

**DOCKET NO. 2011-2316-IWD**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
	<b>§</b>	
<b>SYNAGRO OF TEXAS-CDR, INC.</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
	<b>§</b>	
<b>FOR TCEQ PERMIT NO.</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
	<b>§</b>	
<b>WQ0004941000</b>	<b>§</b>	

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**EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS**

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**I. INTRODUCTION**

The Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to Hearing Requests (Response) on the application of Synagro of Texas-CDR, Inc. (Applicant) for TCEQ Permit Number WQ0004941000. Robin Greenlee, Charles and Kay Prather, George and Jennie Rohrbough, and Aide Sustaita timely filed requests for a contested case hearing.

Attached for Commission consideration are the following:

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

**II. DESCRIPTION OF FACILITY**

The Applicant has applied to the TCEQ for a new permit that would authorize the beneficial land application of Class B sewage sludge at a rate not to exceed 12 dry tons per acre per year on Fields 1, 2, 5, and 6; 9.34 dry tons per acre per year on Field 3; 11.65 dry tons per acre per year on Field 4; 5.56 dry tons per acre per year on Field 10; and 8.34 dry tons per acre per year on Field 11. The land application fields are located on a total of 635.06 acres within the 960 acre site. The land application site is located at 510 Empedrado Drive, at the intersection of Highway 71 and Empedrado Drive, approximately 10 miles east of the Austin-Bergstrom International Airport, in Bastrop and Travis Counties, Texas 78612. The land application site is located in the drainage area of the Colorado River Below Town Lake in Segment No. 1428 of the Colorado River Basin.

**III. PROCEDURAL BACKGROUND**

The permit application was received on September 7, 2010, and declared administratively complete on February 16, 2011. The Notice of Receipt of Application and Intent to Obtain a Beneficial Land Use Permit (NORI) was published on March 10, 2011 in *iahora sí!* (Spanish), and on March 14, 2011 in the *Austin-American Statesman* (English). The Notice of Application and Preliminary Decision for Land Application of Sewage Sludge Permit (NAPD) was published on July 11, 2011 in the *Austin-American Statesman* (English), and on July 14, 2011 in *iahora sí!* (Spanish). The public comment period ended on August 15, 2011. The Executive Director's Response to Public Comment was filed on November 17, 2011, and the Executive Director's Final Decision Letter was mailed on November 18, 2011. The period to timely file a Request for Reconsideration or Contested Case Hearing Request ended on December 19, 2011. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76<sup>th</sup> Legislature, 1999.

#### **IV. THE EVALUTATION PROCESS FOR HEARING REQUESTS**

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings. For those applications declared administratively complete on or after September 1, 1999, it established new procedures for providing public notice and public comment, and for the Commission's consideration of hearing requests. The Commission implemented House Bill 801 by adopting procedural rules in 30 Texas Administrative Code (30 TAC) Chapters 39, 50, and 55. The application was declared administratively complete on May 19, 2009; therefore, it is subject to the procedural requirements of HB 801.

##### **A. Response to Request**

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

Responses to hearing requests must specifically address:

- a) whether the requestor is an affected person;
- b) whether issues raised in the hearing request are disputed;
- c) whether the dispute involves questions of fact or of law;
- d) whether the issues were raised during the public comment period;
- e) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's RTC;
- f) whether the issues are relevant and material to the decision on the application; and
- g) a maximum expected duration for the contested case hearing.

30 TAC § 55.209(e).

## **B. Hearing Request Requirements**

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

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

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

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

30 TAC § 55.201(d).

## **C. “Affected Person” Status**

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

- a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest

- affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.
- b) Governmental entities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons.
  - c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
    - 1) whether the interest claimed is one protected by the law under which the application will be considered;
    - 2) distance restrictions or other limitations imposed by law on the affected interest;
    - 3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
    - 4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
    - 5) likely impact of the regulated activity on the use of the impacted natural resource by the person; and
    - 6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 50.203.

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

THSC § 361.121(c).

30 TAC § 312.13(b)(3)(B) provides that for Class B sewage sludge beneficial land use applications an owner of the land located within 1/4 mile of the proposed land application unit who lives on the land is considered an “affected person” for purposes of Texas Water Code (TWC) § 5.115, and 30 TAC Chapter 55 (relating to Requests for Reconsideration and Contested Case Hearings; Public Comment). Individuals who do not own land within 1/4 mile of the proposed land application site are not excluded from being considered “affected persons” under 30 TAC § 55.203 (relating to Determination of Affected Person).

30 TAC § 312.13(b)(3)(b).

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

When the Commission grants a request for a contested case hearing, the Commission is required to issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing. 30 TAC § 50.115(b). Subsection 50.115(c) sets out the test for determining whether an issue may be referred to SOAH. “The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines

that the issue: 1) involves a disputed question of fact; 2) was raised during the public comment period; and 3) is relevant and material to the decision on the application.” 30 TAC § 50.115(c).

## V. ANALYSIS OF THE REQUESTS

### **A. Analysis of the Hearing Requests**

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

#### **1. Whether the Requestors Complied with 30 TAC § 55.201**

- a. Robin Greenlee – The public comment period for this permit application ended on August 15, 2011. The period for timely filing a request for a contested case hearing on this permit application ended on December 19, 2011. On March 17, 2011, Robin Greenlee filed her comment letter and contested case hearing request with the TCEQ’s Office of the Chief Clerk. Ms. Greenlee’s hearing request reflects her general opposition to the issuance of the draft permit, and her opposition to the proposed location of the of the land application site being “so close to the Colorado River.” Ms. Greenlee’s hearing request fails to identify a personal justiciable interest that she believes will be adversely affected by the proposed beneficial land application of Class B sewage sludge in a manner not common to members of the general public. Additionally, the TCEQ’s jurisdiction is established by the Legislature, and is limited to the issues set forth in statute. The TCEQ does not have a statutory basis to mandate that the Applicant choose an alternate location for its proposed land application fields under TWC § 26.027.

Robin Greenlee’s hearing request fails to identify a personal justiciable interest not common to members of the general public. Ms. Greenlee’s hearing request also fails to list a disputed issue of fact that is relevant and material to the Commission’s decision on the application. The Executive Director recommends that the Commission find that Robin Greenlee’s hearing request **does not** substantially comply with 30 TAC § 55.201(d)(2) and (d)(4).

- b. Charles and Kay Prather – The public comment period for this permit application ended on August 15, 2011. The period for timely filing a request for a contested case hearing on this permit application ended on December 19, 2011. On March 28, 2011, Charles and Kay Prather filed their comment letter and contested case hearing request with the TCEQ’s Office of the Chief Clerk. The Prathers’ hearing request raised issues related to runoff, nuisance odor, air quality, water well contamination, the adequacy of public notice, environmental equity, vectors, property values, and potential adverse impacts on local businesses, and general quality of life concerns.

The Executive Director recommends that the Commission find that Charles and Kay Prather's hearing request substantially complies with 30 TAC § 55.201, except for Issues 7 (Air Quality), 9 (Property Values), 10 (Quality of Life), and 11 (Adverse Impacts on Local Businesses) which are not disputed issues of fact that are relevant and material to the Commission's decision on the application.

- c. George and Jennie Rohrbough – The public comment period for this permit application ended on August 15, 2011. The period for timely filing a request for a contested case hearing on this permit application ended on December 19, 2011. On March 28, 2011, George and Jennie Rohrbough filed their comment letter and contested case hearing request. The Rohrboughs' hearing request is identical to Charles and Kay Prather's hearing request. The Rohrboughs' hearing request raised issues related to runoff, nuisance odor, air quality, water well contamination, the adequacy of public notice, environmental equity, vectors, property values, and potential adverse impacts on local businesses, and general quality of life concerns.

The Executive Director recommends that the Commission find that George and Jennie Rohrbough's hearing request substantially complies with 30 TAC § 55.201, except for Issues 7 (Air Quality), 9 (Property Values), 10 (Quality of Life), and 11 (Adverse Impacts on Local Businesses) which are not disputed issues of fact that are relevant and material to the Commission's decision on the application.

- d. Aide Sustaita – The public comment period for this permit application ended on August 15, 2011. The period for timely filing a request for a contested case hearing on this permit application ended on December 19, 2011. On July 26, 2011, Aide Sustaita filed her comment letter and contested case hearing request with the TCEQ's Office of the Chief Clerk. Ms. Sustaita's hearing request raised issues regarding runoff, nuisance odor, and property values.

The Executive Director recommends that the Commission find that Aide Sustaita's hearing request substantially complies with 30 TAC § 55.201, except from Issue 9 (Property Values).

## **2. Whether the Requestors are Affected Persons**

- a. Robin Greenlee – Both THSC § 361.121(c) and 30 TAC § 312.13(b)(3) mandate that landowners within one-quarter mile of a proposed land application site who live on that land are considered affected persons. The address provided by Ms. Greenlee appears on the Affected Landowners List, and is depicted on the Affected Landowners Map. The GIS Map developed by the Executive Director indicates that Ms. Greenlee lives within one-quarter mile of the proposed land application site.

The Executive Director recommends that the Commission find that Robin Greenlee is an affected person pursuant to THSC § 361.121(c) and 30 TAC 312.13(b)(3).

- b. Charles and Kay Prather – Both THSC § 361.121(c) and 30 TAC § 312.13(b)(3) mandate that landowners within one-quarter mile of a proposed land application site who live on that land are considered affected persons. The Prathers' names appear on the Affected Landowners List, and their property is depicted on the Affected Landowners Map. The GIS Map developed by the Executive Director indicates that the Prathers live within one-quarter mile of the proposed land application site.

The Executive Director recommends that the Commission find that Charles and Kay Prather are affected persons pursuant to THSC § 361.121(c) and 30 TAC § 312.13(b)(3).

- c. George and Jennie Rohrbough – Both THSC § 361.121(c) and 30 TAC § 312.13(b)(3) mandate that landowners within one-quarter mile of a proposed land application site who live on that land are considered affected persons. The Rohrboughs' names appear on the Affected Landowners List, and their property is depicted on the Affected Landowners Map. The GIS Map developed by the Executive Director indicates that the Rohrboughs live within one-quarter mile of the proposed land application site.

The Executive Director recommends that the Commission find that George and Jennie Rohrbough are affected persons pursuant to THSC § 361.121(c) and 30 TAC § 312.13(b)(3).

- d. Aide Sustaita – Both THSC § 361.121(c) and 30 TAC § 312.13(b)(3) mandate that landowners within one-quarter mile of a proposed land application site who live on that land are considered affected persons. Ms. Sustaita's name appears on the Affected Landowners List, and her property is depicted on the Affected Landowners Map. The GIS Map developed by the Executive Director indicates that Ms. Sustaita lives within one-quarter mile of the proposed land application site.

The Executive Director recommends that the Commission find that Aide Sustaita is an affected person pursuant to THSC § 361.121(c) and 39 TAC § 312.13(b)(3).

## **B. Whether the Issues Are Referable to SOAH**

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

**Issue 1: Whether the buffer zone restrictions and required management practices contained in the draft permit will prevent runoff beyond the active land application area.**

This issue was raised and addressed in the Executive Director's RTC, Comment One. It involves a disputed question of fact and is relevant and material to the Commission's decision on the application. TCEQ rules and the draft permit require the Applicant to comply with detailed management practices designed to prevent runoff from the active land application area. In accordance with 30 TAC § 312.44(h), Section VI of the draft permit requires that: 1) sludge be applied uniformly over the surface of the land; 2) sludge not be applied to areas where permeable surface soils are less than two feet thick; 3) sludge not be applied during rainstorms or during periods in which surface soils are water-saturated; 4) sludge not be applied to any areas having a slope in excess of 8%; and 5) where runoff from the active application area is evident, the operator must cease further sludge application until the condition is corrected.

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

**Issue 2: Whether the beneficial land application of Class B sewage sludge at the proposed site will create nuisance odors.**

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

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

**Issue 3: Whether the buffer zone restrictions and required management practices contained in the draft permit are adequately protective of nearby private water wells.**

This issue was raised and addressed in the Executive Director's RTC, Comment Four. It involves a disputed question of fact and is relevant and material to the Commission's decision on the application. 30 TAC § 312.44(c) prohibits the proposed active land application area from being located within 500 feet from a public water supply well and 150 feet from a private water supply well. Additionally, the draft permit requires the Applicant to apply sludge at a rate equal to the agronomic rate, thus ensuring that nutrients are fully utilized by the plants being grown and none are available for horizontal or lateral seepage.

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

**Issue 4: Whether the Applicant complied with TCEQ's public notice requirements at 30 TAC Chapter 39 and 30 TAC § 312.13(b)(3)(A).**

This issue was raised and addressed in the Executive Director's RTC, Comment Five. It involves a disputed question of fact and is relevant and material to the Commission's decision on the application. As previously mentioned, Spanish language NORI notice of the application was published on March 10, 2011 in *iahora sí!*, and English language NORI notice of the application was published on March 14, 2011 in the *Austin-American Statesman*. English language NAPD notice of the application was published on July 11, 2011 in the *Austin-American Statesman*, and Spanish language notice of the application was published on July 14, 2011 in *iahora sí!*. The information before the Executive Director indicates that the Applicant complied with applicable TCEQ notice rules.

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

**Issue 5: Whether the terms and conditions of the draft permit comply with the vector reduction requirements at 30 TAC § 312.82.**

This issue was raised and addressed in the Executive Director's RTC, Comment Seven. It involves a disputed question of fact and is relevant and material to the Commission's decision on the application. 30 TAC § 312.83 requires specific methods of vector attraction reduction, such as reduction of the mass of volatile solids by 38%, Specific Oxygen Uptake Rate (SOUR) testing, and time requirements associated with sludge injection below land or sludge incorporation into the soil.

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

**Issue 6: Whether the proposed land application site is located too close to the Colorado River.**

This issue was raised and addressed in the Executive Director's RTC, Comment Two. It involves a disputed question of fact, but is not relevant and material to the Commission's decision on the application. The TCEQ's jurisdiction is established by the Legislature, and is limited to the issues set forth in statute. The TCEQ does not have a statutory basis to mandate that the Applicant choose an alternate location for its proposed land application fields under TWC § 26.027.

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

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

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

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

**Issue 8: Whether the location of the proposed land application site was chosen due to its proximity to an economically disadvantaged neighborhood.**

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

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

**Issue 9: Whether the proposed land application of Class B sewage sludge will adversely affect nearby landowners' property values.**

This issue was raised and addressed in the Executive Director's RTC, Comment 8. It involves a disputed question of fact, but is not relevant and material to the Commission's decision on the application. The TCEQ's jurisdiction is established by the Legislature, and is limited to the issues set forth in statute. Issues such as property values are outside the scope of the beneficial land use permit application review process.

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

**Issue 10: Whether the proposed land application of Class B sewage sludge will adversely impact nearby landowners' quality of life.**

This issue was raised and addressed in the Executive Director's RTC, Comment 8. It involves a disputed question of fact, but is not relevant and material to the Commission's decision on the application. The TCEQ's jurisdiction is established by the

Legislature, and is limited to the issues set forth in statute. General quality of life concerns are outside the scope of the beneficial land use permit application process.

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

**Issue 11: Whether the proposed land application of Class B sewage sludge will adversely impact local businesses.**

This issue was raised and addressed in the Executive Director's RTC, Comment 8. It involves a disputed question of fact, but is not relevant and material to the Commission's decision on the application. The TCEQ's jurisdiction is established by the Legislature, and is limited to the issues set forth in statute. Beneficial land use permit applications are evaluated by the TCEQ without reference to potential adverse impacts on local businesses.

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

## **VI. DURATION OF THE CONTESTED CASE HEARING**

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

## **VII. EXECUTIVE DIRECTOR'S RECOMMENDATIONS**

The Executive Director recommends the following actions by the Commission.

- a) Deny Robin Greenlee's hearing request for failing identify a personal justiciable interest not common to members of the general public, and for failing to list a disputed issue of fact that is relevant and material to the Commission's decision on the application.
- b) Find that Robin Greenlee, Charles and Kay Prather, George and Jennie Rohrbough, and Aide Sustaita are affected persons.
- c) Should the Commission find that any of the requestors are affected persons, the following issues should be referred to SOAH for a Contested Case Hearing for a duration of nine months.

- Issue 1: Whether the buffer zone restrictions and required management practices contained in the draft permit will prevent runoff beyond the active land application area.
- Issue 2: Whether the land application of Class B sewage sludge at the proposed site will create nuisance odors.
- Issue 3: Whether the buffer zone restrictions and required management practices contained in the draft permit are adequately protective of nearby private water wells.
- Issue 4: Whether the Applicant complied with the TCEQ's public notice requirements at 30 TAC Chapter 39 and 30 TAC § 312.13(b)(3)(A).
- Issue 5: Whether the terms and conditions of the draft permit comply with the vector reduction requirements at 30 TAC § 312.83.

Respectfully submitted,

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

Mark R. Vickery, P.G.  
Executive Director

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By



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REPRESENTING THE  
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## CERTIFICATE OF SERVICE

I certify that on February 13, 2012 the original and seven copies of the "Executive Director's Response to Hearing Requests" relating to the application of Synagro of Texas-CDR, Inc. for TCEQ Permit No. WQ0004941000 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk, and a complete copy was transmitted by mail, facsimile, inter-agency mail, electronic mail, or hand-delivery to all persons on the attached mailing list.



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Timothy J. Reidy, Staff Attorney  
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Mailing List  
Executive Director's Response to Hearing Requests  
Synagro of Texas-CDR, Inc.  
TCEQ Docket No. 2011-2316-IWD  
TCEQ Permit No. WQ0004941000

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George and Jennie Rohrbough  
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Aide A. Sustaita  
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**Attachment A –  
Technical Summary and  
Draft Permit**

## TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

### DESCRIPTION OF APPLICATION

Applicant: Synagro of Texas-CDR, Inc.  
TCEQ Permit No.: WQ0004941000  
Regulated Activity: Beneficial Land Application of Wastewater Treatment Plant (WWTP) Sewage Sludge  
Type of Application: New  
Request: Permit  
Authority: Texas Water Code §26.027; 30 Texas Administrative Code (TAC) Chapters 281, 305, 312, and Texas Health and Safety Code (THSC) §361.121; and Commission policies.

### EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The proposed permit will expire five years from the date of issuance in accordance with 30 TAC Chapter 312, and THSC section 361.121.

### REASON FOR PROJECT PROPOSED

Synagro of Texas-CDR, Inc. has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, Permit No. WQ0004941000, to authorize the beneficial land application of WWTP sewage sludge at a rate not to exceed 12 dry tons/acre/year on Fields 1,2, 5 and 6; 9.34 dry tons/acre/year on Field 3; 11.65 dry tons/acre/year on Field 4; 5.56 dry tons/acre/year on Field 10 and 8.34 dry tons/acre/year on Field 11.

### PROJECT DESCRIPTION AND LOCATION

The land application site will be located at 510 Empedrado Drive, at the intersection of Highway 71 and Empedrado Drive, approximately 10 miles east of the Austin-Bergstrom International Airport in Bastrop and Travis Counties, Texas 78612.

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

### PROPOSED PERMIT CONDITIONS

Sludge Provisions are included in the draft permit according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal and Transportation. The draft permit authorizes the land application of WWTP sewage sludge for beneficial use on 635.06 acres.

Synagro of Texas-CDR, Inc.  
Permit No. WQ0004941000  
Technical Summary and Executive Director's Preliminary Decision

#### SUMMARY OF CHANGES FROM APPLICATION

Water Quality Assessment Team changes: In the absence of a cool-season crop, sludge shall not be applied to Fields 2,3,4,10 and 11 from December to February.

#### SUMMARY OF CHANGES FROM EXISTING PERMIT

None. This is a new permit.

#### BASIS FOR PROPOSED DRAFT PERMIT

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

1. Application submitted with letter dated September 7, 2010 and additional information submitted with letter dated November 15, 2010, December 16, 2010, February 9, 2011, April 14, 2011 and May 17, 2011.
2. Interoffice Memorandum from the TCEQ Regional Office (MC Region 11), Water Quality Assessment Team, Water Quality Division.

#### PROCEDURES FOR FINAL DECISION

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

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

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.

Synagro of Texas-CDR, Inc.  
Permit No. WQ0004941000  
Technical Summary and Executive Director's Preliminary Decision

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



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

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

**I. PERMITTEE:**

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

**II. AUTHORIZATION:**

Beneficial Land Application of Wastewater Treatment Plant (WWTP) sludge

**III. GENERAL DESCRIPTION AND LOCATION OF SITE:**

**Description:** The permittee is authorized to land apply WWTP sewage sludge at an annual rate not to exceed 12 dry tons/acre/year on Fields 1, 2, 5 and 6; 9.34 dry tons/acre/year on Field 3; 11.65 dry tons/acre/year on Field 4; 5.56 dry tons/acre/year on Field 10 and 8.34 dry tons/acre/year on Field 11 on 635.06 acres located within approximately 960 acres at this site.

**Location:** The land application site is located 510 Empedrado Drive, at the intersection of Highway 71 and Empedrado Drive, approximately 10 miles east of the Austin-Bergstrom International Airport, in Bastrop and Travis Counties, Texas 78612 (see Attachment A).

SIC Code: 4952

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

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

ISSUED DATE:

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For the Commission

**IV. GENERAL REQUIREMENTS:**

- A. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC Chapter 312 and all other applicable state and federal regulations in a manner which protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants which may be present in the sludge.
- B. Application for renewing this permit shall be submitted by the permittee at least 180 days prior to expiration date of this permit.
- C. WWTP sludge
  - 1. In all cases, the generator or processor of sewage sludge shall provide necessary analytical information to the parties who receive the sludge, including those receiving the sewage sludge for land application, to assure compliance with these regulations.
  - 2. Permittee shall not accept sludge that fails the Toxicity Characteristic Leaching Procedure (TCLP) test per the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I or other method, which receives the prior approval of the TCEQ for the contaminants listed in Table 1 of 40 CFR Section 261.24.
  - 3. Sewage sludge shall not be applied to the land if the concentration of any metal exceeds the ceiling concentration listed in Table 1 below. Additional information on the frequency of testing for metals is found in Section IX.

Table 1

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

\* Dry weight basis

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

Table 2

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

Table 3

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

\* Dry weight basis

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

- D. The permittee shall maintain a commercial liability insurance policy for the duration of the permit that:
  - 1. is issued by an insurance company authorized to do business in this state that has a rating by the A.M. Best Company of A- or better;
  - 2. designates the commission as an additional insured; and
  - 3. is in an amount of not less than \$3 million.
  
- E. The permittee shall maintain an environmental impairment insurance policy for the duration of the permit that:
  - 1. is issued by an insurance company authorized to do business in this state that has a rating by the A.M. Best Company of A- or better;
  - 2. designates the commission as an additional insured; and
  - 3. is in an amount of not less than \$3 million.

**V. OPERATIONAL REQUIREMENTS:**

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

**VI. REQUIRED MANAGEMENT PRACTICES:**

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

1. Established school, institution, business or residence	750 feet
2. Public water supply well, intake, public water supply spring or similar source, public water treatment plant, or public water supply elevated or ground storage tank	500 feet
3. Solution channels, sinkholes, or other conduits to groundwater	200 feet
4. Waters in the State of Texas - when sludge is not incorporated	200 feet
5. Waters in the State of Texas - when sludge is incorporated within 48 hours of application and a vegetated cover is established	33 feet
6. Private water supply well	150 feet
7. Public right of way	50 feet
8. Property boundary	50 feet
9. Irrigation conveyance canals	10 feet

- D. Sludge must be applied to the land at an annual application rate that is equal to or less than the agronomic rate for the vegetation in the area on which the sludge is applied.
- E. The seasonally high water table, groundwater table, or depth to water-saturated soils must be at least three (3) feet below the treatment zone for soils with moderate to slow permeability (less than two inches per hour) or four (4) feet below the treatment zone for soils with rapid to moderately rapid permeability (between two and twenty inches per hour). Sludge cannot be applied to soils with permeation rates greater than twenty inches per hour.
- F. Sludge must be applied by a method and under conditions that prevent runoff beyond the active application area and that protect the quality of the surface water and the soils in the unsaturated zone. In addition, the following conditions must be met:
1. sludge must be applied uniformly over the surface of the land;
  2. sludge must not be applied to areas where permeable surface soils are less than 2 feet thick;
  3. sludge must not be applied during rainstorms or during periods in which surface soils are water-saturated;
  4. sludge must not be applied to any areas having a slope in excess of 8%;
  5. where runoff from the active application area is evident, the operator must cease further sludge application until the condition is corrected;
  6. the site operator must prevent public health nuisances. Sludge debris must be prevented from leaving the site. Where nuisance conditions exist, the operator must eliminate the nuisance as soon as possible;
  7. sludge application practices must not allow uncontrolled public access, so as to protect the public from potential health and safety hazards at the site; and
  8. sludge can be applied only to the land application area shown on Attachment B. The buffer zones as listed on that map as well as the buffer zone distances listed in section VI.C. must not have any sludge applied on them.
- G. The permittee shall post a sign that is visible from a road or sidewalk that is adjacent to the premises on which the land application unit is located stating that a beneficial land use application site is located on the premises.

## **VII.PATHOGEN CONTROL:**

- A. All sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site must be treated by one of the following methods to ensure that the sludge meets either the Class A or Class B pathogen requirements.
1. Six alternatives are available to demonstrate compliance with Class A sewage sludge.  
  
The first 4 options require either the density of fecal coliform in the sewage sludge be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. Below are the additional requirements necessary to meet the definition of a Class A sludge.

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

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

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

Alternative 4 The density of enteric viruses in the sewage sludge must 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 must be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed.

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

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

- Alternative 1
- i. A minimum of seven random samples of the sewage sludge must 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 must 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 must be treated in one of the Processes to Significantly Reduce Pathogens (PSRP) described in 40 CFR Part 503, Appendix B, so long as all of the following requirements are met by the generator of the sewage sludge.

- i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;
- ii. An independent Texas Licensed Professional Engineer must provide a certification to the generator of sewage sludge that the wastewater treatment facility generating the sewage sludge is designed to achieve one of the PSRP at the permitted design loading of the facility. The certification need only be repeated if the design loading of the facility is increased. The certification must 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 must 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 must meet one of the PSRP, and must meet the certification, operation, and record keeping requirements of this paragraph.

Alternative 3 Sewage sludge must 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 must 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 must 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 must meet one of the Processes to Significantly Reduce Pathogens, and must meet the certification, operation, and record keeping requirements of this paragraph.
- B. In addition, the following site restrictions must be met if Class B sludge is land applied:
1. food crops with harvested parts that touch the sewage sludge/soil mixture and are totally above the land surface must not be harvested for 14 months after application of sewage sludge;
  2. food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of sewage sludge when the sewage sludge remains on the land surface for 4 months or longer prior to incorporation into the soil;
  3. food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of sewage sludge when the sewage sludge remains on the land surface for less than 4 months prior to incorporation into the soil;
  4. food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of sewage sludge;
  5. animals shall not be allowed to graze on the land for 30 days after application of sewage sludge;
  6. turf grown on land where sewage sludge is applied shall not be harvested for 1 year after application of the sewage sludge when the harvested turf is placed on either land with a high potential for public exposure or a lawn.
  7. public access to land with a high potential for public exposure shall be restricted for 1 year after application of sewage sludge.
  8. public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge; and
  9. land application of sludge shall be in accordance with the buffer zone requirements found in 30 TAC §312.44.

**VIII. VECTOR ATTRACTION REDUCTION REQUIREMENTS:**

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

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

Alternative 2 If Alternative 1 cannot be met for an anaerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30 and 37 degrees Celsius. Volatile solids must be reduced by less than 17 percent to demonstrate compliance [30 TAC §312.83(b)(2)].

Alternative 3 If Alternative 1 cannot be met for an aerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge with a percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20 degrees Celsius. Volatile solids must be reduced by less than 15 percent to demonstrate compliance [30 TAC §312.83(b)(3)].

Alternative 4 The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process must be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20 degrees Celsius. This test may only be run on sludge with a total percent solids of 2.0% or less [30 TAC §312.83(b)(4)].

Alternative 5 Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40 degrees Celsius and the average temperature of the sewage sludge shall be higher than 45 degrees Celsius [30 TAC §312.83(b)(5)].

Alternative 6 The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali shall remain at 12 or higher for two hours and then remain at a pH of 11.5 or higher for an additional 22 hours at the time the sewage sludge is prepared for sale or given away in a bag or other container [30 TAC §312.83(b)(6)].

Alternative 7 The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75 percent based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process [30 TAC §312.83(b)(7)].

Alternative 8 The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90 percent based on the moisture content and total solids prior to mixing with other materials at the time the sludge is used. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process [30 TAC

§312.83(b)(8)].

Alternative 9 Sewage sludge shall be injected below the surface of the land. No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected. When sewage sludge that is injected below the surface of the land is Class A with respect to pathogens, the sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process [30 TAC §312.83(b)(9)].

Alternative 10 Sewage sludge applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land. When sewage sludge that is incorporated into the soil is Class A with respect to pathogens, the sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process [30 TAC §312.83(b)(10)].

#### **IX. MONITORING REQUIREMENTS:**

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

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

**X. RECORD KEEPING REQUIREMENTS:**

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

- A. Records of the following general information must be kept for all types of sludge and land application permits:
1. a certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 30 TAC §312.47(a)(4)(A)(ii) or 30 TAC §312.47(a)(5)(A)(ii), whichever is applicable;
  2. the location, by street address, and specific latitude and longitude, of each site on which sewage sludge is applied;
  3. the number of acres in each site on which bulk sludge is applied;
  4. the dates, times and quantities of sludge is applied to each site;
  5. the cumulative amount of each pollutant in pounds per acre listed in Table 2 of Section IV.C.4 applied to each site;
  6. the total amount of sludge applied to each site in dry tons; and
  7. a description of how the management practices listed above in Section IV.C., and 30 TAC §312.44 are being met. If these requirements are being met, prepare and keep a certification statement per 30 TAC §312.47(5)(B)(viii).
- B. For Sewage Sludge with metal concentrations at or below levels in Table 3 of Section IV.C.4; which also meets Class A pathogen requirements in 30 TAC §312.82(a), and the vector attraction reduction requirements in 30 TAC §312.83(b)(9) or (10):
1. a description of how the vector attraction reduction requirements are met. If these requirements are being met prepare and keep a certification statement per 30 TAC §312.47(5)(B)(xii).
- C. For Sewage Sludge with metal concentrations at or below levels in Table 3 of Section IV.C.4; and which also meets Class B pathogen requirements in 30 TAC §312.82(b), and the vector attraction reduction requirements in 30 TAC §312.83(b)(9) or (10):
1. a description of how site restrictions for Class B sludge in 30 TAC §312.82(b)(3) are being met. If these requirements are being met prepare and keep a certification statement per 30 TAC §312.47(5)(B)(x); and
  2. a description of how the vector attraction reduction requirements in 30 TAC §312.83(b)(9) or (10) are met. If these requirements are being met, prepare and keep a certification statement per 30 TAC §312.47(5)(B)(xii).
- D. For Sewage Sludge with metal concentrations at or below levels in Table 1 of Section IV.C.3; and which also meets Class B pathogen requirements in 30 TAC §312.82(b), and the vector attraction reduction requirements in 30 TAC §312.83(b)(9) or (10):

1. a description of how the requirements to obtain information from the generators of sludge in 30 TAC §312.42(e) are being met. If these requirements are being met, prepare and keep a certification statement per 30 TAC §312.47(5)(B)(vi);
2. a description of how site restrictions for Class B sludge in 30 TAC §312.82(b)(3) are being met. If these requirements are being met prepare and keep a certification statement per 30 TAC §312.47(5)(B)(x); and
3. a description of how the vector attraction reduction requirements in 30 TAC §312.83(b)(9) or (10) are met. If these requirements are being met prepare and keep a certification statement per 30 TAC §312.47(5)(B)(xii).

#### **XI. REPORTING REQUIREMENTS:**

- A. Permittee shall submit a separate annual report by September 30th of each year per 30 TAC §312.48 for each site. The annual report must include all the information required under 30 TAC §312.48 (including the items listed below) for a period covering September 1st of previous year through August 31st of current year. Additionally an "Annual Sludge Summary Report Form" (Attachment C) should be filled out and submitted with the annual report. Submit your report to the Water Quality Division, Municipal Permits Team (MC 148) and the TCEQ Regional Office (MC Region 11). Record retention requirements must be followed in accordance with 30 TAC §312.47.
  1. Annual Sludge Summary Sheet (a blank form is provided in Attachment C of this permit) with following information. This information must be submitted by all permittees:
    - i. permit number;
    - ii. the site location (address or latitude and longitude);
    - iii. operator address, contact person name, telephone number, and fax number;
    - iv. amount of sludge disposal dry weight (lbs/acre) at each disposal site;
    - v. number of acres on which sludge and septage is land applied;
    - vi. vegetation grown and number of cuttings; and
    - vii. other items listed in the summary sheet.
  2. If the sludge concentration for any metal listed in Table 3 of Section IV.C.4 is exceeded, the report must include the following information:
    - i. date and time of each sludge application;
    - ii. all four certification statements required under 30 TAC §312.47(a)(5)(B);
    - iii. a description of how the information from the sludge generator was obtained, as per 30 TAC §312.42(e);
    - iv. a description of how each of the management practices in 30 TAC §312.44 were met for this site;

- v. a description of how the site restrictions in 30 TAC §312.82(b)(3) were met for the site;
  - vi. if the vector attraction reduction requirements in 30 TAC §312.83(b)(9) or (10) are met, a description of how this was done;
  - vii. soil and sludge test reports, as required in Section XII of this permit; and
  - viii. calculations of the current agronomic sludge application rate and the life of the site based on metal loadings (Appendix A of application, as identified in Section IV.C.4, or similar form).
3. If none of the concentrations for the metals exceed the values listed in Table 3 in Section IV.C.4 of this permit:
    - i. information per 30 TAC §312.47(a)(3)(B) for Class A sludge; and
    - ii. information per 30 TAC §312.47(a)(4)(B) for Class B Sludge.
  4. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2 in Section IV.C.4 of this permit the permittee shall provide the following additional information:
    - i. date and time of each sludge application;
    - ii. the information in 30 TAC §312.47(a)(5)(A) must be obtained from the sludge generator and included in the report; and
    - iii. the cumulative amount in pounds per acre of each pollutant listed in Table 2 in Section IV.C.4 applied to each application field of this site through bulk sewage sludge.
  5. Permittee shall submit evidence that the permit holder is complying with the nutrient management plan developed by a certified nutrient management specialist in accordance with the practice standards of the Natural Resources Conservation Service of the United States Department of Agriculture.
- B. Permittee shall submit a quarterly report by the 15th day of the month following each quarter during the reporting period (ie. quarterly reports will be due December 15th, March 15th, June 15th, and September 15th). Additionally, a "Quarterly Sludge Summary Report Form" (Attachment D) should be filled out and submitted with the quarterly report. The quarterly report must include all the information listed below. Submit your report to the Water Quality Division, Municipal Permits Team (MC 148) and the TCEQ Regional Office (MC Region 11). Record retention requirements must be followed in accordance with 30 TAC §312.47. The Quarterly Sludge Summary Report Form must include:
1. the source, quality, and quantity of sludge applied to the land application unit;
  2. the location of the land application unit, either in terms of longitude and latitude or by physical address, including the county;
  3. the dates of delivery of Class B sludge;
  4. the dates of application of Class B sludge;

5. the cumulative amount of metals applied to the land application unit through the application of Class B sludge;
6. crops grown at the land application unit site; and
7. the suggested agronomic application rate for the Class B sludge.

**XII. SOIL SAMPLING AND ANALYSIS:**

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

The registrant must monitor the soil-sludge mixture for the site as follows using soil sampling requirements described in 30 TAC §312.12(b)(1)(I) and (J). Analytical results must be provided on a dry weight basis. The Soil Sampling and Analysis plan shall be provided to the analytical laboratory prior to sample analysis.

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

1. Determined in a 1 N KCl soil extract (<http://soiltesting.tamu.edu/webpages/swftlmethods1209.html>).
2. Determined by Kjeldahl digestion or an equivalent accepted procedure. Methods that rely on Mercury as a catalyst are not acceptable.
3. Mehlich III extraction (yields plant-available concentrations) with inductively coupled plasma.
4. Electrical Conductivity (EC) - determined from extract of 2:1 (volume/volume) water/soil mixture and expressed in dS/m (same as mmho/cm).
5. Soil pH must be analyzed by the electrometric method in "Test Methods for Evaluating Solid Waste," EPA SW-846, 40 CFR 260.11; method 9045C - determined from extract of 2:1 (volume/volume) water/soil mixture.
6. Analysis for metals in soil must be performed according to methods outlined in "Test Methods for Evaluating Solid Waste," EPA SW-846; method 3050.

**XIII. STANDARD PROVISIONS:**

- A. This permit is granted in accordance with the Texas Water Code, Health and Safety Code, and the rules and other Orders of the Commission and the laws of the State of Texas.
- B. Unless specified otherwise, any noncompliance which may endanger human health or safety, or the environment shall be reported to the TCEQ. Report of such information must 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 must also be provided to the TCEQ Regional Office (MC Region 11) and to the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission must contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
- C. Any noncompliance other than that specified in the Standard Provision B, or any required information not submitted or submitted incorrectly, must be reported to the TCEQ Enforcement Division (MC 224) as promptly as possible.
- D. Acceptance of this permit constitutes an acknowledgment and agreement that the permittee shall comply with all the terms, provisions, conditions, limitations and restrictions embodied in this permit and with the rules and other Orders of the Commission and the laws of the State of Texas. Agreement is a condition precedent to the granting of this permit.
- E. Prior to any transfer of this permit, Commission approval must be obtained. The Commission must be notified, in writing, of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.
- F. The application pursuant to which the permit has been issued is incorporated herein; provided, however, that in the event of a conflict between the provisions of this permit and the application, the provisions of the permit will control.
- G. The permittee is subject to the provisions of 30 TAC §305.125.
- H. The permittee shall remit to the Commission annual fees per 30 TAC §312.9. Failure to pay the fees on time may result in revocation of this permit.
- I. This permit holder does not have a vested right in the permit.
- J. The permittee may not accept Class B sludge unless the sludge has been transported to the land application unit in a covered container with the covering firmly secured at the front and back.

**XIV. SPECIAL PROVISIONS:**

- A. The maximum annual sludge application rate shall not exceed 12 dry tons/acre/year on Fields 1, 2, 5 and 6; 9.34 dry tons/acre/year on Field 3; 11.65 dry tons/acre/year on Field 4; 5.56 dry tons/acre/year on Field 10 and 8.34 dry tons/acre/year on Field 11; and shall be land applied at a frequency proposed in the application. Agronomic loading rates shall be calculated on an annual basis to ensure that nutrient balances are not exceeded.
- B. All buffer zones must be distinguished from each other by the use of flags, posting or fencing. Application areas (Field #s) must be distinguished from each other by the use of flags, posting or fencing to ensure that each field is separated.
- C. The permittee should consider nutrient management practices appropriate for land application of sewage sludge and assess the potential risk for nitrogen and phosphorous to contribute to water quality impairment. Information and assistance on a certification program for Nutrient Management Specialists is available on the web at "<http://nmp.tamu.edu>".

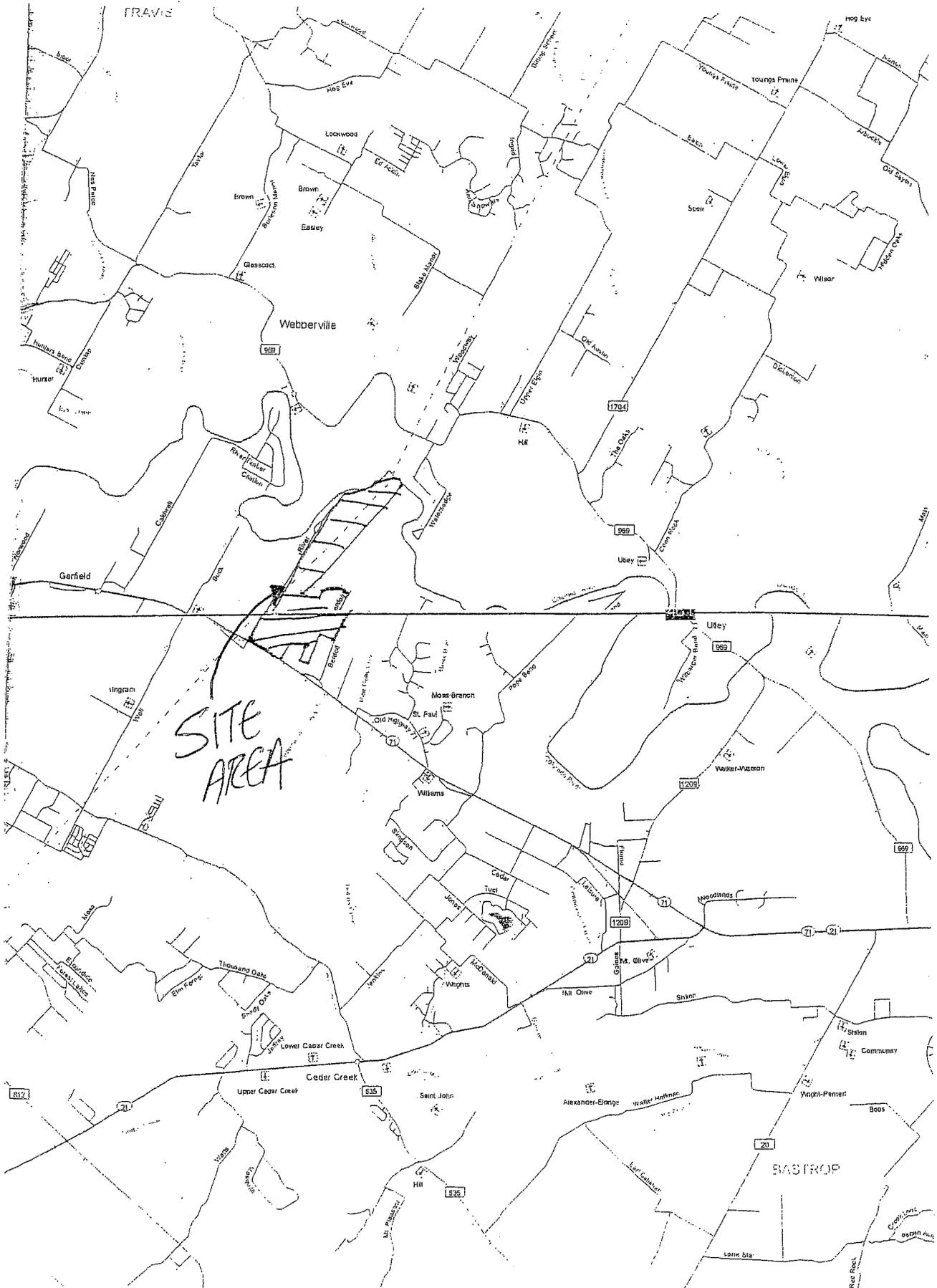
Nutrient management should be practiced within the context of the Natural Resources Conservation Service (NRCS) Code 590 Practice Standard which addresses the kind, source, placement, form, amount, timing and application method of nutrients and soil amendments. This is available on the web at:

"[http://efotg.nrcs.usda.gov/references/public/TX/finalTX590\\_07\\_09\\_07.pdf](http://efotg.nrcs.usda.gov/references/public/TX/finalTX590_07_09_07.pdf)". The 590 Standard should be conducted using the Phosphorus Index, a simple screening tool to rank vulnerability of fields as sources of phosphorus loss to surface runoff. Information on Phosphorus Index is available on the web at:

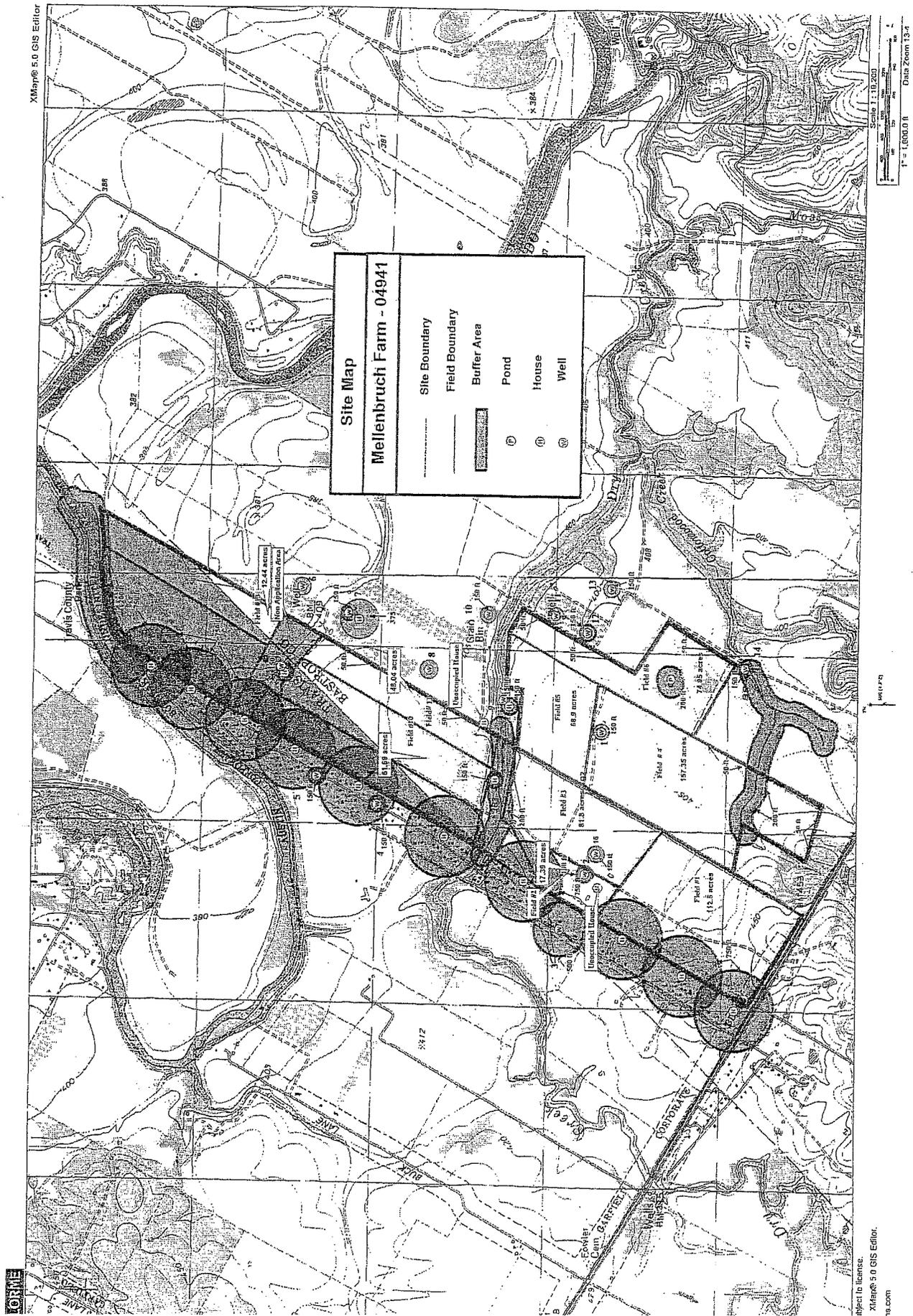
"[http://efotg.nrcs.usda.gov/references/public/TX/TXTechNote15\\_rev.pdf](http://efotg.nrcs.usda.gov/references/public/TX/TXTechNote15_rev.pdf)". The annual analysis of extractable phosphorus in soil samples should be conducted using the Mehlich III extraction with inductively coupled plasma.

- D. In the absence of a cool-season crop, sludge shall not be applied to Fields 2,3,4,10 and 11 from December to February.
- E. The permittee shall notify the TCEQ Regional Office (MC Region 11) prior to the initial land application of sludge in order for the TCEQ to verify the buffers for all surface water features.
- F. All sludge staging areas shall be located outside of buffers required by 30 TAC §312.44(c).

Attachment A



### Attachment B





**Annual Sludge Summary Report Form  
Attachment C**

**Note 1: If your site has more than one disposal field, please submit a separate form for each field.**

Note 2: Please note, in addition to the summary form, you must submit all information as required by 30 TAC 312.48.

Note 3. If you operate other registered/permited sludge land application sites, a form should be submitted for each site.

Note 4. Please send a copy of this sheet and all attachments to the TCEQ regional office in your area.

For TCEQ Fiscal Year \_\_\_ Reporting period from September 1, \_\_\_ to August 31, \_\_\_\_\_

**PERMIT NO.:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**NAME OF PERMITTEE:**

\_\_\_\_\_

**MAILING ADDRESS:**

\_\_\_\_\_

\_\_\_\_\_

**Contact Name:** \_\_\_\_\_ **Telephone No:** \_\_\_\_\_

**Field Number (if any):** \_\_\_\_\_ (Submit separate form for each field, if site has two or more fields.)

- 1. Sewage Sludge:
  - a. Land Applied: \_\_\_\_\_ dry tons / year
  - b. Disposed via monofill: \_\_\_\_\_ dry tons / year
  - c. Disposed via MSW Landfill: \_\_\_\_\_ dry tons / year
- 2. Water Treatment Plant Sludge:
  - a. Land Applied: \_\_\_\_\_ dry tons / year
  - b. Disposed via monofill: \_\_\_\_\_ dry tons / year
  - c. Disposed via MSW Landfill: \_\_\_\_\_ dry tons / year

Class A sludge land applied: \_\_\_\_\_ dry tons / year

Acreage used for sludge application / disposal at this site: \_\_\_\_\_ acres

Site Vegetation (such as grass type, etc.) and # of cuttings: \_\_\_\_\_

**PLEASE MAIL THE COMPLETED ANNUAL REPORT TO :**

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



## Quarterly Sludge Summary Report Form

(Class B)

Attachment D

**Note 1:** If your site has more than one land application field, please submit a separate form for each field.

**Note 2:** Please place this sheet at the top of your Quarterly Sludge Report.

**Note 3:** If you operate other registered/permitted sludge land application sites, a form should be submitted for each site.

**Note 4:** Please send a copy of this sheet and all attachments to the TCEQ regional office in your area.

For TCEQ Quarter \_\_\_\_\_ Reporting period from \_\_\_\_\_ to \_\_\_\_\_

**PERMIT NO.:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**NAME OF PERMITTEE:** \_\_\_\_\_

**MAILING ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

**Contact Name:** \_\_\_\_\_ **Telephone No:** \_\_\_\_\_

**Field Number (if any):** \_\_\_\_\_ (Submit separate form for each field, if site has two or more fields)

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

**Sewage Sludge Only - Please attach information regarding the following items:**

\* Please note the following information should be provided in computer-generated report format:

\* Please place check mark before each item below to indicate that the item is attached to this report.

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

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**PLEASE MAIL THE COMPLETED QUARTERLY REPORT TO :**

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

**Attachment B –  
Executive Director’s RTC**

TCEQ PERMIT NO. WQ0004941000

APPLICATION BY §  
 SYNAGRO OF TEXAS – CDR, INC. §  
 §  
 §  
 §  
 §

BEFORE THE CHIEF CLERK'S OFFICE  
 TEXAS COMMISSION ON  
 ENVIRONMENTAL QUALITY

NOV 17 PM 1:18

## EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment on Synagro of Texas – CDR, Inc.'s (Applicant) application and on the Executive Director's preliminary decision. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk timely received comment letters from the following persons: Shirley Adams, Robin Greenlee, Sue Mungo, Charles and Kay Prather, George and Jennie Rohrbough, Elizabeth Rush, Hilde Sanders, Salvador Sarmiento, and Aide Sustaita. This response addresses all such timely public comments received, whether or not withdrawn. If you need more information about this permit application or TCEQ's permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at <http://www.tceq.texas.gov>.

### BACKGROUND

#### Description of Facility

The Applicant has applied to the TCEQ for a new permit that would authorize the beneficial land application of Class B sewage sludge at a rate not to exceed 12 dry tons per acre per year on Fields 1, 2, 5, and 6; 9.34 dry tons per acre per year on Field 3; 11.65 dry tons per acre per year on Field 4; 5.56 dry tons per acre per year on Field 10; and 8.34 dry tons per acre per year on Field 11. The land application fields are located on a total of 635.06 acres within the 960 acre site. The land application site is located at 510 Empedrado Drive, at the intersection of Highway 71 and Empedrado Drive, approximately 10 miles east of the Austin-Bergstrom International Airport, in Bastrop and Travis Counties, Texas 78612. The land application site is located in the drainage area of the Colorado River Below Town Lake in Segment No. 1428 of the Colorado River Basin.

#### Procedural Background

The permit application was received on September 7, 2010, and declared administratively complete on February 16, 2011. The Notice of Receipt of Application and Intent to Obtain a Beneficial Land Use Permit (NORI) was published on March 10, 2011 in *iahora sí!* (Spanish), and on March 14, 2011 in the *Austin-American Statesman*

(English). The Notice of Application and Preliminary Decision for Land Application of Sewage Sludge Permit (NAPD) was published on July 11, 2011 in the *Austin-American Statesman* (English), and on July 14, 2011 in *iahora sí!* (Spanish). The public comment period ended on August 15, 2011. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801 (76<sup>th</sup> Legislature, 1999).

## COMMENTS AND RESPONSES

### COMMENT 1: (Runoff)

Shirley Adams, Salvador Sarmiento, and Aide Sustaita raised concerns about runoff from the proposed land application site. Shirley Adams raised concern about runoff into the Colorado River. Salvador Sarmiento and Aide Sustaita expressed concern that hazardous sludge materials may adversely affect their property, and the property of other homeowners in the Colorado River Ranchette subdivision. Charles and Kay Prather, and George and Jennie Rohrbough commented that the proposed beneficial land application of Class B sewage sludge would pollute the land and the Colorado River.

### RESPONSE:

If issued, the draft permit would authorize the beneficial land application of Class B sewage sludge. 30 TAC § 312.44 requires that sewage sludge be uniformly applied to the surface of land, under conditions that prevent runoff of sludge beyond the active application area. Permittees may only apply sludge at a rate equal to the nitrogen uptake rate of the plants being grown (the agronomic rate), thus ensuring that the nutrients are fully utilized by the plants and none are available for horizontal seepage into groundwater or lateral seepage into surface water bodies. 30 TAC § 312.8 defines the agronomic rate as the whole sludge application rate (dry weight basis) designed to: provide the amount of nitrogen needed by the crop or vegetation grown on the land; and minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the groundwater.

Additionally, the TCEQ has established required management practices to protect against surface and groundwater contamination that have been incorporated into Section VI of the draft permit. In accordance with 30 TAC § 312.44(h), the draft permit requires that:

1. sludge be applied uniformly over the surface of the land;
2. sludge not be applied to areas where permeable surface soils are less than two feet thick;
3. sludge not be applied during rainstorms or during periods in which surface soils are water-saturated;

4. sludge not be applied to any areas having a slope in excess of eight percent; and
5. where runoff from the active application area is evident, the operator must cease further sludge application until the condition is corrected.

Executive Director staff has also reviewed the application to determine if the proposed land application site has adequate buffer zones between it and any private wells, sources of public water supply, conduits to groundwater, and any surface water bodies. Specifically, 30 TAC § 312.44(c) requires the following buffer zones for land application areas:

1. 750 feet from established schools, institutions, businesses, or occupied residential structures;
2. 500 feet from any public water supply well, intake, public water supply spring or similar source, public water treatment plant, or public water supply elevated or ground storage tank;
3. 200 feet from any solution channels, sinkholes, or other conduits to groundwater;
4. 150 feet from any private water supply well; and
5. 50 feet from public rights of way or property boundaries.

In order to protect surface water, 30 TAC § 312.44(c) requires a 200 foot buffer zone if the sludge is not incorporated (i.e., not mixed evenly through the top three inches of soil). If the land application site is located in a major sole-source impairment zone, the 200 foot buffer zone must maintain a vegetative cover. If the sludge is incorporated (i.e., mixed evenly through the top three inches of soil), 30 TAC § 312.44(c) requires a 33-foot vegetative buffer zone.

As with any material used in agriculture, it is likely that small amounts of these materials will be carried offsite during major rain events. However, the aforementioned limitations on land application should provide sufficient protection for the surrounding areas, while the dilution factor from heavy rain events should also help prevent the contamination of surrounding areas. Materials discharged during rain events should be no more harmful than other materials commonly used in agriculture. The Executive Director has reviewed the application and developed a draft permit that complies with all federal and state statutory and regulatory requirements governing the beneficial land application of Class B sewage sludge.

**COMMENT 2:** (Location)

Robin Greenlee, Elizabeth Rush, and Hilde Sanders commented on the location of the proposed land application area. Robin Greenlee expressed concern about the proximity of the proposed land application site to the Colorado River. Elizabeth Rush expressed concern about the proximity of the proposed “plant” to an existing “plant” in

Del Valle, and traffic constraints on Highway 71. Finally, Hilde Sanders expressed concern about the proximity of the proposed land application site to her home.

**RESPONSE 2:**

The TCEQ's jurisdiction is established by the Legislature, and is limited to the issues set forth in statute. Specifically, the beneficial land use permitting process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. Accordingly, the TCEQ does not have a statutory basis to mandate that the Applicant choose an alternate location for its proposed facility under Texas Water Code (TWC) § 26.027. Traffic concerns are outside of the scope of the normal evaluations of a beneficial land use permit application. Finally, the proposed activity authorized by the draft permit is the beneficial land application of Class B sewage sludge; not the operation of a wastewater treatment plant.

As discussed in Response 1, 30 TAC § 312.44(c) requires a permittee to maintain a 750 foot buffer zone from any occupied residential structures. Based on the information provided in the application, the Applicant appears to have met this buffer zone requirement. 30 TAC § 312.44(c) also requires a permittee to maintain a 200 foot buffer zone if the sludge is not incorporated, and a 33 foot vegetative buffer zone if the sludge is incorporated. Based on the information provided in the application, the Applicant appears to meet the surface water buffer zone requirements.

**COMMENT 3:** (Odor and Air Quality)

Charles and Kay Prather, George and Jennie Rohrbough, Hilde Sanders, Salvador Sarmiento, and Aide Sustaita raised concerns about odor emanating from the proposed land application site. Charles and Kay Prather, George and Jennie Rohrbough, and Aide Sustaita commented that odor from the proposed land application site would prevent them from comfortably enjoying the outdoors. Charles and Kay Prather, and George and Jennie Rohrbough expressed concern that the sludge would produce toxins that would be released into the air.

**RESPONSE 3:**

Both TCEQ rules and required management practices incorporated into the draft permit mandate that the Applicant control nuisance odors. 30 TAC § 312.44(j) requires a land application site to be selected and operated in a manner to prevent public health nuisances. As previously mentioned, buffer zone restrictions prohibit the land application area to be located within 750 feet of a business or occupied residential structure, and within 50 feet from a public right of way or property boundary in order to minimize any off site odor problems. If necessary or when significant nuisance conditions occur, a site operator is required to minimize objectionable odors through incorporation of sewage sludge into the soil or by taking some other type of corrective

action. If the Applicant operates the site in a manner that is consistent with TCEQ rules and the provisions of the draft permit, the Executive Director does not anticipate that nuisance odor conditions will occur.

If members of the public experience nuisance odor conditions from the proposed application area, they may contact the TCEQ Region 11 Office at (512) 339-2929 or call the toll free 24-hour complaints hotline at 1-888-777-3186. Citizen complaints may also be filed online at <http://www.tceq.texas.gov/complaints>. On a complaint basis, regional investigators will investigate the site. If the regional investigator documents a violation of TCEQ regulations or the permit, then appropriate action may be taken, which may include referral for an enforcement action. In addition, the draft permit does not limit the ability to seek legal remedies regarding any potential nuisance or other causes of action in response to activities that may result in injury to human health or property or that interfere with the normal use and enjoyment of property.

**COMMENT 4:** (Water Wells)

Charles and Kay Prather, George and Jennie Rohrbough, Salvador Sarmiento, and Aide Sustaita expressed concern that the proposed beneficial land application of Class B sewage sludge could contaminate the water wells of nearby property owners.

**RESPONSE 4:**

Buffer zone restrictions and required management practices incorporated into the draft permit are meant to be protective of nearby water wells. As previously mentioned, 30 TAC § 312.44(c) prohibits the proposed land application area from being located within 500 feet from a public water supply well and 150 feet from a private water supply well. Additionally, the draft permit requires the Applicant to apply sludge at a rate equal to the agronomic rate, thus ensuring that nutrients are fully utilized by the plants being grown and none are available for horizontal seepage into groundwater or lateral seepage into surface water bodies. Where runoff of sludge from the active application area is evident, the site operator must cease further sludge application until the condition is corrected. If the site is operated in a manner that is consistent with TCEQ rules and the provisions of the draft permit, the beneficial land application of Class B sewage sludge should not affect nearby property owners' water wells.

**COMMENT 5:** (Notice)

Charles and Kay Prather, and George and Jennie Rohrbough raised concerns about whether public notice of the application was adequate.

**RESPONSE 5:**

30 TAC § 312.13(b)(3) provides that public notice for Class B sewage sludge beneficial land use permit applications must be provided under 30 TAC Chapter 39

(relating to Public Notice) and under TWC § 5.552. An applicant is required to publish NORI and NAPD notice in the newspaper of largest circulation in the county in which the facility is located or proposed to be located, or, if the facility is located in a municipality, the applicant is required to publish the NORI and NAPD notice in any newspaper of general circulation in the municipality. See 30 TAC §§ 39.418, 39.419, and 39.551. Both the NORI and the NAPD are required to be published in an alternative language publication when certain conditions are met. See 30 TAC §§ 39.418(b)(1) and 39.419(b). Alternative language notification is required when either the elementary or middle school nearest to the facility or proposed facility is required to provide a bilingual education program as required by Texas Education Code, Chapter 29, Subchapter B, and 19 TAC § 89.1205(a), and one of the following conditions is met: (A) students are enrolled in a program at that school; (B) students from that school attend a bilingual education program at another location; or (C) the school that otherwise would be required to provide a bilingual education program waives out of this requirement under 19 TAC § 89.1207(a). See 30 TAC § 39.405(h)(2). The notice must be published in a newspaper or publication that is published primarily in the alternative languages in which the bilingual education program is or would have been taught, and the notice must be in those languages. See 30 TAC § 39.405(h)(4).

In addition to the text required by 30 TAC § 39.411, the text of the public notice for a Class B sewage sludge beneficial land use permit must contain the anticipated date of the first land application of sludge to the proposed land application unit. See 30 TAC § 312.13(b)(3)(A). In addition to providing mailed notice to those persons identified by 30 TAC §§ 39.413 and 39.551, an applicant for a new Class B sewage sludge beneficial land use permit is required to notify by registered or certified mail each owner of land located within 1/4 mile of the proposed land application unit who lives on that land. See Id.

As previously mentioned, Spanish language NORI notice in was published on March 10, 2011 in *iahora sí!*, and English language NORI notice was published on March 14, 2011 in the *Austin-American Statesman*. English language NAPD notice was published on July 11, 2011 in the *Austin-American Statesman*, while Spanish language NAPD notice was published on July 14, 2011 in *iahora sí!* The information currently before the Executive Director indicates that the Applicant complied with applicable TCEQ notice rules.

**COMMENT 6:** (Environmental Equity)

Charles and Kay Prather, and George and Jennie Rohrbough commented that the proposed land application site was chosen due to the fact that the Colorado River Ranchette neighborhood “is mainly made of poor to middle-class families” who were unlikely to object to the proposed beneficial land application of Class B sewage sludge.

**RESPONSE 6:**

The TCEQ has made a strong policy commitment to address environmental equity by creating the Environmental Equity Program within the Office of the Chief Clerk. This program works to help citizens and neighborhood groups participate in the regulatory process; to ensure that the program works to help citizens and neighborhood groups participate in the regulatory process; to ensure that agency programs that may affect human health or the environment operate without discrimination; and to make sure citizens' concerns are considered thoroughly and are handled in a way that is fair to all.

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

Environmental Equity  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 105  
Austin, Texas 78711-3087  
Tel: 512-239-2566  
Fax: 512-239-3311

Additional information on environmental equity can be found at the following TCEQ website: <http://www.tceq.texas.gov/agency/hearings/envequ.html>.

**COMMENT 7:** (Wildlife and Vectors)

Shirley Adams asked how the applicant could protect wildlife from feeding on the sewage sludge after it is land applied. Charles and Kay Prather, and George and Jennie Rohrbough commented that the proposed beneficial land application of Class B sewage sludge will attract insects.

**RESPONSE 7:**

30 TAC § 312.82(b)(3)(E) provides that animals must not be allowed to graze on the land application area for at least 30 days after Class B sewage sludge is applied. Class B sewage sludge intended for beneficial land use is required to be treated to reduce vector attraction, such as rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents. 30 TAC § 312.83 requires specific methods of vector attraction reduction, such as reduction of the mass of volatile solids by 38%, Specific Oxygen Uptake Rate (SOUR) testing, and time requirements associated with sludge injection below land or sludge incorporation into the soil. Should such a problem occur, it would be considered a public health nuisance; which the draft permit and TCEQ rules specifically prohibit.

If members of the public experience public health nuisance conditions from the proposed application area, they may contact the TCEQ Region 11 Office at (512) 339-

2929 or call the toll free 24-hour complaints hotline at 1-888-777-3186. Citizen complaints may also be filed online at <http://www.tceq.texas.gov/complaints>. On a complaint basis, regional investigators will investigate the site. If the regional investigator documents a violation of TCEQ regulations or the permit, then appropriate action may be taken, which may include referral for an enforcement action. In addition, the draft permit does not limit the ability to seek legal remedies regarding any potential nuisance or other causes of action in response to activities that may result in injury to human health or property or that interfere with the normal use and enjoyment of property.

**COMMENT 8:** (Property Values, Business, and Quality of Life)

Charles and Kay Prather, George and Jennie Rohrbough, and Aide Sustaita commented that the proposed beneficial land application of Class B sewage sludge will adversely affect the value of their property. Charles and Kay Prather, and George and Jennie Rohrbough commented that the proposed beneficial land application of Class B sewage sludge would “ruin business” and “make life unbearable.”

**RESPONSE 8:**

The TCEQ’s jurisdiction is established by the Legislature, and is limited to the issues set forth in statute. Specifically, the beneficial land use permitting process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state’s rivers, lakes, and coastal waters. As such, issues such as property values, impacts on local businesses, and general quality of life concerns are outside of the scope of the normal permit application review process.

**COMMENT 9:** (Composition/Source of Class B Sewage Sludge)

Charles and Kay Prather, and George and Jennie Rohrbough asked where the Class B sewage sludge was coming from and whether it was human or hazardous.

**RESPONSE 9:**

In its application, the Applicant has indicated that it will accept sewage sludge from the Carl Miller Lime Stabilization Facility, a domestic sewage sludge processing facility (TPDES Permit No. WQ0003893000). If issued, the draft permit would authorize the beneficial land application of Class B sewage sludge. 30 TAC § 312.8 defines “Class B sewage sludge” as sewage sludge meeting one of the pathogen reduction requirements in 30 TAC § 312.82(b). 30 TAC § 312.82(b) provides that in order to be considered Class B sewage sludge, the sewage sludge must be treated using one of the Processes to Significantly Reduce Pathogens (PSRP) described in Part 503 of Title 40 of the Code of Federal Regulations (40 C.F.R. § 503) or an equivalent process approved by the U.S. Environmental Protection Agency. These pathogen reduction requirements must be met before the sewage sludge may be land applied.

Treated and stabilized sewage sludge can be applied to the land to enhance and improve the structure of the soil. Sewage sludge is also applied as a soil amendment to supply nutrients to plants and vegetation grown on land. The TCEQ promotes the recycling of treated sewage sludge to benefit crop production and improve soil structure, while also reducing the amount of sewage sludge that is sent to landfills.

**COMMENT 10:** (Affected Person)

Sue Mungo, Chairman of the Haynie Chapel United Methodist Church in Garfield, Texas, commented that the church would not likely be impacted by the proposed beneficial land application of Class B sewage sludge. Sue Mungo commented that she had no reason to believe that the church would be considered an "affected person."

**RESPONSE 10:**

The Executive Director acknowledges these comments.

**CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO PUBLIC COMMENT**

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

Respectfully submitted,  
Texas Commission on Environmental Quality

Mark R. Vickery, P.G.  
Executive Director

Robert Martinez, Director  
Environmental Law Division

By



---

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

Fax: (512) 239-0606

REPRESENTING THE EXECUTIVE  
DIRECTOR OF THE TEXAS  
COMMISSION ON ENVIRONMENTAL  
QUALITY

**CERTIFICATE OF SERVICE**

I certify that on November 17, 2011, the "Executive Director's Response to Public Comment" for TCEQ Permit No. WQ0004941000 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



---

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

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2011 NOV 17 PM 1:18  
CHIEF CLERKS OFFICE

**Attachment C –  
Compliance History  
Report**

## Compliance History Report

Customer/Respondent/Owner-Operator:	CN601307630 Synagro of Texas-CDR, Inc.	Classification: AVERAGE	Rating: 1.90
Regulated Entity:	RN105999718 MELLEBRUCH RANCH BLU SITE	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	WASTEWATER PERMIT		WQ0004941000
Location:	APPROX 10 MI EAST OF AUSTIN/BERSTROM AIRPORT OFF OF HWY 71 TAKE A LEFT AT EMPEDRADO LANE T ENTRANCE		
TCEQ Region:	REGION 11 - AUSTIN		
Date Compliance History Prepared:	February 02, 2012		
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.		
Compliance Period:	September 07, 2005 to February 02, 2012		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	T. Reidy	Phone:	239 - 1000

### 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  
Synagro of Texas-CDR, Inc., OPERATOR, 9/14/2010 to 12/31/3000
5. If **YES**, when did the change(s) in owner or operator occur?      N/A
6. Rating Date: 9/1/2011 Repeat Violator:      NO

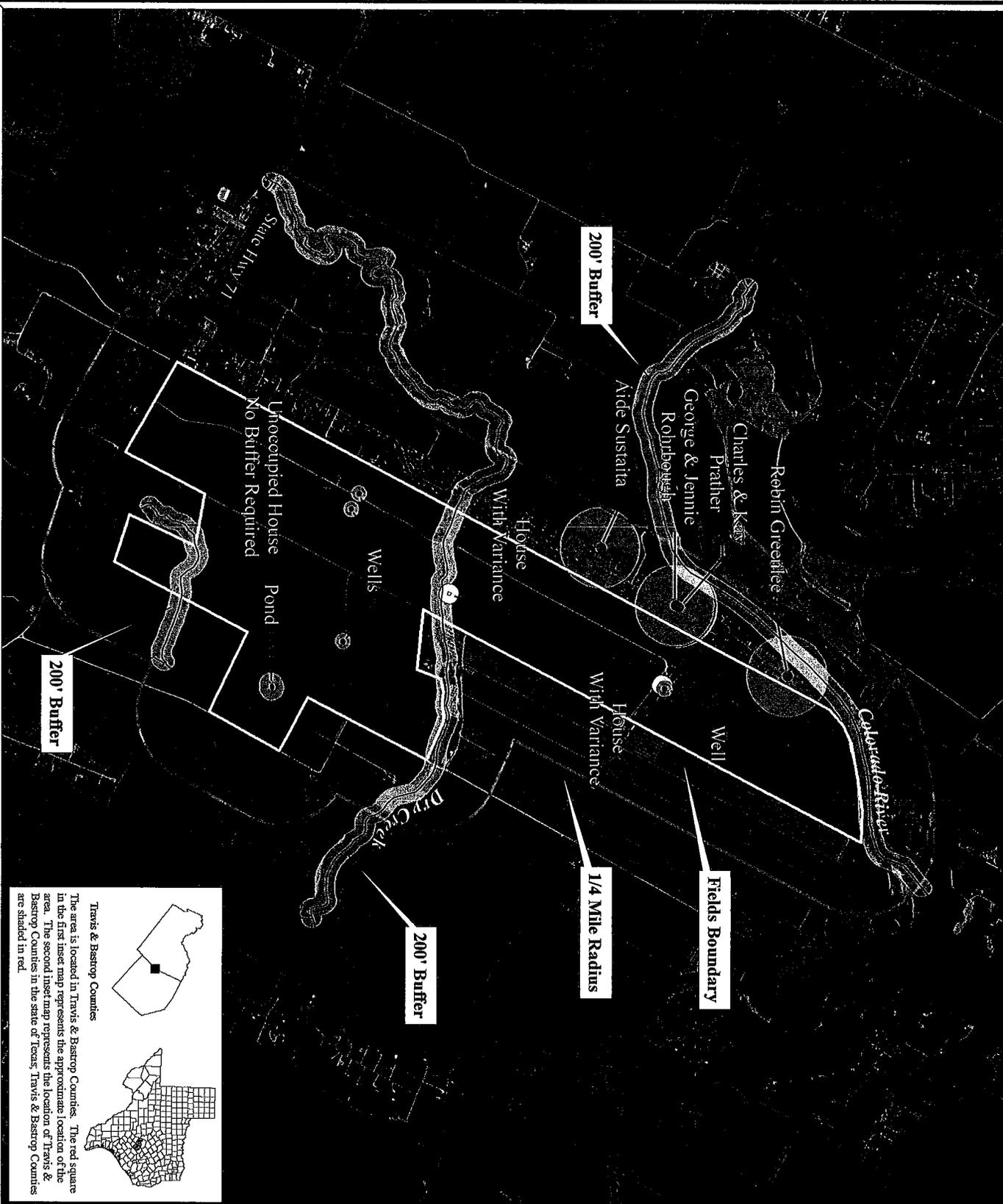
### Components (Multimedia) for the Site :

- 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.)  
N/A
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
  - F. Environmental audits.  
N/A
  - G. Type of environmental management systems (EMSs).
  - H. Voluntary on-site compliance assessment dates.  
N/A
  - I. Participation in a voluntary pollution reduction program.  
N/A
  - J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A



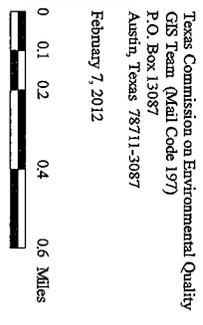
# **Attachment D – GIS Map**

**Synagro of Texas - CDR, Inc.**  
**TCEQ Permit No. WQ0004941000**  
**Map Requested by TCEQ Office of Legal Services**  
**for Commissioners' Agenda**



**Protecting Texas by  
 Reducing and  
 Preventing Pollution**

Texas Commission on Environmental Quality  
 GIS Team (Mail Code 197)  
 P.O. Box 13087  
 Austin, Texas 78711-3087  
 February 7, 2012



Projection: Texas Statewide Mapping System (TSMS)  
 Scale 1:30,844

- Legend**
- House
  - House With Variance 150' Buffer
  - Requestor's Property
  - Requestor's Property 750' Buffer
  - Well
  - Well 150' Buffer
  - Pond
  - Pond 200' Buffer
  - Fields Boundary
  - Streams
  - Creek 200' Buffer

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 Orthoregistry Project.



Travis & Bastrop Counties

The area is located in Travis & Bastrop Counties. The red square in the first inset map represents the approximate location of the area. The second inset map represents the location of Travis & Bastrop Counties in the state of Texas. Travis & Bastrop Counties are shaded in red.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 259-0800.

*McAdams@tceq.gov* CR#366282

**Attachment E –  
Affected Landowners  
List and Affected  
Landowners Map**

**Mellenbruch**  
 ¼ Mile Landowners      WQ0004941000

NUMBER	LANDOWNER
1	BRIAN & CHRISTINA STENGER 156 LAKEVIEW DR DEL VALLE, TX 78617
2	REYNALDO CAMACHO 2506 EAST 7 <sup>TH</sup> ST AUSTIN, TX 78702
3	MICHAEL & ROSE MARY SOZA 2937 HWY 71 WEST CEDAR CREEK, TX 78612
4	VIEN CHI KHUU 1824 PAXTON DR CARROLLTON, TX 75007-3020
5	FELICIA RUIZ LUM 2933 HWY 71 W CEDAR CREEK, TX 78612
6	JSOE ANGEL JR & MARIA ESTHER ALVARADO 5216 VILLAGE PATH AUSTIN, TX 78744
7	LYMAN CURTIS SMITH 140 OLD BASTROP RD CEDAR CREEK, TX 78612
8	OLEG ZARETSKY 39-12 PERSHING ST FAIR LAWN, NJ 07410
9	BASTROP COUNTY TRUSTEE P O BOX 579 BASTROP, TX 78602
10	DEBRA KING 137 OLD BASTROP RD CEDAR CREEK, TX 78612
11	LOI AND ALICE TRINH MARK 132 VAILCO LN AUSTIN, TX 78738
12	CARR FAMILY PARTNERSHIP LTD 4826 HWY 71 EAST DEL VALLE, TX 78617
13	HAL & LISA 455 BERDOLL LANE CEDAR CREEK, TX 78612
14	CLARENCE VINKLAREK P O BOX 448 CEDAR CREEK, TX 78612-0448

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**¼ Mile Landowners**

15	THE WASHINGTON CHILDRENS TRUST NO 2 CRAIG ANTHONY WASHINGTON (TRUSTEE) 1000 THE HOUSTON BUILDING 2323 CAROLINE STREET HOUSTON, TX 77004
	ROBERT & TAMARA FRERICH P O BOX 458 BASTROP, TX 78602-0458
	JOHN WALTER (ETAL) CALDWELL 2801 DENA DR SAN ANGELO, TX 76904
	DANIEL H DREMANN 123 GREEN ACRES LOOP BASTROP, TX 78602
19	RUSSELL CLEVE WEST P O BOX 2200 BUDA, TX 77612-2200
20	WILLIAM CODY WHEELER P O BOX 648 CROCKETT, TX 75834
21	PERBRAND INVESTMENTS LLC 6 CONCORD CIR HOUSTON, TX 77024
22	GRACE R ROCKWELL PERSONAL RESIDENCE TRUST JOSEPH & GEREEN ROCKWELL GAMBINO CO-TRUSTEES 160 BERDOLL LOOP CEDAR CREEK, TX 78612
23	EDWIN THOMAS UPCHURCH 2832 N 89 <sup>TH</sup> ST MESA, AZ 85207
24	SEBE BERDOLL 465 BERDOLL LN CEDAR CREEK, TX 78612
	JANET RIPPY 3199 MT GAINOR RD DRIPPING SPRINGS, TX 78620-9702
26	DAN BERDOLL 339 ORCHARD RD CEDAR CREEK, TX 78612
27	KELLIS BERDOLL 489 ORCHARD RD CEDAR CREEK, TX 78612
28	JUDITH GALE SMITH 2514 FM 969 ELGIN, TX 78621

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**¼ Mile Landowners**

29	ROY LEE HUMPHRIES C/O JENKINS HUMPHRIES, SR 2514 FM 969 ELGIN, TX 78621
30	TRAVIS COUNTY TRUSTEE ATTN TAX DEPT P O BBOX 1748 AUSTIN, TX 78767-1748
31	RIDER VIOLET M ET AL 3221 CLEAVIEW DR AUSTIN, TX 78703-2753
32	CHARLES W & VICKI L FRITSCH 8901 SAM CARTER DR AUSTIN, TX 78736
33	SOUTHWESTERN FINANCIAL CORPORATION STE 700W 1341 W MOCKINGBIRD LN DALLAS, TX 75247
34	BASTROP ENERGY PARTNERS LP C/O ASSET MANAGEMENT P O BOX 1748 BASTROP, TX 78002
35	COOK J L ETAL 5547 HIGHWAY 71 E DEL VALLE, TX 78617-3254
36	GREGG JEFFREY R 3101 RIVER RD CEDAR CREEK, TX 78612-3011
37	JAECKS FAMILY TRUST 3116 RIVER RD CEDAR CREEK, TX 78612-3004
38	WAYNE MEUTH 133 SANDY RD ROSANKY, TX 78953-9726
39	SANDRA M SERRATO 3110 RIVER RD CEDAR CREEK, TX 78612
40	PATRICIA R GARCIA 3105 RIVER RD DEL VALLE, TX 78612
41	ERMA PAULINE JOHNSON APT 10E 2001 NW 96 <sup>TH</sup> TER PEMBROKE PINES, FL 33024-3034

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**¼ Mile Landowners**

42	ARTHUR & ALICE CUELLAR 3120 RIVER RD CEDAR CREEK, TX 78612-3004
43	ALLEN VILLEGAS 3111 RIVER RD CEDAR CREEK, TX 78612-3011
44	GERALD J GREENLEE 3122 RIVER RD CEDAR CREEK, TX 78612-3004
45	LEE CASTILLO 3113 RIVER RD CEDAR CREEK, TX 78612-3011
46	CASSIDY CONSOLIDATED PROPERTIES PROPERTIES INC. 509 ELPLOER LAKEWAY, TX 78734-3439
47	GERTRUDE A HAND 3201 RIVER RD CEDAR CREEK, TX 78612
48	ALBERT & HILDE SANDERS 3203 RIVER RD CEDAR CREEK, TX 78612-3078
49	MICHAEL & ELIZABETH RUSH 3206 RIVER RD CEDAR CREEK, TX 78612-3077
50	KENNETH S JACKSON 1311 NEANS DR AUSTIN, TX 78612
51	DUANE BROCKMAN 11101 PTARMIGAN DR AUSTIN, TX 78758
52	INEZ & TRINIDAD G GUZMAN 3211 RIVER RD CEDAR CREEK, TX 78612-3078
53	RONALD LADD & DARLENE PARKER FALDYN 3909 RIVER RD CEDAR CREEK, TX 78612-3005
54	THOMAS HENRY 3209 RIVER RD CEDAR CREEK, TX 78612
55	RICHARD & SANDRA DAVIS 3300 RIVER RD CEDAR CREEK, TX 78612-3012

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**¼ Mile Landowners**

56	MICHAEL & PAULINE BECKHAM 2700 CORY LN SPICEWOOD, TX 78669-6569
57	CIRIO JR SELVERA 6420 CIRCULO DE AMISTAD AUSTIN, TX 78741-3340
58	JANICE MARIE KOPCZYNSKI 3305 RIVER RD CEDAR CREEK, TX 78612-3020
59	BRIAN D DICKEY 3310 RIVER RD CEDAR CREEK, TX 78612-3012
60	HOWARD JR & MICHLE JAECKS 3304 RIVER RD CEDAR CREEK, TX 78612
61	FRANCISCA RAMIEREZ 3302 RIVER RD CEDAR CREEK, TX 78612-3012
62	CM HATHERLY % CRYSTAL SIMPSON (C/S) 3312 RIVER RD CEDAR CREEK, TX 78612-3012
63	DAVID J & JANET C MATKO 3501 RIVER RD CEDAR CREEK, TX 78612-3033
64	EDWARD & IMA JEAN FAGLIE RT 1 BOX 667 A 3503 RIVER RD CEDAR CREEK, TX 78612-3033
65	EVA HOLMAN 3003 ELLON RD DEL VALLE, TX 78617-2312
66	FLOYD ALAN MYRICK 3318 RIVER RD CEDAR CREEK, TX 78612-3012
67	DAVID CUNNINGHAM 3313 RIVER RD CEDAR CREEK, TX 78612-3020
68	PHILLIP & CATHERINE A SOUTH P O BOX 11 DEL VALLE, TX 78617-0011
69	PAUL R & YONG BELLEW 8100 RICHARD KING TRL AUSTIN, TX 78749-1869

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**¼ Mile Landowners**

70	TERESA DAVIS 3502 RIVER RD CEDAR CREEK, TX 78612-3937
71	BRUCE E MUNSON 3406 RIVER RD CEDAR CREEK, TX 78612-3013
72	MILES JOHN RICKY TRUSTEE FOR DOMITILA RICKA MILES PONCE 15001 PEARCE LN DEL VALLE, TX 78617-5763
73	ROXY LYNN RODRIGUEZ % EDGAR LOPEZ & ROSALVA MONTEZ (C/S) 3508 RIVER RD CEDAR CREEK, TX 78612-3014
74	CECILIO RODRIGUEZ JR P O BOX 461 DEL VALLE, TX 78617-0461
75	VICTOR & ARUTRO LANDAVERDE MENDEZ 3509 RIVER RD CEDAR CREEK, TX 78612
76	CAROL MASTERSON 156 FELIX RD SMITHVILLE, TX 78957-9595
77	YOLANDA & ROBERTO G RIVERA PEDRAZA 1800 MIAMI DR AUSTIN, TX 78733-1632
78	SAM R & RENEE BALTAZAR 3415 RIVER RD CEDAR CREEK, TX 78612-3938
79	GEORGE CARY SHERYL OGLE MARTIN 3408 RIVER RD CEDAR CREEK, TX 78612
80	SARAH E DOLBIER 3410 RIVER RD CEDAR CREEK, TX 78612-3013
81	MARGARITO & JUANA NAVARRO 3412 RIVER RD CEDAR CREEK, TX 78612-3013
82	SOPHIA BALTAZAR 3415 RIVER RD CEDAR CREEK, TX 78612-3938
83	RONALD M RESECH 3513 RIVER RD CEDAR CREEK, TX 78612-3033

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**¼ Mile Landowners**

84	JESUS F ALVAREZ 110 CAMP CREEK CT BUDA, TX 78610-2775
85	YOLANDA & ROBERTO G RIVERA PEDRAZA 1800 MIAMI DR AUSTIN, TX 78733-1632
86	GEORGE & JENNIE ROHRBOUGH 3522 RIVER RD CEDAR CREEK, TX 78612
87	PRESLEY JORDAN THOMAS-WAYNE & EUNICE BEATRICE THOMAS ESTATE P O BOX 17423 AUSTIN, TX 78760-7423
88	CHARLES LARRY & KAY PRATHER & KAY PRATHER 3521 RIVER RD CEDAR CREEK, TX 78612
89	GABRIEL JR & OLIVIA RAMIREZ 3524 RIVER RD CEDAR CREEK, TX 78612
90	FREDDIE L & ELSIE M ROBINSON 3526 RIVER RD CEDAR CREEK, TX 78612
91	ABBY BASSFORD 3525 RIVER RD CEDAR CREEK, TX 78612
92	JUAN TORRES 3528 RIVER RD CEDAR CREEK, TX 78612
93	MAURY A LLOYD 3527 RIVER RD CEDAR CREEK, TX 78612-3033
94	WILLARD F & HELEN BROCKWAY RT 1 BOX 696 3600 RIVER RD CEDAR CREEK, TX 78612
95	FAY A & WILMA F HULSEY 3529 RIVER RD CEDAR CREEK, TX 78612
96	KEITH CRONIN 3705 BUCK LN DEL VALLE, TX 78617-3710
97	JOSE RAFAEL JAIMES 3604 RIVER RD CEDAR CREEK, TX 78612

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**¼ Mile Landowners**

98	ANDREW & BRENDA R HECKMAN BRENDA R HECKMAN 3607 RIVER RD CEDAR CREEK, TX 78612-3084
99	ALFREDO VILLEGAS P O BOX 431 DEL VALLE, TX 78617-0431
100	CARDOON LLC 4115 AVENUE H AUSTIN, TX 78751-4724
101	BASTROP ENERGY PARTNERS LP C/O ASSET MANAGEMENT P O BOX 1748 BASTROP, TX 78602-8748
102	VIRGINA TAVERA JAIMES 3700 RIVER RD CEDAR CREEK, TX 78612
103	TRAVIS TRAUOGOTT 15301 CHAMBERPLAIN CT AUSTIN, TX 78724-8548
104	JESSIE JEAN CORDERY 3702 RIVER RD CEDAR CREEK, TX 78612
105	SANTOS RODRIGUEZ 3707 RIVER RD CEDAR CREEK, TX 78612
106	ALFREDO HUMBERTO VALENICA 2103 SNEED AVE TYLER, TX 75701-4342
107	RON EPP 3705 RIVER RD CEDAR CREEK, TX 78612
108	LARRY & DEBORAH L BARELA 3708 RIVER RD CEDAR CREEK, TX 78612
109	LUIS A PEREZ 3707 RIVER RD CEDAR CREEK, TX 78612-3016
110	ROBERT CERVANTES 243 ARTESIAN DR CEDAR CREEK, TX 78612
111	DANNY JOE & JOYCE IRENE REED 3709 RIVER RD CEDAR CREEK, TX 78612-3016

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**¼ Mile Landowners**

112	RUTH SCHWIND 3801 RIVER RD CEDAR CREEK, TX 78612
113	SARAH JOHNSON 19300 BARB RD CEDAR CREEK, TX 78612-3072
114	SARAH & JUAN LOZA 913 MINTURN LN AUSTIN, TX 78748-6405
115	LOUREE M ATKINS REVOCABLE LIVING TRUST 1801 HARVEY ST AUSTIN, TX 78702-1662
116	DOROTHY LOIS GARNETT 3805 RIVER RD CEDAR CREEK, TX 78612
117	MANUEL & AIDE A SUSTAITA 19301 BARB RD CEDAR CREEK, TX 78612
118	TAMMY WOOD 19303 BARB RD CEDAR CREEK, TX 78612-3001
119	ROBERT A & CHERIE A LAYFIELD 19305 BARB RD CEDAR CREEK, TX 78612
120	DEBRA DELYNN STOTSER 3809 RIVER RD CEDAR CREEK, TX 78612
121	SALVADOR SARMIENTO 4109 RIVER RD CEDAR CREEK, TX 78612
122	ALFREDO & RAQUEL JAIMES 803 GLASS DR LEANDER, TX 78641-3600
123	KELLY JEAN STRONG 3901 RIVER RD CEDAR CREEK, TX 78612
124	JAMES M CONQUEST 3906 RIVER RD CEDAR CREEK, TX 78612
125	NORMAN D & MILDRED YEOMANS 1208 RADCLIFF DR AUSTIN, TX 78752-2841

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FEB 09 2011

WATER UTILITIES DIVISION  
1000 G. L. BAKER BLVD  
AUSTIN, TX 78702

**Mellenbruch**  
**¼ Mile Landowners**

126	FERNANDO & ASHLI RODELA GOMEZ 3905 RIVER RD CEDAR CREEK, TX 78612
127	VICKY BUCKLEY P O BOX 141532 AUSTIN, TX 78714-1532
128	RONALD L FALDYN 3909 RIVER RD CEDAR CREEK, TX 78612
129	ISMAEL U GUERRERO 3910 RIVER RD CEDAR CREEK, TX 78312-3076
130	DOLORES RODELA 3911 RIVER RD CEDAR CREEK, TX 78612-3005
131	ANNIE J LOVE 4000 RIVER RD CEDAR CREEK, TX 78612-3024
132	DELIA M & GUADALUPE DELAROSA 4001 RIVER RD CEDAR CREEK, TX 78612-3025
133	OTHONIEL SILLAS 4002 RIVER RD CEDAR CREEK, TX 78612-3017
134	HUBERT T & REGENIA W BRADFORD 4003 RIVER RD CEDAR CREEK, TX 78612-3025
135	GLENN & SHERON WILLARD 4004 RIVER RD CEDAR CREEK, TX 78612-3017
136	ROGER W & XUAN T OGILVIE 4005 RIVER RD CEDAR CREEK, TX 78612
137	JANIE MARTINEZ 4007 RIVER RD CEDAR CREEK, TX 78612
138	JIMMY STEAPLES % JOEY MIMS P O BOX 369 ROUND ROCK, TX 78680-0369
139	STEVEN R BAKER 709 W 14 <sup>TH</sup> ST AUSTIN, TX 78701-1707

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WATER QUALITY DIVISION  
Applications Team

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**¼ Mile Landowners**

140	BRADLEY R MAQUET 4102 RIVER RD CEDAR CREEK, TX 78612-3018
141	ONEAL MIMS P O BOX 369 ROUND ROCK, TX 78680-0369
142	SALVADOR SARMIENTO 4109 RIVER RD CEDAR CREEK, TX 78612-3022
143	THEOETTA DAVIS RT 1 BOX 640 D 4106 RIVER RD CEDAR CREEK, TX 78612-3018
144	WILLIAM H & JUDY M WHITE RT 1 BOX 701R 4110 RIVER RD CEDAR CREEK, TX 78612-3018
145	WILLIAM & JUDY WHITE 4110 RIVER RD CEDAR CREEK, TX 78612-3018
146	GEORGE & BENITA Y EMERY RR 1 BOX 701S 4200 RIVER RD CEDAR CREEK, TX 78612
147	GUADALUPE & NINA ARCE ROJAS 4203 RIVER RD CEDAR CREEK, TX 78612
148	JOSE ISABEL JAIMES 4311 MEADOW DR CEDAR CREEK, TX 78612-3002
149	CARLOS & MARGARITA ESCALANTE 4207 RIVER RD CEDAR CREEK, TX 78612
150	RUSSELL C & DIANA M HAGGARD 8005 HAYRIDE RD DEL VALLE, TX 78614-5012
151	YOLAND PINEDA & DE ALVAREZ NORA ALVAREZ 137 STONY POINT DR DEL VALLE, TX 78617-5043
152	VICTOR RAMIEREZ 4305 MEADOW DR CEDAR CREEK, TX 78312-3002

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FEB 09 2011

WATER QUALITY DIVISION  
Applied to 10/1/09

**Mellenbruch**  
**¼ Mile Landowners**

153	JOSEFA RODRIGUES & JOSE ISABEL JAIMES 4311 MEADOW DR CEDAR CREEK, TX 78612
154	JOSEPH MASSA III 4060 FALLENASH DR AUSTIN, TX 78725-1722
155	DONALD G HOWELL 4401 MEADOW DR CEDAR CREEK, TX 78612
156	FAUSTINO & GRACELIA FABELA % TRACY MATA 4305 TUCKER HILL LN CEDAR CREEK, TX 78612
157	PATRICK & WANDA L ARUCK P O BOX 824 DEL VALLE, TX 78617-0824
158	JAMES E CRAWFORD 4306 TUCKER HILL LN CEDAR CREEK, TX 78612
159	LINDA HOWELL 4405 MEADOW DR CEDAR CREEK, TX 78612
160	SALOME & AZUCENA PANTOJA RT 1 BOX 625 C 4424 MEADOW DR CEDAR CREEK, TX 78612-3074
161	CHARLES & ALINDA HACKNEY 4500 MEADOW DR CEDAR CREEK, TX 78612
162	PENNIE R DOUGLAS 4407 TUCKER HILL LN CEDAR CREEK, TX 78612-3000
163	TOBY & SIMONA GUTIERREZ 4416 MEADOW DR CEDAR CREEK, TX 78612
164	RYAN & ALISA SOUTH P O BOX 11 DEL VALLE, TX 78617-0011
165	JOHN D PLATO 4424 MEADOW DR CEDAR CREEK, TX 78612-3074
166	JO ANN CLAWSON 4413 TUCKER HILL LN CEDAR CREEK, TX 78612-3000

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WATER QUALITY DIVISION  
 Application Team

**Mellenbruch**  
**¼ Mile Landowners**

167	LEON KEELE & CATHY BROWN 4502 TUCKER HILL CEDAR CREEK, TX 78612
168	JERE D HINTON 4500 MEADOW DR CEDAR CREEK, TX 78612
169	DOROTHY C & JEFFERY L POWELL 4509 TUCKER HILL LN CEDAR CREEK, TX 78612
170	EDWARD HEJL 4508 MEADOW DR CEDAR CREEK, TX 78612
171	IVAN & JUDITH MONTES RAMIEREZ 4509 MEADOW DR CEDAR CREEK, TX 78612-3008
172	ROBERT MICHAEL SMITH 106 QUINTON ALLEN DR BASTROP, TX 78602-7648
173	JOSE JAVIER & MIREA VILLEGAS 4521 MEADOW DR CEDAR CREEK, TX 78612-3008
174	JOHN DAVID ELLER P O BOX 166 DEL VALLE, TX 78617-0166
175	ART MCINTOSH 4417 MEADOW DR CEDAR CREEK, TX 78612
176	W D PLATO 4421 MEADOW DR CEDAR CREEK, T 78612
177	GARY & DEEANN PIERCE P O BOX 313 SEALE, AL 36875-0313
178	WILLIE WILLIAMS PO BOX 147 DEL VALLE, TX 78617
179	WILLIAM FOWLER 1505 BRANDT AUSTIN, TX 78742
180	JOHN DAVID ELLER PO BOX 166 DELVALLE, TX 78617
181	RUBEN VASQUEZ RODRIGUEZ 302 BRAMBLE LANE #A AUSTIN, TX 78745

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FEB 09 2011

WATER

**Mellenbruch**  
**¼ Mile Landowners**

182	ALISA SOUTH 4701 TUCKER HILL LN CEDAR CREEK, TX 78612
183	NEIMI CASTELLANO 4715 TUCKER HILL LN CEDAR CREEK, TX 78612-3027
184	AMELIA MALDONADO 8008 SEELING DR. AUSTIN, TX 78744
185	JUAN & ELIZABETH GARCIA 4807A TUCKER HILL LN CEDAR CREEK, TX 78612
186	DUANE BROCKMAN 11101 PTARMIGAN AUSTIN, TX 78758
187	DORIS RODRIGUEZ ORELLANA 4915 TUCKER HILL LN CEDAR CREEK, TX 78612
188	ENCARNACION & IRASEMA REYES 5007 TUCKER HILL LN CEDAR CREEK, TX 78612
189	NO RECORD
190	JIM & PATSEY STEIN 5013 TUCKER HILL LN UNIT 4 CEDAR CREEK, TX 78612
191	JOHN C. & LESLIE MELLEBRUCH PO BOX 1631 BASTROP, TX 78602
192	LOU ARNOLD 5107 TUCKER HILL LN CEDAR CREEK, TX 78612
193	THOMAS EUGENE ABSHIER (ETAL) 5203 TUCKER HILL LN CEDAR CREEK, TX 78612
194	ALBERT REEVES ESTATE 5203 TUCKER HILL LN CEDAR CREEK, TX 78612
195	LILLIAN ANN VANDERMAST 5213 TUCKER HILL LN CEDAR CREEK, TX 78612
196	ROBERT L GILLEY 5301 TUCKER HILL LN CEDAR CREEK, TX 78612

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WATER QUALITY DIVISION  
Application Team

**Mellenbruch**  
**¼ Mile Landowners**

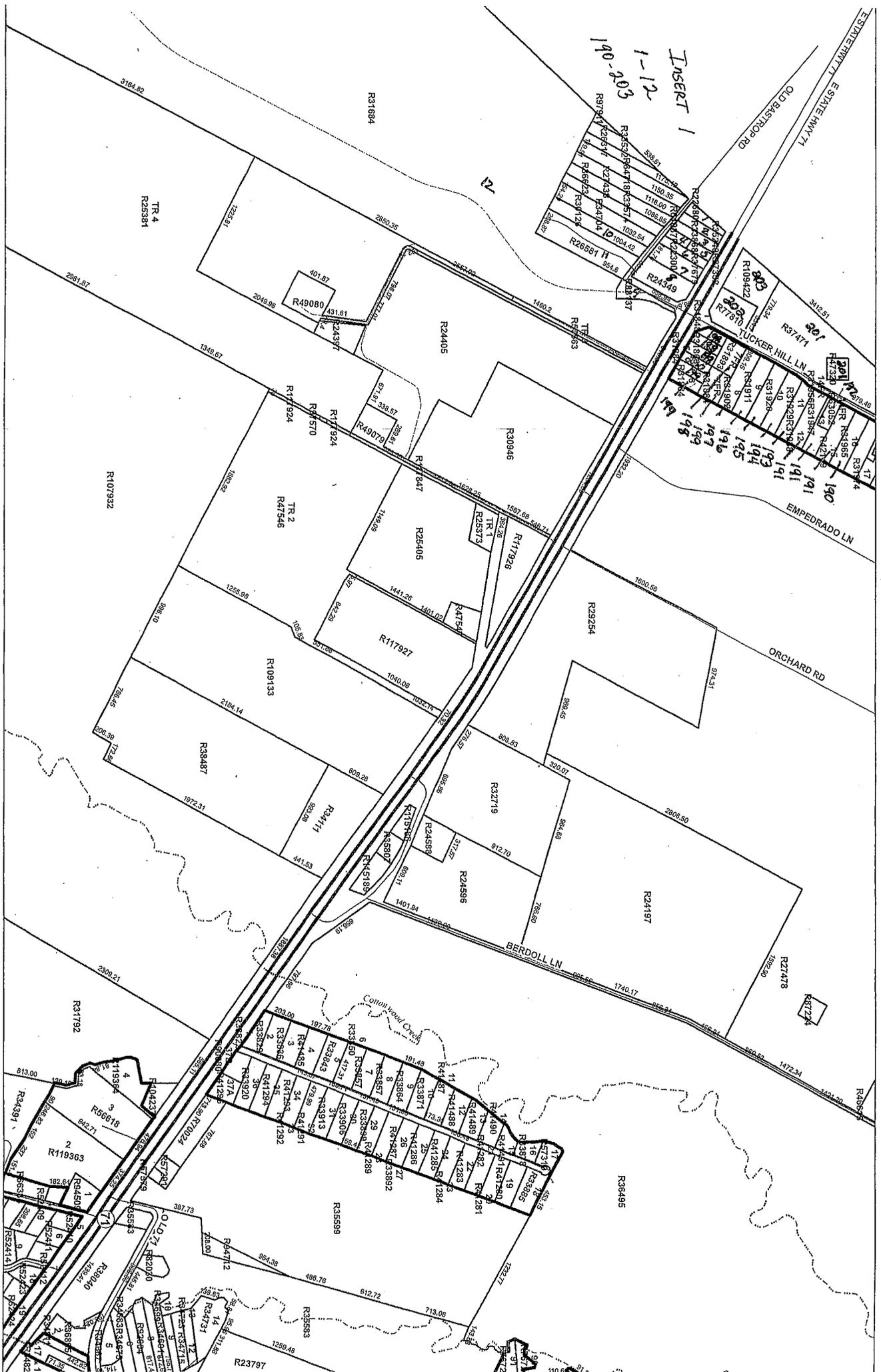
197	JOHN & OLLIE SMALL 5307 TUCKER HILL LN CEDAR CREEK, TX 78612
198	DON A STEWART 7110 EAST BEN WHITE BLVD AUSTIN, TX 78741
199	OSSY HOPPE 47-701 NUKUPUU ST KANEHOHE, HI 96744-5510
200	DONALD DIAL 409 EAST RIVERSIDE AUSTIN, TX 78704
201	JOE & ELIZABETH COOK 5547 HWY 71 EAST DEL VALLE, TX 78617
202	ROUTT INVESTMENTS LTD KAY WILLIS BRUMLEY PO BOX 6156 AUSTIN, TX 78762
203	JOHN P & YU-CHUN YEH WU 1065 BUCHANAN CT SANTA CLARA, CA 95051

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**FEB 09 2011**

**WATER QUALITY DIVISION**  
Application Team





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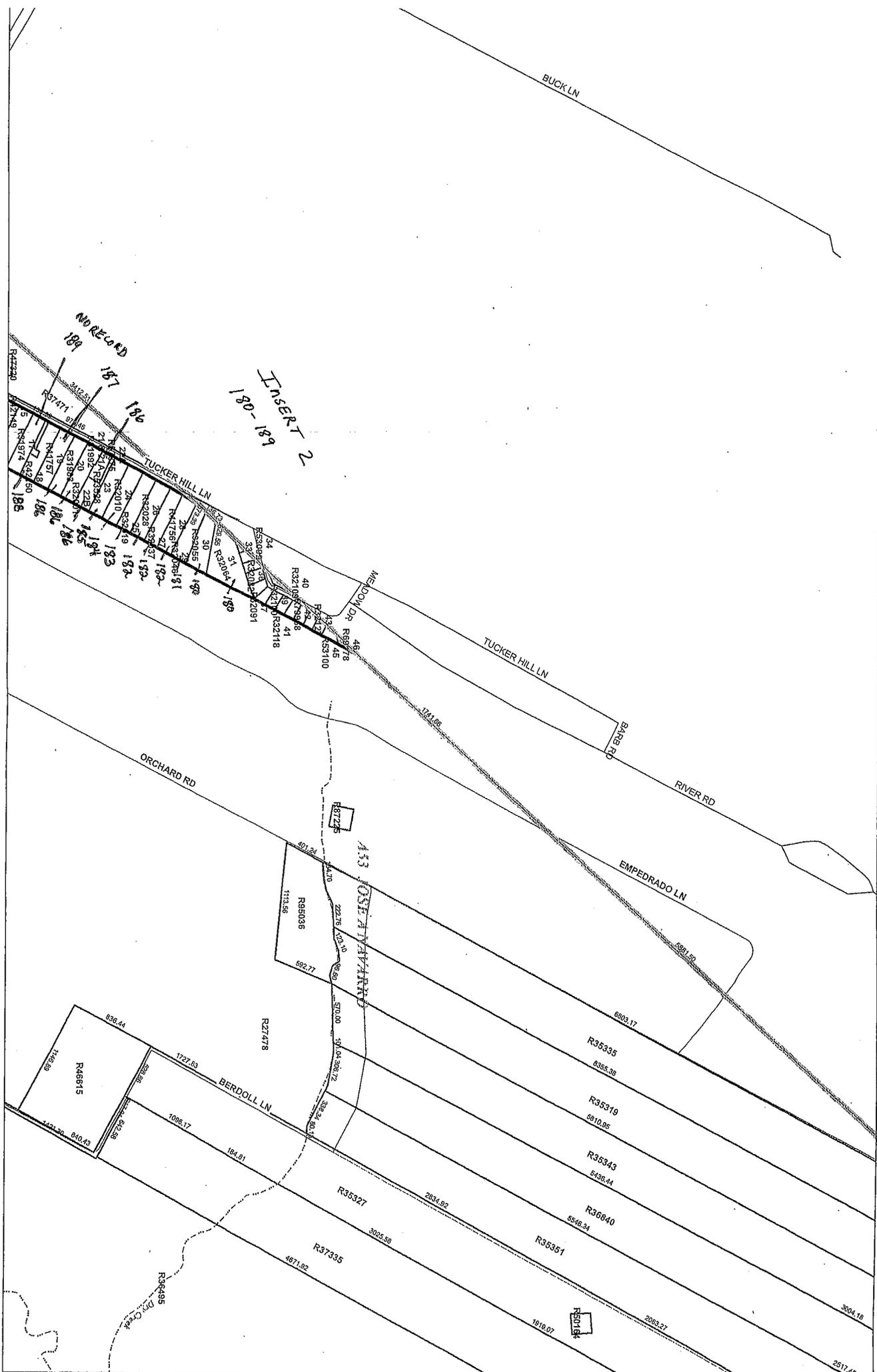
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BUCK LN

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R27497  
R27498  
R27499  
R27500

TUCKER HILL LN

MEADOW DR

TUCKER HILL LN

ORCHARD RD

RIVER RD

EMPEDRADO LN

433  
CANTON TSP

R95038  
1113.56  
682.77

R46815  
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BERDOLL LN

R35327

R37335

R50184

R35335

R35319

R35343

R36840

R35351

3004.18

2512.48

R36495  
Dix Creek

936.44  
1727.63  
1096.17  
1421.31  
940.43

R27478

R35327

R37335

R50184

R35335

R35319

R35343

R36840

R35351

3004.18

2512.48

R36495  
Dix Creek

936.44  
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1421.31  
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R27478

R35327

R37335

R50184

R35335

R35319

R35343

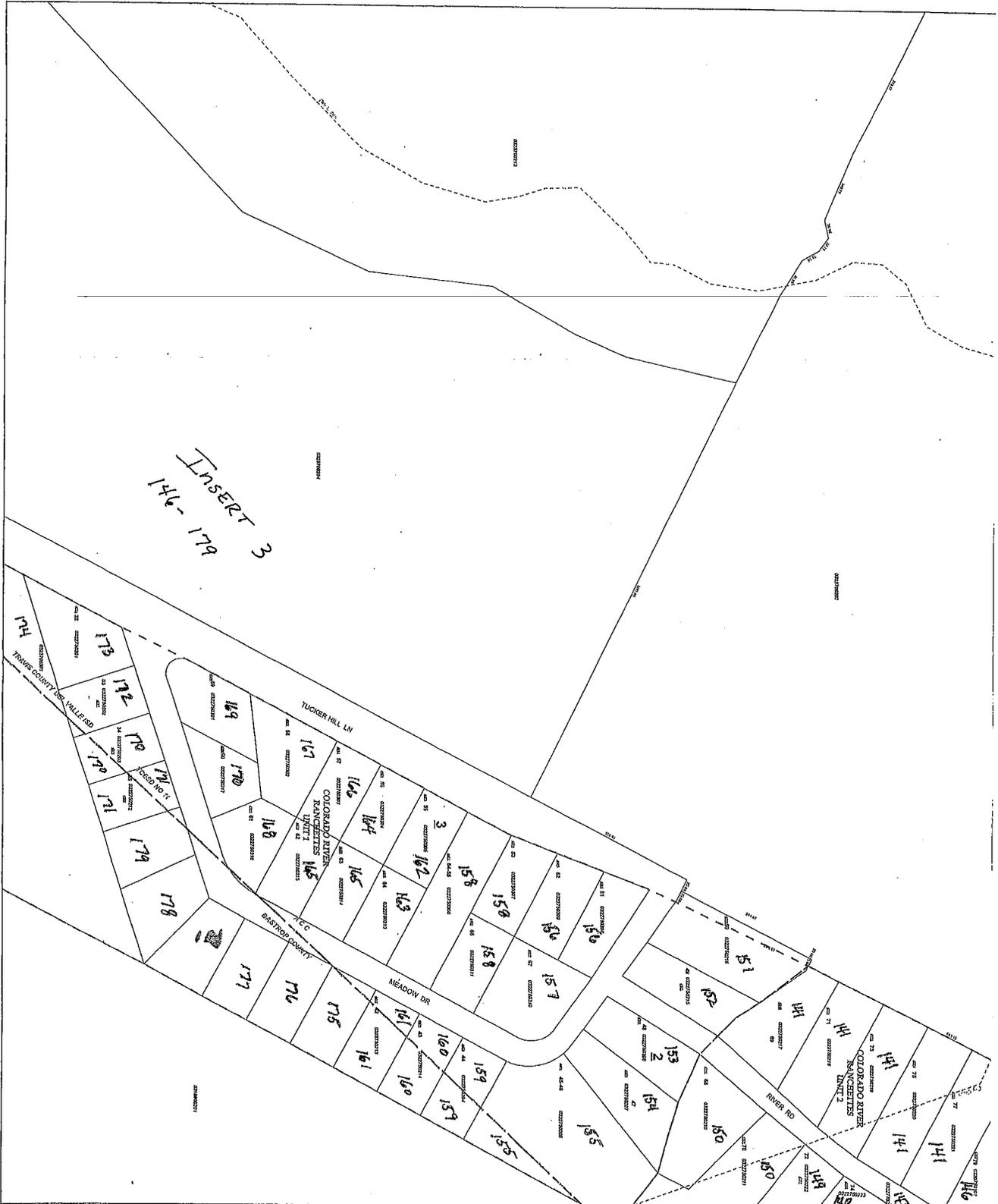
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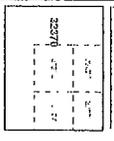
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Dix Creek



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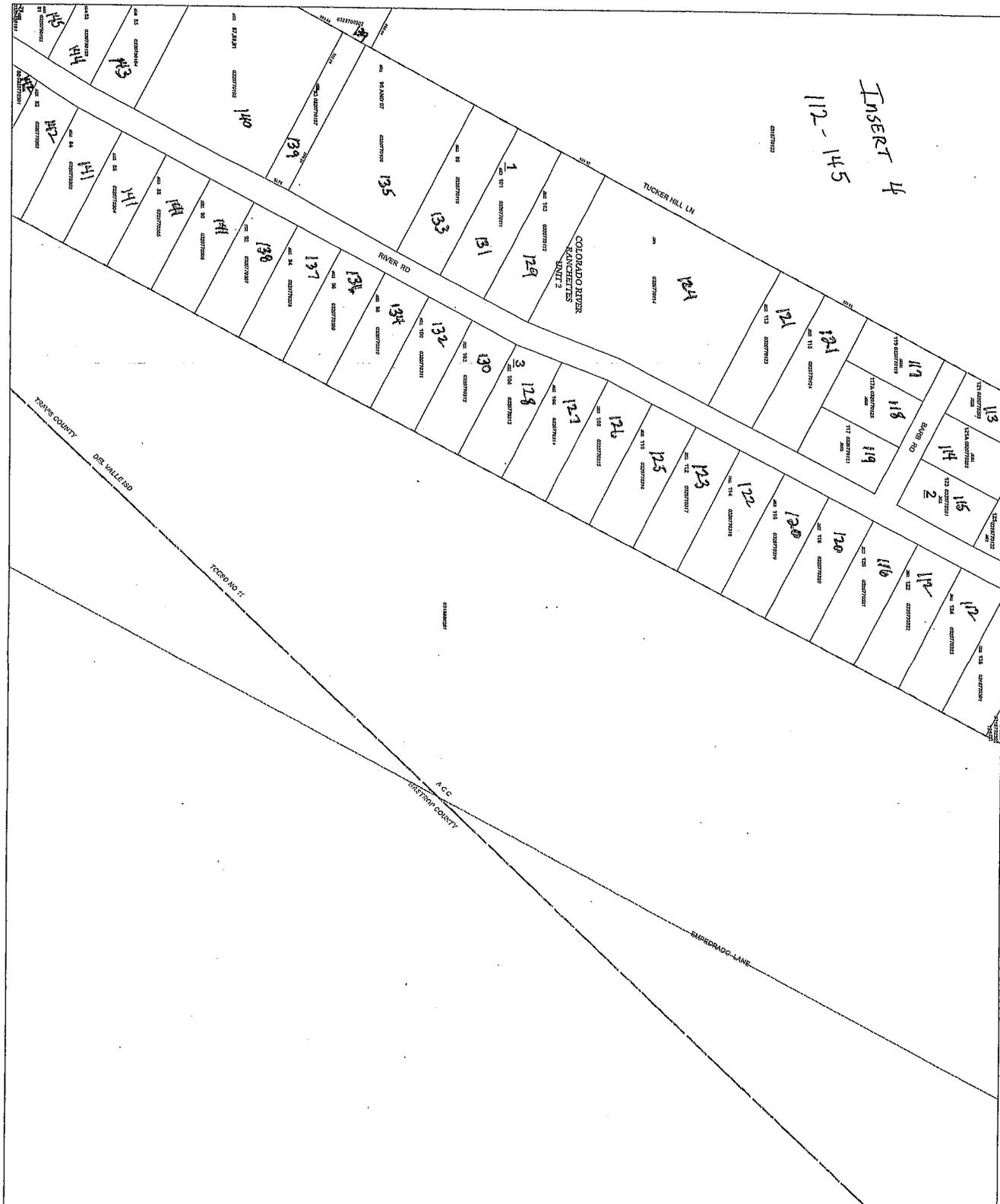
0 100 Feet  
Revision Date  
8/7/2009



NAD\_1983\_StatePlane  
Texas\_Central\_FIPS\_4203\_Feet  
Projection: Lambert\_Conformal\_Conic

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Main Telephone Number: (512) 834-8317  
Appraisal Information: (512) 834-8318  
TDD: (512) 836-3328



INSERT 4  
112-145

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Revision Date  
8/7/2009

0 100 Feet

Scale	Feet	Meters
1" = 100'	100	30.48
1" = 200'	200	60.96
1" = 300'	300	91.44
1" = 400'	400	121.92
1" = 500'	500	152.40
1" = 600'	600	182.88
1" = 700'	700	213.36
1" = 800'	800	243.84
1" = 900'	900	274.32
1" = 1000'	1000	304.80

NAD\_1983\_StatePlane  
Texas\_Central\_FIPS\_4203\_Feet  
Projection: Lambert\_Conformal\_Conic

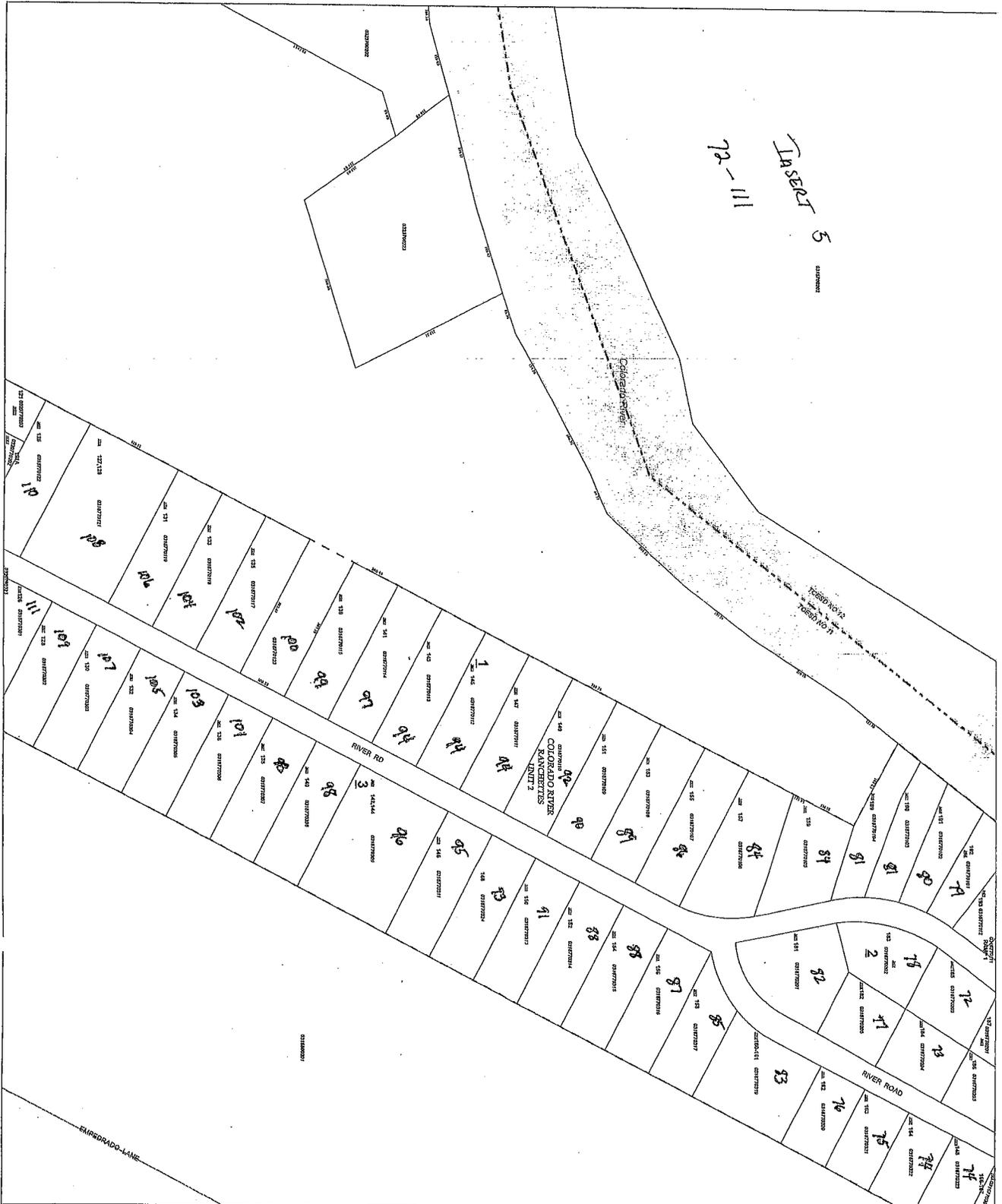
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TDD (512) 836-5328

72-111  
 TRAVIS 5



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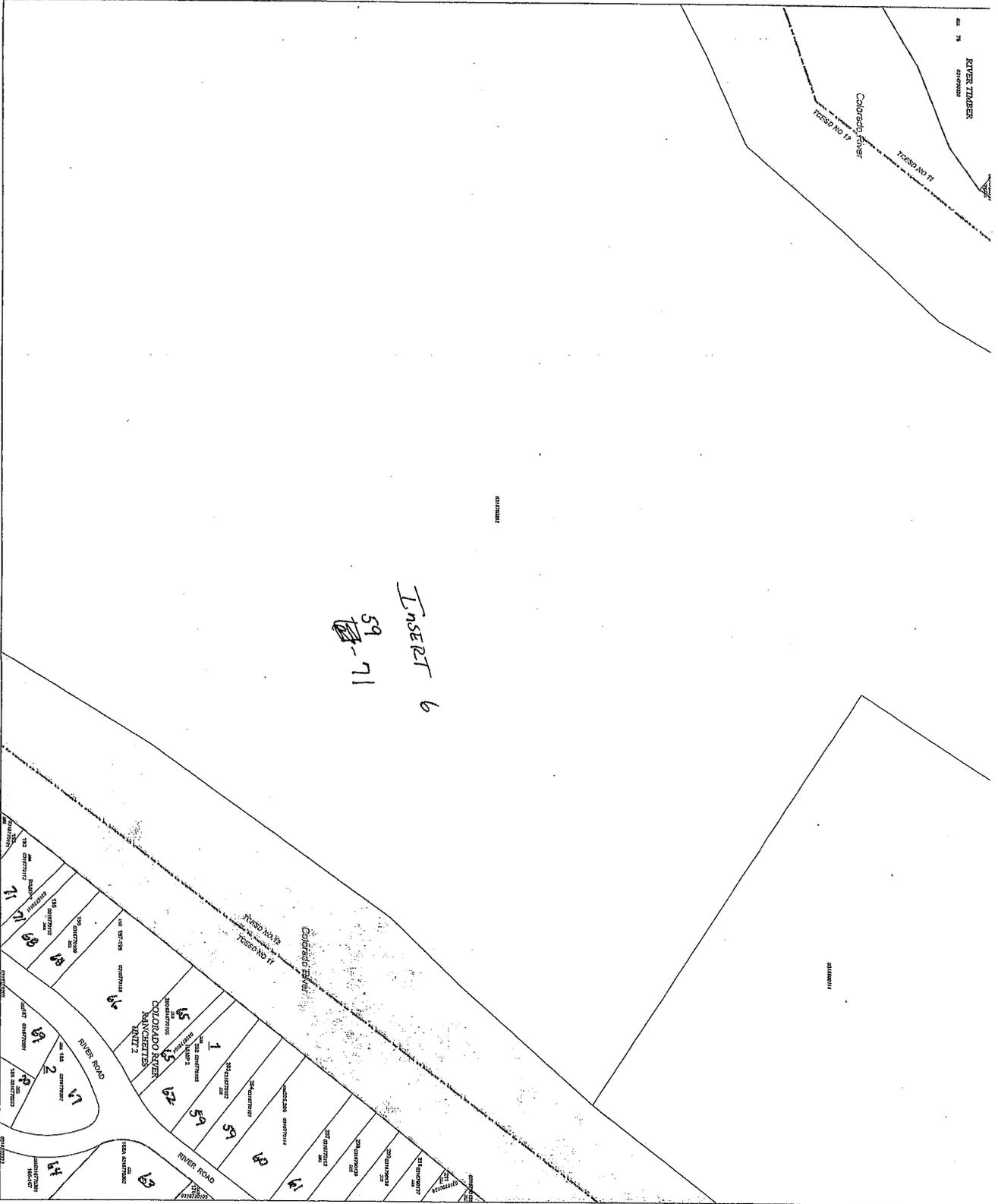
Revision Date  
 8/7/2009

Scale	1" = 100'
North Arrow	True North
Projection	Lambert Conformal Conic
Units	Feet
Color	Black
File	32377
Sheet	32380

NAD 1983 StatePlane  
 Texas\_Central\_FIPS\_4203\_Feet  
 Projection: Lambert\_Conformal\_Conic

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 Main Telephone Number (512) 934-9317  
 Appraisal Information (512) 934-9318  
 TDD (512) 935-9328



INSERT 6  
59-71

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Revision Date  
08/11/2008

0 100 Feet

NAD\_1983\_StatePlane  
Texas\_Central\_FIPS\_4203\_Feet  
Projection: Lambert\_Conformal\_Conic



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