Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 14, 2015

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-
105) P.O. Box 13087
Austin, Texas 78711-3087

Re: **3B&J Wastewater Company, Inc.**
TPDES Permit No. WQ0014911002
TCEQ Docket No. 2015-0565-MWD

Dear Ms. Bohac,

In order for the Executive Director to correct a typographical error on page #12 in the original document, enclosed please find the original and seven (7) copies of the Amended Executive Director's Response to Request for Hearing in the above-entitled matter.

Sincerely,

Michael T. Parr II, *Staff Attorney*
Environmental Law Division
State Bar No. 24062936

cc: Mailing List

Enclosure

TCEQ DOCKET NUMBER 2015-0565-MWD

APPLICATION by 3B&J WASTEWATER COMPANY, INC for TPDES Permit No. WQ0014911002	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AMENDED EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

I. Introduction

The Executive Director (ED) of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Hearing Requests (Response) on the application by 3B&J Wastewater Company, Inc. (Applicant) for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014911002. Vic McNallie and the City of Georgetown submitted written requests for contested case hearings (CCH).

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

The 3 B&J Wastewater Treatment Plant No. 1 (proposed facility) will be located approximately 0.45 miles northwest of the intersection of County Road 248 and Westridge Lane in Williamson County, Texas 78622.

The proposed facility will be an activated sludge process plant operated in the extended aeration mode. Treatment units in Interim I phase will include a bar screen, grit chamber, aeration basin, final clarifier, tertiary filter, aerobic digester, and a chlorine contact chamber. After construction in connection with Interim II phase is complete, the proposed facility will be an activated sludge process plant operated in the

complete mix mode. Treatment units will include a bar screen, grit chamber, aeration basin, final clarifier, tertiary filter, aerobic digester, and a chlorine contact chamber. After construction in connection in the Final phase, the proposed facility will be a parallel complete mix facility with the same treatment units as in the Interim II phase.

The proposed permit authorizes a registered transporter to transport the sludge generated at the proposed facility to the City of Austin Walnut Creek Wastewater Treatment Facility, (permit No.WQ0010543011) for digestion, dewatering, and disposal with the sludge already at the Walnut Creek plant. In addition, the proposed permit authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

If the Commission issues the proposed permit, the discharge of treated effluent will first enter an unnamed tributary, then the North Fork San Gabriel River in Segment No. 1251 of the Brazos River Basin. The unclassified receiving water use is limited aquatic life use for the unnamed tributary. The designated uses for Segment No. 1251 are high aquatic life use, public water supply, aquifer protection, and primary contact recreation.

In accordance with 30 TAC § 307.5 of the Texas Surface Water Quality Standards (TSWQS) and the Procedures to Implement the TSWQS (June 2010), an antidegradation review of the receiving waters was performed. The Tier 1 antidegradation review preliminarily determined that no impairment of existing water quality uses would result from this permitting action, as the TCEQ expects the proposed permit to maintain the numerical and narrative criteria protecting the existing uses. Additionally, because the Tier 1 review preliminarily determined that the stream reach

assessed does not contain water bodies with exceptional, high, or intermediate aquatic life uses, the TCEQ did not perform a Tier 2 antidegradation review. However, the TCEQ expects no significant degradation of water quality in water bodies with exceptional, high, or intermediate aquatic life uses downstream of the discharge, as the TCEQ expects the proposed permit to protect and maintain the existing uses. If the TCEQ receives new information, it may reexamine and modify the preliminary determination.

III. Procedural Background

The TCEQ received the application for a new TPDES permit on May 9, 2014, and declared it Administratively Complete on August 14, 2014. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in Williamson County, Texas on September 7, 2014 in English in the *Williamson County Sun*, and in Spanish on September 11, 2014 in *¡ahora si!*. The ED completed the technical review of the application on September 15, 2014, and prepared a draft permit, which if approved, would establish the conditions under which the facility must operate. The Applicant published the Notice of Application and Preliminary Decision for a Water Quality Permit (NAPD) in Williamson County, Texas on November 23, 2014, in English in the *Williamson County Sun* and on November 27, 2014 in Spanish in *¡ahora si!*. The public comment period closed on December 29, 2014. Because this application was administratively complete on or after September 1, 1999, it is subject to procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

IV. 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 August 17 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. Legal Authority to Respond to Hearing 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]

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

[1] 30 TAC §55.209(d).
[2] 30 TAC §55.209(e).

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 application[4]

C. Requirement that Requester 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

[3] 30 TAC §55.201(c).
[4] 30 TAC §55.201(d).

(c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:

(1) whether the interest claimed is one protected by the law under which the application will be considered;

(2) distance restrictions or other limitations imposed by law on the affected interest;

(3) whether a reasonable relationship exists between the interest claimed and the activity regulated;

(4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;

(5) likely impact of the regulated activity on use of the impacted natural resource by the person; and

(6) for governmental entities, their statutory authority over or interest in the issues relevant to the application[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 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]

V. Analysis of the Hearing Requests

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

1. **Vic McNallie** submitted a CCH request that provided his name, requested a CCH, and although Mr. McNallie's request did not provide his address, it did state that

[5] 30 TAC § 55.203.
[6] 30 TAC § 50.115(b).
[7] 30 TAC § 50.115(c).

his property, which is included on the adjacent landowners map provided in the application as property #15, is adjacent to the Applicant's property and less than 2,000 feet from the proposed facility site. Mr. McNallie's CCH request raised issues as to whether the odors from the operation of, and the sludge management activities at the proposed facility will adversely affect his property and whether the discharge will affect water quality in the unnamed tributary, the North Fork of the San Gabriel River, and Lake Georgetown (Segment 1249).

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

2. **The City of Georgetown (City)** submitted a CCH request that provided the City's name, described its geographic location and that it is a home rule municipality, requested a CCH, and raised relevant and material issues of fact during the comment period. Specifically, whether the proposed facility is in conflict with the State's Regionalization policy and whether the permit should be transferred to the City as the regional provider of wastewater services, and whether the permit should require a belt press and housing.

The ED recommends finding that the City of Georgetown substantially complied with 30 TAC §§ 55.201(c) and (d).

B. Whether the Requesters are Affected Persons

1. **Vic McNallie's** CCH request effectively identified a personal, justiciable interest affected by the application; explaining in plain language in a brief written statement his location and distance relative to the facility, the discharge route. Mr. McNallie explained through the issues he raised how he would be personally affected by the proposed activity in a manner not common to members of the

public. According to the GIS map developed by the ED's staff, and the Adjacent landowner's map provided in the application, Mr. Nallie's property is adjacent to the Applicant's property and less than 2,000 feet from the proposed facility site. Landowners who reside within a close proximity to a TCEQ authorized site are more able to show that a reasonable relationship exists between the personal interests sought to be protected and the subject of the controversy, or that a specific geographic/causative nexus exists to satisfy the "fairly traceable" element of standing or affected person status. Mr. McNallie raised issues as to whether the odors from the operation of, and the sludge management activities at the proposed facility will adversely affect his property and whether the discharge will affect water quality in the unnamed tributary, the North Fork of the San Gabriel River, and Lake Georgetown (Segment 1249). The distance between the facility and Mr. McNallie's property increases the likelihood that Mr. McNallie will be personally affected in a way not common to the public.

The ED recommends that the Commission find that Vic McNallie is an Affected Person under 30 TAC § 55.203.

2. **The City of Georgetown's (City)** hearing request identified a personal justiciable interest affected by the application; explaining in plain language in a brief written statement its location and distance relative to the facility, the discharge route and how, its statutory authority over or interest in the issues relevant to the application, under state law, would be affected. The City explained that it is the regional wastewater service provider and that although the proposed facility and discharge point appear to be just outside of the City's Extra Territorial Jurisdictional limits (ETJ), the Applicant's property and the proposed facility's site

appears to be adjacent to the ETJ. Additionally, the discharge route is very close to the City's ETJ and the proposed discharge will enter the City's ETJ a little more than a mile from the proposed discharge point and enter the City's drinking water supply, Lake Georgetown, which is 4.75 miles from the proposed facility. Because of these facts, the City's hearing request explained how its statutory authority over or interest in the issues relevant to the application, under state law, would be affected in a manner not common to members of the public.

The ED recommends that the Commission find that the City of Georgetown is an affected person under 30 TAC § 55.203.

C. Whether the Issues are Referable to SOAH

In addition to recommending to the Commission those persons who qualify as affected persons, the ED analyzes issues raised in accordance with the regulatory criteria.

(a) Issues raised in the Hearing Request:

The Following issues were raised in the Hearing Request:

(1) Whether the odors from the operation of, and the sludge management activities at the proposed facility will adversely affect neighboring properties.

(2) Whether the discharge will affect water quality in the unnamed tributary, the North Fork of the San Gabriel River, and Lake Georgetown (Segment 1249).

(3) Whether the proposed facility is in conflict with the State's Regionalization policy and the "*Agreement Regarding Sewer Service Areas and Customers by and between LCRA, BRA, Georgetown, Liberty Hill, and Chisolm Trail Special Utility District*."

(4) Whether the permit should require a belt press and housing.

(5) Whether the proposed facility will consistently meet the stringent discharge parameters in all three phases of the proposed permit.

(6) Whether the Applicant should be required to connect to the City's existing wastewater system.

(7) Whether the permit should be transferred to the City as the regional provider of wastewater services.

(8) Whether the permit application complies with the Texas Special District Local Laws Code §§8221.105-107.

(9) Whether the permit application complies with 30 TAC § 305.43(a), "*Who Applies*."

(b) <u>Issues of Fact:</u>

If the Commission considers an issue to be one of fact, rather than an issue of law or policy, it is appropriate for referral to hearing if it meets all other applicable requirements.[8] The following issues presented are issues of fact.

(1) Whether the odors from the operation of, and the sludge management activities at the proposed facility will adversely affect neighboring properties.

(2) Whether the discharge will affect water quality in the unnamed tributary, the North Fork of the San Gabriel River, and Lake Georgetown (Segment 1249).

(3) Whether the proposed facility is in conflict with the State's Regionalization policy and the "*Agreement Regarding Sewer Service Areas and Customers by and between LCRA, BRA, Georgetown, Liberty Hill, and Chisolm Trail Special Utility District*."

(4) Whether the permit should require a belt press and housing.

[8] 30 TAC §§ 55.201(c), (d)(4), and 55.211(c)(2)(A).

(5) Whether the proposed facility will consistently meet the stringent discharge parameters in all three phases of the proposed permit.

(6) Whether the permit application complies with the Texas Special District Local Laws Code §§8221.105-107.

(7) Whether the permit application complies with 30 TAC § 305.43(a), "*Who Applies*."

(c) <u>Relevant and Material Issues:</u>

To refer an issue to SOAH, the Commission must find that the issue is relevant and material to the Commission's decision to issue or deny a permit.[9] Relevant and material issues are those governed by the substantive law under which the permit is to be issued.[10]

(1) Whether the odors from the operation of, and the sludge management activities at the proposed facility will adversely affect neighboring properties.

(2) Whether the discharge will affect water quality in the unnamed tributary, the North Fork of the San Gabriel River, and Lake Georgetown (Segment 1249).

(3) Whether the proposed facility is in conflict with the State's Regionalization policy and the "*Agreement Regarding Sewer Service Areas and Customers by and between LCRA, BRA, Georgetown, Liberty Hill, and Chisolm Trail Special Utility District*."

(4) Whether the permit should require a belt press and housing.

(5) Whether the proposed facility will consistently meet the stringent discharge parameters in all three phases of the proposed permit.

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[9] *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248-51 (1986) (discussing the standards applicable to reviewing motions for summary judgment the Court stated "[a]s to materiality, the substantive law will identify which facts are material ... it is the substantive law's identification of which facts are critical and which facts are irrelevant that governs").

[10] *Id*.

(d) <u>Issues recommended for Referral:</u>

The ED recommends the following issues be referred to SOAH for a CCH.

(1) Whether the odors from the operation of, and the sludge management activities at the proposed facility will adversely affect neighboring properties.

(2) Whether the discharge will affect water quality in the unnamed tributary, the North Fork of the San Gabriel River, and Lake Georgetown (Segment 1249).

(3) Whether the proposed facility is in conflict with the State's Regionalization policy and the "*Agreement Regarding Sewer Service Areas and Customers by and between LCRA, BRA, Georgetown, Liberty Hill, and Chisolm Trail Special Utility District*."

(4) Whether the permit should require a belt press and housing.

(5) Whether the proposed facility will consistently meet the stringent discharge parameters in all three phases of the proposed permit.

VI. <u>Executive Director's Recommendation</u>

The ED recommends the following actions by the Commission:

1. Find that Vic McNallie and the City of Georgetown are Affected Persons under 30 TAC § 55.203; and

2. Grant the Contested Case Hearing Requests of Vic McNallie and the City of Georgetown; and

3. Refer the identified issues above in sections **(d)(1)-(5)** to SOAH for a contested case hearing lasting no longer then nine months from the date of referral.

Respectfully submitted,

Texas Commission on Environmental Quality

Richard A. Hyde, P.E., Executive Director

Robert Martinez, Environmental Law
Division Director

By_____

Michael T. Parr II, *Staff Attorney*
Environmental Law Division
State Bar No. 24062936
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Telephone No. 512-239-0611
Facsimile No. 512-239-0606
REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on July 14, 2015 the original and seven true and correct copies of the Executive Director's Response to Hearing Request on the application by 3B&J Wastewater Company, Inc. for a new TPDES Permit, permit No. WQ0014911002. 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, electronic delivery, inter-agency mail, or by deposit in the U.S. Mail.

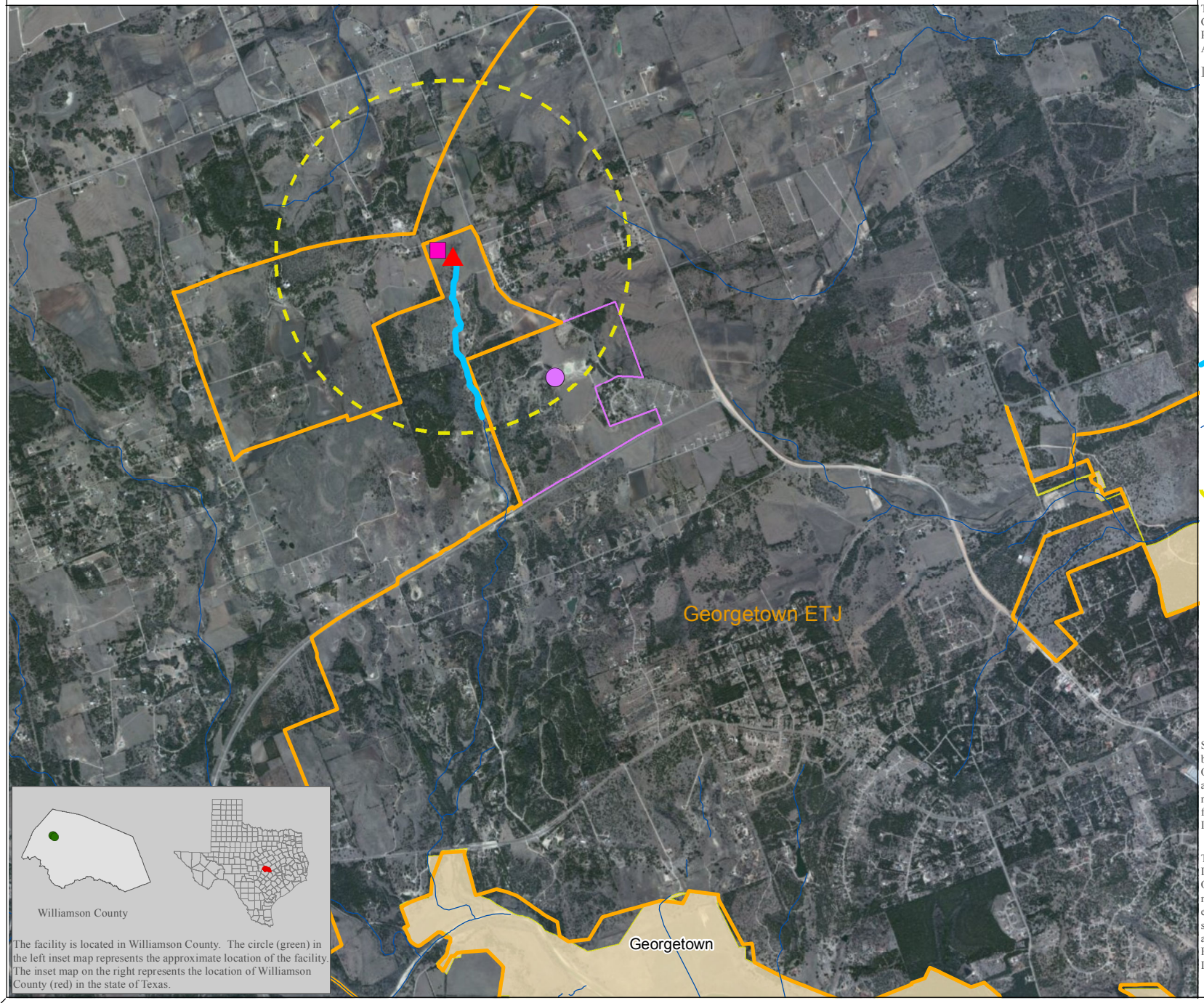
_____

Michael T. Parr II, *Staff Attorney*
Environmental Law Division
State Bar No. 24062936

ATTACHMENT A

3 B&J

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



The facility is located in Williamson County. The circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Williamson County (red) in the state of Texas.

Protecting Texas by Reducing and Preventing Pollution

TCEQ

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

Date: 7/6/2015

0 0.5 1 Miles

- Approximate Facility Location
- Outfall
- Vic McNallies (Requester)
- 1 mile downstream discharge from outfall
- Watercourse
- 1 mile radial distance from outfall
- City of Georgetown limits
- City of Georgetown ETJ
- Requester Property Boundary

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 background imagery of this map is from the current Environmental Systems Research Institute (ESRI) map service, as of the date of this map.

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.

CRF 453705

ATTACHMENT B

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

PUBLISHED Compliance History Report for CN603387259, RN105580088, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN603387259, 3 B&J Wastewater Company, Inc.	**Classification:** UNCLASSIFIED	**Rating:** -----
Regulated Entity:	RN105580088, 3 B&J WWTP 1	**Classification:** UNCLASSIFIED	**Rating:** -----
Complexity Points:	3	**Repeat Violator:** NO	
CH Group:	08 - Sewage Treatment Facilities		
Location:	THE FACILITY IS LOCATED APPROX 2 400 FT NW OF THE INTERSECTION OF CR 248 AND WESTRIDGE LN IN WILLIAMSON COUNTY WILLIAMSON, TX, WILLIAMSON COUNTY		
TCEQ Region:	REGION 11 - AUSTIN		

ID Number(s):
WASTEWATER EPA ID TX0135402 **WASTEWATER** PERMIT WQ0014911002

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: July 13, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 13, 2010 to July 13, 2015

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:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

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

N/A

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 C

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

DESCRIPTION OF APPLICATION

Applicant:	3 B&J Wastewater Company, Inc.; Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014911002, TX0135402
Regulated Activity:	Domestic Wastewater Permit
Type of Application:	New Permit
Request:	New Permit
Authority:	Federal Clean Water Act (CWA) § 402; Texas Water Code (TWC) § 26.027; 30 Texas Administrative Code (TAC) Chapters 30, 305, 307, 309, 312, and 319; Commission policies; and U.S. Environmental Protection Agency (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 draft permit includes an expiration date of **December 1, 2018** 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 new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.158 million gallons per day (MGD) in the Interim I phase, a daily average flow not to exceed 0.475 MGD in the Interim II phase, and a daily average flow not to exceed 0.950 MGD in the Final phase. This facility was previously permitted under TPDES Permit No. WQ0014911001, which expired December 1, 2013. The proposed wastewater treatment facility will serve a proposed 1,187 acre land development in northern Williamson County Texas.

PROJECT DESCRIPTION AND LOCATION

The 3 B&J No. 1 Wastewater Treatment Facility will be an activated sludge process plant operated in the extended aeration mode. Treatment units in the Interim I phase will include an automatic fine screen, grit chamber, aeration basin, final clarifier, teritary filter, aerobic digester, and a chlorine contact chamber. In the Interim II phase the Wastewater Treatment Facility will be an activated sludge process plant operated in the complete mix mode. Treatment units will include an automatic fine screen, grit chamber, aeration basin, final clarifier, teritary filter, aerobic digester, and ultraviolet disinfection system. In the Final phase there will be a parallel complete mix facility with the same treatment units as the Interim II phase facility. The facility has not been constructed.

Sludge generated from the treatment facility will be hauled by a registered transporter to City of Georgetown Pecan Branch Wastewater Treatment Facility, Permit No. WQ0010489005 to be digested, dewatered and then disposed of with the bulk of the sludge from the plant accepting the sludge. The draft permit also authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

The plant site will be located approximately 0.45 mile northwest of the intersection of County Road 248 and Westridge Lane in Williamson County, Texas 78622.

The treated effluent will be discharged to an unnamed tributary; thence to North Fork San Gabriel River in Segment No. 1251 of the Brazos River Basin. The unclassified receiving water use is limited aquatic life use for the unnamed tributary. The designated uses for Segment No. 1251 are high aquatic life use, public water supply, aquifer protection, and primary contact recreation. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 TAC §307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

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 Surface Water Quality Standards and the State of Texas Water Quality Management Plan (WQMP).

End-of-pipe compliance with pH limits between 6.0 to 9.0 standard units reasonably assures instream compliance with Texas Surface Water Quality Standards for pH criterion due to the relatively small discharge volume authorized and the often corresponding minimal or limited aquatic life uses within unclassified waterbodies. This conservative assumption is based on TCEQ sampling conducted throughout the state which indicates that instream buffering quickly restores pH levels to ambient conditions.

The effluent limits recommended above have been reviewed for consistency with the State of Texas Water Quality Management Plan (WQMP). The proposed limits are contained in the approved WQMP, under expired Permit No. WQ0014911001. A Waste Load Evaluation has not been completed for this 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.

Segment 1251 is not currently listed on the State's inventory of impaired and threatened waters (2012 Clean Water Act Section 303(d) list). Segment 1249 (Lake Georgetown) is also not currently listed on the 2012 303(d) list.

SUMMARY OF EFFLUENT DATA

Self-reporting data is not available since the facility is not in operation.

DRAFT PERMIT CONDITIONS

The draft permit authorizes a discharge of treated domestic wastewater at an Interim I volume not to exceed a daily average flow of 0.158 MGD, an Interim II volume not to exceed a daily average flow of 0.475 MGD, and a Final volume not to exceed a daily average flow of 0.950 MGD.

The effluent limitations in the Interim I phase of the draft permit, based on a 30-day average, are 5 mg/l five-day carbonaceous biochemical oxygen demand ($CBOD_5$), 5 mg/l total suspended solids (TSS), 2 mg/l ammonia-nitrogen (NH_3-N), 1 mg/l Total Phosphorus, 126 colony forming units (CFU) or most probable number (MPN) of *E. coli* per 100 ml, and 4.0 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 effluent limitations in the Interim II and Final phases of the draft permit, based on a 30-day average, are 5 mg/l five-day carbonaceous biochemical oxygen demand ($CBOD_5$), 5 mg/l total suspended solids (TSS), 2 mg/l ammonia-nitrogen (NH_3-N), 0.5 mg/l Total Phosphorus, 126 colony forming units (CFU) or most probable number (MPN) of *E. coli* per 100 ml, and 4.0 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 permittee shall comply with the requirements of 30 TAC § 309.13 (a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC § 309.13(e).

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. Sludge generated from the treatment facility is hauled by a registered transporter to City of Austin Walnut Creek Wastewater Treatment Facility, Permit No. WQ0010543011 to be digested, dewatered and then disposed of with the bulk of the sludge from the plant accepting the sludge. The draft permit also authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

SUMMARY OF CHANGES FROM APPLICATION

None.

BASIS FOR DRAFT PERMIT

The following items were considered in developing the draft permit:

1. Application received on May 9, 2014 and additional information received on June 27, 2014, August 11, 2014, and September 11, 2014.

2. This facility was previously permitted under TPDES Permit No. WQ0014911001 which expired on December 1, 2013, but was not constructed.

3. The effluent limitations and conditions in the draft permit comply with the Texas Surface Water Quality Standards, 30 TAC §§ 307.1 - 307.10, effective August 17, 2000 and the EPA approved portions of the 2010 Texas Surface Water Quality Standards, effective July 22, 2010. The effluent sets satisfy the requirements of the Statewide Lake Rule for discharges within 5 stream miles of public water supply reservoirs (for Lake Georgetown). The recommended effluent limits are also consistent with the requirements of the Edwards Aquifer Rules.

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: 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* (IP), Texas Commission on Environmental Quality, June 2010, as approved by EPA and the IP, January 2003, for portions of the 2010 IP not approved by EPA.

8. Texas 2012 Clean Water Act Section 303(d) List, Texas Commission on Environmental Quality, February 21, 2013; approved by the EPA on May 9, 2013.

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 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 Larry Diamond at (512) 239-0037.

Larry Diamond Municipal Permits Team Wastewater Permitting Section (MC 148)	Date

TPDES PERMIT NO. WQ0014911002
[For TCEQ office use only - EPA I.D. No. TX0135402]

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

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

3 B&J Wastewater Company, Inc.

whose mailing address is

c/o Austin-Ronald Reagan Boulevard LLC
4521 Sharon Road, Suite 115
Charlotte, North Carolina 28211

is authorized to treat and discharge wastes from the 3 B&J No. 1 Wastewater Treatment Facility, SIC Code 4952

located approximately 0.45 mile northwest of the intersection of County Road 248 and Westridge Lane in Williamson County, Texas 78622

to an unnamed tributary; thence to North Fork San Gabriel River in Segment No. 1251 of the Brazos 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, **December 1, 2018**.

ISSUED DATE:

For the Commission

INTERIM I 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 to the 0.475 million gallons per day (MGD) facilities the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.158 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 439 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	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	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (6.6)	10	20	30	One/week	Grab
Total Suspended Solids	5 (6.6)	10	20	30	One/week	Grab
Ammonia Nitrogen	2 (2.6)	5	10	15	One/week	Grab
Total Phosphorus	1 (1.3)	2	4	6	One/week	Grab
E. coli, 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 4.0 mg/l and shall be monitored once per week by grab sample.

INTERIM II EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the completion of expansion to the 0.475 million gallons per day (MGD) facilities and lasting through the completion of expansion to the 0.950 MGD facilities the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.475 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,319 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	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	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (20)	10	20	30	One/week	Grab
Total Suspended Solids	5 (20)	10	20	30	One/week	Grab
Ammonia Nitrogen	2 (7.9)	5	10	15	One/week	Grab
Total Phosphorus	0.5 (2.0)	1	2	3	One/week	Grab
E. coli, CFU or MPN/100 ml	126	N/A	N/A	399	Five/week	Grab

2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. 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 4.0 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 to the 0.950 million gallons per day (MGD) facilities 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 0.950 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 2,639 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (40)	10	20	30	One/week	Composite
Total Suspended Solids	5 (40)	10	20	30	One/week	Composite
Ammonia Nitrogen	2 (16)	5	10	15	One/week	Composite
Total Phosphorus	0.5 (4.0)	1	2	3	One/week	Composite
E. coli, CFU or MPN/100 ml	126	N/A	399	N/A	Daily	Grab

2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. 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 twice 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 4.0 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 nth 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 169) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

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

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

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

10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.

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

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

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

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

d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the 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 11) 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 11) 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

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

* Dry weight basis

3. Pathogen Control

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

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

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

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

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

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

Table 3

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

*Dry weight basis

B. Pathogen Control

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

C. Management Practices

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

2. Bulk sewage sludge not meeting Class A requirements shall be land applied in a manner which complies with the Management Requirements in accordance with 30 TAC § 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 11) 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 11) 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 11) 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 11) 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 that 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. 1251 of the Brazos River Basin and any subsequent updating of the water quality model for Segment No. 1251, 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 shall comply with the requirements of 30 TAC § 309.13 (a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC § 309.13(e).

5. The permittee shall provide facilities for the protection of its wastewater treatment facilities from a 100-year flood.

6. 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 may be given a less frequent measurement schedule. For this permit, 1/month may be reduced to 1/quarter in the Interim I phase, 5/week to 3/week in the Interim II phase, and daily may be reduced to 5/week in the Final phase. **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 submit written notice to the TCEQ Wastewater Permitting Section (MC 148).** 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.

7. Prior to construction of the Interim I, Interim II, and Final phase treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary submittal 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 2, 2a, and 2b of the permit.

8. Reporting requirements according to 30 TAC Sections 319.1-319.11 and any additional effluent reporting requirements contained in this permit are suspended from the effective date of the permit until plant startup or discharge, whichever occurs first, from the facility described by this permit. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 11) and the Applications Review and Processing Team (MC 148) of the Water Quality Division at least forty-five (45) days prior to plant startup or anticipated discharge, whichever occurs first and prior to completion of each additional phase on Notification of Completion Form 20007.

9. The permittee is authorized to haul sludge from the wastewater treatment facility, by a licensed hauler, to the City of Georgetown Pecan Branch Wastewater Treatment Facility, Permit No. WQ0010489005, or any other facility authorized by the TCEQ to accept sludge, for final processing and disposal.

   The permittee shall keep records of all sludge removed from the wastewater treatment plant site and these records shall include the following information:

   a. The volume of sludge hauled;
   b. The date(s) that sludge was hauled;
   c. The identity of haulers; and
   d. The permittee, TCEQ permit number, and location of the facility to which the sludge is hauled.

   These records shall be maintained on a monthly basis and shall be reported to the TCEQ Regional Office (MC Region 11) and the TCEQ Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

ATTACHMENT D

Proposed New TPDES Permit No. WQ0014911002

APPLICATION by	**§**	**BEFORE THE**
3 B&J Wastewater Co.,	**§**	**TEXAS COMMISSION**
Inc. for TPDES Permit	**§**	**ON ENVIRONMENTAL**
No. WQ0014911002	**§**	**QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the application by 3 B&J Wastewater Company, Inc. (Applicant) for a new Texas Pollutant Discharge Elimination System (TPDES) Permit, permit No. WQ0014911002, and on the ED's preliminary decision on the application. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the ED prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk received timely comment letters from J.D. Head and Forest Cook, both on behalf of Vic McNallie, and on behalf of the City of Georgetown (Georgetown), Jim Briggs, Interim City Manager and General Manager of Utilities for Georgetown, Texas. This response addresses all timely public comments received, whether or not withdrawn. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can also be found at our website at http://www.tceq.texas.gov/.

BACKGROUND

The Applicant applied to the TCEQ for proposed new TPDES Permit No. WQ0014911002, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 950,000 gallons per day at the 3 B&J Wastewater Treatment Plant No. 1 (proposed facility). Previously, the applicant applied for and the TCEQ granted TPDES Permit No. WQ0014911001, however, before the proposed facility was constructed, the Applicant allowed Permit No. WQ0014911001 to expire on December 1, 2013.

Description of Facility

The proposed facility will be located approximately 0.45 miles northwest of the intersection of C.R. 248 and Westridge Lane in Williamson County, Texas 78622.

The proposed facility will be an activated sludge process plant operated in the extended aeration mode. Treatment units in Interim I phase will include a bar screen, grit chamber, aeration basin, final clarifier, tertiary filter, aerobic digester, and a chlorine contact chamber. After construction in connection with Interim II phase, the proposed facility will be an activated sludge process plant operated in the complete mix mode. Treatment units will include a bar screen, grit chamber, aeration basin, final clarifier,

tertiary filter, aerobic digester, and a chlorine contact chamber. After construction in connection in the Final phase, the proposed facility will be a parallel complete mix facility with the same treatment units as in the Interim II phase. The proposed permit authorizes a registered transporter to transport the sludge generated at the proposed facility to the City of Austin Walnut Creek Wastewater Treatment Facility, (permit No.WQ0010543011) for digestion, dewatering, and disposal with the sludge already at the Walnut Creek plant. In addition, the proposed permit authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

The discharge of treated effluent will first enter an unnamed tributary; then to the North Fork San Gabriel River in Segment No. 1251 of the Brazos River Basin. The unclassified receiving water use is limited aquatic life use for the unnamed tributary. The designated uses for Segment No. 1251 are high aquatic life use, public water supply, aquifer protection, and primary contact recreation.

In accordance with 30 TAC § 307.5 of the Texas Surface Water Quality Standards (TSWQS) and the Procedures to Implement the TSWQS (June 2010), an antidegradation review of the receiving waters was performed. The Tier 1 antidegradation review preliminarily determined that no impairment of existing water quality uses would result from this permitting action, as the TCEQ expects the proposed permit to maintain the numerical and narrative criteria protecting the existing uses. Additionally, because the Tier 1 review preliminarily determined that the stream reach assessed does not contain water bodies with exceptional, high, or intermediate aquatic life uses, the TCEQ did not perform a Tier 2 antidegradation review. However, the TCEQ expects no significant degradation of water quality in water bodies with exceptional, high, or intermediate aquatic life uses downstream of the discharge, as the TCEQ expects the proposed permit to protect and maintain the existing uses. If the TCEQ receives new information, it may reexamine and modify the preliminary determination.

Procedural Background

The TCEQ received the application for a new TPDES permit on May 9, 2014, and declared it Administratively Complete on August 14, 2014. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in Williamson County, Texas on September 7, 2014 in English in the Williamson County Sun, and in Spanish on September 11, 2014 in *¡ahora si!*. The ED completed the technical review of the application on September 15, 2014, and prepared a draft permit, which if approved, would establish the conditions under which the facility must operate. The Applicant published the Notice of Application and Preliminary Decision for a Water Quality Permit (NAPD) in Williamson County, Texas on November 23, 2014, in English in the Williamson County Sun and on November 27, 2014 in Spanish in ¡ahora si!. The public comment period closed on December 29, 2014. Because this application was administratively complete on or after September 1, 1999, it is subject to procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

Access to Rules, Laws and Records

All administrative rules: Secretary of State Website: www.sos.state.tx.us

TCEQ rules: Title 30 of the Texas Administrative Code: www.sos.state.tx.us/tac/ (select TAC Viewer on the right, then Title 30 Environmental Quality)
Texas statutes: http://www.statutes.legis.state.tx.us/
TCEQ website: http://www.tceq.texas.gov/ (for downloadable rules in WordPerfect or Adobe PDF formats, select "Rules," then "Current TCEQ Rules," then "Download TCEQ Rules")
Federal rules: Title 40 of the Code of Federal Regulations (C.F.R.): www.epa.gov/epahome/ cfr40.htm
Federal environmental laws: www.epa.gov/epahome/laws.htm
Environmental or Citizen Complaints may be filed online at: http://www.tceq.state.tx.us/enforcement/complaints/index.html.
Or by sending an email to the following address: cmplaint@TCEQ.state.tx.us.

Commission records for the proposed facility are available for viewing and copying at TCEQ's main office in Austin, located at 12100 Park 35 Circle, Building E, Room 103 (Central Records, for existing or past permits), or Building F, 1st Floor (Office of Chief Clerk, for the current application until final action is taken). The permit application, proposed permit, technical summary, and the ED's preliminary decision have been available for viewing and copying at the Georgetown Public Library, 402 West 8th Street, Georgetown, Texas.

The ED has determined that the proposed permit, if issued, meets all statutory and regulatory requirements and is protective of the environment, water quality, and human health. However, if you would like to file a complaint about the facility concerning its compliance with provisions of its permit or with TCEQ rules, you may contact the Agency at 1-888-777-3186 or you may contact the TCEQ Region 11 Office at (512) 339-2929 to address potential permit violations. If an inspection by the Regional office finds that the facility is out of compliance, the facility may be subject to enforcement actions.

COMMENTS and RESPONSES

COMMENT 1

J.D. Head, on behalf of Vic McNallie, commented that Mr. McNallie is concerned that odors from operation of the proposed wastewater treatment plant will adversely affect his property. Mr. McNallie is also concerned that sludge management activities at the proposed facility will create odors adversely affecting his property.

RESPONSE 1

Prior to construction, the Applicant and its facility is required by TCEQ rules, found at 30 TAC § 309.13(e), to meet one of three options to abate and control nuisance odor. Those options are:

1) Ownership of the buffer zone; lagoons with zones of anaerobic activity (e.g., facultative lagoons, un-aerated equalization basins, etc.) may not be closer than 500 feet to the nearest property line. None of the facility's other treatment units may be closer than 150 feet to the nearest property line.

2) The Applicant must submit a nuisance odor prevention-request for ED approval.

3) For any part of the buffer zone not owned by the Applicant, the Applicant must submit sufficient evidence of legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the Applicant.

According to the permit application, the Applicant will meet the buffer zone requirements by ownership. The proposed aerobic digesters in each phase of the proposed permit for sludge management are subject to the buffer zone requirements. If nearby residents experience nuisance odor conditions or any other suspected incidents of noncompliance with the permit or TCEQ rules they may be reported to TCEQ by calling toll-free 1-888-777-3186 or by calling the TCEQ Region 11 Office in Austin at (512) 339-2929. Citizen complaints may also be filed on-line at http://www.tceq.texas.gov/complaints/index.html. If the Applicant fails to comply with all requirements of the permit, the facility is subject to administrative enforcement action, fines, and penalties.

In addition, the permit does not limit the ability to seek legal remedies against an applicant regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that interfere with the normal use and enjoyment of property.

COMMENT 2

J.D. Head commented that currently there are not any wastewater discharges to Lake Georgetown (Segment 1249). Mr. Head also commented that there are not any discharges in the North Fork of the San Gabriel River in segment No. 1251 of the Brazos river basin. Mr. Head noted that the designated uses for segment No. 1251 are high aquatic life use, public water supply, aquifer protection, and primary contact recreation, and that wastewater discharges from the proposed facility will affect water quality in the unnamed tributary, the North Fork of the San Gabriel River, and Lake Georgetown (Segment 1249). Additionally, Mr. Head noted that Mr. McNallie is concerned that because his property is adjacent to the discharge route, he will be subjected to a polluted waterway and by the pollutants in the discharge during times of flooding.

RESPONSE 2

The proposed permit's discharge route for the treated effluent is first to an unnamed tributary; then to the North Fork San Gabriel River in Segment No. 1251 of the Brazos River Basin, making the discharge point rougly 4.75 miles from Lake Georgetown.

Other than one currently permitted discharge to Segment 1251 in the North Fork San Gabriel River watershed (TPDES permit no. WQ0015000001-specifically to an unnamed tributary of Sowes Branch), there are not any permitted discharges to Segment 1249 (Lake Georgetown).

However, discharges of treated effluent into water in the state from facilities regulated under the TPDES program are required to meet the requirements of the Texas Surface Water Quality Standards (TSWQS). The TSWQS is one of the primary mechanisms for the TCEQ to protect surface water quality, groundwater, human health, aquatic life, the environment, and the designated uses of receiving waters. The proposed permit meets

the requirements of the TSWQS, and the TCEQ does not anticipate that constituents in the discharge will have an adverse effect on the receiving water or its designated uses.

Likewise, the effluent limitations in the proposed permit are designed to maintain and protect the existing instream uses. The proposed permit's effluent limitations in the Interim I phase, based on a 30-day average, are 5 mg/l five-day carbonaceous biochemical oxygen demand ($CBOD_5$), 5 mg/l total suspended solids (TSS), 2 mg/l ammonia-nitrogen (NH_3-N), 1 mg/l Total Phosphorus, 126 colony forming units (CFU) or most probable number (MPN) of *E. coli* per 100 ml, and 4.0 mg/l minimum dissolved oxygen (DO). The effluent must contain a chlorine residual of at least 1.0 mg/l and must not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow. The TCEQ expects these treatment measures to maintain the water quality and protect the existing instream uses. The same effluent limits apply for the Interim II and Final phases; however, the Interim II and Final phases include a reduction in the effluent limit of Total Phosphorus from 1.0 mg/l to 0.5 mg/l. These effluent limits are considered an advanced level of treatment with nutrient limitations. They are among the strictest effluent limits contained in a TPDES permit.

The permit also includes definitions and standard permit conditions, monitoring and reporting requirements, operational requirements, and sludge provisions that are all meant to ensure the protection of water quality and human health.

The TCEQ does not have jurisdiction to regulate flooding in the context of a wastewater discharge permit. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes and coastal waters. However, to the extent that an issue related to flooding also involves water quality, the Applicant is required to comply with all the numeric and narrative effluent limitations and other conditions in the proposed permit at all times, including during flooding conditions. Likewise, the proposed permit includes effluent limits and other requirements that the Applicant must meet even during rainfall events and periods of flooding. According to the application, the proposed facility is located above the 100-year flood plain. For additional protection, the proposed permit includes Other Requirement No. 5, which requires the Applicant to provide protection for the facility from a 100-year flood.

For any additional flooding concerns, the Commenter may wish to contact the Floodplain Administrator in his area. The TCEQ Resource Protection Team can provide assistance in identifying and contacting the local floodplain administrator, by calling (512)239-4691. Additionally, the Federal Emergency Management Agency (FEMA) has programs that are designed to mitigate damage caused by flooding.

The ED has determined that the proposed draft permit is protective of the environment, water quality, aquatic life, and human health and that it meets TCEQ rules and requirements if the Applicant operates and maintains the facility as required by the proposed permit and regulations. To report complaints about the facility, please contact the TCEQ at 1-888-777-3186 to reach the TCEQ region office in your area. Noncompliance with the permit may result in enforcement action against the Applicant.

COMMENT 3

J.D. Head commented that he is concerned that the proposed facility, if at all, will not consistently meet the stringent discharge parameters for the three phases in the proposed permit.

RESPONSE 3

TPDES permits not only include effluent limitations, but operational standards and safeguards intended to minimize the occurrence of operational mishaps.

For instance, the proposed facility, a Category C facility, must be operated by a chief operator or an operator holding a Category C license or higher. Therefore, a licensed chief operator or an operator holding the required level of license or higher must operate the proposed facility a minimum of five days per week. Likewise, 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 that 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.

Operational Requirement No. 1 requires the Applicant to ensure that the proposed facility and all its systems of collection, treatment, and disposal are properly operated and maintained at all times. As required by Operational Requirement No. 8(b), "the plans and specifications for domestic sewage collection and treatment works associated with [this facility] must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured." Likewise, the proposed facility must be designed in accordance with 30 TAC Chapter 217 (Design Criteria for Domestic Wastewater Systems). Permit Condition 2(g) prohibits unauthorized discharge of wastewater or any other waste.

Operational Requirement No. 4 makes the Applicant "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." In this case, the applicant has indicated that the proposed facility will include a standby power system consisting of a diesel-engine-driven generator with sufficient capacity to operate the plant lift station, blowers, chemical feed system, and plant controls for a minimum eight-hour power outage. The plant will generate an alarm to the operator if any of the following alarm conditions occur: power outage, SCADA communication failure, lift station high level, clarifier torque overload, tertiary treatment high turbidity, chlorine leak detection, or aeration basin high level. The proposed facility is also subject to regular TCEQ inspections both announced and unannounced. Additionally the plant will be required to submit monthly Discharge Monitoring Reports (DMRs). These reports are public. You can access them through the following EPA website http://echo.epa.gov/ and using the EPA Facility ID number:

TX0135402. Please note there will be no DMR reports available until after the plant starts operation.

Any plant operational concerns, as noted above, can be reported at any time to the TCEQ Region 11 office or the TCEQ complaint hotline at 1-888-777-3186.

COMMENT 4

J.D. Head commented that pursuant to 30 TAC Section 305.43(a), it is the duty of the operator and the owner to submit an application for a TPDES permit.

RESPONSE 4

The language of 30 TAC § 305.43 explains that it is the duty of the owner of a facility to submit an application for a permit or a post-closure order. However, if the facility is owned by one person and operated by another and the ED determines that special circumstances exist where the operator or the operator and the owner should both apply for a permit or a post-closure order, and for all Texas Pollutant Discharge Elimination System permits, it is the duty of the operator and the owner to submit an application for a permit. This permit was reviewed by the Water Quality Division Applications Review and Processing Team for administrative completeness and for consistency with the processing of TPDES permits. Typically it is the owner of the land where the proposed facility will be located and also the owner of the proposed service area. Because the Applicant has not constructed the facility, it was determined during this permit action that it was not necessary for the future operator, if different from the owner, to apply for this new permit.

COMMENT 5

J.D. Head commented that the Texas Special District Local Laws Code (TSDLLC) governs the creation of the 3 B&J MUD, and specifically TSDLLC §§ 8221.105-8221.107 set out requirements for design and construction of wastewater treatment plants. Mr. Head commented that TSDLLC §§ 8221.105-8221.106 state that the district must obtain approval of the Brazos River Authority (BRA) for the design of any treatment facility, and that only the BRA or a provider approved by the BRA may provide wastewater in the district.

Both Mr. Head and Jim Briggs both commented that they are concerned that TSDLLC § 8221.107 states that the Applicant must comply with the terms of the Agreement Regarding Sewer Services Areas and Customers by and between Lower Colorado River Authority, Brazos River Authority, Georgetown, City of Liberty Hill, and Chisholm Trail Special Utility District (Agreement) and that issuing the permit does not. Mr. Briggs is concerned that the issuance of the permit is not in the public interest inasmuch as the existing water and wastewater service providers have the above listed Agreement for the provision of wastewater service in the San Gabriel Watershed.

RESPONSE 5

The scope of review in the TPDES permitting process does not include a review of the Applicant's responsibilities related to the provisions found in the TSDLLC. The information submitted by the Applicant formed the basis of the proposed permit's

review, which focused on compliance with TCEQ rules and regulations. The TCEQ is not the appropriate entity to enforce the authority of the BRA. If any of the Commenters feel any action or potential actions of the Applicant conflict with any provision in the TSDLLC, the TCEQ review does not limit the ability to direct those concerns to the appropriate entity.

Concerning design requirements, the TCEQ rules require a summary submittal letter from a professional engineer prior to construction confirming that the proposed facility meets the minimum design specifications of 30 TAC Chapter 217 (Design Criteria for Domestic Wastewater Systems). In this case, the Applicant submitted design calculations, flow diagrams, and unit sizing, however, a full technical review of plans and specs is not part of the permitting process and only after the ED issues the proposed permit, is a full review conducted. Additionally, the proposed permit requires the Applicant to submit a summary submittal letter in accordance with the requirements in 30 TAC Section 217.6(c) prior to construction of each proposed phase.

COMMENT 6:

Jim Briggs commented on the need for the proposed facility and regionalization concerns. Mr. Briggs is concerned that the ownership and operation of the proposed facility by 3B&J would impede efforts to further regionalize wastewater systems in the area. Mr. Briggs also commented that the permit should include a condition requiring that after the Applicant has completed construction of the proposed facility, that Georgetown or the BRA takes ownership and operational responsibilities of the proposed facility.

RESPONSE 6:

Texas Water Code § 26.081 enumerates the State's Regionalization policy. Section 26.081 states that the policy "encourage[s] and promote[s] 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." In furtherance of that policy the Texas Water Code § 26.0282 authorizes the TCEQ, when considering the issuance of a permit to discharge waste, to deny or alter the terms and conditions of a proposed permit based on need and the availability of existing or proposed area-wide or regional waste collection, treatment, and disposal systems. To that end, when an Applicant applies for a new permit or applies for a major amendment to an existing permit to increase flow, the TCEQ Domestic Wastewater Permit Application, specifically the "Domestic Technical Report 1.0," requires Applicants to provide detailed information regarding regional wastewater treatment facilities or collection systems. First, the Report requires Applicants to provide information about any domestic permitted wastewater treatment facilities and/or collection systems located within a three-mile radius of the proposed facility. Second, whether those facilities currently have the capacity or are willing to expand to accept the volume of wastewater proposed by Applicants. Lastly, the Report requires an analysis of expenditures required to connect to a permitted wastewater treatment facility or collection system located within 3 miles versus the cost of the proposed facility or expansion. Additionally, Applicants are

required to provide copies of all correspondence with the owners of existing plants within three miles of the proposed plant regarding connection to their system.

In this case, the Applicant complied with the permit application requirements and stated that there were no wastewater treatment plants or collection systems within a three-mile radius of the proposed discharge. Mr. Briggs' suggestion for a provision for a change of ownership is not within the scope of the ED's authority to fashion conditions in a TPDES permit.

COMMENT 7:

Jim Briggs commented that the proposed method of sludge disposal at the City of Austin Walnut Creek Wastewater Treatment Plant does not fit into any regional planning effort. Mr. Briggs commented that the City of Georgetown has facilities for sludge disposal that are significantly closer.

RESPONSE 7:

Other Requirement No. 9 of the proposed permit authorizes the Applicant to transport sludge, by a licensed hauler, from the proposed facility to any other facility authorized by the TCEQ to accept sludge, for final processing and disposal, in addition to the authorization to transport sludge to the City of Austin Walnut Creek Wastewater Treatment Facility, Permit No. WQ0010543011. The proposed permit authorizes any TCEQ-authorized facility operated by the City of Georgetown to accept sludge from the proposed facility.

COMMENT 8:

Jim Briggs commented that to be consistent with other existing and planned wastewater treatment facilities owned and operated by Georgetown, a mechanically cleaned fine screen, ultraviolet disinfection beyond the Interim I phase, and a belt press and housing for sludge dewatering with the first plant expansion are requested as permit conditions or additions by Georgetown.

RESPONSE 8:

The Applicant proposed the manner of treatment and discharge of the effluent in the application. TCEQ's permitting authority does not include the authority to mandate the manner of treatment and discharge of the effluent. Instead, the TCEQ may only evaluate the proposed wastewater treatment technology and the effect(s) of the treated wastewater on the uses of the receiving stream starting at the point of discharge, and must provide the appropriate effluent limitations to protect these uses.

Currently, the proposed permit contains the following method of disinfection in the Interim I Phase:

> The effluent must contain a chlorine residual of at least 1.0 mg/l and must not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and must be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the ED.

During the Interim II and Final Phases, the proposed permit requires that the Applicant utilize an Ultraviolet Light (UV) system for disinfection purposes. In addition, the Applicant indicated there would be a manually cleaned air screen in all proposed phases, however, the Applicant did not indicate that there would be a belt press and housing for sludge dewatering in any of the proposed phases.

CHANGES MADE TO THE PERMIT IN RESPONSE TO COMMENT

- The Applicant has proposed the use of an automatic fine screen in all phases of the proposed permit.
- For the Interim II phase and the Final phase, the Applicant proposes to replace the chlorination disinfection system utilized in the Interim I phase with ultraviolet disinfection.
- As a result, the testing frequency for *E. coli* bacteria in the Interim II phase is five times per week and the frequency of testing is daily for *E. coli* in the Final phase.
- Because the Applicant no longer proposes the use of chlorine in the Interim II and Final phases for disinfection, the chlorine effluent limits and monitoring requirements have been removed in these phases.
- The Applicant has proposed the use of a belt filter press in the Interim II and Final phases.
- The proposed permit has updated language that allows for disposal of the proposed facility's sludge at the City of Georgetown Pecan Branch Wastewater Treatment Plant, permit no. WQ0010489005, in all phases.

Respectfully submitted,

Texas Commission on Environmental Quality

Richard A. Hyde, P.E.,
Executive Director

Robert Martinez, Environmental Law Division Director

By_____

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CERTIFICATE OF SERVICE

I certify that on March 3, 2015, the Executive Director's Response to Public Comment for Permit No. WQ0014911002 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.

_____

Michael T. Parr II, *Staff Attorney*
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