

TCEQ DOCKET NUMBER 2013-0775-MWD

APPLICATION BY	§	BEFORE THE
TALL TIMBERS UTILITY, INC	§	
FOR TPDES	§	TEXAS COMMISSION ON
PERMIT NO. WQ001300001	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

I. Introduction

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to Hearing Requests (Response) on the application by Tall Timbers Utility, Inc. (Tall Timbers) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ001300001. Joe Freeland submitted contested case hearing (CCH) requests on behalf of the City of Tyler (Tyler).

Attached for Commission consideration are the following:

Attachment A - Technical Summary & Draft Permit
Attachment B - ED's Response to Comments (RTC)
Attachment C - Compliance History
Attachment D - ED's GIS Map

II. Description of the Facility

Tall Timbers applied to the TCEQ for a renewal of its existing permit that authorizes it to discharge treated domestic wastewater at a daily average flow not to exceed 445,000 gallons per day. The existing wastewater treatment plant (WWTP) serves the sanitary sewer service area covered by Certificate of Convenience and Necessity (CCN) 20694.

The treated effluent is discharged to an unnamed tributary, then to West Mud Creek; then to Mud Creek; then to Angelina River Above Sam Rayburn Reservoir in

Segment No. 0611 of the Neches River Basin. The unclassified receiving water uses are intermediate aquatic life use for the unnamed tributary and limited aquatic life use for West Mud Creek. The designated uses for Segment No. 0611 are high aquatic life use, public water supply, and contact recreation.

The plant is located on Country Road 128, approximately 2,800 feet north and 6,500 feet west of the intersection of Highway 69 South and Farm-to-Market Road 2813 and 6.1 miles south-southwest of the City of Tyler in Smith County, Texas 75703.

III. Procedural Background

The TCEQ received Tall Timbers' application to renew its TPDES permit on February 14, 2011 and declared it administratively complete on May 4, 2011. The notice of receipt and intent to obtain a water quality permit (NORI) was published on May 17, 2011; the notice of application and preliminary decision (NAPD) was published on December 10, 2012; both in the *Tyler Morning Telegraph*. The comment period ended on January 9, 2013. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

IV. Application Background

The existing permit was prepared in 2006. The existing permit was a renewal of a previous permit authorizing daily average flow not to exceed 0.445 million gallons per day (MGD) and a two-hour peak flow not to exceed 927 gpm. At that time, the two-hour peak flow of 927 gallons per minute (gpm) was moved to a final phase and an interim

phase was introduced with a two-hour peak flow of 527 gpm to accommodate a 20-minute detention time in the chlorine contact chamber existing at that time.

Consequently, the 2006 permit has two phases instead of one: an interim phase for a daily average flow not to exceed 0.445 MGD and a two-hour peak flow of 527 gpm, and a final phase that was a continuation of the permit being renewed. The permit was issued on December 29, 2006, and the permittee was given a compliance schedule of 18 months to expand the capacity of the chlorine contact chamber so it would accommodate a two-hour peak flow that corresponds to a daily average flow of 0.445 MGD, i.e., a final phase two-hour peak flow limit of 927 gpm.

On February 14, 2011, Tall Timbers' applied for a renewal of its existing permit, including a renewal of the existing interim phase. The request to renew the interim phase could not be granted because the 18-month compliance period could not be renewed. The Tall Timbers was then asked to perform a capacity analysis and submit its findings to the TCEQ. The capacity analysis (Capacity Analysis) was submitted in October 2011 and showed the existing plant capacity to be a daily average of 0.312 MGD and a two-hour peak flow of 650 gpm with minor modifications.

V. Evaluation of 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. This application was declared administratively complete on February 29, 2012, and therefore, is subject to the HB 801 requirements. The Commission implemented HB 801 by adopting procedural rules in Title 30 of the Texas Administrative Code (30 TAC) chapters 39, 50, and 55. The regulations governing requests for CCH are found at 30 TAC Chapter 55.

A. Response to Requests

“The Executive Director, the public interest counsel, and applicant may submit written responses to [hearing] requests”¹

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 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 Response to Comment;
- (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.²

¹ 30 TAC §55.209(d).

² 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.³

A hearing request must substantially comply with the following:

- (1) 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;
- (2) identify the person's justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;
- (4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the executive director's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law or policy; and
- (5) provide any other information specified in the public notice of

³ 30 TAC §55.201(c).

application.⁴

C. Requirement that Requestor be an Affected Person

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

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

D. Referral to the State Office of Administrative Hearings

“When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be

⁴ 30 TAC §55.201(d).

⁵ 30 TAC § 55.203.

referred to SOAH for a hearing.”⁶ “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.”⁷

E. Permit Applications Where There is No Right to a Contested Case Hearing

A permit renewal or amendment is not subject to a contested case hearing when:

- (A) the applicant is not applying to:
 - (i) increase significantly the quantity of waste authorized to be discharged; or
 - (ii) change materially the pattern or place of discharge;
- (B) the activity to be authorized by the renewal or amended permit will maintain or improve the quality of waste authorized to be discharged;
- (C) any required opportunity for public meeting has been given;
- (D) consultation and response to all timely received and significant public comment has been given; and
- (E) the applicant's compliance history for the previous five years raises no issues regarding the applicant's ability to comply with a material term of the permit.⁸

VI. Analysis of the Hearing Request

A. Whether the Requestor Complied With 30 TAC §§ 55.201(c) and (d).

⁶ 30 TAC § 50.115(b).

⁷ 30 TAC § 50.115(c).

⁸ TEX. WATER CODE § 26.028(d); 30 TAC § 55.201(i)(5).

Tyler submitted timely written contested case hearing (CCH) requests that included contact information and raised disputed issues.

The ED recommends finding that Tyler substantially complied with 30 TAC §§ 55.201(c) and (d).

B. Tyler Does Not Have a Right to a Contested Case Hearing on this Renewal Application

This is an application for renewal of a wastewater discharge permit and the Commission must determine whether there is a right to a contested case hearing. The CCH requests in this case should be denied under TWC § 26.028(d) and 30 TAC § 55.201(i)(5), because there is no right to a contested case hearing for this permit renewal.

TCEQ's rules provide that there is no right to a CCH for applications that seek to renew or amend a permit under Texas Water Code, Chapter 26, if: the applicant is not applying to increase significantly the quantity of waste authorized to be discharged or change materially the pattern or place of discharge; the activity to be authorized by the renewal or amended permit will maintain or improve the quality of waste authorized to be discharged; any required opportunity for public meeting has been given; consultation and response to all timely received and significant public comment was done; and the Applicant's compliance history for the previous five years raises no issues regarding the Applicant's ability to comply with a material term of the permit.⁹

⁹ 30 TAC § 55.201(i)(5).

Tall Timbers applied to renew TPDES permit No. WQ0013000001. The permit was originally issued as a National Pollutant Discharge Elimination System (NPDES) permit in the mid-1980s and has been renewed as both a NPDES and TPDES permit multiple times.

Tall Timbers did not request authorization to either increase the quantity of its discharge, or to change the pattern or place of its discharge. Tall Timbers did not request a change to any of the terms in its existing permit. The changes that were made between the existing permit and the draft permit were recommended to improve the quality of the discharge. Specifically, the draft permit includes an interim phase limiting Tall Timbers to a discharge volume not to exceed a daily average flow of 0.312 MGD. The draft permit also includes *E. coli* bacteria limits in accordance with the recent amendments to 30 TAC Chapters 309 and 319, authorizes the replacement of the reed filter beds with sludge drying beds and updates the Standard Permit Conditions, Sludge Provisions, and Other Requirements sections of the permit.

The public was provided an opportunity for a public meeting, however, the ED did not receive any public meeting requests. The ED received public comments from Tyler, and responded to all Tyler's comments in an RTC which was filed on March 8, 2013.

Finally, the compliance history for Tall Timbers does not raise any issues concerning the ability of Tall Timbers to comply with the terms of the draft permit. Tall Timbers has a classification of "Average" for both the company and the facility. See

Attachment C. The ED recommends finding that the permit renewal application meets all of the conditions in 30 TAC § 55.201(i)(5) and that there is no right to a contested case hearing in this case.

The ED recommends that the Commission find that Tyler is not entitled to a contested case hearing under TWC § 26.028(d) and 30 TAC § 55.201(i)(5).

VII. Request for Reconsideration (RFR)

Tyler also filed a RFR. The RFR was filed concurrently with Tyler's last request for a contested case hearing. Tyler asserts that the ED should deny Tall Timbers' application because Tall Timbers failed to construct the facilities necessary to comply with its existing permit and because its application contains misrepresentation regarding buffer zones and the capacity of the plant. These issues were thoroughly addressed in the ED's RTC filed with the Commission on March 8, 2013.

The RFR did not raise new issues or provided any additional factual documentation not already considered by the ED or that would change the ED's decision on this permit application.

The ED recommends the Commission deny the RFR.

VIII. Executive Director's Recommendation

The ED recommends the following actions by the Commission:

1. find that there is no right to a contested case hearing under TWC § 26.028(d) and

30 TAC § 55.201(i)(5);

2. deny all Contested Case Hearing Requests; and
3. deny the Request for Reconsideration.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Zak Covar, Executive Director

Robert Martinez, Director
Environmental Law Division

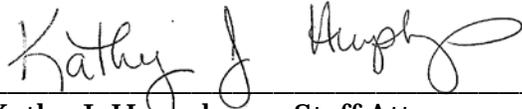
By 

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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2013 the original and seven true and correct copies of the Executive Director's Response to Hearing Request relating to the application for Tall Timbers Utility, Inc., for a renewal to TPDES Permit No. WQ0013000001 were filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, or by deposit in the U.S. Mail.

A handwritten signature in cursive script, reading "Kathy J. Humphreys". The signature is written in black ink and is positioned above a horizontal line.

**Kathy J. Humphreys, Staff Attorney
Environmental Law Division
State Bar No. 24006911**

**MAILING LIST
TALL TIMBERS UTILITY COMPANY, INC.
DOCKET NO. 2013-0775-MWD; PERMIT NO. WQ0013000001**

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INTERESTED PERSONS:

Gregory M. Morgan, PE
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Tyler, Texas 75710

ATTACHMENT A
Technical Summary & Draft Permit

**STATEMENT OF BASIS/TECHNICAL SUMMARY
AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**

DESCRIPTION OF APPLICATION

Applicant: Tall Timbers Utility Company, Inc.
Texas Pollutant Discharge Elimination System (TPDES) Permit
No. WQ0013000001, EPA ID No. TX0101010

Regulated Activity: Domestic Wastewater Permit

Type of Application: Renewal

Request: Renewal

Authority: Federal CWA § 402; TWC § 26.027; 30 TAC Chapters 30, 305,
307, 309, 312, and 319; Commission policies; and EPA
guidelines.

EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The proposed permit includes an expiration date of August 1, 2016 according to 30 TAC § 305.71, Basin Permitting.

REASON FOR PROJECT PROPOSED

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of the existing permit that authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 0.445 million gallons per day in the Interim phase and a daily average flow not to exceed 0.445 million gallons per day in the Final phase. The existing wastewater treatment facility serves the sanitary sewer service area covered by CCN 20694.

PROJECT DESCRIPTION AND LOCATION

The Tall Timbers Wastewater Treatment Facility is an activated sludge process plant operated in the conventional with nitrification mode. Treatment units include a bar screen, grit chamber, equalization basin, two aeration basins, two final clarifiers, three aerobic sludge digesters, a post aeration polishing basin, four sludge dewatering reed beds, and two chlorine contact chambers. The reed filter beds are proposed to be replaced by sludge drying beds. The facility is in operation.

Sludge generated from the treatment facility is held in the permitted on-site reed bed and is hauled by a registered transporter and ultimately disposed of at a TCEQ permitted landfill, Greenwood Farms Landfill, Permit No. 1972, in Smith County. The draft permit authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

The plant site is located on Country Road 128, approximately 2,800 feet north and 6,500 feet west of the intersection of Highway 69 South and Farm-to-Market Road 2813 and 6.1 miles south-southwest of the City of Tyler in Smith County, Texas 75703.

Tall Timbers Utility Company, Inc.

TPDES Permit No. WQ0013000001

Statement of Basis/Technical Summary and Executive Director's Preliminary Decision

The treated effluent is discharged to an unnamed tributary; thence to West Mud Creek; thence to Mud Creek; thence to Angelina River Above Sam Rayburn Reservoir in Segment No. 0611 of the Neches River Basin. The unclassified receiving water uses are intermediate aquatic life use for the unnamed tributary and limited aquatic life use for West Mud Creek. The designated uses for Segment No. 0611 are high aquatic life use, public water supply and contact recreation. The effluent limitations in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and/or revisions.

Effluent limitations for the conventional effluent parameters (i.e., Biochemical Oxygen Demand or Carbonaceous Biochemical Oxygen Demand, Ammonia Nitrogen, etc.) are based on stream standards and waste load allocations for water quality limited streams as established in the Texas Water Quality Standards and the water quality management plan.

The effluent limitations in the draft permit have been reviewed for consistency with the State of Texas Water Quality Management Plan (WQMP). The proposed effluent limitations are contained in the approved WQMP. A Waste Load Evaluation (WLE) for dissolved oxygen has not been prepared for the segment.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES, September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Unclassified West Mud Creek (0611D) is currently listed on the State's inventory of impaired and threatened waters, the 2010 Clean Water Act Section 303(d) list. The listing is specifically for elevated levels of bacteria. The impairment in West Mud Creek is from the confluence with Mud Creek, upstream to the unnamed tributary 300 meters upstream of the most northern crossing of US 69 (AU 0611D_01 and AU 0611_02). This facility is designed to provide adequate disinfection and when operated properly should not add to the bacterial impairment of the segment. In addition, in order to ensure that the proposed discharge meets the stream bacterial standard, an effluent limitation of 126 CFU or MPN of *E. coli* per 100 ml has been added to the draft permit.

SUMMARY OF EFFLUENT DATA

The following is a summary of the applicant's Monthly Effluent Report data for the period February 2006 through February 2012. The average of Daily Average value is computed by averaging of all 30-day average values for the reporting period for each parameter.

<u>Parameter</u>	<u>Average of Daily Average</u>
Flow, MGD	0.265
CBOD ₅ , mg/l	3.2
TSS, mg/l	5.1

NH₃-N, mg/l 1.6
PROPOSED PERMIT CONDITIONS

The draft permit authorizes a discharge of treated domestic wastewater at an interim volume not to exceed a daily average flow of 0.312 million gallons per day (MGD) and a final volume not to exceed a daily average flow of 0.445 MGD.

The effluent limitations in both phases of the draft permit, based on a 30-day average, are 10 mg/l CBOD₅, 15 mg/l TSS, 3 mg/l NH₃-N, 126 CFU or MPN of *E. coli* per 100 ml, and 6.0 mg/l minimum dissolved oxygen (DO). The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow.

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal and Transportation. Sludge generated from the treatment facility is held in the permitted on-site reed bed and is hauled by a registered transporter and ultimately disposed of at a TCEQ permitted landfill, Greenwood Farms Landfill, Permit No. 1972, in Smith County. The draft permit authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

SUMMARY OF CHANGES FROM APPLICATION

The applicant requested a daily average flow not to exceed 0.445 MGD in the Interim phase and in the Final phase. However, the draft permit includes a daily average flow not to exceed 0.312 MGD in the Interim phase and 0.445 MGD in the Final phase.

The applicant requested a renewal of the existing permit with no changes. However, the draft permit includes effluent limits and monitoring requirements for *E. coli*.

SUMMARY OF CHANGES FROM EXISTING PERMIT

Effluent limitations and monitoring requirements in the draft permit remain the same as the existing permit requirements. The draft permit includes a daily average flow not to exceed 0.312 MGD in the Interim phase and 0.445 MGD in the Final phase.

E. coli bacteria limits have been added to the draft permit in accordance with the recent amendments to 30 TAC Chapters 309 and 319.

The Standard Permit Conditions, Sludge Provisions, and Other Requirements sections of the draft permit have been updated. In particular, the permittee had obtained approval for its nuisance odor prevention plan for implementation. The reed filter beds are proposed to be replaced by sludge drying beds.

The existing permit authorizes a daily average flow of 0.445 MGD in the Interim phase and in the Final phase. The permittee is currently operating in the Interim phase.

The effluent limitations in the both phases of the existing permit, based on a 30 day average, are 10 mg/l CBOD₅, 15 mg/l TSS, 3 mg/l NH₃-N, and 6.0 mg/l minimum dissolved oxygen (DO). The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine

residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow.

BASIS FOR PROPOSED DRAFT PERMIT

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

1. Application received February 14, 2011 and additional information received April 27, 2011, June 24, 2011, July 25, 2011, July 26, 2011, October 25, 2011, January 6, 2012, February 10, 2012, February 23, 2012, July 3, 2012, September 24, 2012 and September 27, 2012.
2. TPDES Permit No. WQ0013000001 issued December 29, 2006.
3. The effluent limitations and/or conditions in the draft permit comply with the Texas Surface Water Quality Standards, 30 TAC §§ 307.1 - 307.10, effective August 17, 2000.
4. The effluent limitations in the draft permit meet the requirements for secondary treatment and the requirements for disinfection according to 30 TAC Chapter 309, Subchapter A: Domestic Wastewater Effluent Limitations.
5. Interoffice memoranda from the Water Quality Assessment Section of the TCEQ Water Quality Division.
6. Consistency with the Coastal Management Plan: The facility is not located in the Coastal Management Program boundary.
7. Procedures to Implement the Texas Surface Water Quality Standards, Texas Commission on Environmental Quality, January 2003.
8. Texas 2008 Clean Water Act Section 303(d) List, Texas Commission on Environmental Quality, April 1, 2008; approved by the EPA July 9, 2008.
9. TNRCC Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits, Document No. 98-001.000-OWR-WQ, May 1998.

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

Tall Timbers Utility Company, Inc.
TPDES Permit No. WQ0013000001
Statement of Basis/Technical Summary and Executive Director's Preliminary Decision

in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application. This notice sets a deadline for public comment.

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

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

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

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

For additional information about this application, contact Julian D. Centeno, Jr. at (512) 239-4608.

Julian D. Centeno, Jr., P.E.
Municipal Permits Team
Wastewater Permitting Section (MC 148)

5/21/2012 (revised
6/29/2012, 10/29/2012)
Date



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

TPDES PERMIT NO.
WQ0013000001
*[For TCEQ office use only - EPA I.D.
No. TX0101010]*

This is a renewal that replaces TPDES
Permit No. WQ0013000001 issued
December 29, 2006.

PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

Tall Timbers Utility Company, Inc.

whose mailing address is

2845 Bristol Circle
Oakville, Ontario L6H 7H7
CANADA

is authorized to treat and discharge wastes from the Tall Timbers Wastewater Treatment Facility, SIC Code 4952

located on Country Road 128, approximately 2,800 feet north and 6,500 feet west of the intersection of Highway 69 South and Farm-to-Market Road 2813 and 6.1 miles south-southwest of the City of Tyler in Smith County, Texas 75703

to an unnamed tributary; thence to West Mud Creek; thence to Mud Creek; thence to Angelina River Above Sam Rayburn Reservoir in Segment No. 0611 of the Neches River Basin

only according with effluent limitations, monitoring requirements and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, **August 1, 2016**.

ISSUED DATE:

For the Commission

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the completion of expansion of the facility to 0.445 million gallons per day (MGD), the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.312 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 650 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Min. Self-Monitoring Requirements</u>	
	Daily Avg. mg/l (lbs/day)	7-day Avg. mg/l	Daily Max. mg/l	Single Grab mg/l	Report Daily Avg. & Max. Measurement Frequency	Single Grab Sample Type
Flow, MGD	Report	N/A	Report	N/A	Five/week	Instantaneous
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (26)	15	25	35	One/week	Grab
Total Suspended Solids	15 (39)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (7.8)	6	10	15	One/week	Grab
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	N/A	399	One/month	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per week by grab sample.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the completion of expansion of the facility to 0.445 million gallons per day (MGD) and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.445 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 927 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Min. Self-Monitoring Requirements</u>	
	Daily Avg. mg/l (lbs/day)	7-day Avg. mg/l	Daily Max. mg/l	Single Grab mg/l	Report Daily Avg. & Max. Single Grab Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Five/week	Instantaneous
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (37)	15	25	35	One/week	Grab
Total Suspended Solids	15 (56)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (11)	6	10	15	One/week	Grab
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	N/A	399	One/month	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per week by grab sample.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

As required by Title 30 Texas Administrative Code (TAC) Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC § 305.121 - 305.129 (relating to Permit Characteristics and Conditions) as promulgated under the Texas Water Code (TWC) §§ 5.103 and 5.105, and the Texas Health and Safety Code (THSC) §§ 361.017 and 361.024(a), establish the characteristics and standards for waste discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) Part 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit. All definitions in TWC § 26.001 and 30 TAC Chapter 305 shall apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

1. Flow Measurements

- a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with one million gallons per day or greater permitted flow.
- b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.
- c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.
- d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.
- e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.
- f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

- a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.
 - i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

- ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.
- b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.
- c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.
- d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day.

The daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily discharge determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that day.

- e. Bacteria concentration (*E. coli* or Enterococci) - Colony Forming Units (CFU) or Most Probable Number (MPN) of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the n th root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or, computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of bacteria equaling zero, a substituted value of one shall be made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
 - f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as (Flow, MGD x Concentration, mg/l x 8.34).
 - g. Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.
3. Sample Type
- a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (b).

- b. Grab sample - an individual sample collected in less than 15 minutes.
- 4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.
- 5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes.
- 6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, a monthly effluent report shall be submitted each month, to the Enforcement Division (MC 224), by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be reported on an approved self-report form that is signed and certified as required by Monitoring and Reporting Requirements No. 10.

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

2. Test Procedures

- a. Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§ 319.11 - 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.
- b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC § 25, Environmental Testing Laboratory Accreditation and Certification.

3. Records of Results

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

- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR § 264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.
- c. Records of monitoring activities shall include the following:
 - i. date, time and place of sample or measurement;
 - ii. identity of individual who collected the sample or made the measurement.
 - iii. date and time of analysis;
 - iv. identity of the individual and laboratory who performed the analysis;
 - v. the technique or method of analysis; and
 - vi. the results of the analysis or measurement and quality assurance/quality control records.

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

4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in the calculation and reporting of the values submitted on the approved self-report form. Increased frequency of sampling shall be indicated on the self-report form.

5. Calibration of Instruments

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

6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later

than 14 days following each schedule date to the Regional Office and the Enforcement Division (MC 224).

7. Noncompliance Notification

- a. In accordance with 30 TAC § 305.125(9) any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
 - b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:
 - i. Unauthorized discharges as defined in Permit Condition 2(g).
 - ii. Any unanticipated bypass that exceeds any effluent limitation in the permit.
 - iii. Violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.
 - c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
 - d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.
8. In accordance with the procedures described in 30 TAC §§ 35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.

9. Changes in Discharges of Toxic Substances

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

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D,

Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:

- i. One hundred micrograms per liter (100 µg/L);
 - ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. The level established by the TCEQ.
- b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
- i. Five hundred micrograms per liter (500 µg/L);
 - ii. One milligram per liter (1 mg/L) for antimony;
 - iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. The level established by the TCEQ.

10. Signatories to Reports

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

11. All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Executive Director of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to CWA § 301 or § 306 if it were directly discharging those pollutants;
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and
- c. For the purpose of this paragraph, adequate notice shall include information on:
 - i. The quality and quantity of effluent introduced into the POTW; and
 - ii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

PERMIT CONDITIONS**1. General**

- a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.
- b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:
 - i. Violation of any terms or conditions of this permit;
 - ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
 - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

2. Compliance

- a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
- b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.
- c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.
- e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.

- f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and TWC§ 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.
- h. In accordance with 30 TAC § 305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility which does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.
- i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).

3. Inspections and Entry

- a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC § 361.
- b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC § 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment and/or Renewal

- a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:
 - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC § 305.534 (relating to New Sources and New Dischargers); or
 - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9;
 - iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.
- c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.
- d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.
- e. In accordance with the TWC § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.
- f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA § 307(a) for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be

modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA § 307(a) for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

- a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.
- b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

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

7. Relationship to Water Rights

Disposal of treated effluent by any means other than discharge directly to water in the state must be specifically authorized in this permit and may require a permit pursuant to TWC Chapter 11.

8. Property Rights

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

9. Permit Enforceability

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

10. Relationship to Permit Application

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

11. Notice of Bankruptcy.

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

- i. the permittee;
 - ii. an entity (as that term is defined in 11 USC, § 101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or
 - iii. an affiliate (as that term is defined in 11 USC, § 101(2)) of the permittee.
- b. This notification must indicate:
- i. the name of the permittee and the permit number(s);
 - ii. the bankruptcy court in which the petition for bankruptcy was filed; and
 - iii. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.
2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.
3. Domestic wastewater treatment facilities shall comply with the following provisions:
 - a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.
 - b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.
4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.
6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under TWC § 7.302(b)(6).
7. Documentation

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

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

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

of the Registration, Review, and Reporting Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.

- e. The term “industrial solid waste management unit” means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.
- f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC § 335 and must include the following, as it pertains to wastewater treatment and discharge:
 - i. Volume of waste and date(s) generated from treatment process;
 - ii. Volume of waste disposed of on-site or shipped off-site;
 - iii. Date(s) of disposal;
 - iv. Identity of hauler or transporter;
 - v. Location of disposal site; and
 - vi. Method of final disposal.

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

- 12. For industrial facilities to which the requirements of 30 TAC § 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with THSC § 361.

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SLUDGE PROVISIONS

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

SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE LAND APPLICATION

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC § 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge.
2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.
3. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

B. Testing Requirements

1. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method that receives the prior approval of the TCEQ for the contaminants listed in 40 CFR Part 261.24, Table 1. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 5) within seven (7) days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 5) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

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

TABLE 1

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

* Dry weight basis

3. Pathogen Control

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

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

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

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

The temperature of the sewage sludge shall be above 52° 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%.

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

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

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

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

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

Alternative 1

- i. A minimum of seven random samples of the sewage sludge shall be collected within 48 hours of the time the sewage sludge is used or disposed of during each monitoring episode for the sewage sludge.
- ii. The geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 MPN per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

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

- i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;
- ii. An independent Texas Licensed Professional Engineer must make a certification to the generator of a sewage sludge that the wastewater treatment facility generating the sewage sludge is designed to achieve one of the PSRP at the permitted design loading of the facility. The certification need only be repeated if the design loading of the facility is increased. The certification shall include a statement indicating the design meets all the applicable standards specified in Appendix B of 40 CFR Part 503;
- iii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;
- iv. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review; and
- v. If the sewage sludge is generated from a mixture of sources, resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the PSRP, and shall meet the certification, operation, and record keeping requirements of this paragraph.

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

- i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;
- ii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;
- iii. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review;

- iv. The Executive Director will accept from the U.S. Environmental Protection Agency a finding of equivalency to the defined PSRP; and
- v. If the sewage sludge is generated from a mixture of sources resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the Processes to Significantly Reduce Pathogens, and shall meet the certification, operation, and record keeping requirements of this paragraph.

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

- i. Food crops with harvested parts that touch the sewage sludge/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of sewage sludge.
- ii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of sewage sludge when the sewage sludge remains on the land surface for 4 months or longer prior to incorporation into the soil.
- iii. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of sewage sludge when the sewage sludge remains on the land surface for less than 4 months prior to incorporation into the soil.
- iv. Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of sewage sludge.
- v. Animals shall not be allowed to graze on the land for 30 days after application of sewage sludge.
- vi. Turf grown on land where sewage sludge is applied shall not be harvested for 1 year after application of the sewage sludge when the harvested turf is placed on either land with a high potential for public exposure or a lawn.
- vii. Public access to land with a high potential for public exposure shall be restricted for 1 year after application of sewage sludge.
- viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge.
- ix. Land application of sludge shall be in accordance with the buffer zone requirements found in 30 TAC § 312.44.

4. Vector Attraction Reduction Requirements

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following Alternatives 1 through 10 for vector attraction reduction.

- Alternative 1 - The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38%.
- 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° Celsius. Volatile solids must be reduced by less than 17% to demonstrate compliance.
- Alternative 3 - If Alternative 1 cannot be met for an aerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge with percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20° Celsius. Volatile solids must be reduced by less than 15% to demonstrate compliance.
- Alternative 4 - The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20° Celsius.
- Alternative 5 - Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40° Celsius and the average temperature of the sewage sludge shall be higher than 45° Celsius.
- Alternative 6 - The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali shall remain at 12 or higher for two hours and then remain at a pH of 11.5 or higher for an additional 22 hours at the time the sewage sludge is prepared for sale or given away in a bag or other container.
- Alternative 7 - The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75% based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.
- Alternative 8 - The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90% based on the moisture content and total solids prior to mixing with other materials at the time the sludge is used. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.
- Alternative 9 -
- i. Sewage sludge shall be injected below the surface of the land.
 - ii. No significant amount of the sewage sludge shall be present on

the land surface within one hour after the sewage sludge is injected.

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

Alternative 10-

- i. Sewage sludge applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.
- ii. When sewage sludge that is incorporated into the soil is Class A with respect to pathogens, the sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

C. Monitoring Requirements

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

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

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

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

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

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

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

A. Pollutant Limits

Table 2

<u>Pollutant</u>	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

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

*Dry weight basis

B. Pathogen Control

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

C. Management Practices

1. Bulk sewage sludge shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters in the State.
2. Bulk sewage sludge not meeting Class A requirements shall be land applied in a manner which complies with the Management Requirements in accordance with 30 TAC § 312.44.
3. Bulk sewage sludge shall be applied at or below the agronomic rate of the cover crop.
4. An information sheet shall be provided to the person who receives bulk sewage sludge sold or given away. The information sheet shall contain the following information:
 - a. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.
 - b. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instruction on the label or information sheet.
 - c. The annual whole sludge application rate for the sewage sludge application rate for the sewage sludge that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

D. Notification Requirements

1. If bulk sewage sludge is applied to land in a State other than Texas, written notice shall be provided prior to the initial land application to the permitting authority for the State in which the bulk sewage sludge is proposed to be applied. The notice shall include:
 - a. The location, by street address, and specific latitude and longitude, of each land application site.
 - b. The approximate time period bulk sewage sludge will be applied to the site.
 - c. The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) for the person who will apply the bulk sewage sludge.
2. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

E. Record keeping Requirements

The sludge documents will be retained at the facility site and/or shall be readily available for review by a TCEQ representative. The person who prepares bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at

the facility site and/or shall be readily available for review by a TCEQ representative for a period of five years. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply.

1. The concentration (mg/kg) in the sludge of each pollutant listed in Table 3 above and the applicable pollutant concentration criteria (mg/kg), or the applicable cumulative pollutant loading rate and the applicable cumulative pollutant loading rate limit (lbs/ac) listed in Table 2 above.
2. A description of how the pathogen reduction requirements are met (including site restrictions for Class B sludge, if applicable).
3. A description of how the vector attraction reduction requirements are met.
4. A description of how the management practices listed above in Section II.C are being met.
5. The following certification statement:

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

6. The recommended agronomic loading rate from the references listed in Section II.C.3. above, as well as the actual agronomic loading rate shall be retained. The person who applies bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative indefinitely. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply:
 - a. 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), as applicable, and to the permittee’s specific sludge treatment activities.
 - b. The location, by street address, and specific latitude and longitude, of each site on which sludge is applied.
 - c. The number of acres in each site on which bulk sludge is applied.
 - d. The date and time sludge is applied to each site.
 - e. The cumulative amount of each pollutant in pounds/acre listed in Table 2 applied to

each site.

- f. The total amount of sludge applied to each site in dry tons.

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

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 5) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30 of each year the following information:

1. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.
2. The frequency of monitoring listed in Section I.C. that applies to the permittee.
3. Toxicity Characteristic Leaching Procedure (TCLP) results.
4. Identity of hauler(s) and TCEQ transporter number.
5. PCB concentration in sludge in mg/kg.
6. Date(s) of disposal.
7. Owner of disposal site(s).
8. Texas Commission on Environmental Quality registration number, if applicable.
9. Amount of sludge disposal dry weight (lbs/acre) at each disposal site.
10. The concentration (mg/kg) in the sludge of each pollutant listed in Table 1 (defined as a monthly average) as well as the applicable pollutant concentration criteria (mg/kg) listed in Table 3 above, or the applicable pollutant loading rate limit (lbs/acre) listed in Table 2 above if it exceeds 90% of the limit.
11. Level of pathogen reduction achieved (Class A or Class B).
12. Alternative used as listed in Section I.B.3. (a. or b.). Alternatives describe how the pathogen reduction requirements are met. If Class B sludge, include information on how site restrictions were met.
13. Vector attraction reduction alternative used as listed in Section I.B.4.
14. Annual sludge production in dry tons/year.
15. Amount of sludge land applied in dry tons/year.
16. The certification statement listed in either 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii) as applicable to the permittee's sludge treatment activities, shall be attached to the annual reporting form.
17. When the amount of any pollutant applied to the land exceeds 90% of the cumulative

pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the annual reporting form.

- a. The location, by street address, and specific latitude and longitude.
- b. The number of acres in each site on which bulk sewage sludge is applied.
- c. The date and time bulk sewage sludge is applied to each site.
- d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk sewage sludge applied to each site.
- e. The amount of sewage sludge (i.e., dry tons) applied to each site.

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

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

- A. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC § 330 and all other applicable state and federal regulations to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present. The permittee shall ensure that the sewage sludge meets the requirements in 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
- B. If the permittee generates sewage sludge and supplies that sewage sludge to the owner or operator of a municipal solid waste landfill (MSWLF) for disposal, the permittee shall provide to the owner or operator of the MSWLF appropriate information needed to be in compliance with the provisions of this permit.
- C. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.
- D. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I (Toxicity Characteristic Leaching Procedure) or other method, which receives the prior approval of the TCEQ for contaminants listed in Table 1 of 40 CFR § 261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal.

Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 5) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 5) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

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

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

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

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

G. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 5) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year the following information:

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

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

OTHER REQUIREMENTS

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

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

2. The facility is not located in the Coastal Management Program boundary.
3. The permittee is hereby placed on notice that this permit may be reviewed by the TCEQ after the completion of any new intensive water quality survey on Segment No. 0611 of the Neches River Basin and any subsequent updating of the water quality model for Segment No. 0611, in order to determine if the limitations and conditions contained herein are consistent with any such revised model. The permit may be amended, pursuant to 30 TAC § 305.62, as a result of such review. The permittee is also hereby placed on notice that effluent limits may be made more stringent at renewal based on, for example, any change to modeling protocol approved in the TCEQ Continuing Planning Process.
4. The permittee is authorized to use the proposed reed filter beds to provide further sludge treatment at the site in accordance with the following provisions:
 - A. The permittee is authorized to store the digested sludge in the concrete lined reed filter beds for a period not to exceed two years unless otherwise authorized by the Executive Director.

The permittee is authorized to provide further treatment and store the digested sludge in the reed filter beds for a period not to exceed five years if the person who prepares the sludge demonstrates that the land on which the sewage sludge remains is not an active sludge unit or surface disposal site pursuant to 30 TAC Section 312.61(c). The demonstration shall include the following information, which shall be reviewed by the Executive Director and retained by the person who prepares the sewage sludge for the period that the sewage sludge remains on the land:

- i. the name and address of the person who prepared the sewage sludge;
- ii. the name and address of the person who either owns the land or leases the land;
- iii. the location of the land, by latitude and longitude, street address if available, and boundary shown in a 7-1/2 minute quadrangle U.S.G.S. map;
- iv. an explanation of why sewage sludge needs to remain in the concrete lined reed filter beds for longer than two years prior to final use or disposal; and
- v. the date by which the sewage sludge will be used or disposed. This date must clearly maintain a storage period less than five years.

- B. The permittee shall keep records of all sludge placed in the concrete lined reed filter beds. Such records will include the following information:
 - i. the volume of sludge disposed (in gallons);
 - ii. the percentage of total solids in the sludge disposed; and
 - iii. the date of disposal.

The above records shall be maintained on a monthly basis and be available at the plant site for inspection by authorized representatives of the Commission for at least three years.

- C. The final disposal of the sludge at the plant site is a violation of this permit. Sludge placed in concrete lined reed filter beds is for further treatment and temporary storage only. Sludge will ultimately be disposed in accordance with the closure plan as required in item (G).
- D. The reed filter beds shall be concrete lined to control seepage. The concrete lined reed filter beds shall contain an initial growth media within a range of 6 to 12 inches in depth to facilitate plant growth.
- E. The permittee shall, on an annual basis, analyze the digested sludge and the sludge in the concrete lined reed filter beds for the following parameters:

Arsenic mg/kg	Molybdenum mg/kg	Nitrate Nitrogen mg/kg
Cadmium mg/kg	Nickel mg/kg	Total Nitrogen mg/kg
Chromium mg/kg	Selenium mg/kg	Phosphorus mg/kg
Copper mg/kg	Zinc mg/kg	Potassium mg/kg
Lead mg/kg	Total PCB's mg/kg	pH, Standard Units
Mercury mg/kg	Ammonia Nitrogen mg/kg	

Records of analytical results of the sampling performed shall be maintained and shall be reported to the TCEQ Compliance Monitoring Team (MC 224) of the Enforcement Division in September of each year. Additionally, any other analysis that may be performed on the sludge (i.e. TCLP toxicity, priority pollutants) shall be maintained and shall be reported to the TCEQ Compliance Monitoring Team (MC 224) of the Enforcement Division in September of each year.

Analytical procedures for sludge testing shall be in accordance with the extraction methods specified in Standard Methods for the Examination of Water and Wastewater and American Society of Agronomy's Methods of Soil Analysis. Sludge test results shall be reported on a dry weight basis.

- F. The permittee shall maintain a minimum of one foot of freeboard in the concrete lined reed filter beds, for reed filter beds four feet deep or less. The permittee shall maintain a minimum of two feet of freeboard in the concrete lined reed filter beds for reed filter beds greater than four feet deep.
- G. The permittee shall submit a closure plan for the concrete lined reed filter beds within one year from the date of issuance of this permit to the Executive Director in care of the Land Application Team (MC 148) of the Water Quality Division for

approval. The permittee shall update the closure plan at least once every two years and submit the updated plan to the Executive Director in care of the Land Application Team (MC 148) of the Water Quality Division for approval.

- H. The permittee shall ensure that the disposal of sludge does not cause any contamination of the ground or surface waters in the State.
 - I. The concrete lined reed filter beds shall be designed and managed to prevent the occurrence of nuisance conditions associated with the storage areas. The permittee shall manage the beds so that sludge islands do not form.
5. The permittee is authorized to use sludge drying beds, by modifying the existing reed filter beds, for dewatering aerobically digested sludge at the site in accordance with the following provisions:
- A. Prior to construction/modification and operation of the sludge drying beds, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC Section 217.6(c). The permittee shall also submit plans, specifications and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Wastewater Treatment Systems, specifically 30 TAC Section 217.250. The sludge drying beds shall be utilized for dewatering aerobically digested sludge only.
 - B. The permittee shall notify the TCEQ Regional Office (MC Region 5), the Wastewater Permitting Section (MC 148) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five (45) days prior to the completion of the proposed sludge drying beds on Notification of Completion Form 20007.
 - C. The permittee shall not use the sludge drying beds for sludge long term storage.

The following provisions from the reed filter beds provisions above shall apply to the sludge drying beds:

- D. The permittee shall ensure that the disposal of sludge does not cause any contamination of the ground or surface waters in the State.
 - E. The final disposal of the sludge at the plant site is a violation of this permit.
6. A certified operator shall inspect the facility daily and maintain at the plant site a record of these inspections. These records shall be available at the plant site for inspection by authorized representatives of the commission for at least three years.
- During this daily inspection the proper operation and maintenance of the activated sludge facility shall be checked, in particular the final clarifier and sludge processing units to prevent sludge from overflowing, flow shall be carefully monitored and good housekeeping practices shall be observed.
7. The permittee shall provide for nuisance odor prevention for the facility in accordance with 30 TAC § 309.13(e)(2) and in accordance with the plan approved on September 28, 2011 (on file). The permittee shall comply with the requirements of 30 TAC § 309.13(a) through (d).

(See Attachment A.)

8. The permittee shall provide facilities for the protection of its wastewater treatment facilities from a 100-year flood.
9. In accordance with 30 TAC §319.9, a permittee that has at least twelve months of uninterrupted compliance with its bacteria limit may notify the commission in writing of its compliance and request a less frequent measurement schedule. To request a less frequent schedule, the permittee shall submit a written request to the TCEQ Wastewater Permitting Section (MC 148) for each phase that includes a different monitoring frequency. The request must contain all of the reported bacteria values (Daily Avg. and Daily Max/Single Grab) for the twelve consecutive months immediately prior to the request. If the Executive Director finds that a less frequent measurement schedule is protective of human health and the environment, the permittee will be given a less frequent measurement schedule. For this permit, 1/month will be reduced to 1/quarter. **A violation of any bacteria limit by a facility that has been granted a less frequent measurement schedule will require the permittee to return to the standard frequency schedule**, and the permittee may not apply for another reduction in measurement frequency for at least 24 months from the date of the last violation. The Executive Director may establish a more frequent measurement schedule if necessary to protect human health or the environment.
10. Within 60 days from permit issuance, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC Section 217.6(c). If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Wastewater Treatment Systems. The permittee shall clearly show how the treatment system will meet the permitted effluent limitations required on Page 2 of the permit.
11. Prior to construction of the final phase facility, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC Section 217.6(c). If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Wastewater Treatment Systems. The permittee shall clearly show how the treatment system will meet the final permitted effluent limitations required on Page 2a of the permit.
12. The permittee shall notify the TCEQ Regional Office (MC Region 5) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five (45) days prior to the completion of the new facilities on Notification of Completion Form 20007.

ATTACHMENT B
ED's Response to Comments (RTC)

TCEQ INTRA-AGENCY TRANSMITTAL MEMO

DATE: March 8, 2013

TO: FINAL DOCUMENTS TEAM LEADER
OFFICE OF THE CHIEF CLERK
BUILDING F, MC-105

FROM: Kathy Humphreys
ENVIRONMENTAL LAW DIVISION
BUILDING A, MC-173

Attached: Executive Director's Response to Comments

Application Information

Program Area (Air, Water or Waste): Water

Permit No. WQ0013000001 Name: Tall Timbers Utility Company, Inc.

Docket/CID Item # (if known): 77288

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2013 MAR - 8 PM 4: 07
CHIEF CLERK'S OFFICE

OCC Action Required (check applicable boxes)

Date stamp and return copy to above-noted ELD Staff Attorney and:

FOR ALL PROGRAM AREAS: (required only when changes needed to official agency mailing list)

Update the mailing list in your file with the attached contact names and addresses

Include corrected or additional names and addresses for mailing list

FOR WASTE & WATER:

Send Response to Comments Letter which solicits hearing requests and requests for reconsideration to the mailing list in your files

For Waste and Water this would occur in all circumstances when comments have been received for 801 applications

Or

Send Response to Comments Letter and Motion to Overturn Letter which solicits motions to overturn to the mailing list in your files

For Waste and Water this may occur when all comments have been withdrawn for 801 applications or when comments are received for applications that will not be set for agenda.

FOR AIR (NSR only):

Send RTC with response to comments letter which solicits contested case hearing requests and requests for reconsideration to the mailing list in your files

For Air NSR applications this would occur only when there are pending contested case hearing requests (except no-increase renewals)

Set for commission agenda and send RTC with agenda setting letter

This would occur when there are pending contested case hearing requests on a no-increase renewal and technical review is complete.

Hold until a commission agenda date is requested and then send RTC with the Agenda Setting Letter

For Air applications this would occur when there are pending hearing requests on a no-increase renewal; but technical review is NOT complete. If this box is checked, ED staff must call the OCC Agenda Team Leader to arrange a specific agenda date.

Place RTC in File - no further action required by OCC

For Air NSR applications this would occur when the matter is uncontested but comments were received, APD will send a copy with MTO letter

Other Instructions: _____

2013 MAR -8 PM 4: 07

TPDES PERMIT NO. WQ0013000001

CHIEF CLERKS OFFICE

APPLICATION BY	§	BEFORE THE
TALL TIMBERS UTILITY	§	TEXAS COMMISSION ON
COMPANY, INC	§	ENVIRONMENTAL QUALITY

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 (Response) on the Executive Director's preliminary decision to approve Tall Timbers Utility Company, Inc.'s (Tall Timbers) application to renew Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013000001. As required by 30 Texas Administrative Code (TAC) Section 55.156, before a permit is issued, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk received a timely comment letter from Joe Freeland on behalf of the City of Tyler (Tyler). This response addresses all such timely public comments received, whether or not withdrawn.

Access to Rules, Laws, and Records

Please consult the following websites to access the rules and regulations applicable to this permit:

- Secretary of State website: www.sos.state.tx.us;

- TCEQ rules in Title 30 of the Texas Administrative Code:
www.sos.state.tx.us/tac/;
- Texas statutes: <http://www.statutes.legis.state.tx.us/>;
- TCEQ website: www.tceq.texas.gov (for downloadable rules in WordPerfect or Adobe PDF formats, select “Rules, Policy, & Legislation,” then “Rules and Rulemaking,” then “Download TCEQ Rules”);
- Federal environmental laws and rules: www.epa.gov/epahome/laws.htm.

Commission records for this plant are available for viewing and copying and are located at TCEQ’s main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk). The permit application, Executive Director’s preliminary decision, and draft permit are available for viewing and copying at the Tyler Public Library, Reference Department, 201 South College Avenue, Tyler, Texas.

If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Office of Public Participation and Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

BACKGROUND

Description of Plant

Tall Timbers applied to the TCEQ for a renewal of its existing permit that authorizes it to discharge treated domestic wastewater at a daily average flow not to exceed 445,000 gallons per day. The existing wastewater treatment plant (WWTP)

serves the sanitary sewer service area covered by Certificate of Convenience and Necessity (CCN) 20694.

The treated effluent is discharged to an unnamed tributary, then to West Mud Creek; then to Mud Creek; then to Angelina River Above Sam Rayburn Reservoir in Segment No. 0611 of the Neches River Basin. The unclassified receiving water uses are intermediate aquatic life use for the unnamed tributary and limited aquatic life use for West Mud Creek. The designated uses for Segment No. 0611 are high aquatic life use, public water supply, and contact recreation.

The plant is located on Country Road 128, approximately 2,800 feet north and 6,500 feet west of the intersection of Highway 69 South and Farm-to-Market Road 2813 and 6.1 miles south-southwest of the City of Tyler in Smith County, Texas 75703.

Application Background

The existing permit was prepared in 2006, and is a renewal of a previous permit which had authorized daily average flow not to exceed 0.445 million gallons per day (MGD) and a two-hour peak flow not to exceed 927 gpm. At that time, the two-hour peak flow of 927 gallons per minute (gpm) was moved to a final phase and an interim phase was introduced with a two-hour peak flow of 527 gpm to accommodate a 20-minute detention time in the chlorine contact chamber existing at that time. Consequently, the 2006 permit has two phases instead of one: an interim phase for a daily average flow not to exceed 0.445 MGD and a two-hour peak flow of 527 gpm, and a final phase that was a continuation the permit being renewed. The permit was issued

on December 29, 2006, and the permittee was given a compliance schedule of 18 months to expand the capacity of the chlorine contact chamber so it would accommodate a two-hour peak flow that corresponds to a daily average flow of 0.445 MGD, i.e., a final phase two-hour peak flow limit of 927 gpm. On February 24, 2011, Tall Timbers applied for a renewal, requesting a renewal of the interim phase. The request to renew the interim phase could not be granted because the 18-month compliance period could not be renewed. The Tall Timbers was then asked to perform a capacity analysis and submit its findings to the TCEQ. The capacity analysis (Capacity Analysis) was submitted in October 2011 and showed the existing plant capacity to be a daily average of 0.312 MGD and a two-hour peak flow of 650 gpm with minor modifications.

Procedural Background

The TCEQ received Tall Timbers' application to renew its TPDES permit on February 14, 2011 and declared it administratively complete on May 4, 2011. The notice of receipt and intent to obtain a water quality permit (NORI) was published on May 17, 2011; the notice of application and preliminary decision (NAPD) was published in the on December 10, 2012; both in the *Tyler Morning Telegraph*. The comment period ended on January 9, 2013. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

COMMENTS AND RESPONSES

COMMENT 1:

Tyler commented that the application should have been processed as an amendment, not a renewal, because the draft permit authorizes a decrease in the maximum 2-hour flow limit of 927 gpm to 527 gpm; authorizes a decrease in the daily average flow from 0.445 MGD to 0.312 MGD; requires *E. coli* limits; and authorizes reed filter beds to be replaced with sludge drying beds.

RESPONSE 1:

A renewal application is one that requests continuation of the same requirements and conditions of the expiring permit.¹ During the renewal process, the executive director may make nonsubstantive changes and minor amendments to a permit.² If an application for renewal in fact requests a modification of requirements and conditions of the existing permit, an application for amendment must be filed.³ Amendments are characterized as minor or major. "A minor amendment is an amendment to improve or maintain the permitted quality or method of disposal of waste, or injection of fluid if there is neither a significant increase of the quantity of waste or fluid to be discharged or injected nor a material change in the pattern or place of discharge of injection. A minor amendment includes any other change to a permit issued under this chapter that will

¹ 30 TAC § 305.65(2).

² 30 TAC § 305.65(6).

³ 30 TAC § 305.65(3).

not cause or relax a standard or criterion which may result in a potential deterioration of quality of water in the state.” 30 TAC § 305.62(c)(2). A major amendment, by contrast, is an amendment that changes a substantive term, provision, requirement, or a limiting parameter of a permit.⁴ In this case, Tall Timbers requested a continuation of its existing permit conditions, not a change to its existing permit. Therefore, its application was considered a renewal.

The only change is the introduction of an interim phase with 0.312 MGD (which is less than the 0.445 previously authorized) and was made at the recommendation of the Executive Director. The Capacity Analysis showed the existing plant can handle a daily average of 0.312 MGD and a two-hour peak flow of 650 gpm, with minor modifications. Hence, the Executive Director’s recommendation to reduce the daily average flow.

As for the addition of *E. coli* effluent limits, this does not constitute either a major or minor amendment because it is a requirement more stringent than the existing permit. Although the rules did not require an effluent limit for bacteria when the existing permit was issued, the TCEQ now requires *E. coli* limits to be added to all TPDES permits, as a result of amendments to Chapters 309 and 319.

Finally, the authorization of sludge drying beds instead of reed filter beds was not considered a major amendment because the reed filter beds perform the same function as the proposed sludge drying beds: sludge dewatering. There is no change in the buffer

⁴ 30 TAC § 305.62(c).

zone requirements and the present area used for the reed filter beds will be used for the sludge drying beds. The draft permit requires plans and specifications approval and notification upon completion of the drying beds. Therefore, the replacement of reed filter beds with sludge drying beds was processed as a renewal with changes to the existing permit.

COMMENT 2:

Tyler suggests that Tall Timbers should have expanded its chlorine contact basin by June 2008, but it has not yet done so and is not able to meet the required chlorine contact chamber detention time at the current maximum 2-hour flow limit.

RESPONSE 2:

The chlorine residual concentrations appear to be within the permitted limits. Although there is no monitoring record of the two-hour peak flow in the EPA's Integrated Compliance Information System (ICIS) database, Tall Timbers reported monitoring results for February 2006 through February 2012. The results for this period showed average of the daily average flows was 0.265 MGD. The reported chlorine residual concentrations were within the permitted limits. The monitoring results show that the actual daily average flows were below 0.445 MGD and, considering that the plant has a flow equalization basin, the actual two-hour peak flows could be expected to be lower than 527 gpm, which the chlorine contact chamber could accommodate.

Moreover, the Capacity Analysis showed the existing plant capacity, with minor modifications, to be a daily average of 0.312 MGD and a two-hour peak flow of 650 gpm. Thus, with an interim phase authorizing a daily average flow and a two-hour peak flow not to exceed these limits, the draft permit provides interim flow limits that the plant can reliably handle. Therefore expansion of the chlorine contact basin does not appear necessary.

COMMENT 3:

Tyler commented that the application misrepresented that there are no unbuilt phases. Tall Timbers should have constructed a treatment facility capable of treating an average daily flow of 0.445 MGD. Tyler is concerned that the Tall Timbers' wastewater treatment plant is undersized and cannot provide adequate treatment. To meet the discharge limits in the final phase of the draft permit, it will have to construct new treatment units, including expanding its clarifiers and constructing new sludge handling facilities.

RESPONSE 3:

The final phase daily average flow of 0.445 MGD is a maximum not to be exceeded, not a minimum. It is based on flow projections. If the actual flows received at the wastewater treatment plant do not require that capacity, a lower flow capacity wastewater treatment phase could be proposed. As noted above, the application requested a continuation of the interim phase of the existing permit, which was denied

given the 18-month compliance period. Nevertheless, the proposed interim phase was modified to reflect the flows from the Capacity Analysis, which showed the existing plant capable of handling a daily average of 0.312 MGD and a two-hour peak flow of 650 gpm with minor modifications. Thus, the draft permit corrects the requested interim phase flow by providing an interim phase for a daily average flow not to exceed 0.312 MGD, corresponding to the as-built capacity of the wastewater treatment plant with a corresponding two-hour peak flow of 650 gpm achieved by incorporating minor modifications to the post-aeration basin. Tall Timbers has communicated to the TCEQ that it has already begun the modifications, namely, improving post- aeration baffles to prevent short circuiting of the flow. Other Requirement No. 10 requires Tall Timbers to request approval of the plans and specifications for the interim phase of the facility.

Moreover, as noted above, the reported monitoring results for the period February 2006 through February 2012, showed the average of the daily average flows of 0.265 MGD. The reported daily average of 5-day carbonaceous biochemical oxygen demand and the chlorine residual concentrations during the given period were within the permitted limits. There was one daily average flow excursion, one excursion of the TSS daily average effluent limit, and eleven excursions of the ammonia-nitrogen daily average effluent limits. Overall, however, the plant appears to have the hydraulic capacity to handle the influent flows and the capacity to provide adequate treatment.

COMMENT 4:

Tyler is concerned that Tall Timbers misrepresented relevant facts regarding its buffer zone, which, Tyler claims, is “virtually non-existent.” Tyler requests that the permit require Tall Timbers to implement a comprehensive odor prevention program that can be reviewed and evaluated.

RESPONSE 4:

The draft permit addresses odor in two of its Other Requirements. The first is Other Requirement 7, which directly requires preventing nuisance odor for the plant in accordance with 30 TAC § 309.13(e)(2). Section 309.13(e)(2) requires the applicant to “submit a nuisance odor prevention request for approval by the executive director.” Tall Timbers plan was approved on September 28, 2011. The plan contains the following odor reduction features: (1) the wastewater treatment plant is surrounded by a thicket of pine and deciduous trees that help disperse odors that may leave the property; (2) operation procedures will be conducted to reduce odors. The complaints received on October 14, 2010 and September 20, 2011, were associated with sludge discharged from the plant and are currently the subject of TCEQ enforcement actions (TCEQ Docket No. 2012-0629-MWD-E) for failure by Tall Timbers Utility Company Inc. to prevent the discharge of sewage sludge into water in the state.

Secondly, odor prevention is addressed indirectly in Other Requirement 6, which requires a certified operator to inspect the plant daily and maintain a record of these inspections at the plant site. The operator will inspect the activated sludge plant for the proper operation and maintenance and, in particular, the final clarifier and sludge processing units to prevent sludge from overflowing. The operator will also carefully monitor the flow and observe good housekeeping practices.

COMMENT 5:

Tyler is concerned that the public has been denied proper notice of the true character of the application.

RESPONSE 5:

The Executive Director has determined that all appropriate notice provisions have been met. Both the NORI and NAPD stated that Tall Timbers applied for a “renewal of TPDES Permit No. WQ0013000001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 445,000 gallons per day.” As discussed above, the Executive Director has determined that the application is a renewal application. The changes made to the draft permit on renewal made the permit more stringent by decreasing the amount of discharge from the plant, lowering the two-hour peak flow amount, and adding new effluent limitations for bacterial and, therefore, improving the quality of the effluent. None of the referenced changes rises to a major amendment that would require a different type of notice.

COMMENT 6:

Tyler is concerned that Tall Timbers will be in violation of the Commission's 75/90 rule if the daily average flow is reduced to 0.312 MGD.

RESPONSE 6:

By letter dated April 4, 2012, the TCEQ Enforcement Division took notice of Tall Timbers having initiated engineering and financial planning for expansion of the plant in compliance with section 305.126(a). The letter further stated that a waiver from the 75/90 rule, though requested, was not required.

COMMENT 7:

Tyler believes that the Commission should determine whether it would be appropriate for Tall Timbers to obtain wholesale treatment service from Tyler rather than expanding its own plant, in accordance with the policy of encouraging regionalization.

RESPONSE 7:

According to Texas Water Code (TWC), § 26.081(a), TCEQ is mandated to implement state policy to "encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and

enhance the quality of the water in the state.” Additionally, TWC § 26.0282 provides that:

[i]n considering the issuance, amendment, or renewal of a permit to discharge waste, the commission may deny or alter the terms and conditions of the proposed permit, amendment, or renewal based on consideration of need, including the expected volume and quality of the influent and the availability of existing or proposed areawide or regional waste collection, treatment, and disposal systems not designated as such by commission order pursuant to provisions of this subchapter. This section is expressly directed to the control and treatment of conventional pollutants normally found in domestic wastewater.

The ED typically evaluates regionalization inquiries when an Applicant applies for a new permit or applies for a major amendment to an existing permit to increase flow. In these instances, if there is a wastewater treatment or collection system within three miles of the plant, the Applicant is required to provide information to the ED as to whether such plant has sufficient existing capacity to accept the additional volume of wastewater proposed in the application. If such a plant exists and the owner is willing to accept the proposed waste, the Applicant must provide an analysis of expenditures required to connect to the existing wastewater treatment plant. Additionally, the Applicant is required to provide copies of all correspondence with the owners of the existing plants within three miles of the proposed plant regarding connection to their system.

The TCEQ’s policy on regionalization does not require the agency to deny a wastewater treatment plant application on the basis that there is a pending application for a regional plant within three miles of a proposed plant. Additionally, just because a

plant or a collection system is located within three miles of a proposed plant is not an automatic basis to deny an application or to compel an Applicant to connect to the plant. The ED has approved new or major amendments to increase flow in situations where the Applicant is able to provide an economic justification demonstrating that connecting to the existing plant will be expensive.

In this case the Executive Director has determined that regionalization would not be an issue in evaluating the permit application, given that this is a renewal application, and Tall Timbers has a sewer certificate of convenience and necessity (No. 20694). Accordingly, the ED concludes that renewing the Applicant's TPDES permit in this case is consistent with the Commission's regionalization policy.

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT

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

Respectfully submitted,

Texas Commission on Environmental Quality

Zak Covar
Executive Director

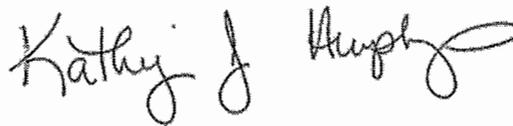
Robert Martinez, Director
Environmental Law Division



Kathy J. Humphreys, Staff Attorney
Environmental Law Division
State Bar No. 24006911
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
(512) 239-3417
REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on March 8, 2013, the "Executive Director's Response to Public Comment" for Permit No. WQ0013000001 was filed with the Texas Commission on Environmental Quality's Office of Chief Clerk.



Kathy J. Humphreys, Staff Attorney
Environmental Law Division
State Bar No24006911

CHIEF CLERKS OFFICE

2013 MAR -8 PM 4: 07

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

ATTACHMENT C
Compliance History



Compliance History Report

PUBLISHED Compliance History Report for CN600794945, RN101519981, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN600794945, Tall Timbers Utility Company, Inc.	Classification: SATISFACTORY	Rating: 4.38
Regulated Entity:	RN101519981, TALL TIMBERS STP	Classification: SATISFACTORY	Rating: 4.38
Complexity Points:	7	Repeat Violator: NO	
CH Group:	08 - Sewage Treatment Facilities		
Location:	3410 S SOUTHWEST LOOP 323 TYLER, TX 75701-9239, SMITH COUNTY		
TCEQ Region:	REGION 05 - TYLER		

ID Number(s):
WASTEWATER PERMIT WQ0013000001 **WASTEWATER EPA ID** TX0101010

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: May 24, 2013

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

Component Period Selected: February 14, 2006 to February 14, 2011

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member **Phone:** (512) 239-1000

Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 05/11/2007 ADMINORDER 2004-0677-MWD-E (1660 Order-Agreed Order With Denial)
 - Classification: Minor
 - Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 - Rqmt Prov 13000-001 PERMIT
 - Operational Req. Prov. 1 & 5 PERMIT
 - Description: Failure to properly maintain the wastewater collection system in a manner to prevent infiltration. Failure to properly install and maintain the primary flow measuring device.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 - 30 TAC Chapter 317 317.3
 - Rqmt Prov Operational Req. Prov. 1 PERMIT
 - Description: Failure to ensure all lift stations are intruder-resistant with a controlled access.
 - Classification: Minor
 - Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 - 30 TAC Chapter 317 317.4(b)(1)
 - Rqmt Prov Operational Req. Prov. 1 PERMIT
 - Description: Failure to properly maintain the wastewater treatment facility's bar screen.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov Final Eff Limitations & Mon. Req. #1 PERMIT

Description: Failure to comply with the permit limits for the Tall Timbers site.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov Permit Condition 2.g. PERMIT

Description: Failure to prevent sludge from discharging from the wastewater treatment facility.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 27, 2006	(478810)
Item 2	March 21, 2006	(478811)
Item 3	May 17, 2006	(504835)
Item 4	May 26, 2006	(504836)
Item 5	October 09, 2006	(627886)
Item 6	November 10, 2006	(627884)
Item 7	November 27, 2006	(627890)
Item 8	December 21, 2006	(627892)
Item 9	February 09, 2007	(627894)
Item 10	March 05, 2007	(627879)
Item 11	May 23, 2007	(627881)
Item 12	June 20, 2007	(627882)
Item 13	July 23, 2007	(627883)
Item 14	September 18, 2007	(627885)
Item 15	September 24, 2007	(627887)
Item 16	October 18, 2007	(627889)
Item 17	November 26, 2007	(627891)
Item 18	February 11, 2008	(676261)
Item 19	February 19, 2008	(676260)
Item 20	April 18, 2008	(694640)
Item 21	May 19, 2008	(694641)
Item 22	June 10, 2008	(682557)
Item 23	July 21, 2008	(716099)
Item 24	August 20, 2008	(716100)
Item 25	October 03, 2008	(716101)
Item 26	October 24, 2008	(716102)
Item 27	January 12, 2009	(731649)
Item 28	February 19, 2009	(755042)
Item 29	April 20, 2009	(772189)
Item 30	June 01, 2009	(816575)
Item 31	June 23, 2009	(816576)
Item 32	August 07, 2009	(816577)
Item 33	September 21, 2009	(816579)
Item 34	November 06, 2009	(816578)
Item 35	December 07, 2009	(816581)
Item 36	December 30, 2009	(786790)
Item 37	January 08, 2010	(816582)
Item 38	February 08, 2010	(816583)
Item 39	March 12, 2010	(835037)
Item 40	May 20, 2010	(835038)

Item 41	September 29, 2010	(875391)
Item 42	October 18, 2010	(882946)
Item 43	November 17, 2010	(889363)
Item 44	December 15, 2010	(897732)
Item 45	January 24, 2011	(903621)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- | | | |
|---|--|--------------------------|
| 1 | Date: 04/30/2010 (835039) | CN600794945 |
| | Self Report? YES | Classification: Moderate |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Description: Failure to meet the limit for one or more permit parameter | |
| 2 | Date: 05/31/2010 (847537) | CN600794945 |
| | Self Report? YES | Classification: Moderate |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Description: Failure to meet the limit for one or more permit parameter | |
| 3 | Date: 06/30/2010 (868497) | CN600794945 |
| | Self Report? YES | Classification: Moderate |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Description: Failure to meet the limit for one or more permit parameter | |
| 4 | Date: 12/23/2010 (881401) | CN600794945 |
| | Self Report? NO | Classification: Moderate |
| | Citation: TWC Chapter 26 26.121 | |
| | Description: Failure to prevent an unauthorized discharge of sewage sludge into the unnamed tributary of West Mud Creek. | |

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

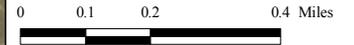
ATTACHMENT D
ED's GIS MAP

Tall Timbers Utility Company
WQ0013000001
Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



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

April 17, 2013



Projection: Texas Statewide Mapping System (TSMS)
 Scale 1:18,580

Legend

- City Limit
- CCN Area

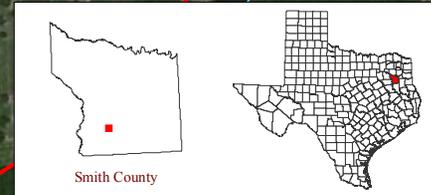
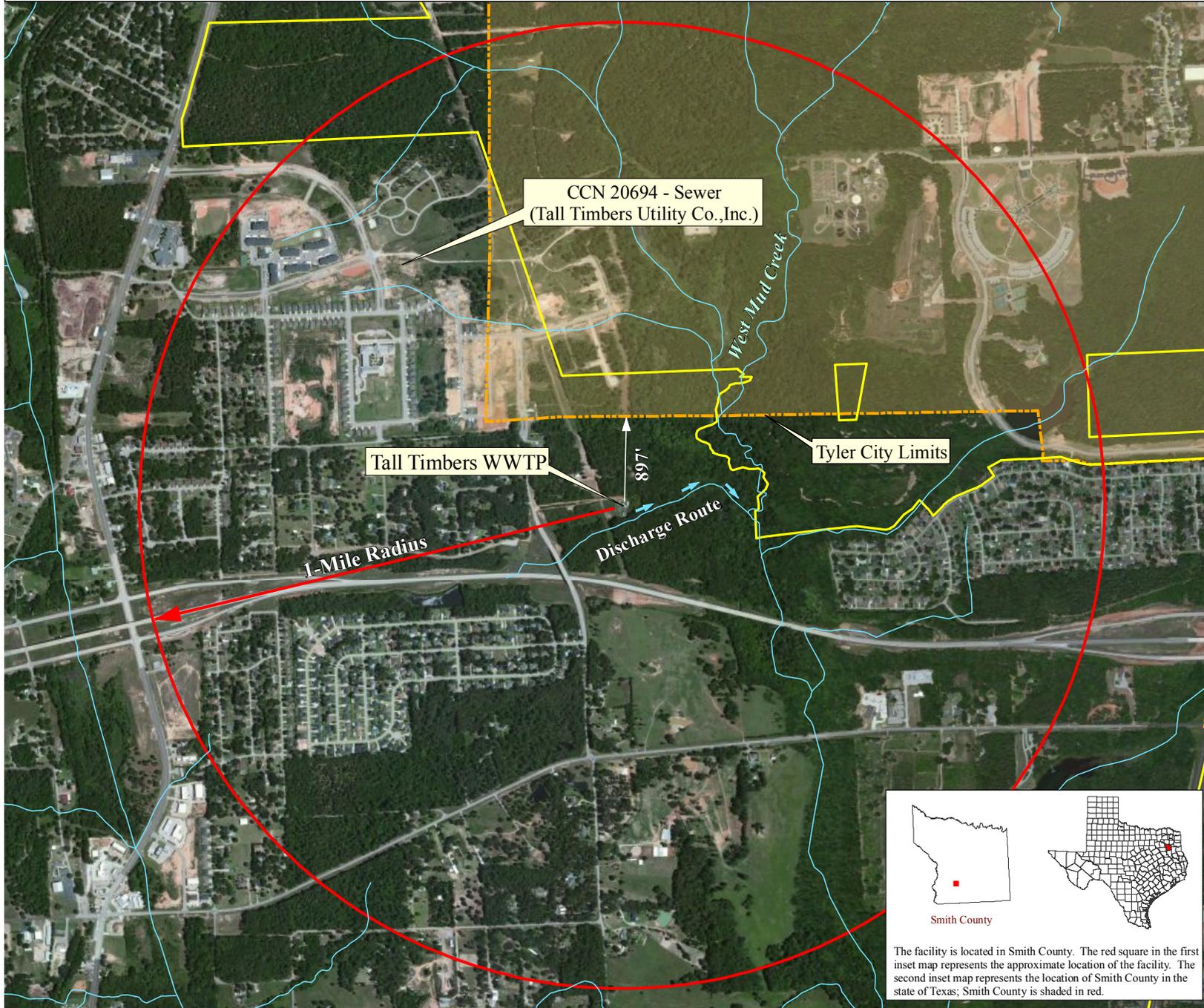
Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor. The vector data are U.S. Census Bureau 1992 TIGER/Line Data (1:100,000). The background of this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

- This map depicts the following:
- (1) The CCN area
 - (3) Approximate location of the WWTP



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

McDonough CRF-397508



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