TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

DOCKET NUMBER 2010-0835-MWD

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APPLICATION BY CITY OF	§	**BEFORE THE**
FAIR OAKS RANCH FOR	§	**TEXAS COMMISSION ON**
TCEQ PERMIT NO.WQ0011867001	§	**ENVIRONMENTAL QUALITY**

CHIEF CLERKS OFFICE

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

I. Introduction

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to Hearing Requests and Requests for Reconsideration on the application by City of Fair Oaks Ranch (Applicant) for the renewal of TCEQ Permit No. WQ0011867001. Mr. Jody Daniel filed a timely contested case hearing (CCH) request and submitted a Requests for Reconsideration (RFR).

Attached for Commission consideration are the following:

Attachment A -	Satellite Map of Area
Attachment B -	Fact Sheet and Executive Director's Preliminary Decision
Attachment C -	Draft Permit
Attachment D -	Executive Director's Response to Public Comments (RTC)
Attachment E -	Compliance History

II. Description Of The Facility

The City of Fair Oaks Ranch has applied to the TCEQ for a renewal of TCEQ Permit No. WQ0011867001. The permit would authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 500,000 gallons per day via surface irrigation of 280 acres of Fair Oaks Ranch Golf and Country Club land. The wastewater treatment facility and disposal site are located on the northern border of Bexar County, west of Ralph Fair Road and south of Cibolo Creek at the extreme east side of Fair Oaks Ranch in Bexar County, Texas 78015. The wastewater treatment facility and disposal site are located in the drainage basin of Upper Cibolo Creek in Segment No. 1908 of the San Antonio River Basin. The draft permit does not authorize any discharge of pollutants into water in the State.

The Fair Oaks Ranch wastewater treatment facilities consist of an activated sludge process plant using the extended aeration mode. Treatment units include a lift station, bar screen, oxidation ditch, final clarifier, digester, sludge drying beds, chlorine contact chamber, effluent lift station and effluent holding ponds.

The effluent limitations in the draft permit, based on a daily average, are 20 mg/l BOD_5 and 20 mg/l TSS. The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes based on peak flow.

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal and Transportation. Sludge generated from the treatment facility is hauled by a registered transporter and disposed of at a TCEQ permitted landfill,Tessman Road Landfill, Permit No. 1410C, in Bexar County. The draft permit also authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

III. Procedural Background

The TCEQ received the application for permit renewal from the City of Fair Oaks Ranch on August 10, 2009 and declared it administratively complete on September 11, 2009. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in the *Borne Star* on September 29, 2009. The Applicant published the Notice of Application and Preliminary Decision (NAPD) in the *Borne Star* on January 8, 2010. A public meeting was requested by Mr. Daniels, however the Executive Director determined that the request did not satisfy the factors set out in Title 30 of the Texas Administrative Code, Section 55.154. Therefore, the request for a public meeting was denied. The public comment period ended on February 8, 2010. The ED's Response to Comment (RTC) was filed on April 15, 2010. The Hearing Request period ended May 20, 2010. This application was administratively complete after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999 (76^{th} Legislature, 1999).

V. Analysis of the Hearing Request

The Executive Director has reviewed the Requests and respectfully recommends that the Commission deny the hearing requests because there is no right to a Contested Case hearing under 30 TAC § 55.201(i)(5).

A. Whether the Requester is Entitled to a Contested Case Hearing under 30 TAC § 55.201(i)(5)?

The request in this case should be denied because under TWC § 26.028(d) and 30 TAC §55.201(i)(5), there is no right to a contested case hearing for a permit renewal of this sort. Pursuant to 30 TAC § 55.201(i)(5), there is no right to a contested case hearing when: 1) the applicant is not applying to increase significantly the quantity of waste authorized to be discharged or change materially the pattern or place of discharge, 2) the activity to be authorized by the renewal will maintain or improve the quality of waste authorized to be discharged, 3) any required opportunity for a public meeting has been given, 4) timely response to public comments has been given, and 5) the applicant's compliance history for the previous five years raises no issues regarding the applicant's ability to comply with a material term of the permit.

The City of Fair Oaks Ranch has satisfied all of the conditions outlined in 30 TAC § 55.201(i)(5); therefore, the Executive Director recommends that the hearing request filed by Mr. Daniel be denied. The City of Fair Oaks Ranch did not request, and the draft permit does not authorize, an increase in the permitted flow and the disposal site and the method of disposal remain the same between the current permit and proposed renewal permit.

The executive director shall hold a public meeting if he "determines that there is a substantial or significant degree of public interest in an application" or "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." 30 TAC § 55.154(c). A public meeting was timely requested by Mr. Daniel, however the Executive Director determined that the request did not satisfy the requirements of Section 55.154. Only one request for public meeting was received from the public and a member of the legislature did not file a request for a public meeting. Therefore, a public meeting was not required in this case. However, the Region was informed of Mr. Daniels concerns and his comment was treated as a complaint. On May 5, 2010 investigators from the region conducted an investigation and no violation was cited.

The ED prepared and filed responses to all timely, relevant and significant public comments received. See 30 TAC § 55.156(b)(1). The public comment period ended on February 8, 2010. The ED's Response to Comment (RTC) was filed on April 15, 2010.

The compliance history for the City of Fair Oaks Ranch raises no issues concerning the ability of the City of Fair Oaks Ranch to comply with the terms of the draft permit. The compliance history has a Classification of "Average" and a Site Rating of 3.25.

The Executive Director made two changes in the draft permit which were not included in the existing permit. A provision that states the pH shall not be less than 6.0 standard units nor greater than 9.0 standard units was included in the draft permit to make it more stringent. To avoid redundancy in the renewal permit, the term "oxidation ditch" was removed from the description of treatment units contained in the existing permit. Neither of these changes affects the analyses of whether the Commission should grant the hearing requests.

The Executive Director recommends that the Commission find that Mr. Daniel is not entitled to a contested case hearing under 30 TAC §§ 55.201(i)(5).

VI. Requests for Reconsideration

The request raised concerns regarding buffer zone requirements, issues relating to the proximity of the plant from the requestor's property, nuisance odors, vector issues (flies), and nuisance conditions that prevent the reasonable use and enjoyment of the requestor's property. These issues were raised and addressed in the Executive Director's Response to Comments (See Attachment-D). This facility is a grandfathered facility under 30 TAC § 309.13(h). The buffer zone requirements in 30 TAC § 309.13(e) do not apply to "a permitted facility undergoing renewal of an existing permit with plans and specifications approved prior to March 1, 1990, for which no design change is requested. . . .

Facilities for which plans and specifications have been approved prior to March 1, 1990, are not required to resubmit revised plans and specifications to meet changed requirements in this section in obtaining renewal of an existing permit." *See* 30 TAC § 309.13(h) & (i). The permittee has demonstrated compliance with all applicable provisions of the existing permit; the facility is currently being operated and maintained in acceptable manner, and the permittee does not have compliance issues that would affect his ability to continue to operate and maintain the facility in accordance with the provisions of the current and proposed renewal permits. Since no additional facts or evidence was presented in the request for reconsideration, the Executive Director respectfully requests that the Commission deny Mr. Daniel's motion for reconsideration.

ED recommends denial of the RFR because the request did not raise new issues or provided any factual documentation that would change the ED's decision on this permit application.

VII. Executive Director's Recommendation

The ED recommends the following actions by the Commission:

1. The Commission deny the hearing requests based on TWC § 26.028(d) and 30 TAC §55.201(i)(5), which provide that there is no right to a contested case hearing for a permit renewal or amendment of this sort.

2. The Commission deny the Request for Reconsideration since the request did not raise new issues or provided any factual documentation that would change the ED's decision on this permit application

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Mark R.Vickery, P.G., Executive Director

Robert Martinez, Director
Environmental Law Division

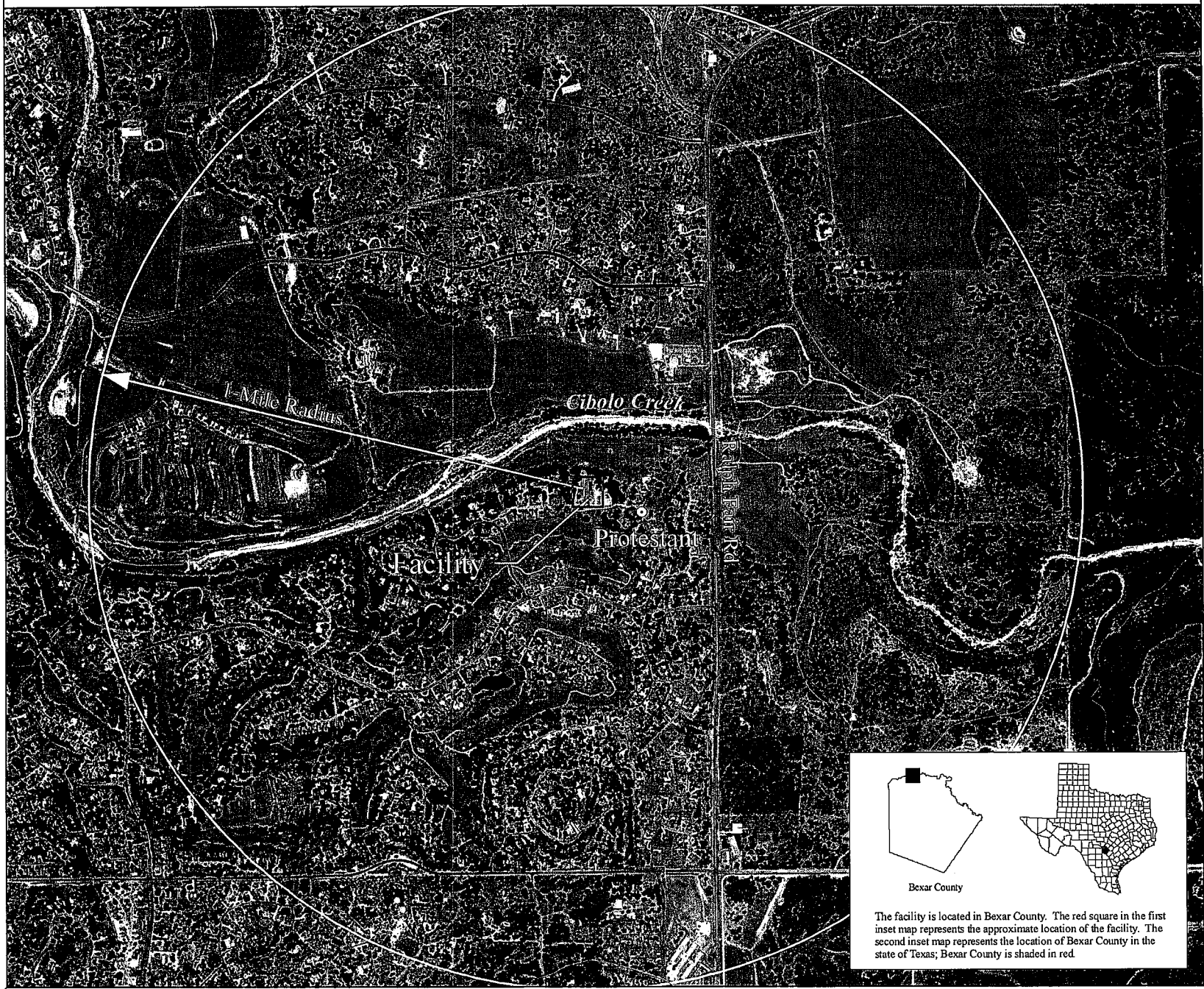
By _____
Christine Angeletti, Staff Attorney
Environmental Law Division
State Bar No. 24059383
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
(512) 239-1204

(512) 239-0606
REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Attachment A

Satellite Map of Area

WQ0011867001 City of Fair Oaks Ranch
Hearing Request
Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



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

Protecting Texas by Reducing and Preventing Pollution

TCEQ

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

July 22, 2010

0 0.1 0.2 0.4 Miles

Projection: Texas Statewide Mapping System (TSMS)
Scale 1:18,000

Legend

- Facility
- 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 requestor information from the requestor. 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 facility. This is labeled "Facility".
(2) Circle and arrow depicting 1-mile radius. This is labeled "1-Mile Radius".
(3) Point depicting approximate location of the protestant. This is labeled "Protestant".

N

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 Resource Division at (512) 239-0800.

M McDonough CRF-329561

Attachment B

Fact Sheet and Executive Director's Preliminary Decision

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Firoj Vahora, Team Leader
Municipal Permits Team, Wastewater Permitting Section

Date: October 27, 2009

From: Brian Sierant, Municipal Permits Team

APPLICANT: City of Fair Oaks Ranch
PLANT NAME: Fair Oaks Ranch WWTP
TCEQ PERMIT NO: WQ0011867001

FILE NAME: I:\WQ\MUNI\BRIAN\A PERMITS\11867-001

Admin Complete Date:	9/11/09	Tech Complete Date:	10/16/09
Groundwater Impact Evaluation Memo	N/A	RFI Letter Date:	N/A
Assign Date:	9/14/09	Response Letter Date:	N/A

PERMIT TYPE

☒ Public Domestic	☒ Minor (< 1 MGD)	☐ Permitted Sludge Disposal
☐ Private Domestic	☐ Major (≥1 MGD)	☐ Water Treatment Plant
☒ Surface Irrigation	☐ Subsurface Disposal (Drain field)	☐ Evaporation

PERMIT ACTION:

Renewal

YES	NO	
☒	☐	Transmittal letter to applicant
☒	☐	Statement of Basis/Technical Summary and ED Preliminary Decision
☒	☐	Permit Draft
☐	☒	Authorization to dispose of sewage sludge on property adjacent to WWTP in draft permit:
☐	☒	includes appropriate other requirements (including quarterly and annual reporting, soil monitoring, language in notice and fact sheet, attachments:
☒	☐	FACILITY PROCESS FORM **(saved to I:\wq\muni\tracs forms)**
☒	☐	NOTICE for admin complete on or after 9/1/99
☒	☐	CAPTION (also saved in **I:\EVERYONEwq\CAPTION)**
☐	☒	LOCATED IN THE COASTAL ZONE (if located in coastal zone, include CMP Threshold Review Sheet)
☒	☐	SPELLCHECK: DRAFT PERMIT/TECH SUM/SOB/FACT SHEET/NOTICE/LETTER(S)
☐	☒	**SCHEDULE FOR ERC Part A:** Permits in Edwards Aquifer are scheduled for ERC Part A.
☒	☐	**COMPLIANCE HISTORY: (Prepare CH before finalizing draft permit & edit as needed)**
☐	☒	Enforcement orders
☐	☒	Changes to the draft permit made based on discussion at ERC

COMMENTS: City of Fair Oaks Ranch has applied for a renewal of TCEQ Permit No. WQ0011867001, which authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 500,000 gallons per day via surface irrigation of 280 acres of Fair Oaks Ranch Golf and Country Club land. This permit will not authorize a discharge of pollutants into waters in the State. The Fair Oaks Ranch wastewater treatment facilities consist of an activated sludge process plant using the extended aeration mode. Treatment units include a lift station, bar screen, oxidation ditch, final clarifier, digester, sludge drying beds, chlorine contact chamber, effluent lift station and effluent holding ponds.

Request for Comments on Draft Permit
TCEQ – Water Quality Division
Phone: (512)239-4671
Fax: (512)239-4430
Mailing Address: TCEQ, Water Quality Division, P.O. Box 13087, Austin, TX 78711-3087

TO: Region: 13

Submitted by: **Brian Sierant** E-Mail ID: **bsierant@tceq.state.tx.us** Phone: **(512) 239-1375**

Date Request Submitted:

Comments Deadline: Within ten days

Date Application Received by TCEQ in Austin: **August 10, 2009**

REGIONAL OFFICES: The entity below has submitted an application for the project referenced below in accordance with regulations of the TCEQ. Please return comments ASAP, but no later than the comments deadline, which is 10 days from the submittal date. Permit disposition will proceed after comments are received or after the comments deadline has passed. If no comments are received within this time frame, we will assume you have no comments or objections to the project as proposed. Please return a complete copy of the form (both sides) with your comments.

PROJECT TYPE: **Renewal**

TEAM ASSIGNED: **MUNICIPAL**

APPLICATION TYPE: **TLAP**

REGULATED ENTITY NO.: **RN101613123**

PERMIT NO.: **WQ0011867001**

CUSTOMER REFERENCE NO.: **CN600532170**

COMPANY NAME: **City of Fair Oaks Ranch**

PLANT NAME: **Fair Oaks Ranch**

ADDRESS: **7286 Dietz Elkhorn Road, Fair Oaks Ranch, Texas 78015**

SEGMENT: **1908**

COUNTY: **Bexar**

TECHNICAL CONTACT: **Mr. Dan Kasprowicz**

PHONE: **210-698-0900**

PERMIT CLASSIFICATION: **MINOR**

COMPLIANCE RATING: **Average for CN and RN (3.13 and 3.25)**

SUMMARY OF APPLICATION REQUEST: City of Fair Oaks Ranch has applied for a renewal of TCEQ Permit No. WQ0011867001, which authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 500,000 gallons per day via surface irrigation of 280 acres of Fair Oaks Ranch Golf and Country Club land. This permit will not authorize a discharge of pollutants into waters in the State. The Fair Oaks Ranch wastewater treatment facilities consist of an activated sludge process plant using the extended aeration mode. Treatment units include a lift station, bar screen, oxidation ditch, final clarifier, digester, sludge drying beds, chlorine contact chamber, effluent lift station and effluent holding ponds.

PERMIT WRITER COMMENTS: **None.**

RESPONSE TO REQUEST FOR COMMENTS ON DRAFT PERMIT

TO: Brian Sierant

FROM: Region: 13

Copy of Application Received by your Office: ☐ YES ☐ NO Date Received: _____

COMPANY NAME: City of Fair Oaks Ranch

PERMIT NO.: WQ0011867001

REGULATED ENTITY NO: RN101613123

Investigator's/Compliance Officer's Name (Please Print): _____

Phone: _____

Comments Deadline (from pg. 1):

Date of Last Site Visit: _____

COMMENTS ON CONDITIONS: (Please mark up draft special conditions with your comments. Please address applicability and enforceability. List any additional conditions below):

Compliance Determination Conditions: _____

Operational Limitations: _____

General Comments: _____

Mr. Dan Kasprowicz
City of Fair Oaks Ranch
7286 Dietz Elkhorn Road
Fair Oaks Ranch, Texas 78015

Re: City of Fair Oaks Ranch - Proposed TCEQ Permit No. WQ0011867001
(CN600532170; RN101613123)

Dear Mr. Kasprowicz:

Enclosed for your review and comment is a copy of a draft proposed permit and technical summary for the above-referenced operation. This draft permit is subject to further staff review and modification; however, we believe it generally includes the terms and conditions that are appropriate to your discharge. Please read the entire draft carefully as there may be changes from the existing permit and note the following:

1. The draft permit will be issued to expire **March 1, 2019**, according to 30 TAC Section 305.127(1)(C)(ii)(III), Conditions to be Determined for Individual Permits.

2. The Sludge Provisions, Special Provisions and Standard Provisions have been revised in the draft permit.

3. A provision that states the pH shall not be less than 6.0 standard units nor greater than 9.0 standard units was included on Page 2 of the draft permit.

Also enclosed for your review and comment is a copy of the draft second notice, the Notice of Application and Preliminary Decision (NAPD), that was prepared for your application. Please review this notice and provide comments if there are any inaccuracies or any information that is not consistent with your application. Please do not publish the notice at this time; after the draft permit is filed with the Office of the Chief Clerk, you will receive instructions for publishing this notice in a newspaper from the Office of the Chief Clerk. Please note that these instructions will not be mailed if the Office of the Chief Clerk has not received the requested proof that the first notice (Notice of Receipt and Intent to Obtain a Permit) has been published. This could cause delays in the processing of your application and the final issuance of the proposed draft permit. When the NAPD notice is received, please publish promptly and submit proof of publication (affidavit and tearsheet) to the Office of the Chief Clerk. Failure to publish notice and submit proof of publication in a timely manner may result in returning of the application and loss of authorization to operate.

Please read the enclosed "Draft Permit Form" and submit your comments prior to the deadline that is indicated on the form. If your comments are not received by the deadline, the draft permit will be transferred to the Office of the Chief Clerk and comments received after this date will not be considered. Please see the enclosed form for further details.

If you have any comments or questions, please contact me at (512) 239-1375 or if by correspondence, include MC 148 in the letterhead address following my name.

Sincerely,

Brian Sierant, Permit Coordinator
Municipal Permits Team
Wastewater Permitting Section (MC 148)
Water Quality Division
Texas Commission on Environmental Quality

Enclosures

cc: TCEQ Region 13

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR WATER QUALITY LAND APPLICATION PERMIT FOR MUNICIPAL WASTEWATER RENEWAL

PERMIT NO. WQ0011867001

APPLICATION AND PRELIMINARY DECISION. City of Fair Oaks Ranch, 7286 Dietz Elkhorn Road, Fair Oaks Ranch, Texas 78015, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of TCEQ Permit No. WQ0011867001, which authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 500,000 gallons per day via surface irrigation of 280 acres of Fair Oaks Ranch Golf and Country Club land. This permit will not authorize a discharge of pollutants into waters in the State. TCEQ received this application on August 10, 2009.

The wastewater treatment facility and disposal site are located on the northern border of Bexar County, west of Ralph Fair Road and south of Cibolo Creek at the extreme east side of Ralph Fair Ranch in Bexar County, Texas 78015. The wastewater treatment facility and disposal site are located in the drainage basin of Upper Cibolo Creek in Segment No. 1908 of the San Antonio River Basin.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn Road, Fair Oaks Ranch, Texas.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: **your name; address, phone; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are germane to the group's purpose.**

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn. **TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.state.tx.us/about/comments.html within 30 days from the date of newspaper publication of this notice.

AGENCY CONTACTS AND INFORMATION. If you need more information about this permit application or the permitting process, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information about the TCEQ can be found at our web site at www.TCEQ.state.tx.us.

Further information may also be obtained from City of Fair Oaks Ranch at the address stated above or by calling Mr. Roy Thomas at 210-698-0900.

Issuance Date _____

TRACS FACILITY EXTENSION - TREATMENT PROCESS
TCEQ PERMIT NO. WQ0011867001

Permittee: City of Fair Oaks Ranch
Plant Name: Fair Oaks Ranch WWTP
Application: Renewal ☐ Interim I ☐ Interim II ☐ Interim III ☒ Final

WASTEWATER TREATMENT

Primary Treatment
01 Pumping raw wastewater
02 Preliminary treatment – bar screen
03 Preliminary treatment – grit removal
04 Preliminary treatment - comminutors
05 Preliminary treatment - others
B1 Imhoff tank
06 Scum removal
07 Flow equalization basins
08 Preaeration
09 Primary sedimentation
D2 Septic tank
A5 Facultative lagoon

Secondary Treatment
10 Trickling filter – rock media
11 Trickling filter – plastic media
12 Trickling filter – redwood slats
13 Trickling filter – other media
14 Activate sludge – conventional
15 Activate sludge – complete mix
16 Activate sludge – contact stabilization
17 Activated sludge – extended aeration
18 Pure oxygen activate sludge
19 Bio-Disc (rotating biological filter)
20 Oxidation ditch
21 Clarification using tube settlers
22 Secondary clarification
B6 Constructed wetlands
E5 Natural treatment
E6 Overland flow

Advanced Treatment - Biological
23 Biological nitrification – separate stage
24 Biological nitrification - combined
25 Biological denitrification
26 Post aeration (reaeration)

Advanced Treatment – Physical/Chemical
27 Microstrainers – primary
28 Microstrainers – secondary
D1 Dunbar Beds
29 Sand filters
30 Mix media filters (sand and coal)
31 Other filtrations
B2 Bubble diffuser (compressor)
32 Activated carbon – granular
B3 Mechanical surface aerator
33 Activated carbon-powered
34 Two stage lime treatment of raw
35 Two stage tertiary lime treatment
36 Single stage lime treatment of raw
37 Single state tertiary lime treatment
38 Recarbonation
39 Neutralization
40 Alum addition to primary
41 Alum addition to secondary
42 Alum addition to separate state tertiary
43 Ferri-chloride addition to primary
44 Ferri-chloride addition to secondary
45 Ferri-chloride addition to separate stage
46 Other chemical additions
47 Ion exchange
48 Breakpoint chlorination
49 Ammonia stripping
50 Dechlorination

Disinfection
51 Chlorination for disinfection
52 Ozonation for disinfection
53 Other disinfection
D3 Ultra violet light

Land Treatment
54 Land treatment of primary effluent
55 Land treatment of secondary effluent
56 Land treatment of intermediate effluent (less than secondary)

Other Treatment
57 Stabilization ponds
58 Aerated lagoons
59 Outfall pumping
60 Outfall diffuser
61 Effluent to other plants
62 Effluent outfall
63 Other treatment
64 Evapo-transpiration beds
64 Recalcination

Disposal Method
A7 Irrigation – public access
A8 Irrigation – agricultural
B4 Evapo-transpiration beds
B6 Constructed wetlands
C1 Irrigation – pastureland
D4 Pressure dosing system
D5 Percolation system
D8 Other reuse method
E1 Evaporation/plays
E2 Discharge only
E3 Discharge and (use other #)
E4 Injection well(s)

SLUDGE TREATMENT PROCESSES
65 Aerobic digestion – air
66 Aerobic digestion – oxygen
67 Composting
68 Anaerobic digestion
69 Sludge lagoons
70 Heat treatment – dryer
71 Chlorine oxidation of sludge
72 Lime stabilization
73 Wet air oxidation
74 Dewatering – sludge drying beds, sand
F2 Dewatering – sludge drying bed vacuum assted
75 Dewatering – mechanical-vacuum filter
76 Dewatering – mechanical – centrifuge
77 Dewatering – mechanical – filter press
78 Dewatering – others
79 Gravity thickening
80 Air flotation thickening
D6 Sludge holding tank

Incineration
81 Incineration – multiple hearth
82 Incineration – fluidized beds
83 Incineration – rotary kiln
84 Incineration –others
85 Pyrolysis
86 Co-incineration with solid waste
87 Co-pyrolysis with solid waste
88 Co-incineration - others

SLUDGE DISPOSAL
89 Co-disposal landfill
D7 Sludge – only monofill
90 Land application (permitted)
91 Commercial land application (register)
92 Trenching
B5 Transport to another WWTP
F3 Transport to Regional compost facility
94 Other sludge handling
95 Digest gas utilization facilities
E7 Commercial land application (permit)
F4 Dedicated land disposal
F5 Marketing and distribution composted
F6 Marketing and distribution non-composted

MISCELLANEOUS
96 Control/lab/maintenance buildings
97 Fully automated using digital control -
98 Fully automated using analog control
99 Semi-automated plant
A1 Manually operated and controlled plant
A2 Package plant
A3 Semi-package plant
A4 Custom built plant
A7 Irrigation – public access
A8 Irrigation – agriculture
A9 Effluent storage ponds (irrigation)
C1 Irrigation – pastureland
D8 Other reuse method
D9 Emergency holding ponds
E1 Evaporation or playa
E8 Monitoring wells
E9 Biomonitoring
F7 Stormwater (SSO)
F8 Unconventional

PERMIT WRITER: Brian Sierant
Municipal Permits Team
Water Quality Division Wastewater Permitting Section,
Date: October 27, 2009

TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

DESCRIPTION OF APPLICATION

Applicant:	City of Fair Oaks Ranch TCEQ Permit No. WQ0011867001
Regulated Activity:	Domestic Wastewater Permit
Type of Application:	Renewal
Request:	Renewal with no changes
Authority:	Texas Water Code § 26.027; 30 TAC Chapters 305, 309, 312, 319, and 30; and Commission policies.

EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The proposed permit includes an expiration date of **March 1, 2019,** according to 30 TAC Section 305.127(1)(C)(ii)(III), Conditions to be Determined for Individual Permits.

REASON FOR PROJECT PROPOSED

City of Fair Oaks Ranch has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Permit No. 11867-001 to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 0.50 million gallons per day (MGD) via surface irrigation of 280 acres of Fair Oaks Ranch Golf and Country Club land.

PROJECT DESCRIPTION AND LOCATION

The Fair Oaks Ranch wastewater treatment facilities consist of an activated sludge process plant using the extended aeration mode. Treatment units include a lift station, bar screen, oxidation ditch, final clarifier, digester, sludge drying beds, chlorine contact chamber, effluent lift station and effluent holding ponds.

Sludge generated from the treatment facility is hauled by a registered transporter and disposed of at a TCEQ permitted landfill,Tessman Road Landfill, Permit No. 1410C, in Bexar County. The facility is a pond system and sludge from the ponds has not been removed for sludge disposal to date. The draft permit authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

The wastewater treatment facility and disposal site are located on the northern border of Bexar County, west of Ralph Fair Road and south of Cibolo Creek at the extreme east side of Ralph Fair Ranch in Bexar County, Texas 78015.

The wastewater treatment facility and disposal site are located in the drainage basin of Upper Cibolo Creek in Segment No. 1908 of the San Antonio River Basin. No discharge of pollutants into water in the State is authorized by this permit.

SUMMARY OF EFFLUENT DATA

The following is a summary of the applicant's Monthly Effluent Report data for the period July 2007 through June 2009. The average of Daily Average value is computed by averaging of all 30-day average values for the reporting period for each parameter.

Parameter	Average of Daily Average
Flow, MGD	0.24
BOD_5, mg/l	3
TSS, mg/l	6.5

PROPOSED PERMIT CONDITIONS

The draft permit authorizes the disposal of treated domestic wastewater effluent at a daily average flow not to exceed 0.50 MGD via surface irrigation of 280 acres of Fair Oaks Ranch Golf and Country Club land. The facility includes 4 storage ponds with a total surface area of 13.99 acres and total capacity of 158.22 acre-feet for storage of treated effluent prior to irrigation. Application rates shall not exceed 2.0 acre-feet per year per acre irrigated. The irrigated crops include golf course bermuda grass.

The effluent limitations in the draft permit, based on a daily average, are 20 mg/l BOD_5 and 20 mg/l TSS. The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes based on peak flow.

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal and Transportation. Sludge generated from the treatment facility is hauled by a registered transporter and disposed of at a TCEQ permitted landfill,Tessman Road Landfill, Permit No. 1410C, in Bexar County. The draft permit authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

SUMMARY OF CHANGES FROM APPLICATION

See the next section for additional changes based on the existing permit.

SUMMARY OF CHANGES FROM EXISTING PERMIT

Effluent limitations and monitoring requirements in the draft permit remain the same as the existing permit effluent limitations and monitoring requirements. The Sludge Provisions, Special Provisions and Standard Provisions have been revised in the draft permit. The existing permit authorizes the disposal of treated domestic wastewater effluent at a daily average flow not to exceed 0.50 MGD via surface irrigation of 280 acres of Fair Oaks Ranch Golf and Country Club land. The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes based on peak flow.

A provision that states the pH shall not be less than 6.0 standard units nor greater than 9.0 standard units was included on Page 2 of the draft permit.

BASIS FOR PROPOSED DRAFT PERMIT

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

1. Application submitted with letter dated August 10, 2009 and additional information submitted with letter dated September 4, 2009.

2. Existing TCEQ permit: Permit No. WQ0011867001 issued June 14, 2005.

PROCEDURES FOR FINAL DECISION

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

Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application. This notice sets a deadline for public comment.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment, and is not a contested case proceeding.

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

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

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

For additional information about this application, contact Mr. Brian Sierant at (512) 239-1375.

Brian Sierant
Municipal Permits Team
Wastewater Permitting Section (MC 148)

Date

Attachment C

Draft Permit

PERMIT NO. WQ0011867001

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

This is a renewal of Permit No. WQ0011867001 issued June 14, 2005.

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

City of Fair Oaks Ranch

whose mailing address is

7286 Dietz Elkhorn Road
Fair Oaks Ranch, Texas 78015

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

General Description and Location of Waste Disposal System:

Description: The Fair Oaks Ranch wastewater treatment facilities consist of an activated sludge process plant using the extended aeration mode. Treatment units include a lift station, bar screen, oxidation ditch, final clarifier, digester, sludge drying beds, chlorine contact chamber, effluent lift station and effluent holding ponds. The permittee is authorized to dispose of treated domestic wastewater effluent at a daily average flow not to exceed 0.50 million gallons per day (MGD) via surface irrigation of 280 acres of Fair Oaks Ranch Golf and Country Club land. Application rates shall not exceed 2.0 acre-feet per year per acre irrigated. The irrigated crops include golf course bermuda grass.

Location: The wastewater treatment facility and disposal site are located on the northern border of Bexar County, west of Ralph Fair Road and south of Cibolo Creek at the extreme east side of Ralph Fair Ranch, in Bexar County, Texas 78015. (See Attachment A.)

Drainage Area: The wastewater treatment facility and disposal site are located in the drainage basin of Upper Cibolo Creek in Segment No. 1908 of the San Antonio River Basin. No discharge of pollutants into water in the State is authorized by this permit.

This permit and the authorization contained herein shall expire at midnight on **March 1, 2019**.

ISSUED DATE:

For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

A. Effluent Limitations

Character: Treated Domestic Sewage Effluent

Volume: Daily Average Flow – 0.50 MGD from the treatment system

Quality: The following effluent limitations shall be required:

Parameter	Effluent Concentrations (Not to Exceed) Daily Average mg/l	7-Day Average mg/l	Daily Maximum mg/	Single Grab mg/l
Biochemical Oxygen Demand (5-day)	20	30	45	65
Total Suspended Solids	20	30	45	65

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

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

B. Monitoring Requirements:

Parameter	Monitoring Frequency	Sample Type
Flow	Five/week	Instantaneous
Biochemical Oxygen Demand (5-day)	One/Two week	Grab
Total Suspended Solids	One/Two week	Grab
pH	One/month	Grab
Chlorine Residual	Five/week	Grab

The monitoring shall be done after the final treatment unit and prior to storage of the treated effluent. If the effluent is land applied directly from the treatment system, monitoring shall be done after the final treatment unit and prior to land application. These records shall be maintained on a monthly basis and be available at the plant site for inspection by authorized representatives of the Commission for at least three years.

STANDARD PERMIT CONDITIONS

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

DEFINITIONS

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

1. Flow Measurements

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

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

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

2. Concentration Measurements

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

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

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

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

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

3. Sample Type

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

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

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

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

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

MONITORING REQUIREMENTS

1. Monitoring Requirements

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

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

2. Test Procedures

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

b. 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.

3. Records of Results

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

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

c. Records of monitoring activities shall include the following:

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

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

4. Additional Monitoring by Permittee

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

5. Calibration of Instruments

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

6. Compliance Schedule Reports

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

7. Noncompliance Notification

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

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

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

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

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

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

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

9. Changes in Discharges of Toxic Substances

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

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

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

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

i. Five hundred micrograms per liter (500 μg/L);
ii. One milligram per liter (1 mg/L) for antimony;
iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
iv. The level established by the TCEQ.

10. Signatories to Reports

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

PERMIT CONDITIONS

1. General

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

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

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

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

2. Compliance

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

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

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

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

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

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

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

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

3. Inspections and Entry

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

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

4. Permit Amendment and/or Renewal

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

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

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

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

c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.

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

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

5. Permit Transfer

a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.

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

6. Relationship to Hazardous Waste Activities

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

7. Property Rights

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

8. Permit Enforceability

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

9. Relationship to Permit Application

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

10. Notice of Bankruptcy.

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

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

b. This notification must indicate:

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

OPERATIONAL REQUIREMENTS

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

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

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

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

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

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

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

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

7. Documentation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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SLUDGE PROVISIONS

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

SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE LAND APPLICATION

A. General Requirements

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

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

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

B. Testing Requirements

1. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method, which receives the prior approval of the TCEQ for the contaminants listed in Table 1 of 40 CFR Section 261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 13) within 7 days after failing the TCLP Test.

   The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Permitting and Remediation Support Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 13) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year.

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

TABLE 1

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

* Dry weight basis

3. Pathogen Control

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

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

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

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

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

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

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

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

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

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

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

Alternative 1 -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Vector Attraction Reduction Requirements

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

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

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

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

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

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

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

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

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

Alternative 9 -

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

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

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

Alternative 10-

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

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

C. Monitoring Requirements

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

PCBs - once during the term of this permit

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

Amount of sewage sludge (*) metric tons per 365-day period	Monitoring Frequency
0 to less than 290	Once/Year
290 to less than 1,500	Once/Quarter
1,500 to less than 15,000	Once/Two Months
15,000 or greater	Once/Month

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

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

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

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

A. Pollutant Limits

Table 2

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

Table 3

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

*Dry weight basis

B. Pathogen Control

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

C. Management Practices

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

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

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

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

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

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

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

D. Notification Requirements

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

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

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

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

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

E. Record keeping Requirements

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

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

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

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

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

5. The following certification statement:

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

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

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

1. A certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 30 TAC Section 312.47(a)(4)(A)(ii) or 30 TAC Section 312.47(a)(5)(A)(ii), as applicable, and to the permittee's specific sludge treatment activities.
2. The location, by street address, and specific latitude and longitude, of each site on which sludge is applied.
3. The number of acres in each site on which bulk sludge is applied.
4. The date and time sludge is applied to each site.
5. The cumulative amount of each pollutant in pounds/acre listed in Table 2 applied to each site.
6. The total amount of sludge applied to each site in dry tons.

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

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 13) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 1 of each year the following information:

1. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.
2. The frequency of monitoring listed in Section I.C. which applies to the permittee.
3. Toxicity Characteristic Leaching Procedure (TCLP) results.
4. Identity of hauler(s) and TCEQ transporter number.
5. PCB concentration in sludge in mg/kg.
6. Date(s) of disposal.
7. Owner of disposal site(s).
8. Texas Commission on Environmental Quality registration number, if applicable.
9. Amount of sludge disposal dry weight (lbs/acre) at each disposal site.
10. The concentration (mg/kg) in the sludge of each pollutant listed in Table 1 (defined as a monthly average) as well as the applicable pollutant concentration criteria (mg/kg) listed in Table 3 above, or the applicable pollutant loading rate limit (lbs/acre) listed in Table 2 above if it exceeds 90% of the limit.
11. Level of pathogen reduction achieved (Class A or Class B).
12. Alternative used as listed in Section I.B.3.(a. or b.). Alternatives describe how the pathogen reduction requirements are met. If Class B sludge, include information on how site restrictions were met.
13. Vector attraction reduction alternative used as listed in Section I.B.4.
14. Annual sludge production in dry tons/year.
15. Amount of sludge land applied in dry tons/year.

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

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

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

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

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

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

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

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

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

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

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

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

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

Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 13) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Permitting and Remediation Support Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 13) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year.

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

F. Record keeping Requirements

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

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

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

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

G. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 13) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year the following information:

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

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

SPECIAL PROVISIONS:

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

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

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

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

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

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

6. The irrigated crops include golf course bermuda grass. Application rates to the 280 acres of irrigated land (See Attachment A) shall not exceed 2.0 acre-feet per year per acre irrigated. The permittee is responsible for providing equipment to determine application rates and maintaining accurate records of the volume of effluent applied. These records shall be made available for review by the Texas Commission on Environmental Quality and shall be maintained for at least three years.

7. Holding ponds shall conform to the Texas Commission on Environmental Quality "Design Criteria for Sewerage Systems" requirements for stabilization ponds with regard to construction and levee design, and a minimum of 2 feet of freeboard shall be maintained.

8. The permittee shall obtain representative soil samples from the root zones of the disposal site and analyze the samples as outlined in the following paragraph.

   An annual analysis of a representative soil sample taken from the root zone of the irrigated site shall be made. Each soil boring shall be separated into three samples according to the following depth zones: 0 to 6 inches, 6 to 18 inches and 18 to 30 inches below the ground surface. Each zone shall be thoroughly mixed prior to being analyzed. Sampling procedures shall employ accepted techniques of soil science for obtaining representative analytical results. Analysis shall be performed for pH, total nitrogen, potassium, phosphorus and conductivity.

   The permittee shall submit the results of the soil sample analyses to the TCEQ Regional Office (MC Region 13) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division during September of each year.

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

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

11. The permittee shall erect adequate signs stating that the irrigation water is from a non-potable water supply for any area where treated effluent is stored or where there exist hose bibs or faucets. Signs shall consist of a red slash superimposed over the international symbol for drinking water accompanied by the message "DO NOT DRINK THE WATER" in both English and Spanish. All piping transporting the effluent shall be clearly marked with these same signs.

12. Spray fixtures for the irrigation system shall be of such design that they cannot be operated by unauthorized personnel.

13. Irrigation with effluent shall be accomplished only when the area specified is not in use.

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

15. Facilities for the retention of treated or untreated wastewater shall be adequately lined to control seepage. The following methods of pond lining are acceptable.

    a. In-situ clay soils or placed and compacted clay soils meeting the following requirements:

       1) More than 30% passing a No. 200 mesh sieve
       2) Liquid limit greater than 30%
       3) Plasticity index greater than 15
       4) A minimum thickness of 2 feet
       5) Permeability equal to or less than $1x10^{-7}$ cm/sec (*)
       6) Soil compaction will be 95% standard proctor at optimum moisture content (*)

       (*) For new and/or modified ponds only.

    b. Membrane lining with a minimum thickness of 20 mils, and an underdrain leak detection system.

    c. An alternate method of pond lining may be utilized with prior approval from the Executive Director.

The permittee shall furnish certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria above prior to utilization of the facilities. The certification shall be sent to the TCEQ Regional Office (MC Region 13) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division.

16. The size and location of each effluent storage pond is described as follows:

Pond No. 1 (Liveoak)
Location: 4th fairway of the Live Oak course
Surface Area: 1.58 acres
Volume: 11.9 acre-feet

Pond No. 2 (Horseshoe)
Location: 13th fairway of the Live Oak course
Surface Area: 1.52 acres
Volume: 7.6 acre-feet

Pond No. 3 (Blackjack - 1)
Location: 5th fairway of the Blackjack course
Surface Area: 3.09 acres
Volume: 18.72 acre-feet

Pond No. 4 (Blackjack - 2)
Location: Between the 7th and 13th fairway of the Blackjack course
Surface Area: 7.8 acres
Volume: 120 acre-feet

Attachment A

Attachment D

Executive Director's Response to Public Comments (RTC)

TCEQ PERMIT PERMIT NO. WQ0011867001

APPLICATION BY	§	**BEFORE THE**
	§	
CITY OF FAIR OAKS RANCH	§	**TEXAS COMMISSION ON**
	§	
	§	**ENVIRONMENTAL QUALITY**

2010 APR 15 AM 11:30
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the application by the City of Fair Oaks Ranch (Applicant) for a renewal of Permit No. WQ0011867001, and on the Executive Director's preliminary decision on the application. This permit will not authorize a discharge of pollutants into water in the State. As required by 30 Texas Administrative Code (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 Chief Clerk timely received comment letters from Mr. Jody Daniel. This response addresses all such timely public comments received, whether or not withdrawn. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

BACKGROUND

Description of Facility

The City of Fair Oaks Ranch has applied to the TCEQ for a renewal of TCEQ Permit No. WQ0011867001. The permit would authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 500,000 gallons per day via surface irrigation of 280 acres of Fair Oaks Ranch Golf and Country Club land. The wastewater treatment facility and disposal site are located on the northern border of Bexar County, west of Ralph Fair Road and south of Cibolo Creek at the extreme east side of Fair Oaks Ranch in Bexar County, Texas 78015. The wastewater treatment facility and disposal site are located in the drainage basin of Upper Cibolo Creek in Segment No. 1908 of the San Antonio River Basin. The draft permit does not authorize any discharge of pollutants into water in the State.

The Fair Oaks Ranch wastewater treatment facilities consist of an activated sludge process plant using the extended aeration mode. Treatment units include a lift station, bar screen, oxidation

ditch, final clarifier, digester, sludge drying beds, chlorine contact chamber, effluent lift station and effluent holding ponds.

The effluent limitations in the draft permit, based on a daily average, are 20 mg/l BOD_5 and 20 mg/l TSS. The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes based on peak flow.

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal and Transportation. Sludge generated from the treatment facility is hauled by a registered transporter and disposed of at a TCEQ permitted landfill,Tessman Road Landfill, Permit No. 1410C, in Bexar County. The draft permit authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

Procedural Background

The TCEQ received the application for permit renewal from the City of Fair Oaks Ranch on August 10, 2009 and declared it administratively complete on September 11, 2009. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in the *Borne Star* on September 29, 2009. The Applicant published the Notice of Application and Preliminary Decision (NAPD) in the *Borne Star* on January 8, 2010. The public comment period ended on February 8, 2010. This application was administratively complete after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999 (76th Legislature, 1999).

COMMENTS AND RESPONSES

COMMENT 1:
Mr. Daniel has expressed concern that he and his family have experienced significant nuisance odors and vector issues (flies) and due to these conditions, they are prevented from the reasonable use and enjoyment of their yard and the areas outside their home. He also states that after complaining to the TCEQ these issues still exist.

RESPONSE 1:
TCEQ rules require domestic wastewater treatment facilities to meet buffer zone requirements for the abatement and control of nuisance odor according to 30 TAC Section 309.13(e). However, 30 TAC § 309.13(f) states that facilities whose original permit application was made prior to October 8, 1990 are not required to comply with the buffer zone requirement.

The following Special Provisions in the draft permit regarding irrigation practices and management are intended to minimize nuisance odor and protect human health and the environment:

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

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

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

6. The irrigated crops include golf course bermuda grass. Application rates to the 280 acres of irrigated land . . . shall not exceed 2.0 acre-feet per year per acre irrigated. The permittee is responsible for providing equipment to determine application rates and maintaining accurate records of the volume of effluent applied. These records shall be made available for review by the Texas Commission on Environmental Quality and shall be maintained for at least three years.

7. Holding ponds shall conform to the Texas Commission on Environmental Quality "Design Criteria for Sewerage Systems" requirements for stabilization ponds with regard to construction and levee design, and a minimum of 2 feet of freeboard shall be maintained.

8. The permittee shall obtain representative soil samples from the root zones of the disposal site and analyze the samples as outlined in the following paragraph.

   An annual analysis of a representative soil sample taken from the root zone of the irrigated site shall be made. Each soil boring shall be separated into three samples according to the following depth zones: 0 to 6 inches, 6 to 18 inches and 18 to 30 inches below the ground surface. Each zone shall be thoroughly mixed prior to being analyzed. Sampling procedures shall employ accepted techniques of soil science for obtaining representative analytical results. Analysis shall be performed for pH, total nitrogen, potassium, phosphorus and conductivity.

   The permittee shall submit the results of the soil sample analyses to the TCEQ Regional Office (MC Region 13) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division during September of each year.

***

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

11. The permittee shall erect adequate signs stating that the irrigation water is from a non-potable water supply for any area where treated effluent is stored or where there exist hose bibs or faucets. Signs shall consist of a red slash superimposed over the international symbol for drinking water accompanied by the message "DO NOT DRINK THE WATER" in both English and Spanish. All piping transporting the effluent shall be clearly marked with these same signs.

12. Spray fixtures for the irrigation system shall be of such design that they cannot be operated by unauthorized personnel.

13. Irrigation with effluent shall be accomplished only when the area specified is not in use.

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

15. Facilities for the retention of treated or untreated wastewater shall be adequately lined to control seepage. . . ."

If this facility is operated and maintained as permitted and in accordance with TCEQ rules, nuisance odor and vector incidents would be minimized.

Permit Condition No. 7 in the draft permit states that a "permit does not convey any property rights of any sort, or any exclusive privilege." The permit does not authorize any invasion of personal rights or any violation of federal, state, or local laws or regulations. It is the Applicant's responsibility to acquire the necessary property rights to carryout the permitted activity. The draft permit does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or actually do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation, or property.

Individuals are encouraged to report any concerns about nuisance odor issues or suspected noncompliance with this permit or other environmental regulation by contacting the TCEQ Regional Office at 210-460-3096, or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. You may also file citizen complaints on-line at http://www.tceq.state.tx.us/compliance/complaints/index.html. If the facility is found to be out

of compliance with the terms and conditions of the permit, it will be subject to possible enforcement action. Citizen-collected evidence may be used in such an action. See 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. The TCEQ has long had procedures in place for accepting environmental complaints from the general public but now has a new tool for bringing potential environmental problems to light. Under the citizen-collected evidence program, individuals can provide information on possible violations of environmental law and the information can be used by the TCEQ to pursue enforcement. In this program, citizens can become involved and may eventually testify at a hearing or trial concerning the violation. For additional information, see the TCEQ publication, "*Do You Want to Report an Environmental Problem? Do You Have Information or Evidence?*" This booklet is available in English and Spanish from the TCEQ Publications office at 512-239-0028, and may be downloaded from the agency website at www.tceq.state.tx.us (under Publications, search for document no. 278).

COMMENT 2:

Mr. Daniel states that the City of Fair Oaks Ranch has promised certain conditions and changes to their process to correct issues to eliminate nuisance conditions, and given the fact that their permit is being renewed, he feels that the "promised changes" should be reviewed and given the level of scrutiny that is provided by a contest case hearing, not simply the review of a technical review. He believes that, due to the magnitude of proposed changes, this is not a simple no change renewal and it is imperative that the wastewater treatment plant bring their technology and operating practices up to levels that prevent emission of noxious odors and health issues associated with ever present flies rather than the current 30 plus year old technology that the City of Fair Oaks Ranch is trying to operate with.

RESPONSE 2:

To ensure that the proposed wastewater treatment plant meets water quality standards for the protection of surface water quality, groundwater, and human health according to TCEQ rules and policies, the proposed draft permit includes effluent limitations and monitoring requirements for five day Biochemical Oxygen Demand (BOD_5), Total Suspended Solids (TSS), chlorine residual, and pH. The proposed draft permit also includes an additional requirement for the disposal of domestic sludge generated from the wastewater treatment facility in accordance with TCEQ rules. In drafting the proposed draft permit, the Executive Director has determined that the conditions contained therein are protective of the environment, water quality, and human health and that it meets TCEQ rules and requirements. The Executive Director is not aware of any "promised changes" made to the commenter or anyone else by the permittee, as such the Executive Director lacks requisite information to address this issue. Please see response no. 1 above on how to report complaints about the facility. Noncompliance with the permit will result in enforcement action against the permittee.

Finally, "[f]acilities for which plans and specifications have been approved prior to March 1, 1990, are not required to resubmit revised plans and specifications to meet changed requirements in [Section 309.13] in obtaining renewal of an existing permit." *See* 30 TAC § 309.13(h). This

CERTIFICATE OF SERVICE

I certify that on April 15, 2010, the "Executive Director's Response to Public Comment" for Permit No. WQ0011867001was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.

Chrissie Angeletti, Staff Attorney
Environmental Law Division

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 APR 15 AM 11:30
CHIEF CLERKS OFFICE

Attachment E

Compliance History

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600532170	City of Fair Oaks Ranch	Classification: AVERAGE	Rating: 3.13
Regulated Entity:	RN101613123	FAIR OAKS PLANT	Classification: AVERAGE	Site Rating: 3.25
ID Number(s):	WASTEWATER		PERMIT	WQ0011867001
	WASTEWATER LICENSING		LICENSE	WQ0011867001

Location:

TCEQ Region: REGION 13 - SAN ANTONIO

Date Compliance History Prepared: July 21, 2010

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Compliance Period: August 10, 2004 to July 21, 2010

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

Name: Brian Sierant Phone: 239 - 1375

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 04/10/2006 (454903)
2 02/15/2008 (613168)
3 04/16/2008 (638997)
4 01/26/2010 (784026)
5 05/24/2010 (803328)

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

Date: 04/10/2006 (454903) CN600532170
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
Effluent Limitations and Monitoring (B) PERMIT
Description: Failure of the permittee to perform chlorine analyses five times per week as required in the wastewater permit.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0011867001 Special Provisions 10 PERMIT
Description: Failure of the permittee to monitor the irrigated wastewater at the golf course to ensure that a trace chlorine residual is being maintained as required on Page 23 SPECIAL PROVISIONS 10 of the wastewater permit.

Date: 02/14/2008 (613168) CN600532170
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

CERTIFICATE OF SERVICE

I hereby certify that on this the 2nd day of August, 2010, a true and correct copy of the foregoing has been served on all attorneys of record by the undersigned via hand delivery, sent by U.S. mail, facsimile, and/or e-mail to the attached Service List.

Chrissie Angeletti

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2010 AUG -2 PM 4:35

CHIEF CLERKS OFFICE

MAILING LIST
CITY OF FAIR OAKS RANCH
DOCKET NO. 2010-0835-MWD; PERMIT NO. WQ0011867001

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Texas Commission on Environmental Quality
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HEARING REQUESTOR
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29743 No Le Hace Drive
Fair Oaks Ranch, TX 78015-4562

INTERESTED PERSON(S)
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30410 Fairway Run
Fair Oaks Ranch, TX 78015-4448