

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*

January 25, 2016

Bridget Bohac, Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 105  
Austin, Texas 78711-3087

Re: Executive Director's Response to Hearing Request/Request for Reconsideration  
for KBARC, LLC; Permit No. WQ0015225001; Docket No. 2015-1791-MWD

Dear Ms. Bohac:

Enclosed for filing are the original and seven copies of the "Executive Director's Response to Hearing Request/Request for Reconsideration." If you have any questions or comments, please call me at (512) 239-5692.

Sincerely,

A handwritten signature in cursive script that reads "Celia Castro".

Celia Castro  
Staff Attorney  
Environmental Law Division

Enclosure

cc: Mailing List

**DOCKET NUMBER 2015-1791-MWD**

**APPLICATION BY** § **BEFORE THE TEXAS**  
**KBARC, LLC** § **COMMISSION ON**  
**PERMIT NO. WQ0015225001** § **ENVIRONMENTAL QUALITY**

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

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**I. Introduction**

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to Hearing Request and Request for Reconsideration (Response) on the application by KBARC, LLC (Applicant) for a new Texas Pollutant Discharge Elimination System (TPDES) permit, No. WQ0015225001.

The following individuals submitted timely hearing requests: Terry & Cindy Barnett; Paul Bonarrigo; Geneva Freeman; Terry Harper; Frank & Carmen Januse; Ryan & Amanda Jouett; Bruce & Katherine Lester; Amy McCoslin; Carl & Sue McLin; Jim Nachlinger; Ronnie O'Neal; Annie Lin Risinger; Brian & Dawn Spence; Bonnie Weber; Eric Allmon, representing Steep Hollow Action Association (SHAA) (whose members include Geneva Freeman, Carl & Sue McLin, and Annie Lin Risinger); John Cargill; Dina Cooper; Cecil Cummins; Jeff Dillon; Joe & Cathy Hegwood; Marvin & Carolyn Kellam; Terry & Sandra Kroll; Dr. Susan Moreland; Stephen Phillips; David Pugh; Gabby Ring; Ted Skalaban; Bob & Sue Sprott; Donnie & Leah Scamardo Vernon; Steve Weaver; Gary Wentrcek; Gary Wingenbach; and Brandon, Cindy, & Ronnie Zemanek.

The following submitted timely requests for reconsideration:  
Steep Hollow Action Association (SHAA) and Bonnie Weber

Attached for Commission consideration are the following:

Attachment A	Statement of Basis/Technical Summary and Executive Director's Preliminary Decision
Attachment B	Draft Permit
Attachment C	Compliance History
Attachment D	Executive Director's Response to Public Comments (RTC)
Attachment E	ED's Satellite Map and Requester Key
Attachment F	Applicant's Adjacent Landowners Map and Legend

Copies of the documents were provided to all parties. The Office of the Chief Clerk previously mailed the RTC to all persons on the mailing list.

## **II. Facility Description**

KBARC has applied for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 150,000 gallons per day (gpd) in the Interim phase and 300,000 gpd in the Final phase. The plant site will be located at 6932 Farm-to-Market Road 1179, Bryan, Texas in Brazos County. If constructed, the proposed wastewater facility will serve a proposed residential subdivision.

The effluent limitations in both the Interim and Final phases of the draft permit, based on a 30-day average, are 20 mg/l five-day biochemical oxygen demand (BOD<sub>5</sub>), 20 mg/l total suspended solids (TSS), 126 colony forming units (CFU) or most probable number (MPN) of *E. coli* and 2.0 mg/l minimum dissolved oxygen (DO). In both phases, 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. An equivalent method of disinfection may be substituted only with prior approval of the ED. The effluent limitations in the draft permit will maintain and protect the existing instream uses.

The treated effluent will be discharged to Steep Hollow Branch; then to Wickson Creek; then to Navasota River Below Lake Limestone in Segment No. 1209 of the Brazos River Basin. The unclassified receiving water use is minimal aquatic life use for Steep Hollow Branch. The designated uses for Segment No. 1209 are primary contact recreation, public water supply and high aquatic life use.

The 2012 Clean Water Act Section 303(d) list, the State's inventory of impaired and threatened waters, currently lists Segment No. 1209 for bacteria from the confluence with Sandy Branch upstream to the confluence with Shepherd Branch in Madison County and from the confluence with Camp Creek upstream to Lake Limestone Dam in Robertson County. The 303(d) list also names Wickson Creek for bacteria for the entire segment. This facility is designed to provide adequate disinfection and when operated properly should not add to the bacterial impairment of the segment. In addition, in order to ensure that the proposed discharge meets the stream bacterial standard, an effluent limitation of 126 colony forming units (CFU) or most probable number (MPN) of *E. coli* per 100 ml has been added to the draft permit.

TCEQ staff performed an anti-degradation review of the receiving waters in accordance with 30 TAC § 307.5 and the June 2010 *Procedures to Implement the Texas Surface Water Quality Standards* (IPs). 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

**MAILING LIST**  
**KBARC, LLC**  
**DOCKET NO. 2015-1791-MWD; PERMIT NO. WQ0015225001**

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PERSON(S):

See attached list.

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**PUBLIC OFFICIALS - INTERESTED  
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expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

### **III. Procedural Background**

The TCEQ received the application on February 12, 2014, and declared it administratively complete on April 7, 2014. The Notice of Receipt of Application and Intent to Obtain a Water Quality Permit (NORI) was published in English on April 29, 2014 in the *Bryan College Station Eagle*, and in Spanish on May 2, 2014 in *La Voz Hispano*, in Brazos County, Texas. The ED completed the technical review of the application on June 23, 2014, and prepared a draft permit. The Notice of Application and Preliminary Decision (NAPD) was published in English on August 8, 2014 in *The Bryan College Station Eagle*, and in Spanish on August 1, 2014 in *La Voz Hispano*. The Notice of Public Meeting (PM) was published in English on December 26, 2014 in the *Bryan College Station Eagle*, and in Spanish on December 26, 2014 in *La Voz Hispano*. A public meeting was held on February 10, 2015 at the Brazos Center in Bryan, Texas. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76<sup>th</sup> Legislature, 1999.

### **IV. The Evaluation Process for Hearing Requests**

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings. For those applications declared administratively complete on or after September 1, 1999, it established new procedures for providing public notice and public comment, and for the Commission's consideration of hearing requests. The application was declared administratively complete on January 31, 2014 and therefore is subject to the HB 801 requirements. The Commission implemented HB 801 by adopting procedural rules in 30 Texas Administrative Code (30 TAC) Chapters 39, 50, and 55. The regulations governing requests for contested case hearings are found at 30 TAC, Chapter 55.

#### **A. Responses to Requests**

"The Executive Director, the public interest counsel, and applicant may submit written responses to [hearing] requests . . . ." 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

- (1) whether the requestor is an affected person;
- (2) which issues raised in the hearing request are disputed;
- (3) whether the dispute involves questions of fact or of law;
- (4) whether the issues were raised during the public comment period;
- (5) 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;
- (6) whether the issues are relevant and material to the decision on the application; and
  - (7) a maximum expected duration for the contested case hearing.

30 TAC § 55.209(e).

## **B. Hearing Request Requirements**

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

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

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

- (1) give the time, 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 personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- (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.

30 TAC § 55.201(d).

**C. Requirement that Requestor be an Affected Person**

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

- (a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.
- (b) Governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.
- (c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
  - (1) whether the interest claimed is one protected by the law under which the application will be considered;
  - (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.

30 TAC § 55.203.

**D. Additional Requirements if Requestor is a Group or Association**

A group or association may request a contested case hearing only if the group or association meets all of the following requirements:

- (1) one or more members of the group or association would otherwise have standing to request a hearing in their own right;
- (2) the interests the group or association seeks to protect or germane to the organization's purpose; and
- (3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

30 TAC § 55.205(a).

## **E. 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.” 30 TAC § 50.115(b).

The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue:

- (1) involves a disputed question of fact;
- (2) was raised during the public comment period; and
- (3) is relevant and material to the decision on the application.

30 TAC § 50.115(c).

## **V. Analysis of the Request**

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

#### ***1. Whether the Requestors Complied With 30 TAC §§ 55.201(c) and (d)***

Terry & Cindy Barnett; Paul Bonarrigo; Geneva Freeman; Terry Harper; Frank & Carmen Januse; Ryan & Amanda Jouett; Bruce & Katherine Lester; Amy McCoslin; Carl & Sue McLin; Jim Nachlinger; Ronnie O’Neal; Annie Lin Risinger; Brian & Dawn Spence; Bonnie Weber; SHAA; John Cargill; Dina Cooper; Cecil Cummins; Jeff Dillon; Joe & Cathy Hegwood; Marvin & Carolyn Kellam; Terry & Sandra Kroll; Dr. Susan Moreland; Stephen Phillips; David Pugh; Gabby Ring; Ted Skalaban; Bob & Sue Sprott; Donnie & Leah Scamardo Vernon; Steve Weaver; Gary Wentrcek; Gary Wingenbach; and Brandon, Cindy, & Ronnie Zemanek submitted timely written hearing requests that included relevant contact information and raised disputed issues.

The ED recommends the Commission find that the hearing requests substantially comply with the requirements of 30 TAC § 55.201(c) & (d).

#### ***2. Whether the Requestors Met the Requirements of an Affected Person***

**Terry & Cindy Barnett; Paul Bonarrigo; Geneva Freeman; Terry Harper; Frank & Carmen Januse; Ryan & Amanda Jouett; Bruce & Katherine Lester; Amy McCoslin; Carl & Sue McLin; Jim Nachlinger; Ronnie O’Neal; Annie Lin Risinger; Brian & Dawn Spence; and Bonnie Weber -**

These requestors are all listed on the Applicant’s adjacent landowner map that along with the ED’s satellite map (See Attachments E and F) point out the proximity of their properties (within a one-mile radius) to the proposed facility. In addition, the SHAA named members (Geneva Freeman, Carl & Sue McLin, and Annie Lin Risinger) own

property adjacent to the receiving stream near the proposed discharge point. They allege that the proposed permit has the potential to create odor nuisance; expose residents to bacteria and other contaminants of concern; cause flood damage to the facility; fail to comply with TCEQ siting requirements; contribute to impairment of receiving waters; adversely impact endangered species; contribute to groundwater contamination; spread pathogens and increase numbers of vectors; violate state regionalization policy; and other concerns. A reasonable relationship exists between the interest claimed and the proposed activity. Based on the location of their property, they have demonstrated that the discharge could potentially affect their health, safety, or use of their property or natural resources. 30 TAC § 55.203(c). Therefore, by owning or living adjacent to the facility and/or along the discharge route within a reasonable distance downstream of the proposed facility, they have raised personal justiciable interests not common to that of the general public. The ED concludes they are affected persons.

### **SHAA –**

SHAA purposes include protection of the health and safety of the residents and landowners in the Steep Hollow area, as well as the protection of natural resources of the area. The proposed facility and discharge route are within the Steep Hollow area. The interests that SHAA seek to protect are germane to SHAA's purposes. SHAA's members Geneva Freeman, Carl & Sue McLin, and Annie Lin Risinger have standing in their own right as the discharge route runs adjacent to their properties. These requestors are all listed on the Applicant's adjacent landowner map that along with the ED's satellite map (See Attachments E and F) point out the proximity of their properties (within a one-mile radius) to the proposed facility. They claim potential impact of odor and contamination by pollutants, leading to impairment of use and enjoyment of their property. Based on the location of their property they have demonstrated that the discharge may affect health, safety, or use of the property or natural resources. The ED concludes that the named members have raised personal justiciable interests not common to that of the general public and are affected persons. Therefore, the ED concludes that SHAA is an affected person.

The ED recommends the Commission find that Terry & Cindy Barnett; Paul Bonarrigo; Geneva Freeman; Terry Harper; Frank & Carmen Januse; Ryan & Amanda Jouett; Bruce & Katherine Lester; Amy McCoslin; Carl & Sue McLin; Jim Nachlinger; Ronnie O'Neal; Annie Lin Risinger; Brian & Dawn Spence; Bonnie Weber; and SHAA are affected persons under the requirements of 30 TAC § 55.203.

**Jeff Dillon; Joe & Cathy Hegwood; Marvin & Carolyn Kellam; Dr. Susan Moreland; David Pugh; Gabby Ring; Ted Skalaban; Bob & Sue Sprott; Donnie & Leah Scamardo Vernon; Steve Weaver; Gary Wentrcek; and Brandon, Cindy, & Ronnie Zemanek** are not on the Applicants' adjacent landowner list; however, they raise relevant and material issues and reside within a one-mile radius from the proposed facility.

The ED recommends the Commission find that Jeff Dillon; Joe & Cathy Hegwood; Marvin & Carolyn Kellam; Dr. Susan Moreland; David Pugh; Gabby Ring; Ted Skalaban; Bob & Sue Sprott; Donnie & Leah Scamardo Vernon; Steve Weaver; Gary Wentrcek; and Brandon, Cindy, & Ronnie Zemanek are affected persons under the requirements of 30 TAC § 55.203.

**John Cargill; Dina Cooper; Cecil Cummins; Terry & Sandra Kroll; Stephen Phillips; and Gary Wingenbach** are not on the Applicant's adjacent landowner list and do not raise relevant or material issues.

The ED recommends the Commission find that John Cargill; Dina Cooper; Cecil Cummins; Terry & Sandra Kroll; Stephen Phillips; and Gary Wingenbach are not affected persons under the requirements of 30 TAC § 55.203.

## **B. Whether the Issues Raised are Referable to SOAH for a Contested Case Hearing**

The ED has analyzed issues raised in accordance with the regulatory criteria. The issues discussed were raised during the public comment period and addressed in the RTC. None of the issues were withdrawn. The issues raised for this application and the ED's analysis and recommendations follow.

### **1. Whether the Applicant will meet licensing requirements for operation of the facility? (RTC #1)**

Several commenters raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

### **2. Whether the buffer zone is adequate to prevent potential odor and noise? (RTC #2)**

Several commenters including Dr. Brian Spence raised these nuisance issues. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

### **3. Whether the proposed discharge will expose residents to bacteria and other pathogens, resulting in the permit failing to meet requirements of a Tier I anti-degradation review? (RTC #3)**

Many commenters including Billy and Terry Harper raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

**4. Whether the proposed discharge will adversely impact the receiving waters by containing other contaminants of concern including nutrients and oxygen-demanding substances? (RTC #4)**

Several commenters raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

**5. Whether the facility design will prevent floodwater damage to the facility? (RTC #5)**

Several commenters including many hearing requesters raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

**6. Whether the facility design will prevent floodwater damage to nearby properties? (RTC #5)**

Several commenters including many hearing requesters raised this issue. This issue involves a question of fact, was raised during the public comment period, and was not withdrawn. However, this issue is not assessed during the wastewater permitting process. This issue is not relevant and material to a decision on the permit application.

The ED recommends not referring this issue to SOAH.

**7. Whether the location of the proposed facility complies with TCEQ's siting requirements? (RTC #5)**

Several commenters including many hearing requesters raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

**8. Whether the proposed discharge combined with other discharges will have a cumulative impact on receiving water bodies and therefore violate Tier 2 anti-degradation requirements? (RTC #6)**

Some commenters including Steve Weaver raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

**9. Whether the proposed discharge will adversely impact endangered species? (RTC #7)**

Steve Weaver raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

**10. Whether there is a potential for discharge of untreated or inadequately treated wastes? (RTC #8)**

Several commenters raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

**11. Whether the Applicant will comply with the sludge transporter provisions of 30 TAC Chapter 312? (RTC #9)**

Dr. Brian Spence and others raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

**12. Whether the receiving waters will be able to handle the volume of the proposed discharge? (RTC #10)**

Several commenters raised this issue. This issue involves a question of fact, was raised during the public comment period, and was not withdrawn. However, this issue is not assessed during the wastewater permitting process. This issue is not relevant and material to a decision on the permit application.

The ED recommends not referring this issue to SOAH.

**13. Whether the temperature of the proposed discharge will impact fish and animal life, and potentially contribute to algae blooms? (RTC #11)**

One commenter raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

**14. Whether the use of chemicals at the proposed facility will have adverse impacts? (RTC #12)**

One commenter raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

**15. Whether the proposed facility will have an impact on air quality? (RTC #13)**

Several commenters including Bruce & Katherine Lester, Dr. Brian Spence, and Gary Wentrcek raised this issue. This issue involves a question of fact, was raised during the public comment period, and was not withdrawn. However, this issue is not assessed during the wastewater permitting process. This issue is not relevant and material to a decision on the permit application.

The ED recommends not referring this issue to SOAH.

**16. Whether there will be an impact on quality of life, including lighting, undesirable aesthetics, increased noise and traffic, and interference with use and enjoyment of properties? (RTC # 14-15)**

Several commenters including Joe & Cathy Hegwood, Ronnie O'Neal, Gabby Ring, and Donnie and Leah Scarmando Vernon raised this issue. This issue involves a question of fact, was raised during the public comment period, and was not withdrawn. However,

this issue is not assessed during the wastewater permitting process. This issue is not relevant and material to a decision on the permit application.

The ED recommends not referring this issue to SOAH.

**17. Whether the proposed discharge will contribute to erosion of the receiving streambed? (RTC #16)**

Several commenters including Bonnie Weber and Gary Wentrcek raised this issue. This issue involves a question of fact, was raised during the public comment period, and was not withdrawn. However, this issue is not assessed during the wastewater permitting process. This issue is not relevant and material to a decision on the permit application.

The ED recommends not referring this issue to SOAH.

**18. Whether the proposed facility will impact property values? (RTC #17)**

Several commenters raised this issue. This issue involves a question of fact, was raised during the public comment period, and was not withdrawn. However, this issue is not assessed during the wastewater permitting process. This issue is not relevant and material to a decision on the permit application.

The ED recommends not referring this issue to SOAH.

**19. Whether the financial gain of the facility owner should be considered in the decision to grant the proposed permit? (RTC #18)**

Several commenters raised this issue. This issue involves a question of fact, was raised during the public comment period, and was not withdrawn. However, this issue is not assessed during the wastewater permitting process. This issue is not relevant and material to a decision on the permit application.

The ED recommends not referring this issue to SOAH.

**20. Whether the criminal history of the owner should be considered in the application process? (RTC #19)**

A few commenters raised this issue. This issue involves a question of fact, was raised during the public comment period, and was not withdrawn. However, this issue is not assessed during the wastewater permitting process. The compliance history of the Applicant is relevant; however, the facility has not yet been constructed and the compliance status is considered Unclassified. However, the issue regarding the alleged criminal history of a third party is not relevant and material to a decision on the permit application.

The ED recommends not referring this issue to SOAH.

**21. Whether the proposed discharge will contribute to soil contamination along the discharge route? (RTC #20)**

Several commenters including Paul Bonarrigo, Ronnie O'Neal, Donnie & Leah Vernon, and Steve Weaver raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. However, this issue is not assessed during the wastewater permitting process. This issue is not relevant and material to a decision on the permit application.

The ED recommends not referring this issue to SOAH.

**22. Whether the proposed discharge will contribute to groundwater contamination along the discharge route? (RTC #20)**

Several commenters raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

**23. Whether the proposed discharge could spread pathogens and increase the numbers of disease carrying vectors resulting in health risks to humans and animals? (RTC #21)**

Several commenters including Dr. Brian Spence and Gary Wentrcek raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

**24. Whether there is a need for the proposed facility, in light of the state regionalization policy and an alternate facility within three miles? (RTC #22)**

Several commenters including Steve Weaver, Bonnie Weber, Gary Wentrcek, Donnie & Leah Vernon, Gabby Ring, Ryan & Amanda Jouett, and Ronnie O'Neal raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

**25. Whether the size of the proposed facility was necessary? (RTC #23)**

Several commenters including Dr. Brian and Dawn Spence, Jim Nachlinger, and Ryan Jouett raised this issue. This issue involves a question of fact, was raised during the public comment period, and was not withdrawn. However, this issue is not assessed during the wastewater permitting process. This issue is not relevant and material to a decision on the permit application.

The ED recommends not referring this issue to SOAH.

**26. Whether the water supply would be negatively impacted? (RTC #24)**

Several commenters including Gary Wingenbach, Donnie & Leah Vernon, Gabby Ring, Steve Weaver, and Joe & Cathy Hegwood raised this issue. This issue involves a question of fact, was raised during the public comment period, and was not withdrawn. However, this issue is not assessed during the wastewater permitting process. The permitting process reviews water quality and not water quantity. This issue is not relevant and material to a decision on the permit application.

The ED recommends not referring this issue to SOAH.

**27. Whether there will be adequate monitoring and reporting requirements and inspections at the proposed facility? (RTC #25)**

Bonnie Weber raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

**28. Whether there will be sufficient testing for bacteria? (RTC #26)**

Bonnie Weber raised this issue. This issue is within TCEQ's jurisdiction, involves a question of fact, was raised during the public comment period, and was not withdrawn. This issue is relevant and material to a decision on the permit application.

The ED recommends referring this issue to SOAH.

**VI. Request for Reconsideration (RFR)**

SHAA and Bonnie Weber timely filed a request for reconsideration. The issues in their RFR were duplicative of the following issues in the comments and in hearing requests: 1) Issuance of the permit will contribute to impairment of downstream waters with regard to bacteria; and 2) There is no need for the facility and the proposed discharge

considering the availability of alternate service from the City of Bryan. These issues were addressed in the RTC in Responses No. 3 and 22, respectively.

**RTC RESPONSE NO. 3: Contribution of discharge to impairment of downstream waters with regard to bacteria.**

In the RTC, the ED responded, in part:

Wickson Creek is on the 2012 303(d) list for non-support of its primary contact recreation use due to bacteria. Wickson Creek has a limited aquatic life use and is subject to a Tier 1 anti-degradation determination. It has been preliminarily determined that Wickson Creek will not receive additional bacterial loading due to chlorination and a mandatory bacteria limit as set out in 30 TAC § 319.9. This will protect the receiving waters in the discharge route from additional loading of bacteria. Therefore, the bacteria impairment of the receiving water does not violate Tier 1.

The RFR does not present any additional information that the ED has not already considered. The ED recommends that the Commission deny the RFR regarding the potential contribution to impairment of downstream waters with regard to bacteria.

**RTC RESPONSE NO. 22: No need for the proposed facility and discharge, in light of the state regionalization policy and an alternate facility in the City of Bryan within three miles.**

In the RTC, the ED responded, in part:

The TCEQ's policy on regionalization does not require the agency to deny a wastewater treatment plant application on the basis that there is a pending application for a regional plant within three miles of a proposed facility. Additionally, just because a plant or a collection system is located within three miles of a proposed facility is not an automatic basis to deny an application or to compel an Applicant to connect to the facility. The ED has approved new or major amendments to increase flow in situations where the Applicant is able to provide an economic justification demonstrating that connecting to the existing facility will be expensive. In this instance, the Applicant submitted financial proof on July 14, 2014 that the connections to the City of Bryan would pose an undue economic hardship. Their cost analysis stated that it would cost them \$2,218,500 to construct a lift station and force main to connect to the City of Bryan wastewater system as compared to \$665,000 to construct a package wastewater treatment plant on site.

The RFR does not present any additional information that the ED has not already considered. The ED recommends that the Commission deny the RFR regarding the absence of need for the proposed facility and discharge.

**The proposed permit complies with applicable regulations and no additional information was provided that would cause the Executive Director to alter his recommendation to issue the permit. Therefore, the Executive Director recommends denial of the request for reconsideration.**

### **Wetlands Comment –**

During the hearing request period following the filing of the RTC, a concern was raised alleging the ED's lack of a response to a comment about the impact of the facility upon wetlands. Although the comment was not raised as an issue in the Request for Reconsideration, the ED would state that the sole comment regarding wetlands made during the initial comment period was not specific enough to allow a corresponding response. The reference to wetlands was also made in conjunction with the comment about flood plains that was addressed in the RTC. In addition, the ED has contacted the TCEQ Standards Team who verified with the United States Fish & Wildlife Service (USFWS) mapper that no wetlands exist in the relevant area.

## **VII. Duration of the Contested Case Hearing**

The ED recommends a nine-month duration for a contested case hearing on this matter, should there be one, between preliminary hearing and the presentation of a proposal for decision.

## **VIII. Executive Director's Recommendation**

The ED recommends the following actions by the Commission:

1. The ED recommends the Commission deny the request for reconsideration.
2. The ED recommends the Commission grant the hearing requests of the following requesters: Terry & Cindy Barnett; Paul Bonarrigo; Geneva Freeman; Terry Harper; Frank & Carmen Januse; Ryan & Amanda Jouett; Bruce & Katherine Lester; Amy McCoslin; Carl & Sue McLin; Jim Nachlinger; Ronnie O'Neal; Annie Lin Risinger; Brian & Dawn Spence; Bonnie Weber; SHAA; Jeff Dillon; Joe & Cathy Hegwood; Marvin & Carolyn Kellam; Dr. Susan Moreland; David Pugh; Gabby Ring; Ted Skalaban; Bob & Sue Sprott; Donnie & Leah Scamardo Vernon; Steve Weaver; Gary Wentreck; and Brandon, Cindy, & Ronnie Zemanek.

3. The ED recommends the Commission deny the hearing requests of the following: John Cargill; Dina Cooper; Cecil Cummins; Terry & Sandra Kroll; Stephen Phillips; and Gary Wingenbach.

4. If the Commission finds that the requestors listed in #2 are affected persons and grants the hearing requests, the ED recommends that the following issues be referred to SOAH for a contested case hearing with a duration of nine months: Issues # 1-5, 7-11, 13-14, 22-24, and 27-28.

1. Whether the Applicant will meet licensing requirements for operation of the facility?
2. Whether the buffer zone is adequate to prevent potential odor and noise?
3. Whether the proposed discharge will expose residents to bacteria and other pathogens, resulting in the permit failing to meet requirements of a Tier I anti-degradation review?
4. Whether the proposed discharge will adversely impact the receiving waters by containing other contaminants of concern including nutrients and oxygen-demanding substances?
5. Whether the facility design will prevent floodwater damage to the facility?
7. Whether the location of the proposed facility complies with TCEQ's siting requirements?
8. Whether the proposed discharge combined with other discharges will have a cumulative impact on receiving water bodies and therefore violate Tier 2 anti-degradation requirements?
9. Whether the proposed discharge will adversely impact endangered species?
10. Whether there is a potential for discharge of untreated or inadequately treated wastes?
11. Whether the Applicant will comply with the sludge transporter provisions of 30 TAC Chapter 312?
  
13. Whether the temperature of the proposed discharge will impact fish and animal life, and potentially contribute to algae blooms?
14. Whether the use of chemicals at the proposed facility will have adverse impacts?
  
22. Whether the proposed discharge will contribute to groundwater contamination along the discharge route?
23. Whether the proposed discharge could spread pathogens and increase the numbers of disease carrying vectors resulting in health risks to humans and animals?
24. Whether there is a need for the proposed facility, in light of the state regionalization policy and an alternate facility within three miles?
  
27. Whether there will be adequate monitoring and reporting requirements and inspections at the proposed facility?
28. Whether there will be sufficient testing for bacteria?

Respectfully submitted,

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

Richard A. Hyde, P.E.  
Executive Director

Robert Martinez, Director  
Environmental Law Division



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REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

### **CERTIFICATE OF SERVICE**

I certify that on January 25, 2016, the original and seven copies of the “Executive Director’s Response to Hearing Requests and Requests for Reconsideration” for KBARC, LLC, TPDES Permit No. WQ0015225001, were filed with the TCEQ’s Office of the Chief Clerk and a complete copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, electronic transmission, or by deposit in the U.S. Mail.



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Celia Castro, Staff Attorney  
Environmental Law Division  
State Bar No. 03997350

# **ATTACHMENT A**

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

DESCRIPTION OF APPLICATION

Applicant: KBARC, LLC;  
Texas Pollutant Discharge Elimination System (TPDES) Permit No.  
WQ0015225001, TX0135178

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 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 **May 1, 2019** 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 0.15 million gallons per day in the Interim phase and a daily average flow not to exceed 0.30 million gallons per day in the Final phase. The proposed wastewater treatment facility will serve a proposed residential subdivision.

PROJECT DESCRIPTION AND LOCATION

The Stone Creek Farms Subdivision Wastewater Treatment Facility is a package plant operated in a single stage nitrification mode. Treatment units in the Interim phase include equalization basin, two aeration basins, a clarifier, an aerobic digester, and chlorine contact chamber. Treatment units in the Final phase include equalization basin, two aeration basins, two clarifiers, two aerobic digesters, and two chlorine contact chambers. The facility has not been constructed.

The draft permit authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

The plant site will be located at 6932 Farm-to-Market Road 1179, Bryan in Brazos County, Texas 77808.

The treated effluent will be discharged to Steep Hollow Branch; thence to Wickson Creek; thence to Navasota River Below Lake Limestone in Segment No. 1209 of the Brazos River Basin. The unclassified receiving water use is minimal aquatic life use Steep Hollow Branch. The designated uses for Segment No. 1209 are primary contact recreation, public water supply and high aquatic life use. 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).

The effluent limitations in the draft permit have been reviewed for consistency with the State of Texas Water Quality Management Plan (WQMP). The proposed limits are not contained in the approved WQMP. However, these limits will be included in the next WQMP update. A Waste Load Evaluation has not been prepared for Segment 1209.

The Houston Toad (*Bufo houstonensis* Sanders), an endangered aquatic-dependent species of critical concern, occurs within the Segment 1209 watershed as well as the United States Geological Survey hydrologic unit code 12070103. This determination was made by referencing Appendix A of the United States Fish and Wildlife Service biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System dated September 14, 1998 and the October 21, 1998 update. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. Species distribution information for the Segment 1209 watershed provided by the United States Fish and Wildlife Service documents the toad's presence solely in the vicinity of Running Creek in Leon County, farther up the watershed from the facility associated with this permit action. Based upon this information, it is determined that the facility's discharge is not expected to impact the Houston Toad. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Segment 1209 is currently listed on the State's inventory of impaired and threatened waters, the 2012 Clean Water Act Section 303(d) list. The listing is for bacteria from the confluence with Sandy Branch upstream to the confluence with Shepherd Branch in Madison County (AU 1209\_03) and from the confluence with Camp Creek upstream to Lake Limestone Dam in Robertson County (AU 1209\_05). Wickson Creek is also listed on the 2012 303(d) list. The listing is for bacteria for the entire segment (1209E\_01). This facility is designed to provide adequate disinfection and when operated properly should not add to the bacterial impairment of the segment.

In addition, in order to ensure that the proposed discharge meets the stream bacterial standard, an effluent limitation of 126 colony forming units (CFU) or most probable number (MPN) of *E. coli* per 100 ml has been added to the draft permit.

#### 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 volume not to exceed a daily average flow of 0.15 million gallons per day and a final volume not to exceed a daily average flow of 0.30 million gallons per day.

The effluent limitations in the Interim phase of the draft permit, based on a 30-day average, are 20 mg/l five-day biochemical oxygen demand (BOD<sub>5</sub>), 20 mg/l total suspended solids (TSS), 126 colony forming units (CFU) or most probable number (MPN) of *E. coli* and 2.0 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 Final phase of the draft permit, based on a 30-day average, are 20 mg/l five-day biochemical oxygen demand (BOD<sub>5</sub>), 20 mg/l total suspended solids (TSS), 126 colony forming units (CFU) or most probable number (MPN) of *E. coli* and 2.0 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.

#### SUMMARY OF CHANGES FROM APPLICATION

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

#### SUMMARY OF CHANGES FROM EXISTING PERMIT

N/A – This is a new permit.

#### BASIS FOR DRAFT PERMIT

The following items were considered in developing the draft permit:

1. Application received February 12, 2014 and additional information received April 1, 2014.
2. 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.
3. The effluent limitations in the draft permit meet the requirements for secondary treatment and the requirements for disinfection according to 30 TAC Chapter 309, Subchapter A: Domestic Wastewater Effluent Limitations.
4. Interoffice memoranda from the Water Quality Assessment Section of the TCEQ Water Quality Division.
5. Consistency with the Coastal Management Plan: The facility is not located in the Coastal Management Program boundary.
6. *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.

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

KBARC, LLC  
TPDES Permit No. WQ0015225001  
Statement of Basis Summary Executive Directors Preliminary Decision

For additional information about this application contact John O. Onyenobi, P.E., NSPE at (512) 239-6707.

*John O. Onyenobi*

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John O. Onyenobi, P.E., NSPE  
Municipal Permits Team  
Wastewater Permitting Section (MC 148)

June 18, 2014

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Date

# **ATTACHMENT B**



TPDES PERMIT NO. WQ0015225001  
[For TCEQ office use only - EPA I.D.  
No. TX0135178]

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

KBARC, LLC

whose mailing address is

P. O. Box 3321  
Bryan, Texas 77805

is authorized to treat and discharge wastes from the Stone Creek Farms Subdivision Wastewater Treatment Facility, SIC Code 4952

located at 6932 Farm-to-Market Road 1179, Bryan in Brazos County, Texas 77808

to Steep Hollow Branch; thence to Wickson Creek; thence to Navasota River Below Lake Limestone in Segment No. 1209 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, **May 1, 2019**.

ISSUED DATE:

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For the Commission

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the completion of expansion to the 0.30 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 0.15 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 416 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Min. Self-Monitoring Requirements</u>	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Max. Measurement Frequency	Single Grab Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Biochemical Oxygen Demand (5-day)	20 (25)	30	45	65	One/week	Grab
Total Suspended Solids	20 (25)	30	45	65	One/week	Grab
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	N/A	399	One/month	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 2.0 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 0.30 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 0.30 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 833 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Min. Self-Monitoring Requirements</u>	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Max. Single Grab Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Biochemical Oxygen Demand (5-day)	20 (50)	30	45	65	One/week	Grab
Total Suspended Solids	20 (50)	30	45	65	One/week	Grab
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	N/A	399	One/month	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample at each chlorine basin. 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 2.0 mg/l and shall be monitored once per week by grab sample.

**DEFINITIONS AND STANDARD PERMIT CONDITIONS**

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

**1. Flow Measurements**

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

**2. Concentration Measurements**

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

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

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

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

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

## MONITORING AND REPORTING REQUIREMENTS

### 1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, a monthly effluent report shall be submitted each month, to the Enforcement Division (MC 224), by the 20<sup>th</sup> 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 and 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 9) 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 9) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

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

TABLE 1

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

\* Dry weight basis

3. Pathogen Control

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

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

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

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

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

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

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

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

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

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

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

Alternative 1

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

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

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

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

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

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

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

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

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

- Alternative 1 - The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38%.
- Alternative 2 - If Alternative 1 cannot be met for an anaerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30° and 37° Celsius. Volatile solids must be reduced by less than 17% to demonstrate compliance.
- Alternative 3 - If Alternative 1 cannot be met for an aerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge with percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20° Celsius. Volatile solids must be reduced by less than 15% to demonstrate compliance.
- Alternative 4 - The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20° Celsius.
- Alternative 5 - Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40° Celsius and the average temperature of the sewage sludge shall be higher than 45° Celsius.
- Alternative 6 - The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali shall remain at 12 or higher for two hours and then remain at a pH of 11.5 or higher for an additional 22 hours at the time the sewage sludge is prepared for sale or given away in a bag or other container.
- Alternative 7 - The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75% based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.
- Alternative 8 - The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90% based on the moisture content and total solids prior to mixing with other materials at the time the sludge is used. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.
- Alternative 9 -
- i. Sewage sludge shall be injected below the surface of the land.
  - ii. No significant amount of the sewage sludge shall be present on

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

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

Alternative 10-

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

**C. Monitoring Requirements**

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

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

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

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

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

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

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

**A. Pollutant Limits**

Table 2

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

Table 3

<u>Pollutant</u>	<u>Monthly Average Concentration (milligrams per kilogram)*</u>
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 9) 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 9) 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 9) 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 9) 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. 1209 of the Brazos River Basin and any subsequent updating of the water quality model for Segment No. 1209, 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 phase and 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 treatment facilities for the Interim and Final phases, 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 Pages 2 and 2a 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 9) 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.

# ATTACHMENT C



# Compliance History Report

**PUBLISHED** Compliance History Report for CN604524900, RN107118879, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

<b>Customer, Respondent, or Owner/Operator:</b>	CN604524900, KBARC LLC	<b>Classification:</b>	UNCLASSIFIED	<b>Rating:</b>	-----
<b>Regulated Entity:</b>	RN107118879, KBARC	<b>Classification:</b>	UNCLASSIFIED	<b>Rating:</b>	-----
<b>Complexity Points:</b>	3	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	6932 FM 1179 BRYAN, TX 77808-7604, BRAZOS COUNTY				
<b>TCEQ Region:</b>	REGION 09 - WACO				
<b>ID Number(s):</b>					
<b>WASTEWATER PERMIT</b>	WQ0015225001	<b>WASTEWATER EPA ID</b>	TX0135178		
<b>Compliance History Period:</b>	September 01, 2010 to August 31, 2015	<b>Rating Year:</b>	2015	<b>Rating Date:</b>	09/01/2015
<b>Date Compliance History Report Prepared:</b>	January 06, 2016				
<b>Agency Decision Requiring Compliance History:</b>	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.				
<b>Component Period Selected:</b>	February 12, 2009 to January 06, 2016				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	John O. Onyenobi, P.E., NSPE	<b>Phone:</b>	(512) 239-6707		

## **Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 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 D**

**PROPOSED TPDES PERMIT NO. WQ0015225001**

**APPLICATION BY**

**KBARC, LLC**

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§  
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§  
§

**BEFORE THE  
TEXAS COMMISSION  
ON  
ENVIRONMENTAL  
QUALITY**

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**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**

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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 KBARC, LLC (KBARC or Applicant), for a new Texas Pollutant Discharge Elimination System (TPDES) permit, No. WQ0015225001, and on the ED's preliminary decision. As required by Title 30 of the Texas Administrative Code (TAC) Section 55.156, before a permit is issued, the ED prepares a response to all timely, relevant and material, or significant comments. This response addresses all such public comments received, whether or not withdrawn. The Office of the Chief Clerk received timely comment letters from the following individuals:

Dr. Mary Adam  
Clean Water  
Action (represented by  
Eric Allmon)  
Bill Ballard  
Cindy Barnett  
Terry Barnett  
Edwin H. Barron  
James Franklin Beall  
Jim L. Beard  
Doug Bell  
Charles W. Bezan  
Linda Bezan  
Kathleen Blanchard  
T. L. Blanchard

Randy Blum  
Paul Bonarrigo  
Eddy Boyd  
Jenna Boyer  
John Cargill  
William H. Cargill  
Pam Freeman Carter  
Sammy Castalena  
Rebecca Chumley  
Barbara T. Coker  
Dina A. Cooper  
Chris Costa  
Noble Crawford  
Cecil Leon Cummins  
Donald J. Curtis

Arthur O. Davila  
Claire L. Davila  
Jeff Dillon  
Leona Dodd  
Glenn Dowling  
Jolane Doyle  
Leonard Doyle  
Robert David Eller  
Larry Fikes  
Geneva Freeman  
Amare G. Geda  
Barbara Green  
Billy G. Harper  
Terry Harper  
Ralph Hastings

Sherry Hastings  
Clint Hebert  
Leah Hebert  
Cathy Hegwood  
Joe Hegwood  
William L. Holmon  
Jason James  
Carmen M. Januse  
Frank Januse  
Beryl W. Johnson  
Robert Jones  
Amanda Jouett  
Dr. Ryan Jouett  
Hon. Kyle Kacal  
Carolyn Kellam  
Marvin Wayne Kellam  
Jonathan W. Kiker  
Sandra Kroll  
Terry C. Kroll  
Jan Kyles  
Stephen Kyles  
Don Ladewig  
Nancy Ladewig  
Bruce W. Lester  
Katherine Dawn Lester  
Bill May  
Amy McCoslin

Grant McKay  
Carl W. McLin  
Sue C. McLin  
Susan Moreland  
Jim Nachlinger  
Horace Nail  
Danny Noble  
Brittany Olsen  
Ronnie O'Neal Jr.  
Mariayn O'Neal  
Antonio Ortiz  
Rechelle Parker  
James Bruce Partlow  
Laurie Partlow  
Tracy Bubba Peters  
Stephen G. Phillips  
Blake Pipes  
Don Plitt  
David Pugh  
Gabby Ring  
Annie Lin Risinger  
Rudy Schultz  
Ted A. Skalaban  
Debbie Smith  
Jim Smith  
Dr. Brian Spence  
Dawn R. Spence

Bob Sprott  
Sue Sprott  
Beverly Stennis  
David Stennis  
Brent Stringfellow  
Julie Sturm  
Janet Syptak  
Paul Turney  
Bruce A. Veals  
Donnie Vernon  
Leah Scamardo Vernon  
Christy Walker  
Marcus Walker  
James Warren  
Sarah Warren  
Paula Watson  
Steve Weaver  
Bonnie B. Weber  
Gary N. Wentrcek  
Jim Wiley  
Gary Wingenbach  
Judy Winn  
Brandon W. Zemanek  
Cindy A. Zemanek  
Ronnie W. Zemanek

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 be found at our website at [www.tceq.state.gov](http://www.tceq.state.gov).

## **BACKGROUND**

### ***Description of Facility***

KBARC has applied for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 150,000 gallons per day (gpd) in the Interim phase and 300,000 gpd in the Final phase. The plant site will be located

at 6932 Farm-to-Market Road 1179, Bryan, Texas in Brazos County. The proposed wastewater facility will serve a proposed residential subdivision.

The Stone Creek Farms Subdivision Wastewater Treatment Facility is a package plant operated in a single stage nitrification mode. Treatment units in the Interim phase include an equalization basin, two aeration basins, a clarifier, an aerobic digester, and a chlorine contact chamber. Treatment units in the Final phase include an equalization basin, two aeration basins, two clarifiers, two aerobic digesters, and two chlorine contact chambers. The facility has not been constructed.

The effluent limitations in both the Interim and Final phases of the draft permit, based on a 30-day average, are 20 mg/l five-day biochemical oxygen demand (BOD<sub>5</sub>), 20 mg/l total suspended solids (TSS), 126 colony forming units (CFU) or most probable number (MPN) of *E. coli* and 2.0 mg/l minimum dissolved oxygen (DO). In both phases, 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. An equivalent method of disinfection may be substituted only with prior approval of the ED. The effluent limitations in the draft permit will maintain and protect the existing instream uses.

The treated effluent will be discharged to Steep Hollow Branch; then to Wickson Creek; then to Navasota River Below Lake Limestone in Segment No. 1209 of the Brazos River Basin. The unclassified receiving water use is minimal aquatic life use for Steep Hollow Branch. The designated uses for Segment No. 1209 are primary contact recreation, public water supply and high aquatic life use.

TCEQ staff performed an anti-degradation review of the receiving waters in accordance with 30 TAC § 307.5 and the June 2010 *Procedures to Implement the Texas Surface Water Quality Standards* (IPs). 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. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The 2012 Clean Water Act Section 303(d) list, the State's inventory of impaired and threatened waters, currently lists Segment No. 1209 for bacteria from the confluence with Sandy Branch upstream to the confluence with Shepherd Branch in Madison County and from the confluence with Camp Creek upstream to Lake Limestone Dam in Robertson County. The 303(d) list also names Wickson Creek for bacteria for the entire segment. This facility is designed to provide adequate disinfection and when operated properly should not add to the bacterial impairment of the segment. In addition, in order to ensure that the proposed discharge meets the stream bacterial standard, an effluent limitation of 126 colony forming units (CFU) or most probable number (MPN) of *E. coli* per 100 ml has been added to the draft permit.

### Procedural Background

The TCEQ received the application on February 12, 2014, and declared it administratively complete on April 7, 2014. The Notice of Receipt of Application and Intent to Obtain a Water Quality Permit (NORI) was published in English on April 29, 2014 in the *Bryan College Station Eagle*, and in Spanish on May 2, 2014 in *La Voz Hispano*, in Brazos County, Texas. The ED completed the technical review of the application on June 23, 2014, and prepared a draft permit. The Notice of Application and Preliminary Decision (NAPD) was published in English on August 8, 2014 in *The Bryan College Station Eagle*, and in Spanish on August 1, 2014 in *La Voz Hispano*. The Notice of Public Meeting (PM) was published in English on December 26, 2014 in the *Bryan College Station Eagle*, and in Spanish on December 26, 2014 in *La Voz Hispano*. A public meeting was held on February 10, 2015 at the Brazos Center in Bryan, Texas. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76<sup>th</sup> Legislature, 1999.

### **Access to Rules, Laws, and Records**

The following websites may be useful:

- Secretary of State website for all administrative rules: [www.sos.state.tx.us](http://www.sos.state.tx.us);
- TCEQ rules in Title 30 of the Texas Administrative Code: [www.sos.state.tx.us/tac/](http://www.sos.state.tx.us/tac/) (select “TAC Viewer” on the right, then “Title 30 Environmental Quality”)
- Texas statutes: [www.statutes.legis.state.tx.us/](http://www.statutes.legis.state.tx.us/);
- TCEQ website: [www.tceq.texas.gov](http://www.tceq.texas.gov) (for downloadable rules in Adobe PDF formats, select “Rules”, then “Current Rules and Regulations,” then “Download TCEQ Rules”);

- for Federal rules in Title 40 of the Code of Federal Regulations: [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html); and
- Federal environmental laws and rules: [www.epa.gov/epahome/laws.htm](http://www.epa.gov/epahome/laws.htm).

Commission records for this application are available for viewing and copying at the TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, First Floor (Office of the Chief Clerk), until final action is taken. The application for this facility has been available for viewing and copying at the Clara B. Mounce Public Library, 201 East 26th Street, Bryan, Texas, since publication of the NORI. The draft permit, the Statement of Basis/Technical Summary, and the ED's preliminary decision have been available for viewing and copying at the same location since publication of the NAPD.

## **COMMENTS AND RESPONSES**

### **COMMENT 1:**

Many commenters, including Edwin Barron, Horace Nail, James and Laurie Partlow, Marcus and Christy Walker, Jonathan Kiker, Bruce Veals, and Clean Water Action raised concerns surrounding the Applicant's ability and resources to adequately manage the facility. These concerns included licensing of an operator as regards to management and maintenance. They were also concerned about operational requirements and facility design.

### **RESPONSE 1:**

The Operational Requirements located in the draft permit state specific steps that the Applicant must take in order to ensure that the facility, along with all of its systems of collection, treatment, and disposal are properly operated and maintained. There are other provisions addressing these issues that are contained in the draft permit. Other Requirement No. 1 in the draft permit requires the Applicant to 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, Subchapter J, Wastewater Operators and Operations Companies, and specifically 30 TAC § 30.350. This facility is classified as a Category C facility and 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.

In addition, the plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the TCEQ. Operational Requirement No. 8 of the draft permit states that when the flow reaches 75 percent of the permitted daily average flow for three consecutive months, the Applicant must initiate engineering and financial planning for expansion or upgrade of the domestic wastewater treatment or collection facilities. When the flow reaches 90 percent of the permitted daily average flow for three consecutive months, the Applicant must obtain authorization from TCEQ to begin constructing the necessary additional treatment or collection facilities.

The draft permit was developed to protect aquatic life and human health in accordance with the Texas Surface Water Quality Standards (TSWQS). The requirements in the draft permit were established to be protective of human health and the environment as long as the Applicant operates and maintains the facility according to TCEQ rules and the requirements in the draft permit. As part of the permit application process, the Applicant is required to take certain steps to minimize the possibility of an accidental discharge of untreated wastewater. For example, the Applicant must maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or retention of inadequately treated wastewater. These permit provisions are designed to help prevent unauthorized discharges of raw sewage. If an unauthorized discharge occurs, the Applicant is required to report it to TCEQ within 24 hours. The Applicant is subject to potential enforcement action for failure to comply with TCEQ rules or the permit requirements.

**COMMENT 2:**

Several commenters expressed concern about potential odors emanating from the facility and the treatment activities. Many of these concerns centered on whether the buffer zone would be adequate to prevent potential odor and noise problems. These residents were concerned that the proposed facility will be located too close to their homes.

Other commenters including Beryl Johnson, James Partlow, and Dr. Brian Spence stated that having this open air treatment facility would increase the impact of nuisance odors. Don Plitt asked whether there would be a primary treatment tank at the

proposed facility and if this would cause odor. Marcus and Christy Walker, and Sarah Warren expressed concerns about the likelihood of chemical gases being released from the proposed facility.

**RESPONSE 2:**

TCEQ rules require domestic wastewater treatment facilities to meet buffer zone requirements for the abatement and control of nuisance odor according to 30 TAC § 309.13(e). These rules provide three options for Applicants to satisfy the nuisance odor abatement and control requirement. The Applicant can meet this requirement by ownership of the buffer zone area, by restrictive easement from the adjacent property owners for any part of the buffer zone not owned by the Applicant, or by providing odor control. The Applicant meets the buffer zone requirements by ownership of the buffer zone area. The permit states that “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).” 30 TAC § 309.13(e)(1) defines the buffer zone distances as follows:

Lagoons with zones of anaerobic activity (e.g. facultative lagoons or un-aerated equalization basins) may not be located closer than 500 feet to the nearest property line. All other wastewater treatment plant units may not be located closer than 150 feet to the nearest property line. Land used to treat primary effluent is considered a plant unit. Buffer zones for land used to dispose of treated effluent by irrigation are evaluated on a case-by-case basis. The permittee must hold legal title or have other sufficient property interest to a contiguous tract of land necessary to meet the distance requirements specified in this paragraph during the time effluent is disposed of by irrigation.

The buffer zone requirements are applicable to municipal wastewater treatment facilities, regardless if they plan to operate a closed or open facility. According to its application, KBARC has proposed to operate an open, above-ground package plant. The

applicable buffer zone distance for the proposed facility is 150 feet from any treatment unit to the nearest property line. Residential structures are prohibited within the parts of the buffers not owned by the Applicant, but property use is not limited within the buffer zones by these rules in any other way. According to KBARC's application, no treatment units will be built closer than 150 feet from any treatment unit to the nearest property line. Nuisance odor is not expected to occur as a result of the permitted activities at the facility if the Applicant operates the facility in compliance with the TCEQ's rule and the terms and conditions of the draft permit.

All of the treatment units are contained in the package plant. There will be no primary treatment tank. The Stone Creek Farms Subdivision Wastewater Treatment Facility is a package plant operated in a single stage nitrification mode. Treatment units in the Interim phase include an equalization basin, two aeration basins, a clarifier, an aerobic digester, and a chlorine contact chamber. Treatment units in the Final phase include an equalization basin, two aeration basins, two clarifiers, two aerobic digesters, and two chlorine contact chambers.

This permit does not authorize any activity of hazardous waste storage, processing, or disposal that requires a permit or other authorization. The proposed permit, if approved, will require the Applicant to obtain final design approval from the TCEQ before constructing the facility. The Applicant's engineer must certify that the final design meets the TCEQ's design requirements, including requirements for safety, chemical handling and storage, and bleach storage. Also, the Applicant must comply with any applicable Occupational Safety & Health Administration requirements.

Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with the terms of any permit or other environmental regulation by contacting TCEQ's Waco Regional Office at (254) 751-0335, or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ investigates all complaints received. If the facility is found to be out of compliance with the terms and conditions of its permit, it may be subject to an enforcement action.

**COMMENT 3:**

Many commenters raised concerns that the proposed discharge will expose local residents to bacteria or other pathogens. Clean Water Action commented that the proposed wastewater treatment facility will discharge into Segment No. 1209 that is currently listed in the Section 303(d) list for bacteria. Clean Water Action and Billy and Terry Harper stated that Wickson Creek is also listed in the 303(d) list as an impaired segment in its entirety. Clean Water Action raised a concern about the draft permit not being protective of the receiving water body and stated that the proposed discharge will contribute to the existing impairment of the segment. Therefore, Clean Water Action concluded that the permit does not meet the requirements of a Tier I anti-degradation review under 30 TAC § 307.5(b)(1), which states that existing uses and water quality sufficient to protect those existing uses must be maintained.

**RESPONSE 3:**

In accordance with TCEQ rules found at 30 TAC § 309.3(g)(1), the proposed permit requires the treated effluent to be disinfected prior to discharge in a manner conducive to the protection of both public health and aquatic life. The Commission is

authorized to consider and approve any appropriate process for disinfection on a case-by-case basis. The rule states:

“Except as provided in this subsection, disinfection in a manner conducive to the protection of both public health and aquatic life shall be achieved on all domestic wastewater which discharges into waters in the state. Any appropriate process may be considered and approved on a case-by-case basis.”

The Commission, on a case-by-case basis, will allow chlorination or disinfection alternatives to the specific criteria of time and detention that achieves equivalent water quality protection. The alternatives will be considered and their performance standards determined based upon supporting data submitted in an engineering report, prepared and sealed by a licensed, professional engineer. The report should include supporting data, performance data, or field tracer studies, as appropriate. The Commission will establish effluent limitations as necessary to verify if disinfection is adequate, including chlorine residual testing, other chemical testing, and bacteria testing as specified.

In this case, the Applicant has chosen to utilize chlorination for disinfection purposes, and must comply with the design requirements in 30 TAC Chapter 217, Subchapter K. Specifically, 30 TAC §§ 217.271-283 specify the requirements for the sizing, configuration, dosage, system details, controls, cleaning, safety, and minimum replacement parts for the chlorine disinfection units. Chlorination of the treated effluent is required to provide adequate disinfection and reduce pathogenic organisms. The effluent must be chlorinated in a chlorine contact chamber to a chlorine residual of 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. The chlorine residual must be monitored five times per week by grab sample according to the draft permit requirements.

In February 2007, the United States Environmental Protection Agency (EPA) took the position that bacteria limits are required in TPDES permits. This resulted in the EPA objecting to a subset of TCEQ draft permits because the TCEQ's TPDES domestic discharge permits had typically included chlorine exposure time and residual concentration requirements as the bacteria control mechanism for disinfection by chlorination. The ED and the EPA reached an agreement in July 2008 regarding bacteria effluent limitations and monitoring requirements in TPDES domestic wastewater permits. The agreement included an interim approach to require bacteria limitations and/or monitoring for selected facilities that met certain criteria for discharges to bacteria impaired water bodies. The agreement also included a long-term approach in which the TCEQ would propose rulemaking to establish requirements for bacteria limitations in all TPDES domestic wastewater permits. The agreement conditions stated that an adopted rule was to be effective by December 31, 2009. In addition, all TPDES domestic wastewater draft permits for which the NAPD was published on or after January 1, 2010, were to have the new requirements incorporated into the permit language in order to preclude any EPA objections.

In November 2009, the Commission adopted rules amending 30 TAC §§ 210.33 (Use of Reclaimed Water); 309.3 (Domestic Wastewater Effluent Limitations); and 319.9 (General Regulations Incorporated into Permits). The rulemaking added bacteria limits to TPDES domestic permits in Chapter 309 for *E. coli* in freshwater discharges or *Enterococci* in saltwater discharges. The rulemaking also set the frequency of testing for bacteria in Chapter 319 and amended Chapter 210 to allow reuse water providers to choose *E. coli*, *Enterococci*, or fecal coliform bacteria testing to verify disinfection.

TCEQ staff performed an anti-degradation review of the receiving waters in accordance with 30 TAC §307.5 and the IPs. A Tier 1 anti-degradation 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.

The discharge route for the proposed discharge is to Steep Hollow Branch; then to Wickson Creek; then to Navasota River Below Lake Limestone in Segment No. 1209 of the Brazos River Basin. Appendix A of the TSWQS, located in 30 TAC §307.10, states that the designated uses for Segment No. 1209 are primary contact recreation, public water supply, and high aquatic life use. The dissolved oxygen criterion is 5.0 mg/L dissolved oxygen.

Wickson Creek is on the 2012 303(d) list for non-support of its primary contact recreation use due to bacteria. Wickson Creek has a limited aquatic life use and is subject to a Tier 1 anti-degradation determination. It has been preliminarily determined that Wickson Creek will not receive additional bacterial loading due to chlorination and a mandatory bacteria limit as set out in 30 TAC § 319.9. This will protect the receiving

waters in the discharge route from additional loading of bacteria. Therefore, the bacteria impairment of the receiving water does not violate Tier 1.

**COMMENT 4**

Several commenters, including Clean Water Action, stated that bacteria are not the only contaminants of concern for the proposed discharge. They stated that oxygen-demanding substances and nutrients contained in the wastewater have the potential to adversely impact the receiving waters.

**RESPONSE 4**

Modelers with the TCEQ Water Quality Assessment Team conducted a dissolved oxygen analysis of the proposed discharge using QUAL-TX modeling for an interim effluent flow of 150,000 gpd and a final effluent flow of 300,000 gpd. Based on model results, the proposed effluent limits of 20 mg/L BOD<sub>5</sub> and 2.0 mg/L DO modeled with 12 mg/L ammonia nitrogen are predicted to be adequate to maintain dissolved oxygen levels above the criterion for Steep Hollow Branch (2.0 mg/L). The effluent limits recommended above have been reviewed for consistency with the State of Texas Water Quality Management Plan (WQMP). Nutrients can manifest into an aesthetic nuisance, such as an overgrowth of algae. However, in this instance, due to the small discharge volume and robust riparian zone, the TCEQ does not anticipate an excess accumulation of algae.

**COMMENT 5:**

Jonathan Kiker was concerned whether the plant design would prevent the facility from being inundated by floodwater and also flood damage to nearby properties. Many commenters including Steve Weaver, Clean Water Action, Billy Harper, Terry Harper, Cindy Zemanek, Ronnie Zemanek, Brandon Zemanek, Terry Barnett, Cindy

Barnett, Terry Kroll, Sandra Kroll, Carman Januse, Frank Januse, Joe Hegwood, Cathy Hegwood, Bob Sprott, Sue Sprott, Paul Bonarrigo, Dina Cooper, Donnie Vernon, Leah Scamardo Vernon, Jim Nachlinger, Gabby Ring, Ryan Spence, Amanda Jouett, Blake Pipers, Ronnie O'Neal, Claire Davila, Bruce Veals, and Dawn Spence asserted that TCEQ rules state that a plant located in a 100-year flood plain is an unsuitable site characteristic and contradict Applicant's statements in the application that there was compliance with the siting requirements in 30 TAC §§ 309.10-309.14. Some commenters were also concerned that Federal Emergency Management Agency (FEMA) maps may not accurately depict the flood plain.

**RESPONSE 5:**

The Commission does not have jurisdiction to regulate flooding or erosion in the context of a wastewater discharge permit. 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.

The TCEQ does require an applicant to indicate whether wastewater treatment units are within the 100-year flood plain. A wastewater treatment unit must not be located within a 100-year flood plain unless it is protected from inundation and damage that may occur during a flooding event. See 30 TAC § 309.13(a). As indicated in Item 5 of the Domestic Technical Report 1.1, the Applicant submitted information that the facility is located above the 100-year flood plain. Furthermore, the draft permit includes Other Requirement No. 5, which requires the Applicant to provide protection for the facility from a 100-year flood. For flood concerns, please contact the local flood plain

administrator for this area. If you need help finding the local floodplain administrator, please call TCEQ Resource Protection Team at (512) 239-4691.

The TCEQ rules require domestic wastewater treatment facilities to meet buffer zone requirements for the abatement and control of nuisance odor according to 30 TAC § 309.13(e). The buffer zone requirements are applicable to municipal wastewater treatment facilities, regardless if they plan to operate a closed or open facility. The Applicant has proposed to operate an open, above-ground package plant. Under Commission rules at 30 TAC §309.13(e)(1), the required buffer zone distance for the proposed facility is 150 feet from any treatment unit to the nearest property line. Residential structures are prohibited within the parts of the buffers not owned by the applicant, but property use is not limited within the buffer zones by these rules in any other way.

According to the application, no treatment units will be built closer than 150 feet from any treatment unit to the nearest property line. The TCEQ rules provide three options for applicants to use to satisfy the nuisance odor abatement and control requirement. The options are ownership of the buffer zone area, obtaining a restrictive easement from the adjacent property owner(s) for any part of the buffer zone not owned by the applicant, or by providing odor control. For this permit, the Applicant plans to meet the buffer zone requirement by ownership of the required buffer zone area. Nuisance odor is not expected to occur as a result of the permitted activities at the facility if the Applicant operates the facility in compliance with the TCEQ's rules and the terms and conditions of the draft permit.

FEMA flood plain maps are updated on a periodic basis. TCEQ staff relies on the Applicant submitting factually correct information in their application. Upon further review, the TCEQ determined that the Applicant had submitted an incorrect FEMA map. The discrepancy has been corrected and the Applicant has submitted an accurate FEMA map along with a corresponding page from the Domestic Technical Report to the TCEQ. However, this new information continues to reflect that the facility is located above the flood plain. The correct map and corresponding information has been added to the application that is available for public viewing and copying at the Clara B. Mounce Public Library, 201 East 26th Street, Bryan, Texas. The newly submitted information has also been included in the relevant file located at the TCEQ's Office of the Chief Clerk.

**COMMENT 6:**

Some commenters, including Clean Water Action and Steve Weaver, asserted that the discharge, along with other discharges, will have a cumulative impact on the receiving water bodies which would violate the Tier 2 anti-degradation requirements of TCEQ rules.

**RESPONSE 6:**

As specified in the TSWQS, water in the state must be maintained to preclude adverse toxic effects on human health, aquatic life, terrestrial life, livestock, and domestic animals resulting from contact, consumption of aquatic organisms, consumption of water, or any combination of the three. The draft permit has been designed to ensure that these quality standards would be maintained.

30 TAC § 307.5(b)(2) describes Tier 2 as follows:

No activities subject to regulatory action that would cause degradation of waters that exceed fishable/swimmable quality are allowed unless it can be shown to the commission's satisfaction that the lowering of water quality

is necessary for important economic or social development. Degradation is defined as a lowering of water quality by more than a de minimis extent, but not to the extent that an existing use is impaired. Water quality sufficient to protect existing uses must be maintained. Fishable/swimmable waters are defined as waters that have quality sufficient to support propagation of indigenous fish, shellfish, terrestrial life, and recreation in and on the water.

The effluent limitations in the draft permit will maintain and protect the existing instream uses. TCEQ staff performed an anti-degradation review of the receiving waters in accordance with 30 TAC § 307.5 and the IPs. A Tier 1 anti-degradation 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 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.

**COMMENT 7:**

Jonathan Kiker and Steve Weaver raised concern about the endangered species that occur within the watershed. Steve Weaver and John Cargill were concerned about the fate of the Navasota ladies'-tresses, an endangered species that grows in the area, and whether the discharge could cause its extinction.

**RESPONSE 7:**

The Houston Toad, an endangered aquatic-dependent species of critical concern, occurs within the Segment No. 1209 watershed. This determination is documented in

Appendix A of the United States Fish and Wildlife Service (USFWS) biological opinion on the State of Texas authorization of the TPDES dated September 14, 1998 and updated on October 21, 1998. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. However, species distribution information for the Segment No. 1209 watershed provided by the USFWS documents the toad's presence solely in the vicinity of Running Creek in Leon County, farther up the watershed from the facility associated with this permit action, and not in the vicinity of the discharge route. Based upon this information, it is determined that the facility's discharge is not expected to impact the Houston Toad. The permit does not require EPA review with respect to the presence of endangered or threatened species because there is no discharge to a critical concern species watershed. In addition, the impacts on Navasota Ladies' Tresses are considered only if there is an MS-4 or general permit application. This application is for an individual permit. Therefore, the Navasota ladies' -tresses plant is not expected to be impacted by the proposed discharge.

**COMMENT 8:**

Some commenters asserted their concerns that undiluted effluent or raw sewage may be discharged into the creek.

**RESPONSE 8:**

The Applicant is required to take certain steps to minimize the possibility of an accidental discharge of untreated wastewater. The Applicant must maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or retention of inadequately treated wastewater. In addition, the plans and specifications for domestic sewage collection and treatment works associated with any domestic

permit must be approved by TCEQ. Operational Requirement No. 8 of the draft permit states that when the flow reaches 75 percent of the permitted daily average flow for three consecutive months, the Applicant must initiate engineering and financial planning for expansion or upgrade of the domestic wastewater treatment or collection facilities. When the flow reaches 90 percent of the permitted daily average flow for three consecutive months, the Applicant must obtain authorization from TCEQ to begin constructing the necessary additional treatment or collection facilities. These permit provisions are designed to help prevent unauthorized discharge or raw sewage. If an unauthorized discharge occurs, the Applicant is required to report it to TCEQ within 24 hours. Finally, the Applicant is subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

**COMMENT 9:**

Dr. Ryan Spence and James and Laurie Partlow raised concerns that the draft permit does not address the solids that are a natural byproduct of the plant. They asked whether trucks will be removing the solid waste and whether this would increase spillage.

**RESPONSE 9:**

As defined by TCEQ rules at 30 TAC §312.8(74), sludge is solid, semi-solid or liquid residue generated during the treatment of domestic sewage in treatment works. The draft permit authorizes the disposal of sludge at a TCEQ registered or permitted land application site, commercial land application site, or co-disposal landfill. TCEQ oversees the registration of sludge transporters in accordance with 30 TAC, Chapter 312, Subchapter G, Transporters and Temporary Storage Provisions. Sludge transporters must have paid their fees, received stickers for their trucks, and met any other local

requirements before they are authorized to transport sludge. TCEQ rule at 30 TAC § 312.44 specifically addresses sanitation standards as follows:

All vehicles and equipment used for the collection and transportation of the wastes regulated under this subchapter shall be constructed, operated, and maintained to prevent loss of liquid or solid waste materials and to prevent health nuisance and safety hazards to operating personnel and the public. Collection vehicles and equipment shall be maintained in a sanitary condition to preclude nuisance conditions such as odors and insect breeding.

**COMMENT 10:**

Annie Risinger and Nancy McDonald asserted that the discharge will cause disruption to the water plane (watershed) and water quality management plan. Several commenters, including Edwin Barron, stated their concerns about the inadequacy of the receiving waters to handle the volume of the proposed discharge, especially with the addition of potential storm runoff. Edwin Barron stated that Steep Hollow Branch is a low flow stream with a channel full of debris.

**RESPONSE 10:**

Due to the relatively low volume of the proposed discharge, no disruption to the watershed is anticipated. Steep Hollow Branch; Wickson Creek; and Navasota River Below Lake Limestone in Segment No. 1209 are the receiving waters that make up the watershed in question. More likely, any disruption may be caused by the impervious (paved) surfaces of increased development in the landscape. These surfaces can potentially alter the hydrologic regime of the watershed as it becomes more developed. This results in increased runoff into the creek with a rapid peak and decrease than runoff over unpaved surfaces. Typically such flows can be attenuated with detention basins and riparian (wooded) areas around the stream.

**COMMENT 11:**

Bruce Veals raised a concern about the temperature of the proposed discharge, its potential attraction to fish and animals, and its possible contribution to algae blooms.

**RESPONSE 11:**

The facility does not receive significant industrial wastewater contributions. Therefore, the temperature of wastewater from a typical domestic treatment facility is not typically significantly different from ambient waters. As a result, fish and animals are not attracted to the wastewater due to its thermal characteristics. In addition, algae blooms are not a direct result of effluent temperature. Aquatic vegetation typically responds more to the presence of light and nutrients in excessive levels.

**COMMENT 12:**

Bruce Veals is concerned about the chemicals that will be used at the proposed facility.

**RESPONSE 12:**

According to KBARC's application, the facility will use the single stage nitrification treatment process. Harsh chemicals are not typically used in biological treatment processes because they can harm the organisms that consume the waste. The TCEQ rules require processes that use the least hazardous chemicals in the smallest amounts that will effectively treat and disinfect the incoming wastewater. The proposed treatment process includes the ability to use chlorine to disinfect or kill pathogens before the treated wastewater is discharged to the receiving water body.

**COMMENT 13:**

John Cargill, Donald Curtis, Bruce Lester, Katherine Dawn Lester, Rachelle Parker, James Partlow, Laurie Partlow, Jim Smith, Debbie Smith, Dr. Ryan Spence, Marcus and Christy Walker, Sarah Warren, Gary Wentrcek, and Gary Wingenbach all

expressed concern regarding the proposed facility's impact on air quality of the surrounding neighborhood.

**RESPONSE 13:**

TCEQ is the agency responsible for enforcing air pollution laws. Air quality authorizations are required for all facilities in Texas that emit air contaminants. However, the Texas Clean Air Act provides that certain facilities may be exempt from the requirements of an air quality permit if, upon review, it is found that those facilities will not make a significant contribution of air contaminants to the atmosphere and that human health and the environment will be protected. According to the TCEQ rules in 30 TAC § 106.532, wastewater treatment plants have undergone this review and are permitted by rule, provided the wastewater treatment plant only performs the functions listed in the rule.

For more information regarding air quality authorizations please contact the TCEQ Air Permits Division at (512) 239-1250 or you may consult the TCEQ website at [http://www.tceq.state.tx.us/nav/permits/air\\_permits.html](http://www.tceq.state.tx.us/nav/permits/air_permits.html). Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with the terms of any permit or other environmental regulation by contacting TCEQ's Waco Regional Office at (254) 751-0335, or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ investigates all complaints received. If the facility is found to be out compliance with the terms and conditions of its permit, it may be subject to an enforcement action.

**COMMENT 14:**

Several commenters expressed concerns regarding the lighting; undesirable aesthetics; and increased noise and traffic that will result from the construction and operations of the proposed wastewater treatment facility.

**RESPONSE 14:**

The TCEQ does not have jurisdiction to address these issues as a part of the wastewater permitting process. TCEQ's jurisdiction over the permitting process is established by the Texas Legislature and is limited to controlling the discharge of pollutants into, and protecting the quality of water in the state. Therefore, noise, lights, traffic, and undesirable aesthetics are not considered in the TCEQ's review. The draft permit would not limit anyone's ability to seek legal remedies regarding potential trespass, nuisance, or other cause of action in response to the proposed facility's activities that may result in injury to human health or property or interfere with the normal use and enjoyment of property.

If members of the public experience nuisance conditions from the facility, they may notify the TCEQ of any problems by contacting the TCEQ's Waco Regional Office at (254) 751-0335, or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ investigates all complaints received. If the TCEQ finds that the facility is out of compliance with applicable laws or the draft permit, the facility may be subject to an enforcement action. The TCEQ's periodic facility inspections and review of the Applicant's annual reports will also help identify potential violations.

**COMMENT 15:**

Several commenters stated that the proposed facility will adversely impact their quality of life. Additionally, Claire Davila, Joe Hegwood, Cathy Hegwood, Beryl

Johnson, Ronnie O'Neal, Gabby Ring, and Donnie and Leah Scarmando Vernon asserted that the proposed facility would unreasonably interfere with the use and enjoyment of their properties.

**RESPONSE 15:**

If the permit is issued, it does not grant the Applicant the right to use private or public property for the conveyance of wastewater along the discharge route. This includes property belonging to an individual, partnership, corporation, or other entity. The permit does not authorize any invasion or personal rights or violation of federal, state, or local laws or regulations.

It is the Applicant's responsibility to acquire the necessary property rights to use the site of the planned treatment facility and discharge route. Also, the draft permit does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or actually do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation and property.

**COMMENT 16:**

Doug Bell, Bruce Veals, Bonnie Weber, and Gary Wentrcek expressed concerns regarding erosion of the receiving streambed due to the proposed discharge.

**RESPONSE 16:**

The TCEQ does not have jurisdiction to address this issue as a part of the wastewater permitting process. The TPDES 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. A proposed facility's potential impact on erosion

is outside the scope of the evaluation of a domestic wastewater discharge permit application.

**COMMENT 17:**

Several commenters expressed concern regarding the impact of the proposed wastewater treatment facility on their property values. Also, commenters stated that the proposed wastewater treatment facility would be an eyesore and impact the aesthetics of the surrounding neighborhood.

**RESPONSE 17:**

In the review of a domestic wastewater discharge permit application, the TCEQ does not have jurisdiction over the effect, if any, that the location of a wastewater treatment facility or discharge route might have on property values and aesthetics of surrounding properties. The TPDES 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.

**COMMENT 18:**

T.L. Blanchard, Jenna Boyer, Cecil Leon Cummins, Robert Eller, Ryan Jouett, Marvin Wayne Kellam, Jim Nachlinger, Ronnie O'Neal, and Bruce Veals asserted that the financial gain of the facility owner should be taken into consideration in deciding whether to grant the proposed permit. James Partlow, Laurie Partlow, and Gary Wingenbach stated that the proposed facility would impose an undue economic hardship to the surrounding landowners by decreasing their property values.

**RESPONSE 18:**

The TCEQ may not prohibit an applicant from receiving authorization if it complies with all statutory and regulatory requirements. In addition, the TCEQ does not

consider a company's profit motive in determining whether a wastewater discharge permit should be issued. As stated in Response 17, the TCEQ does not have the jurisdiction to review the effect, if any, that the location of a wastewater treatment facility or discharge route may have on property values of surrounding landowners.

**COMMENT 19:**

Jenna Boyer stated that the criminal history of the owner should also be taken into consideration in the evaluation of the application.

**RESPONSE 19:**

Reviewing the criminal history of the facility owner is outside of the scope of normal evaluations for a wastewater discharge permit application. The wastewater 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.

**COMMENT 20:**

Paul Bonarrigo, Claire Davila, Ronnie O'Neal, Laurie Partlow, Bruce James Partlow, Donnie Vernon, Leah Scamardo Vernon, and Steve Weaver stated that the proposed discharge will likely contribute to soil contamination along the discharge route.

**RESPONSE 20:**

There is not expected to be any soil contamination from the proposed treatment plant. The proposed facility does not include any authorization for the land application of sewage on land owned by the Applicant. These activities are prohibited by the permit. In addition, there are no proposed treatment units that are in-ground or pond units. The Water Quality Division of the TCEQ has determined that if the surface water quality is

protected, then the groundwater and soil quality in the vicinity will not be impacted by the discharge.

**COMMENT 21:**

Edwin Barron, John Cargill and Rechelle Parker were concerned that the proposed discharge could potentially spread pathogens. Additionally, Charles Bezan, Don Curtis, Bruce James, Rechelle Parker, Laurie Partlow, James Partlow, Dr. Ryan Spence, Bruce Veals, and Gary Wentrcek expressed concern as to the possible health risk to humans and animals from the discharge of treated wastewater. More specifically, Charles Bezan stated that the discharge will attract mosquitos and other disease carrying vectors.

**RESPONSE 21:**

TCEQ has made a preliminary decision that the draft permit meets all statutory and regulatory requirements and will not cause adverse effects to human health, safety and the environment. To ensure that the treated discharge to public waters will be safe for recreational activities that involve human contact with treated effluent, the draft permit has an effluent limit Of 126 CFU or MPN of *E. coli* per 100 ml. Additionally, the draft permit requires the Applicant to disinfect the effluent before it is discharged. Specifically, the effluent shall contain a chlorine residual of at least 1.0mg/l and shall not exceed a chlorine residual of 4.0mg/l after a detention time of at least 20 minutes based on peak flow. To ensure the effluent is appropriately disinfected, the Applicant must also monitor it five times a week.

TCEQ's Water Quality Division has determined that the draft permit complies with the Texas Surface Water Quality Standards (TSWQS). The TSWQS ensure that effluent discharges are protective of aquatic life, human health, and the environment.

As specified in the TSWQS, water in the state must be maintained to preclude adverse toxic effects on aquatic life, terrestrial life, livestock, and domestic animals resulting from contact, consumption of aquatic organisms, or consumption of water. The Commission does not have specific water-quality based effluent limitations for water consumed by livestock or wildlife. However, the TCEQ Water Quality Assessment Section has determined that the proposed permit for the facility meets the requirements of the TSWQS, which are established to protect human health, terrestrial and aquatic life. Aquatic organisms are more sensitive to water quality components than terrestrial organisms. Therefore, wildlife and cattle would not be negatively impacted by the discharge from this facility if the Applicant maintains and operates the facility in accordance with TCEQ rules and the provisions in the proposed permit.

Additionally, Sludge Provision No. 4 in the draft permit requires that the Applicant maintain and operate the facility in a manner which complies with the vector attraction reduction requirements from the disposal of sewage sludge from the site.

**COMMENT 22:**

Steve Weaver; Jonathan Kiker; Bonnie Weber; Gary Wentrcek; Donnie Vernon; Leah Scarmando Vernon; Gabby Ring; Ryan Jouett; Amanda Jouett; Ronnie O'Neal; Claire Davila; and Clean Water Action stated that there is no need for the facility.

Numerous commenters commented that the City of Bryan system is less than three miles from the site of the proposed facility and should be looked at as one alternative.

Dr. Ryan Spence wanted to know if there were any other alternative facilities.

**RESPONSE 22:**

The Applicant applied to the TCEQ for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 150,000 gpd in the

Interim phase and 300,000 gpd in the Final phase. KBARC submitted information in its application that noted that the proposed wastewater treatment facility will serve the future residential development at Stone Creek Farm.

According to Texas Water Code (TWC), § 26.081(a), TCEQ is mandated to implement state policy to “encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state.” Additionally, TWC § 26.0282 provides that:

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

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

with the owners of the existing facilities within three miles of the proposed facility regarding connection to their system.

The TCEQ's policy on regionalization does not require the agency to deny a wastewater treatment plant application on the basis that there is a pending application for a regional plant within three miles of a proposed facility. Additionally, just because a plant or a collection system is located within three miles of a proposed facility is not an automatic basis to deny an application or to compel an Applicant to connect to the facility. The ED has approved new or major amendments to increase flow in situations where the Applicant is able to provide an economic justification demonstrating that connecting to the existing facility will be expensive. In this instance, the Applicant submitted financial proof on July 14, 2014 that the connections to the City of Bryan would pose an undue economic hardship. Their cost analysis stated that it would cost them \$2,218,500 to construct a lift station and force main to connect to the City of Bryan wastewater system as compared to \$665,000 to construct a package wastewater treatment plant on site.

**COMMENT 23:**

Tracy Peters; Bill May; Dr. Ryan Spence; Dawn Spence; Glen Dowling; T. L. Blanchard; Jim Nachlinger; and Ryan Jouett commented that the residents want to continue using their septic tank systems. They stated that there was no plan for development and that the proposed facility will not benefit the community. They asked for the number of houses that the proposed unit would serve and why the facility needed to be so large.

**RESPONSE 23:**

The issuance of this permit does not grant to the permittee the right to force the residents to connect to the proposed wastewater treatment facility, any invasion of personal rights nor any violation of federal, state, or local laws or regulations. The residents can continue using the septic tank systems. The residents can also opt to connect to the wastewater treatment facility for services. This permit is drafted 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. The draft permit authorizes a discharge of treated domestic wastewater at an interim volume not to exceed a daily average flow of 150,000 gpd and a final volume not to exceed a daily average flow of 300,000 gpd. The Commission rules at 30 TAC § 217.32(a)(3), (Table B.1. – Design Organic Loadings and Flows for a New Facility, Subdivision Residential) states that the daily wastewater flow is 75-100 gallons per person. At the proposed permitted flow of 150,000 gpd, the population of the development would be approximately 1,500 to 2,000 persons. The number of houses served will depend on the number of occupants residing in a single home.

**COMMENT 24:**

Gary Wingenbach; Donnie and Leah Vernon; Gabby Ring; Billy G. Harper; Claire Davila; Steve Weaver; and Joe and Cathy Hegwood were concerned that the water supply would be negatively impacted. Others were concerned about the potential environmental impact beyond the discharge site.

**RESPONSE 24:**

The discharge route for the above referenced permit is to Steep Hollow Branch; then to Wickson Creek; then to Navasota River Below Lake Limestone in Segment 1209 of the Brazos River Basin. The designated uses and dissolved oxygen criterion as stated in Appendix A of the Texas Surface Water Quality Standards in 30 TAC §307.10 for Segment No. 1209 are primary contact recreation, public water supply, high aquatic life use, and 5.0 mg/L dissolved oxygen.

In accordance with 30 TAC §307.5 and the TCEQ IPs 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.

**COMMENT 25:**

Bonnie Weber and John Cargill raised concern about monitoring and reporting requirements and inspections.

**RESPONSE 25:**

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

Applicant 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 TCEQ's Enforcement Division, by the 20<sup>th</sup> 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 the monitoring and reporting requirements of the draft permit. All reports and other information requested by the ED shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

As provided by state law, the Applicant is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act (CWA); the TWC §§ 26, 27, and 28; and the Texas Health & Safety Code (THSC) § 361. This includes but is 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.

**COMMENT 26:**

Bonnie Weber stated that the monthly testing for bacteria is insufficient.

**RESPONSE 26:**

The following table, located in 30 TAC § 319.9(b), sets forth the bacteria self-monitoring schedules applicable to treated domestic sewage effluent that is discharged to water in the state.

<b>Minimum Required Frequency</b>			
<b>Flow (mgd)</b>	<b>Chlorine Systems</b>	<b>Ultraviolet Systems</b>	<b>Natural Systems</b>
>10	5/week	Daily	Daily
>5-10	3/week	Daily	5/week
>1-5	1/week	Daily	3/week
>0.5-1.0	2/month	Daily	1/week
0.1-0.5	1/month	5/week	2/month
<0.1	1/quarter	5/week	1/month

Sampling must be spaced across the time period at approximately equal intervals, with the exception of the five times per week sampling schedule. One sample must be taken on each of five days during a seven day period. The ED may establish a more frequent measurement schedule if necessary to protect human health or the environment.

**COMMENT 27:**

Many commenters requested a public meeting in order to air their concerns.

**RESPONSE 27:**

A public meeting was held at the Brazos Center in Bryan, Texas on February 10, 2015.

**COMMENT 28:**

Many commenters requested a contested case hearing.

**RESPONSE 28:**

After the public comment deadline, the ED prepares this Response to all significant public comments on the application or the draft permit raised during the public comment period. The TCEQ's Office of the Chief Clerk then mails the ED's Response to Comments and a Final Decision letter 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 ED's response and decision, they can

request a contested case hearing or file a request to reconsider the ED's decision within 30 days after the notice is mailed.

The ED will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the ED's Response to Comments and Final Decision is mailed. If a hearing request or request for reconsideration is filed, the ED will not issue the permit and will forward the application and requests to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. At that meeting, also known as the Commission agenda, the Commissioners will send the case to the State Office of Administrative Hearings (SOAH) if they find there are affected persons and referable issues. If a contested case hearing is held at SOAH before an administrative law judge (ALJ), it will be a legal proceeding similar to a civil trial in state district court. The assigned judge will hold a hearing and submit written recommendations, called a Proposal for Decision, to the TCEQ commissioners. The commissioners will either accept or reject the findings of the judge, and either issue or deny the permit.

## **Changes Made to the Draft Permit in Response to Comments**

No changes were made to the draft permit in response to comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Richard A. Hyde, P.E.  
Executive Director

Robert Martinez, Director  
Environmental Law Division

*Celia Castro*

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Celia Castro, Staff Attorney  
Environmental Law Division  
State Bar No. 03997350  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
Phone (512) 239-5692  
Fax: (512) 239-0606

REPRESENTING THE EXECUTIVE  
DIRECTOR OF THE TEXAS COMMISSION  
ON ENVIRONMENTAL QUALITY

### **CERTIFICATE OF SERVICE**

I certify that on October 29, 2015, the “Executive Director’s Response to Public Comments” for Permit No. WQ0015225001 was filed with the Texas Commission on Environmental Quality’s Office of the Chief Clerk.

*Celia Castro*

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Celia Castro, Staff Attorney  
Environmental Law Division  
State Bar No. 03997350

# ATTACHMENT E

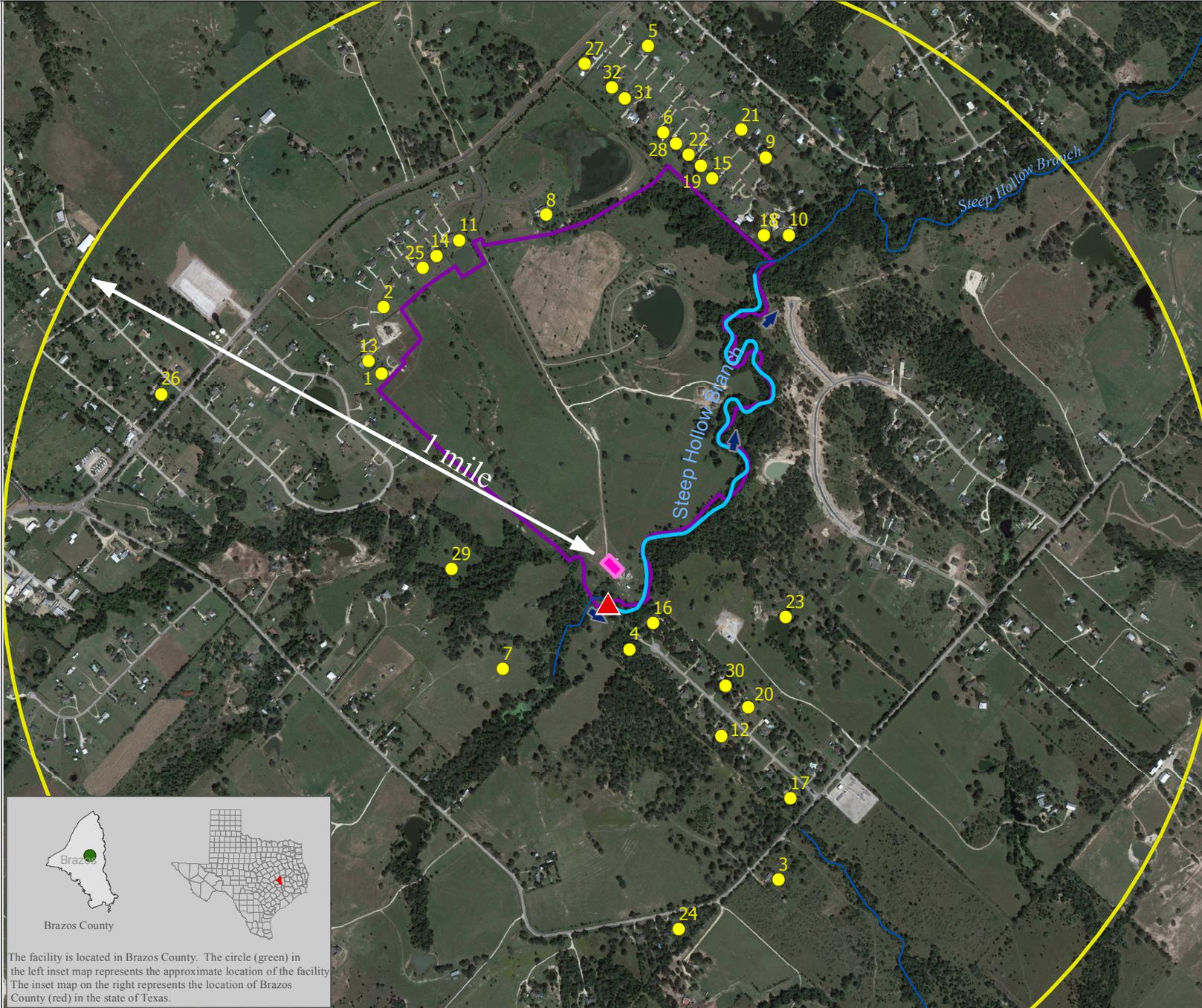
# KBARC, LLC WQ0015225001

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



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

Date: 1/8/2016



- Outfall/Discharge Point
- 1 mi downstream discharge
- Applicant Property Boundary
- WWTP Boundary
- 1 mi radial distance from facility boundary
- Watercourse
- Requester

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.

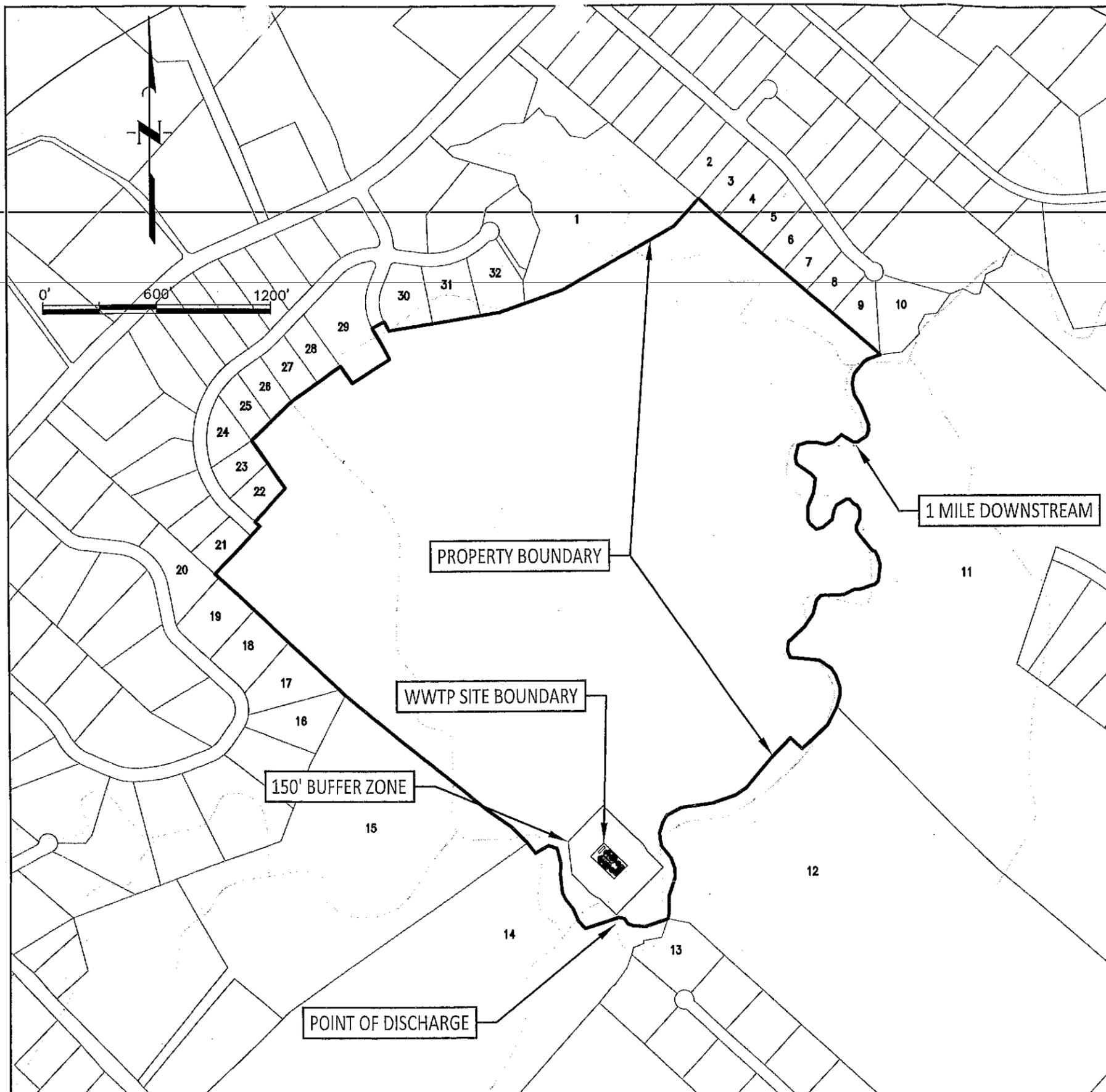


The facility is located in Brazos County. The circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Brazos County (red) in the state of Texas.

## Requester Key

ID	Requester
1	TERRY & CINDY BARNETT
2	PAUL BONARRIGO
3	JOHN CARGILL
4	DINA A COOPER
5	CECIL LEON CUMMINS
6	JEFF DILLON
7	GENEVA FREEMAN
8	TERRY HARPER
9	JOE & CATHY HEGWOOD
10	FRANK & CARMEN M JANUSE
11	RYAN & AMANDA JOUETT
12	MARVIN WAYNE & CAROLYN KELLAM
13	TERRY C & SANDRA KROLL
14	BRUCE W & KATHERINE LESTER
15	AMY MCCOSLIN
16	CARL & SUE C MCLIN
17	SUSAN MORELAND
18	JIM NACHLINGER
19	RONNIE O'NEAL
20	STEPHEN G PHILLIPS
21	DAVID PUGH
22	GABBY RING
23	ANNIE LIN RISINGER
24	TED A SKALABAN
25	BRIAN & DAWN R SPENCE
26	BOB & SUE SPROTT
27	DONNIE & LEAH SCAMARDO VERNON
28	STEVE WEAVER
29	BONNIE B WEBER
30	GARY N WENTRCEK
31	GARY WINGENBACH
32	BRANDON W, CINDY A, & RONNIE W ZEMANEK

# ATTACHMENT F



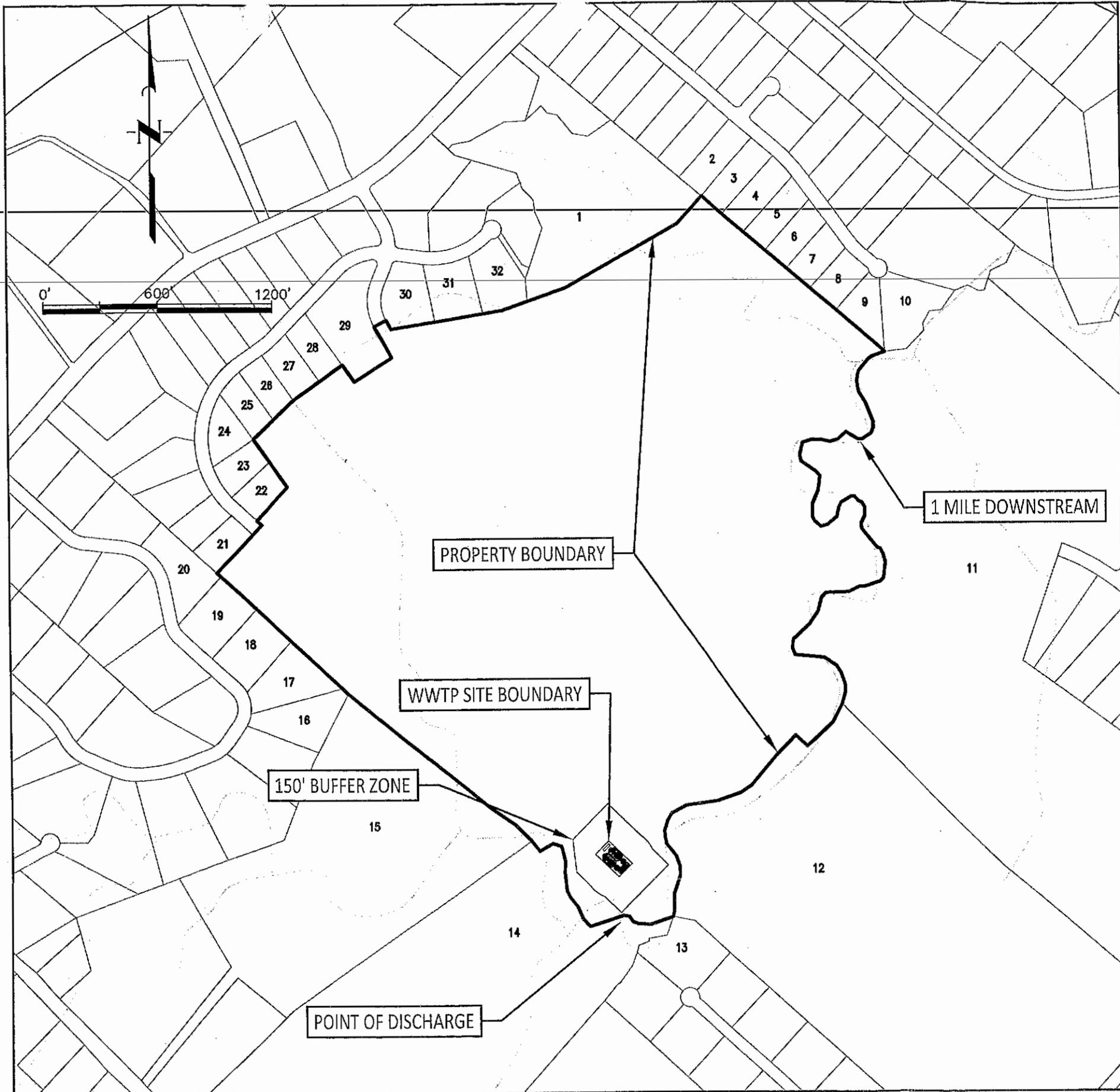
Adjacent Property Ownership Information					
Landowner Map Reference Number	Brazos County Tax ID Number	Owner	Property Address	Owner Address	Owner Location
1	118324	SNS Investments LLC	FM 1179	707 Graham Rd.	College Station, TX 77845-9686
2	112434	Stephen & Diana Garrison	5798 Easterling Dr.	807 Willow Crest Dr.	Richardson, TX 75081-3052
3	112433	Eric & Martha Schroeder	5802 Esterling Dr.	5802 Esterling Dr.	Bryan, TX 77808-7830
4	112432	Ronald & Patricia Oneal	5816 Esterling Dr.	5816 Esterling Dr.	Bryan, TX 77808-7831
5	112431	Amy Lynn McCoslin	5830 Esterling Dr.	5830 Esterling Dr.	Bryan, TX 77808-7831
6	112430	Christopher & Peggy Osborne	5844 Esterling Dr.	5844 Esterling Dr.	Bryan, TX 77808-7831
7	112429	William & Kay Dowling	5858 Esterling Dr.	5858 Esterling Dr.	Bryan, TX 77808-7831
8	112428	Stephen & Janice Kylee	5872 Esterling Dr.	29008 Broadmoor Dr.	Bryan, TX 77802-2123
9	112427	James & Kathryn Nachlinger	5886 Esterling Dr.	5886 Esterling Dr.	Bryan, TX 77808-7831
10	112426	Frank & Carmen Januse	5898 Esterling Dr.	6497 FM 1179	Bryan, TX 77808-7276
11	99994	Beard Family Partnership	Steep Hollow Rd.	9471 Steep Hollow Rd.	Bryan, TX 77808-6607
12	13078	Annie Lin Risinger	9007 Steep Hollow Rd.	9007 Steep Hollow Rd.	Bryan, TX 77808-5139
13	100640	Carl & Sue McClin	8105 Risinger Ln.	8105 Risinger Ln.	Bryan, TX 77808-2408
14	13088	Geneva Freeman	7777 Steep Hollow Rd.	7777 Steep Hollow Rd.	Bryan, TX 77808-7675
15	107065	Bonnie Beall Weber	7765 Steep Hollow Rd.	7765 Steep Hollow Rd.	Bryan, TX 77808-7675
16	99810	Patrick Meece	7500 Planters Loop	1716 Briarcrest Dr., Ste. 605	Bryan, TX 77802-2751
17	99809	Mary Lee Adam	7520 Planters Loop	7520 Planters Loop	Bryan, TX 77808-2414
18	99808	Charles & Linda Bezan	7540 Planters Loop	7540 Planters Loop	Bryan, TX 77808-2414
19	99807	James & Laurie Partlow	7570 Planters Loop	7570 Planters Loop	Bryan, TX 77808-2414
20	99806	Ray & Jenna Truelove	7600 Planters Loop	7600 Planters Loop	Bryan, TX 77808-2401
21	303860	Terry & Cynthia Barnett	6921 Gemstone Dr.	6921 Gemstone Dr.	Bryan, TX 77808-4763
22	303867	Shylon Brownfield	6930 Gemstone Dr.	6731 Dockens Forest Ln	Houston, TX 77049-5501
23	303866	SNS Investments LLC	6976 Gemstone Dr.	1707 Graham Rd.	College Station, TX 77845-9686
24	303865	Paul & Karen Bonarrigo	7032 Gemstone Dr.	7032 Gemstone Dr.	Bryan, TX 77808-4775
25	303864	Gilbert & Roxane Resendiz	7088 Gemston Dr.	7088 Gemston Dr.	Bryan, TX 77088
26	303863	Bruce & Yolanda Veals	7116 Gemstone Dr.	7116 Gemstone Dr.	Bryan, TX 77808-4772
27	3003862	Brian & Daawn Spence	7144 Gemstone Dr.	7144 Gemstone Dr.	Bryan, TX 77808-4772
28	303861	Bruce Lester	7172 Gemstone Dr.	7172 Gemstone Dr.	Bryan, TX 7780-4772
29	118337	Ryan & Amanda Jouett	7262 Gemstone Dr.	7262 Gemstone Dr.	Bryan, TX 77808-4764
30	118333	SNS Investments LLC	7300 Stone Creek Dr.	1707 Graham Rd.	College Station, TX 77845-9686
31	118332	SNS Investments LLC	7332 Limestone Ct.	1707 Graham Rd.	College Station, TX 77845-9686
32	118331	Bill & Terry Harper	7364 Limestone Ct.	7364 Limestone Ct.	Bryan, TX 77808-4766

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FEB 12 2014

Water Quality Applications Team

AFFECTED LAND OWNERS MAP  
DOMESTIC ADMINISTRATIVE REPORT 1.1 ITEM 1  
K-C LLC WWTP  
NEW WWTP PERMIT APPLICATION



Adjacent Property Ownership Information

Landowner Map Reference Number	Brazos County Tax ID Number	Owner	Property Address	Owner Address	Owner Location
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