
- Ⓟ Pond
- Ⓜ House/Building
- Ⓞ Unoccupied structures

Attachment C

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 3: 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,	to August 31,
Registration No:	Date		
Name of Registrant:			
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 number 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

Attachment D

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 September 1, _____ to August 31, _____
Registration No:	_____	Date _____
Name of Registrant:	_____	
Mailing Address:	_____	
Contact Person	Name _____	Telephone No: _____

Field No. (if any): _____ (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 _____

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 ANNUAL REPORT TO:

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

**Attachment B –
Executive Director’s First
Amended Response to Public
Comment**

TCEQ PERMIT NO. WQ0004888000

3 DEC 30 AM 10:00

APPLICATION BY	§	BEFORE THE
SYNAGRO OF TEXAS – CDR, INC.	§	CHIEF CLERKS OFFICE
	§	TEXAS COMMISSION ON
	§	ENVIRONMENTAL QUALITY
	§	

EXECUTIVE DIRECTOR'S FIRST AMENDED RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment on Synagro of Texas – CDR, Inc.'s (Applicant) application and on the Executive Director's preliminary decision. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk timely received comment letters from the following persons: Hon. Eddie Rodriguez, State Representative for House District 51, Rosemary W. Kalina, David E. Rogers, Victoria T. Rogers, Jon A. White, Tom Weber, Russell V. Williams, and Group 1, which consists of: Alfred Biggs, Evelyn Biggs, Maria Cantu, Bobby Fewell, Jose Luis Cardona, Pedro A. Gomez Marquez, John Morales, Hermelinda Reyes, Aquilino Cruz, Frances Camacho, Raymundo Constancio, Indhira Celaya, Eirasema Torres, Lile Valuerde, Silvia Espinoza, Patricia R. Garcia, Rebecca Garcia, Agustin Calderon, Gabriela Vargas, Esther G. Nunez, Tim Helm, Carlos Guzman, Ana Guzman, Brenda Lightford, Jasmin Aguilar, Xiomara Aguilar, Anahi Benitez, Derald Gutierrez, Jose H. Machuca, Reynaldo Reyes, Alicia Beristain, Juana Beristain, Reyna Venegas, Joe Rodriguez, Daniel Rueda, Jose Hernandez, Dinora Hernandez, Blanca Coronado, Jerome Kalin, Thelma Rios, Marcelino Gonzales, Tina Roberson, Patrick Schumacher, Victoria C. Sifuentes, David Ortiz, Jaime Prieto, Feliz Rodriguez, Carmelo Reyes, Gerardo Palomares, Guadalupe Tobias, Susana Rojas, Mario N. Periera, Nancy Tobias, Angel Venegas, Robert Barrintel, Jesse Del Toro, Guadalupe Del Toro, Veronica Guel, Felicitas Ramirez, Maria Del Toro, and Donna Maldonado. This response addresses all such timely public comments received, whether or not withdrawn. If you need more information about this permit application or TCEQ's permitting process, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

BACKGROUND

Description of Facility

The Applicant has applied to the TCEQ for a new permit that would authorize the beneficial land application of Class B sewage sludge at a rate not to exceed 10.62 dry

tons per acre per year on Field 1, 6.14 dry tons per acre per year on Field 2, and 10.16 dry tons per acre per year on Field 3. The draft permit does not authorize the discharge of pollutants into water in the State. The land application fields are located on a total of 137.7 acres within the 189.68 acre site. The land application site is located approximately seven miles east of Austin Bergstrom International Airport, off of Richards Drive, 300 feet south of Highway 71, in Travis County, Texas. The land application site is located in the drainage area of the Colorado River Below Town Lake in Segment No. 1428 of the Colorado River Basin.

Procedural Background

The permit application was received on April 3, 2009, and declared administratively complete on May 19, 2009. The Notice of Receipt and Intent to Obtain a Beneficial Land Use Permit (NORI) was published on June 17, 2009 in the *Austin-American Statesman*. Notice of a Public Meeting was published on September 1, 2009 in the *Austin-American Statesman*. A public meeting was held on October 1, 2009 in the Del Valle Opportunity Center in Del Valle, Texas. The Notice of Application and Preliminary Decision for Land Application of Sewage Sludge Permit (NAPD) was published on December 23, 2009 in the *Austin-American Statesman*. The first public comment period ended on January 22, 2010, and the Executive Director's Response to Public Comment was filed on March 23, 2010.

At the request of the Executive Director, the Applicant published a Combined Notice of Receipt of Application and Intent to Obtain a Beneficial Land Use Permit and Notice of Application and Preliminary Decision for Land Application of Sewage Sludge Permit (Combined NORI/NAPD) was published on September 21, 2010 in the *Austin-American Statesman* (English version) and on September 23, 2010 in *jahora si!* (Spanish version). The Executive Director requested that the applicant re-publish notice in the order to cure deficiencies relating to the alternative language newspaper notice requirement at 30 TAC § 39.405(h) during the first public comment period. The second public comment period ended on October 25, 2010. During the second public comment period, Group 1 submitted a copy of the "Petition Against the Williams-Rosemary Biosolids Land Application," originally submitted to the Travis County Commissioners Court, to the TCEQ's Office of the Chief Clerk. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801 (76th Legislature, 1999).

COMMENTS AND RESPONSES

COMMENT 1: (Public Meeting)

Hon. Eddie Rodriguez requested a public meeting so that his constituents in the Garfield area of Del Valle had the opportunity to share their concerns about the permit application and provide input prior to any decision being made by the TCEQ.

RESPONSE 1:

In order to determine whether a public meeting should be held, the Executive Director considers the factors set out in 30 TAC § 55.154. 30 TAC § 55.154 requires that a public meeting be held if: (1) the Executive Director determines that there is a substantial or significant degree of public interest in an application; (2) a member of the legislature who represents the general area in which the facility is located or proposed to be located requests that a public meeting be held; or (3) when a public meeting is otherwise required by law.

The Executive Director and TCEQ's Office of Public Assistance held a public meeting on October 1, 2009, in the Del Valle Opportunity Center in Del Valle, Texas. At the meeting, both the Applicant and Executive Director staff provided a brief presentation regarding the permit application and the proposed site. Attendees were able to ask questions of both the Applicant and Executive Director staff, and provide written and verbal comments.

COMMENT 2: (Wastewater Treatment Plant and Nuisance Odor)

Hon. Eddie Rodriguez, Mr. David E. Rogers, and Ms. Victoria T. Rogers expressed their concern regarding nuisance odor emanating from a wastewater treatment plant or a wastewater treatment sludge plant being built in such close proximity to neighborhood schools, churches, and a food bank. Group 1 raised nuisance odor concerns as well. Group 1 commented that many people in the area are accustomed to outdoor activities, and that odor emanating from the land application site would adversely impact these activities.

RESPONSE 2:

The proposed activity authorized by the draft permit is the beneficial land application of Class B sewage sludge, not the operation of a wastewater treatment plant. Class B sewage sludge must be treated to meet specific standards set by both the Environmental Protection Agency and the State of Texas before the stabilized sludge may be land applied. 30 TAC § 312.44 requires the Applicant to apply sludge uniformly over the surface of the land, under conditions that prevent runoff of sludge beyond the active applications area. The Applicant must also protect the surface water and soils in the unsaturated zone. The Applicant may only apply sludge at a rate equal to the nitrogen uptake rate of the plants being grown (the agronomic rate), thus ensuring that the nutrients are fully utilized by the plant and none are available for horizontal seepage into groundwater or lateral seepage into surface water bodies. 30 TAC § 312.8 defines the agronomic rate as the whole sludge application rate (dry weight basis) designed to provide the amount of nitrogen needed by the crop or vegetation grown on the land, and to minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the groundwater.

Section 312.44(j) of TCEQ rules requires the Applicant to control nuisance odor. Under 30 TAC § 312.44(j) "a land application site location must be selected and the site

operated in a manner to prevent public health nuisances; sewage sludge debris must be prevented from blowing or running off site boundaries or into surface waters; [i]f necessary or when significant nuisance conditions occur, the operator shall: (A) minimize dust migration from the site and access roadways; and (B) minimize objectionable odors through incorporation of sewage sludge into the soil or by taking some other type of corrective action.”

The management practices in Section VI of the draft permit require the Applicant to comply with 30 TAC § 312.44(h) as it relates to a sludge application:

“Sludge must be applied by a method and under conditions that prevent runoff of sewage sludge beyond the active application area and 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...”

Additionally, 30 TAC § 312.44(c) has buffer zone requirements that the Applicant must meet in order to protect surface water, private and public water wells, schools, businesses, occupied residential structures, and public right-of-ways, etc. These practices are mandated to protect human health, public safety, and the environment. If the Applicant operates the facility consistent with TCEQ rules and the provisions of the draft permit, the schools, neighborhood, individuals using the food bank at the church, and individuals participating in outdoor activities in the area outside of the required buffer zones are not expected to be impacted by activities at the site.

If members of the public experience nuisance conditions from the application area, they may contact the TCEQ Regional Office at (512) 339-2929 or call the toll free 24-hour complaints hotline at 888-777-3186. Citizen complaints may also be filed online at <http://www.tceq.state.tx.us/compliance/complaints>. On a compliant basis, regional investigators will investigate the site. If the regional investigator documents a violation of TCEQ regulations or the permit, then appropriate action may be taken, which may include referral for an enforcement action. 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 the property.

COMMENT 3: (Vectors)

Group 1 raised concerns that the proposed land application would attract flies to nearby residential areas.

RESPONSE 3:

Class B sewage sludge intended for beneficial land use is required to be treated to reduce vector attraction, such as flies and mosquitoes. 30 TAC § 312.83 requires specific methods of vector attraction reduction, such as reduction of the mass of volatile solids by 38%, Specific Oxygen Uptake Rate (SOUR) testing, and time requirements associated sludge injection below land or sludge incorporation into the soil. Should such a problem occur, it would be considered a public health nuisance, which the permit and TCEQ rules specifically prohibit. Should such a public health nuisance occur, the site operator must eliminate the nuisance as soon as possible. There is no requirement that vectors be eliminated from a beneficial use site. Such a requirement would not be reasonable because of the pervasive presence of flies and other vectors in agriculture operations in general.

If members of the public experience nuisance conditions from the application area, they may contact the TCEQ Regional Office at (512) 339-2929 or call the toll free 24-hour complaints hotline at 888-777-3186. Citizen complaints may also be filed online at <http://www.tceq.state.tx.us/compliance/complaints>. On a compliant basis, regional investigators will investigate the site. If the regional investigator documents a violation of TCEQ regulations or the permit, then appropriate action may be taken, which may include referral for an enforcement action. 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 the property.

COMMENT 4: (Alternative Location and Environmental Equity)

Mr. David E. Rogers and Ms. Victoria T. Rogers commented that the proposed site is located in an economically disadvantaged area in southwest Travis County; and that the neighborhood needs employment support/life skills services and training rather than a waste plant.

RESPONSE 4:

The TCEQ's jurisdiction is established by the Legislature, and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have the authority to mandate that applicants choose alternative sites.

While the TCEQ and EPA collaborate on the cumulative impacts from permitting activities, rules, and policies of both agencies, the TCEQ continues to actively manage a

State Environmental Equity Program. Low-income and minority communities often believe that they are burdened with a disproportionate share of environmental risks. Hostilities can develop between these communities and the industries or facilities involved, making good-faith efforts to resolve disputes, address concerns, and seek solutions ineffective. The TCEQ's Environmental Equity Program was established in 1993 to help counter this trend by improving communication between government, local communities, and neighboring industries. The goals of the Environmental Equity Program are to:

- Help citizens and neighborhood groups participate in regulatory processes;
- Serve as the agency contact to address allegations of environmental injustice;
- Serve as a link for communications between the community, industries, and the government; and
- Thoroughly consider all citizens' concerns and handle them fairly.

Individuals may raise environmental equity or environmental justice concerns with TCEQ staff through a toll-free number, 1-800-687-4040, or at the following address, phone and fax numbers:

Environmental Equity
Texas Commission on Environmental Quality
P.O. Box 13087, MC 108
Austin, Texas 78711-3087
Tel: 512-239-4000
Fax: 512-239-4007

Additional information on environmental equity can be found at the following TCEQ website: http://www.tceq.state.tx.us/comm_exec/opa/envequ.html.

COMMENT 5: (Quality of Life and Property Values)

Group 1 commented that the proposed land application will adversely impact their quality of life. Group 1 also commented that the proposed land application site would diminish the value of their property.

RESPONSE 5:

Section 26.027 of the Texas Water Code authorizes the TCEQ to issue permits to control the discharge of wastes or pollutants into state waters and to protect the water quality of the state's rivers, lakes, and coastal waters. Issues such as potential adverse impacts on surround property values and general quality of life concerns are outside the scope of the normal permit application review process.

COMMENT 6: (Flooding)

Group 1 commented that they live within the 100-year flood plain, and experience seasonal flooding in certain low-lying areas. Group 1 also commented that a portion of the land application area may be located within the 100-year flood plain, and runoff from the proposed land application area will enter surrounding properties during periods of heavy rain.

RESPONSE 6:

Runoff from land application areas are prohibited under TCEQ regulations and the draft permit. The draft permit does not authorize the discharge of waste into waters of the State of Texas. The TCEQ has established management requirements, in accordance with 30 TAC § 312.44, which have been incorporated into the draft permit to protect against sludge runoff beyond the active application area. The Applicant is prohibited from applying sludge during rainstorms or periods where surface soils are water saturated, frozen, or snow-covered. The applicant is prohibited from land applying in areas that have a topographical slope in excess of eight percent. The proposed application area has a topographical slope of less than eight percent. Also, the draft permit requires that sludge be applied at a rate equal to the nitrogen uptake rate of the plants being grown (the agronomic rate); thus, ensuring that the nutrients are completely used by the plants and non are available for lateral seepage, or running off, into surface waters.

As with any material used in agriculture, it is likely that small amounts of these materials will be carried offsite during major rain events. However, the aforementioned limitations on land application should provide sufficient protection for the surrounding areas, while the dilution factor from heavy rain events should also help prevent the contamination of surrounding areas. Materials discharge during rain events should be no more harmful than other materials commonly used in agriculture.

COMMENT 7: (Human Health and Toxic Materials)

Group 1 commented that they were concerned about potential health hazards associated with the proposed land application; particularly asthma and other respiratory problems. Hon. Eddie Rodriguez commented that his constituents in the Garfield area of Del Valle were concerned about how toxic materials might affect their neighborhood. Attached to Mr. David E. Rogers and Ms. Victoria T. Rogers's comment letter was a flyer stating that sewage sludge may be inadvertently contaminated with toxic compounds.

RESPONSE 7:

TCEQ rules and the draft permit require the applicant to comply with detailed management practices designed to protect human health and the environment. This includes recordkeeping and monitoring requirements. See 30 TAC §§ 312.46 and 312.47. The draft permit requires the Applicant to monitor the sewage sludge for ten metals (arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc) as well as reduce pathogens and vector attraction pursuant to 30 TAC §

312.46(a)(1). The Applicant is required to comply with all applicable vector attraction reduction requirements in 30 TAC § 312.83, pathogen reduction requirements in 30 TAC § 312.82, and the metal limits, concentrations and loading rate requirements in 30 TAC § 312.43. The draft permit requires the Applicant to record the amount of sludge applied, the number of acres to which sludge is applied, and a description of how the site management practices are being met.

COMMENT 8: (Buffer Zones)

Mr. Jon A. White, Director of the Natural Resources and Environmental Quality Division for Travis County, and Mr. Thomas Weber, Environmental Quality Program Manager of the Natural Resources and Environmental Quality Division for Travis County expressed concern that the proposed permit includes land application areas located in the tributaries of Dry Creek pass, but the applicant does not show a 200-foot buffer from these surface water courses.

RESPONSE 8:

On August 19, 2009, the TCEQ conducted a site assessment that included inspections and verification of all proposed buffer zones as they pertain to 30 TAC § 312.44. Since it is a surface water course, it was concluded that the area surrounding Dry Creek pass did require a 200-foot buffer. The Applicant was notified by the TCEQ of the requirement and the Applicant amended their application, indicating the buffer zones would be located in the appropriate areas. This resulted was a decrease in the application area and the prohibition of land application of sludge all buffer areas as indicated on Attachment B of the draft permit. Land application of sludge in these areas would be a violation of the permit.

COMMENT 9: (Travis County Ordinance)

Mr. Jon A. White, Director of the Natural Resources and Environmental Quality Division for Travis County, provided comments regarding inconsistency between the proposed land application areas and Travis County Code, Chapter 62, relating to the siting of solid waste management facilities; specifically, the location of the proposed land application areas within the:

- 500 foot setback from the Federal Emergency Management Agency (FEMA) 100-year flood plain boundary; and
- 1,500 foot setback from individual residences.

Mr. Thomas Weber, Environmental Quality Program Manager of the Natural Resources and Environmental Quality Division for Travis County expressed similar concerns in his electronic comment and during the October 1, 2009 public meeting.

RESPONSE 9:

The technical review of the permit application conducted by Executive Director staff is limited to whether the application complies with all applicable TCEQ rules and regulations. Compliance with certain local regulations is not a prerequisite to Executive Director staff determining that permit application is technically complete. The draft permit does not authorize any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to ensure compliance with all local regulations.

COMMENT 10: (Support for Issuance of the Draft Permit)

Ms. Rosemary Kalina expressed her support for the issuance of the draft permit. Mr. Russell Williams commented that he did not see any problems with the land application of sewage, and also supported issuance of the draft permit.

RESPONSE 10:

The Executive Director acknowledges these comments.

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT

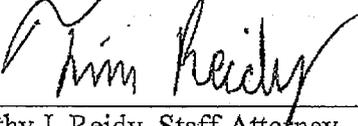
No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark Vickery, P.G.
Executive Director

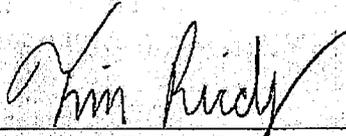
Robert Martinez, Director
Environmental Law Division

By 
Timothy J. Reidy, Staff Attorney
Environmental Law Division
State Bar No. 24058069
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
(512) 239-0969

REPRESENTING THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on December 30, 2010, the "Executive Director's First Amended Response to Public Comment" for TCEQ Permit No. WQ0004888000 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



Timothy J. Reidy, Staff Attorney
Environmental Law Division
State Bar No. 24058069

**Attachment C –
Compliance History Report**

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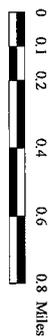
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**Attachment D –
GIS Map**

Synagro of Texas - CDR, Inc.
TCEQ Permit No. WQ0004888000
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
 July 14, 2010

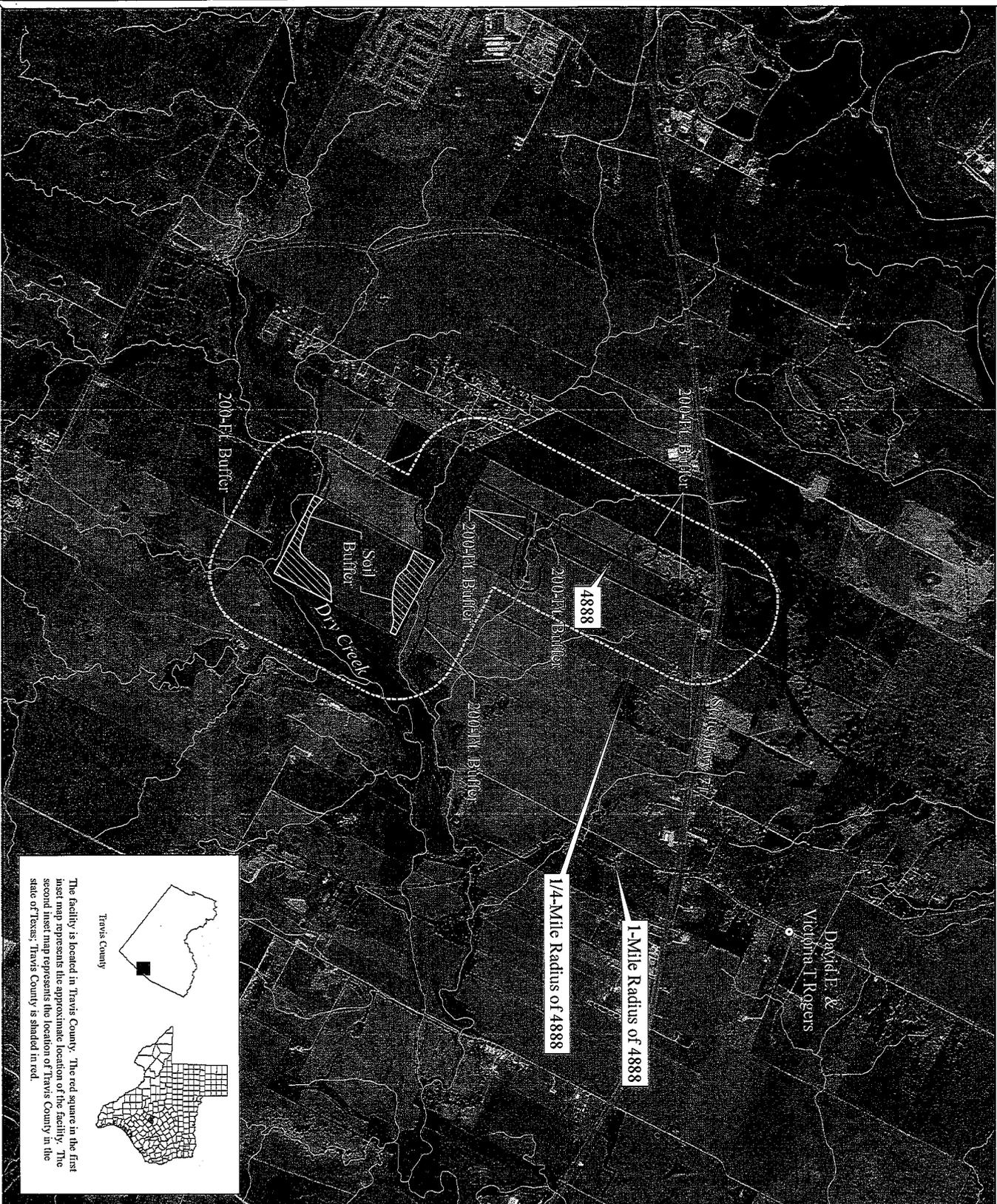


Projection: Texas Statewide Mapping System (TSMS)
 Scale: 1:36,000

- Legend**
- Studge Application Site
 - Protestant's Property

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the request information from the requester. The vector data are U.S. Census Bureau 1992 TIGER/Line Data (1:100,000). The background of this map is a one-half meter photograph from the 2008 Texas Orthoimagery Project.

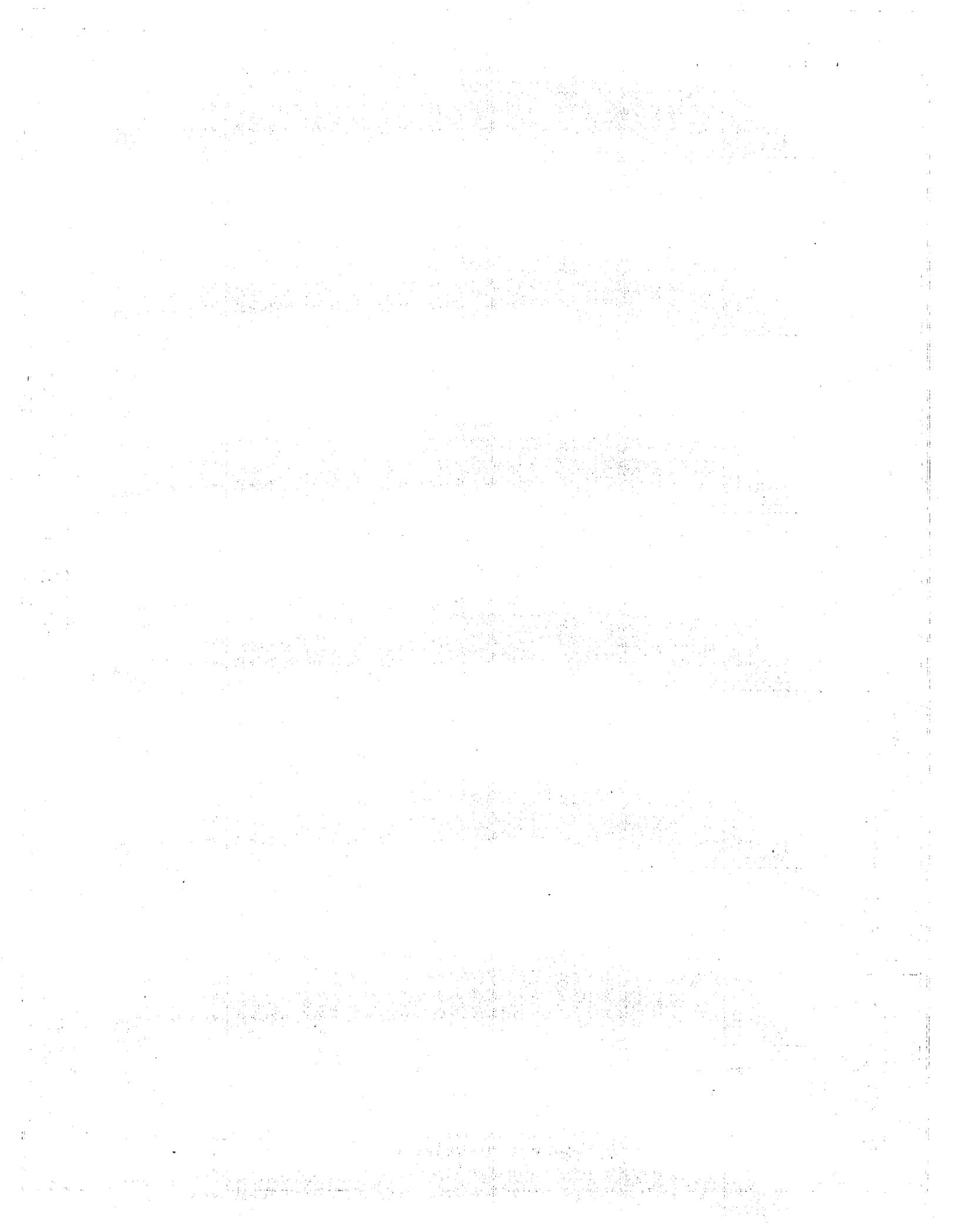
- This map depicts the following:
- (1) The approximate location of the application site. This is labeled "4888".
 - (2) Polygon depicting 1-mile buffer. This is labeled "1-Mile Radius of 4888".
 - (3) Polygon depicting 1/4-mile buffer. This is labeled "1/4-Mile Radius of 4888".
 - (4) Polygons depicting 200-foot buffers. These are labeled "200 Ft.".
 - (5) Dot representing the approximate location of the protestant. This is labeled with the protestant's name.



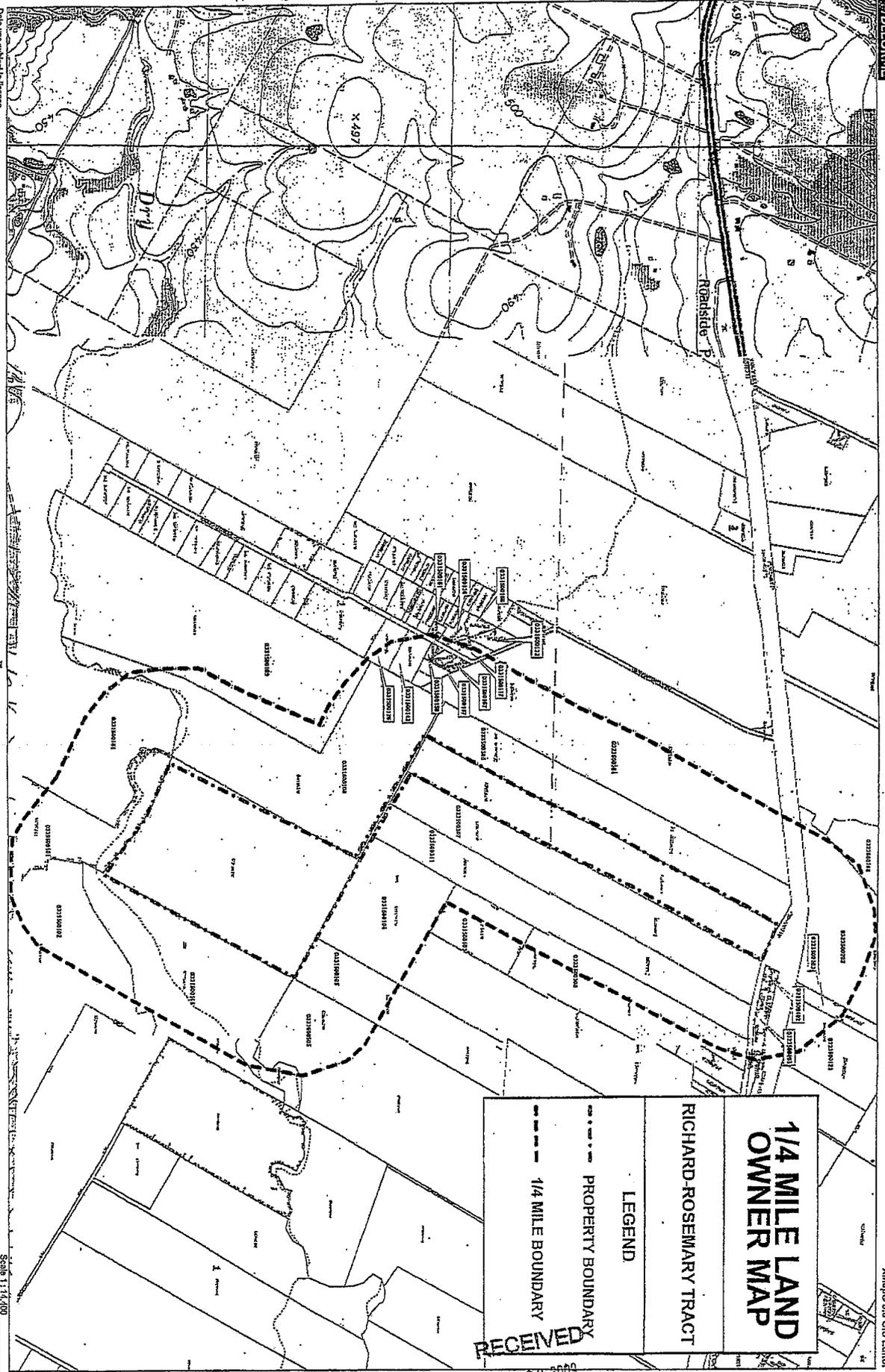
The facility is located in Travis County. The red square in the first inset map represents the approximate location of the facility. The second inset map represents the location of Travis County in the state of Texas; Travis County is shaded in red.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resources Division at (512) 239-0800.

MacDonald CTR-32337/02



**Attachment E –
Landowners Map & List**



**1/4 MILE LAND
OWNER MAP**

RICHARD-ROSEMARY TRACT

LEGEND

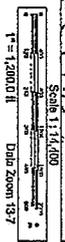
- PROPERTY BOUNDARY
- - - - 1/4 MILE BOUNDARY

RECEIVED

APR 03 2009

Water Quality Applications Team

Data not subject to license.
© Delorme, XMap® 5.0 GIS Editor.
www.delorme.com



Richard-Rosemary
¼ Mile Radius Landowners

NUMBER	LANDOWNER
REF # 03236005050000	GARFIELD PARTNERS PO BOX 160340 AUSTIN, TX 78716-0340
REF # 03235003040000	HARWELL VADA ETAL 2709 PARK VIEW AUSTIN, TX 78757-2338
REF# 03315001170000	REYES REYNALDO & MARIA 5316 NAVARRO CREEK RD DEL VALLE, TX 78617-4002
REF# 03315001520000	RAY BENNIE 710 W 14 TH ST STE C AUSTIN, TX 78701-1798
REF # 03315001260000	MARTIN A E PO BOX 1403 ROUND ROCK, TX 78680-1403
REF# 03315001430000	HELM TIMOTHY 5213 NAVARRO CREEK RD DEL VALLE, TX 78617-4001
REF # 03315001500000	GARFIA GUILLERMINA 3408 E 12 TH ST AUSTIN, TX 78721-1004
REF # 03315001570000	CRUZ RICHARD & CLARA HERNANDEZ 5201 NAVARRO CREEK RD DEL VALLE, TX 78617-4001
REF # 03315001610000	AYALA RAQUEL 6200 NAVARRO CREEK RD DEL VALLE, TX 78617
REF # 03235002020000	WASHINGTON OTHELLA FAYE DERE PO BOX 369 DEL VALLE, TX 78617-0369
REF # 03235003110000	LINSCOMB HORAGE G JR & ALICE M REVOCABLE LIVING TRUST 505 ROCKY RIVER RD AUSTIN, TX 78746-5341
REF# 03235004020000 REF# 0323500403000	SHARP E O & I E FAMILY PARTNERSHIP LTD DBA SHARP FAMILY PARTNERSHIP 515 HIGHWAY 71 W BASTROP, TX 78602-3868
REF # 03236001230000	HUR SHRINE BEN 7811 ROCKWOOD LN AUSTIN, TX 78757

