

TCEQ DOCKET NO. 2016-0022-MWD

APPLICATION BY § BEFORE THE TEXAS COMMISSION
WEST TRAVIS COUNTY PUBLIC §
UTILITY AGENCY TO RENEW § ON
TLAP PERMIT NO. WQ0013594001 § ENVIRONMENTAL QUALITY

WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY'S
RESPONSE TO REQUESTS FOR A CONTESTED CASE HEARING
ON A TLAP RENEWAL APPLICATION

TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY:

COMES NOW, the Applicant, the West Travis County Public Utility Agency ("**PUA**") and files its Response to Requests for a Contested Case Hearing ("**Response**") in the above-referenced matter under 30 Texas Administrative Code ("**TAC**") § 55.211, and would respectfully show the following:

I. INTRODUCTION

The Texas Commission on Environmental Quality ("**TCEQ**") should deny all of the contested case hearing requests in this matter under 30 TAC §§ 55.201(i)(5) and 55.211(b)(2), and it should approve the PUA's application ("**Application**") to renew Texas Land Application Permit ("**TLAP**") Permit, Permit No. WQ0013594001 (the "**Permit**"), and issue the draft renewal permit. The Permit and Application pertain to the treatment and disposal of domestic treated wastewater from the PUA's Lake Pointe Wastewater Treatment Plant ("**Lake Pointe WWTP**"). As discussed in more detail herein, the contested case hearing requestors ("**Requestors**") have no right to a contested case hearing in this matter because the Application requests the TCEQ to renew an existing TLAP permit and the PUA has met all of the prerequisites in 30 TAC § 55.201(i)(5).

II. BACKGROUND AND PROCEDURAL HISTORY

On June 3, 2014, the PUA filed the Application with the TCEQ, and the Executive Director of the TCEQ declared the Application administratively complete on July 14, 2014. The “Notice of Receipt of Application and Intent to Obtain Water Quality Permit,” (the “**NORI**”) was mailed by the Office of the Chief Clerk and published by the PUA in English in the *Austin American Statesman* on July 25, 2014 and in Spanish in the July 24-30, 2014 edition of *El Mundo*. The Application was available for inspection by the public at the Bee Cave Public Library, located at 4000 Galleria Parkway, Bee Cave, Texas 78738.

After completing the technical review of the Application, the Executive Director prepared a “Statement of Basis/Technical Summary and Executive Director’s Preliminary Decision” (“**Technical Summary**”) and issued an initial draft permit for the Application on February 13, 2015 (the “**Draft Renewal Permit**”). The “Notice of Application and Preliminary Decision for a TLAP Permit for Municipal Wastewater” (the “**NAPD**”) was mailed by the Office of the Chief Clerk and published by the PUA in English in the *Austin American Statesman* on April 9, 2015, and in Spanish in *El Mundo* in the April 9-15, 2015 edition. A public meeting regarding the Application was held on August 13, 2015 at the City of Bee Cave Council Chambers in Bee Cave, Texas (the “**Public Meeting**”). The opportunity to submit comments on the Application expired at the closing of the Public Meeting. The Executive Director filed a Response to Public Comments (“**Response to Comments**”) on November 4, 2015, which was amended and re-filed on November 5, 2015.

On March 2, 2016, the TCEQ sent notice of the Application being placed on the public meeting agenda of the Commissioners of the TCEQ for April 6, 2016, and provided an opportunity for the Applicant, the Executive Director, and the Public Interest Council of the

TCEQ to file written responses to the hearing requests by March 14, 2016. Thus, this Response is timely filed.

III. APPLICABLE LAW

The TCEQ's rules governing the consideration of requests for a contested case hearing for a TLAP renewal application are found at 30 TAC Chapter 55, Subchapter F. Specifically, 30 TAC § 55.201(i)(5) of the TCEQ's rules establishes when there is no right to a contested case hearing on a TLAP renewal application, as follows, in relevant part:

- (i) Applications for which there is no right to a contested case hearing include:
 - ...
 - (5) an application, under Texas Water Code, Chapter 26, to renew or amend a permit if:
 - (A) the applicant is not applying to:
 - (i) increase significantly the quantity of waste authorized to be discharged;
or
 - (ii) change materially the pattern or place of discharge;
 - (B) the activity to be authorized by the renewal or amended permit will maintain or improve the quality of waste authorized to be discharged;
 - (C) any required opportunity for public meeting has been given;
 - (D) consultation and response to all timely received and significant public comment has been given; and
 - (E) the applicant's compliance history for the previous five years raises no issues regarding the applicant's ability to comply with a material term of the permit;¹

IV. EVALUATION OF REQUESTS FOR CONTESTED CASE HEARING

A. Requestors Are Not Entitled to a Contested Case Hearing for the PUA's TLAP Renewal Application under 30 TAC § 55.201(i)(5)

All pending contested case hearing requests in this matter should be denied. The Application has been processed in accordance with all applicable laws and regulations, and the PUA and its Application have met all of the prerequisites of 30 TAC § 55.201(i)(5) as discussed herein. Consequently, the Requestors have no right to a contested case hearing in this matter.

¹ 30 TAC § 55.201(i)(2016).

1. The PUA has not applied to increase significantly the quantity of waste authorized to be discharged; or change materially the pattern or place of discharge (30 TAC § 55.201(i)(5)(A))

The PUA's Application to renew its TLAP Permit does not request authorization to dispose of any additional treated effluent. The permitted quantity of 0.675 mgd in the Interim Phase II and 1.0 mgd in the Final Phase of the Draft Renewal Permit remains the same as the current, expiring Permit.² The expiring Permit is attached hereto as **Exhibit A**, and the Draft Renewal Permit attached hereto as **Exhibit B**. Additionally, the Application seeks to maintain the pattern and place of disposal, which is 350 acres of public lands consisting of the Spillman Ranch's golf course (200 acres), medians, and the CCNG Site's golf course (150 acres) and parks. Again, comparing the existing Permit with the Draft Renewal Permit evidences that the authorized place of discharge is not changing.³

2. The Draft Renewal Permit will maintain the quality of waste authorized to be discharged (30 TAC § 55.201(i)(5)(B))

The Application seeks to maintain the same effluent characteristic limits that are currently provided in the Permit. Under the Permit, the PUA is required to dispose of treated effluent with the following set of effluent limits based on a daily average:

- 5 mg/l carbonaceous biochemical oxygen demand (CBOD₅);
- 5 mg/l total suspended solids (TSS); and
- 2 mg/l ammonia-nitrogen (NH₃-N).⁴

In the Draft Renewal Permit, these limitations remain the same.⁵

² Compare **Exhibit A** at 1-2 with **Exhibit B** at 1-2 (noting the maximum treatment flows of 0.675 at the interim phase at 1.0 mgd at the final phase).

³ *Id.*

⁴ See **Exhibit A** at 2 (providing these effluent characteristic limitations).

⁵ See **Exhibit B** at 2-3 (providing the same effluent characteristic limitations).

3. A Public Meeting was held for the Public regarding the Application (30 TAC § 55.201(i)(5)(C))

Regardless of whether a public meeting was required for the Application, the TCEQ and PUA held a public meeting and provided the public with an opportunity to provide formal and informal public comment. At 7:00 p.m. on August 13, 2015, the TCEQ and PUA held a public meeting at the City of Bee Cave Council Chambers in Bee Cave, Texas and received comments from the public. A copy of the meeting notice is attached hereto as Exhibit C.

4. Consultation and response to all timely received and significant public comment has been given (30 TAC § 55.201(i)(5)(D))

The Executive Director of the TCEQ responded to all public comments in its November 4, 2015 Response to Comments, as amended in the November 5, 2015 Amended Response to Comments.⁶ The Executive Director's Response to Comments clearly evidences due consideration of the timely, relevant and material, and significant public comment provided. In some of the responses, the Executive Director explained that the public's concerns were already covered by the specific provisions of the Draft Renewal Permit, citing those provisions. In other instances, the Executive Director fully explained that the raised comments were outside the scope of the TCEQ's review of a TLAP application, but instead were enforcement matters. Last, as to the odor-related comments, the Executive Director detailed the extensive measures the PUA has taken to mitigate odors, such as the introduction of additional chemicals and the implementation of the Vapex odor abatement system,⁷ and responded that Special Provisions 19, 26, 27 were added by the TCEQ Executive Director to the Draft Renewal Permit to address these odor concerns.

⁶ The difference between the initial Response to Public Comment and Amended Response to Public Comment was a minor edit correcting the date that the public comment period ended.

⁷ Response to Comment at 14-15.

It is important to note that in addition to the TCEQ's efforts to address public comment, the PUA has held multiple in person and telephone meetings with the leading organization for the Requestors, the Lake Pointe Homeowners' Association ("**LPHOA**"), and such communications were productive, resulting with the LPHOA withdrawing its request for a contested case hearing.

5. The PUA's compliance history for the previous five years raises no issues regarding its ability to comply with a material term of the Draft Renewal Permit (30 TAC § 55.201(i)(5)(E))

The PUA's compliance history since receiving the TLAP permit and assuming operations from the Lower Colorado River Authority ("**LCRA**") on March 19, 2012 demonstrates that the PUA can comply with the material terms of the Draft Renewal Permit.⁸ For the preceding 3 years, the compliance history of the LCRA proves that it complied with the material terms of the Permit as well.⁹

The PUA currently maintains a "Satisfactory" compliance history rating at the TCEQ and has no notice of violations for major events. The only compliance issues in the PUA's compliance history are related to a December 9, 2013 compliance agreement between the PUA and TCEQ ("**Compliance Agreement**") under Texas Water Code § 7.0026. The purpose of the Compliance Agreement, in light of this law, is to address any ongoing noncompliance activities that the PUA inherited from LCRA with the regional Lake Pointe WWTP. Since entering into this Compliance Agreement, the PUA has met each and every requirement in that Agreement and provided all reports and updates in a timely manner. Specifically, the PUA has addressed the odor complaints and infrequent unauthorized discharges, and ensured that the wastewater operations of the Lake Pointe WWTP were in compliance with all applicable laws and

⁸ A copy of the TCEQ Order Transferring TLAP Permit No. WQ0013594001 from LCRA to PUA is attached hereto as **Exhibit D**. A copy of the PUA's compliance history is attached hereto as **Exhibit E**.

⁹ A copy of the LCRA's compliance history is attached hereto as **Exhibit F**.

regulations. As previously noted, these significant efforts by the PUA are even noted in the TCEQ's Response to Comments.¹⁰

Similarly, the LCRA's compliance history rating with the TCEQ for operating the Lake Pointe WWTP was classified as "Average." While LCRA did have one agreed order on its five-year compliance history, it was related to the unauthorized discharge of wastewater, which was classified by the TCEQ as moderate.

Ultimately, the PUA and LCRA, its predecessor, have maintained satisfactory (and average) compliance history ratings at the TCEQ over the past five years and have demonstrated that they could meet the material conditions and limitations in the Permit. The PUA will be able to continue to meet these requirements in the Draft Renewal Permit.

Clearly, the PUA has met the criteria of 30 TAC § 55.201(i)(5), and thus, the Requestors have no right to a contested case hearing concerning the PUA's Application to Renew TLAP Permit No. WQ0013594001.

B. Withdrawn Hearing Request

On May 7, 2015, the LPHOA requested a contested case hearing concerning the Application. However, on November 5, 2015, LPHOA withdrew its hearing request. Consequently, LPHOA should not be granted a contested case hearing.

V. CONCLUSION

Since the PUA and the Application have fulfilled all of the elements of 30 TAC § 55.201(i)(5), the Requestors do not have the right to a contested case hearing in this matter. Therefore, the TCEQ should deny the hearing requests, approve the Application, and issue the Draft Renewal Permit. As to those criteria in § 55.201(i)(5), the substantive terms of the Permit- the disposal amounts and disposal location- have not changed in the Draft Renewal

¹⁰ Response to Public Comment at 14-15.

Permit. Procedurally, a public meeting was held for the Application, and the TCEQ and PUA adequately addressed all of the public comments raised. Last, the compliance history of the PUA and its predecessor in interest, the LCRA, raise no issues regarding the PUA's ability to comply with the material terms of the Permit. Their "Satisfactory" compliance history rating is justified, where there have been no major violations of the Permit. Granting any hearing request on any issue would be inconsistent with the TCEQ's rules for TLAP renewal applications and would result in unnecessary costs and delays to the PUA, TCEQ, and State Office of Administrative Hearings.

VI. PRAYER

WHEREFORE, PREMISES CONSIDERED, the West Travis County Public Utility Agency respectfully requests that the Texas Commission on Environmental Quality deny all hearing requests in this matter, and that it be granted such other and further relief to which it may be entitled.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &
TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701
TELEPHONE (512) 322-5800
FAX: (512) 472-0532

DAVID J. KLEIN
State Bar No. 24041257



STEFANIE ALBRIGHT
State Bar No. 24064801

BRAD B. CASTLEBERRY
State Bar No. 24036339

**ATTORNEYS FOR WEST TRAVIS COUNTY
PUBLIC UTILITY AGENCY**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of West Travis County Public Utility Agency's Response to Request for Contested Case Hearing was served on the following by U.S. Regular Mail, Certified Mail (return receipt requested), electronic mail, hand delivery and/or facsimile at the address listed below on this 14th day of March, 2016.

FOR THE EXECUTIVE DIRECTOR:

Kathy Humphreys, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Julian Centeno, Jr., Technical Staff
Texas Commission on Environmental Quality
Water Quality Division, MC-148
P.O. Box 13087
Austin, Texas 78711-3087

Brian Christian, Director
Texas Commission on Environmental Quality
Environmental Assistance Division
Public Education Program, MC-108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:

Vic McWherter, Public Interest Counsel
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR ALTERNATIVE DISPUTE

RESOLUTION:

Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK:

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

REQUESTORS:

See attached service list


Stefanie Albright

REQUESTER(S)

Eileen Brzoska
12020 Tulare Dr
Austin, TX 78738-5428

M E Cook
12310 Carlsbad Dr
Austin, TX 78738-5334

Frederick W Goff
12405 Carlsbad Dr
Austin, TX 78738-5336

Hope & John Harrod
2803 Palmdale Ct
Austin, TX 78738-5343

John M Harrod
2803 Palmdale Ct
Austin, TX 78738-5343

John & Sarah Harrod
2803 Palmdale Ct
Austin, TX 78738-5343

Alan Kirshbom
12319 Carlsbad Dr
Austin, TX 78738-5334

Johanna Nabben
2804 Cascade Falls Dr
Austin, TX 78738-5346

Brian & Karen Newell
12307 Carlsbad Dr
Austin, TX 78738-5334

Donna Ruiz
12306 Carlsbad Dr
Austin, TX 78738-5334

Robert M Ruiz
12306 Carlsbad Dr
Austin, TX 78738-5334

Mark Shade
2804 Cascade Falls Dr
Austin, TX 78738-5346

Patricia Sinnott
3506 Normandy Ridge Ln
Austin, TX 78738-5444

Ty Wenglar
12305 Carlsbad Dr
Austin, TX 78738-5334

Laurie Heronemus
12302 Carlsbad Dr.
Austin, TX 78738-5334

Brady E. Ortego
2800 Post Oak Blvd. Fl 57
Houston, TX 77056-6138

EXHIBIT LIST

- Exhibit A Expiring TLAP Permit**
- Exhibit B Draft Renewal Permit**
- Exhibit C Notice of Public Meeting**
- Exhibit D Transfer of Permit from LCRA to PUA**
- Exhibit E Compliance History of PUA**
- Exhibit F Compliance History of LCRA**



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

PERMIT NO. WQ0013594001

This is a renewal of Permit No.
WQ0013594001 issued
December 11, 2006.

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

Lower Colorado River Authority

whose mailing address is

P.O. Box 220
Austin, Texas 78767

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

General Description and Location of Waste Disposal System:

Description: The Lake Pointe Wastewater Treatment Facilities consist of an activated sludge process plant using the extended aeration mode in the Interim I phase and single stage nitrification mode in the Interim II phase and Final phase.

Interim I Phase: Treatment units include two parallel trains consisting of a bar screen, an equalization basin, two aeration basins, two final clarifiers, two aerobic digesters, two chlorine contact chambers and cloth disk filters. The permittee is authorized to dispose of treated domestic wastewater effluent at a daily average flow not to exceed 0.525 million gallons per day (MGD) at Outfall 001 at Site A via surface irrigation of 215 acres of public access land.

Interim II Phase: Wastewater treatment facility will increase the treatment capacity at the existing plant site and will include an activated sludge plant using the single stage nitrification mode. Treatment units will include two parallel trains consisting of a bar screen, two equalization basins, two aeration basins, two final clarifiers, two aerobic digesters, two chlorine contact chambers and cloth disk filters. The permittee is authorized to dispose of treated domestic wastewater effluent at a daily average flow not to exceed 0.675 MGD at Outfall 001 at Site A via surface irrigation of 350 acres of public access land.

Final Phase: Treatment facilities will consist of constructing a new wastewater treatment facility consisting of an activated sludge process plant using the single stage nitrification mode that is capable of treating a flow not to exceed a daily average flow of 0.325 MGD at Outfall 002 at Site B. Treatment units will include the Interim II treatment units and an equalization basin, bar screen, aeration basin, final clarifier, aerobic digester, chlorine contact chamber and cloth disk filters. The permittee is authorized to dispose of treated domestic wastewater effluent at a daily average flow not to exceed 1.0 MGD via surface irrigation of 350 acres of public access land.

The facility includes one storage pond (Effluent Pond No. 1) with a total surface area of 5 acres and total capacity of 77 acre-feet for storage of treated effluent prior to irrigation. The proposed Final Phase facilities will include one effluent storage pond (Effluent Pond No. 2) with a total surface area of 4.5 acres and total capacity of 100 acre-feet for storage of treated effluent prior to irrigation. The proposed 350 acres irrigation site consists of the 200-acre Spillman Ranch site's golf course, medians, and parks and the 150-acre CCNG site's golf course.

Application rates shall not exceed 3.05 acre-feet per year per acre irrigated in the Interim I Phase, 2.1 acre-feet per year per acre irrigated (CCNG) in the Interim II Phase, 2.3 acre-feet per year per acre irrigated (Spillman Ranch) in the Interim II Phase, 3.0 acre-feet per year per acre irrigated (CCNG) in the Final Phase and 3.4 acre-feet per year per acre irrigated (Spillman Ranch) in the Final Phase. Cover crops include bermuda grass, ryegrass, bentgrass and rough bluegrass for the tees, fairways and greens, buffalo grass and native indigenous species for the rough and out of play areas.

Location: The wastewater treatment facility and disposal site are located at 3100 Napa Drive, approximately 1,000 feet north of Farm-to-Market Road 2244 and approximately 3,000 feet northeast of the intersection of Farm-to-Market Road 2244 and State Highway 71 in Travis County, Texas 78738 (Site A). The Interim I effluent storage pond (Effluent Pond No. 1) and irrigation site are located approximately 8,000 feet northwest of the intersection of Farm-to-Market Road 620 and State Highway 71 in Travis County, Texas 78738. The Interim II irrigation site (Spillman Ranch) is also located approximately 8,000 feet northwest of the intersection of Farm-to-Market Road 620 and State Highway 71 in Travis County, Texas 78738. An additional irrigation site (CCNG) authorized in the Interim II and Final phases will be located approximately 2,500 feet south of the intersection of Farm-to-Market Road 620 and State Highway 71 in Travis County, Texas 78738. The Final Phase facilities will include an additional effluent storage pond (Effluent Pond No. 2) located approximately 3,000 feet northwest of the intersection of Farm-to-Market Road 2244 and State Highway 71 in Travis County, Texas 78738 and a new treatment facility at the site of the new effluent storage pond (Site B). (See Attachment A.)

Drainage Area: The existing and proposed wastewater treatment facilities and the proposed storage pond are located in the drainage basin of Lake Austin in Segment No. 1403 of the Colorado River Basin. The existing and proposed disposal sites and the existing storage pond are located in the drainage basin of Barton Creek in Segment No. 1430 of the Colorado River Basin. No discharge of pollutants into water in the State is authorized by this permit.

This permit and the authorization contained herein shall expire at midnight on **December 1, 2014**.

ISSUED DATE: **DEC 15 2009**


For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: Site A

Outfall 001

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

A. Effluent Limitations

Character: Treated Domestic Sewage Effluent

Volume: Daily Average Flow -- 0.525 MGD in the Interim I Phase;
Daily Average Flow -- 0.675 MGD in the Interim II Phase;
Daily Average Flow -- 0.675 MGD in the Final Phase from the treatment system.

Quality: The following effluent limitations shall be required:

<u>Parameter</u>	<u>Effluent Concentrations</u> (Not to Exceed)			
	<u>Daily Average</u> mg/l	<u>7-Day Average</u> mg/l	<u>Daily Maximum</u> mg/	<u>Single Grab</u> mg/l
Carbonaceous Biochemical Oxygen Demand (5-day)	5	N/A	N/A	35
Total Suspended Solids	5	N/A	N/A	60
Ammonia Nitrogen	2	N/A	N/A	15

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

The effluent shall be chlorinated in a chlorine contact chamber to a residual of 1.0 mg/l with a minimum detention time of 20 minutes. If the effluent is to be transferred to a holding pond or tank, re-chlorination prior to the effluent being delivered into the irrigation system will be required. A trace chlorine residual shall be maintained in the effluent at the point of irrigation application.

B. Monitoring Requirements:

<u>Parameter</u>	<u>Monitoring Frequency</u>	<u>Sample Type</u>
Flow	Continuous	Totalizing meter
Carbonaceous Biochemical Oxygen Demand (5-day)	One/week	Composite
Total Suspended Solids	One/week	Composite
Ammonia Nitrogen	One/week	Composite
pH	One/month	Grab
Chlorine Residual	Five/week	Grab

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

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: Site B

Outfall 002

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

A. Effluent Limitations

Character: Treated Domestic Sewage Effluent

Volume: Daily Average Flow – 0.0 MGD in the Interim I Phase;
Daily Average Flow – 0.0 MGD in the Interim II Phase;
Daily Average Flow – 0.325 MGD in the Final Phase from the treatment system.

Quality: The following effluent limitations shall be required:

<u>Parameter</u>	<u>Effluent Concentrations</u>			
	<u>(Not to Exceed)</u>			
	<u>Daily</u>	<u>7-Day</u>	<u>Daily</u>	<u>Single</u>
	<u>Average</u>	<u>Average</u>	<u>Maximum</u>	<u>Grab</u>
	<u>mg/l</u>	<u>mg/l</u>	<u>mg/</u>	<u>Mg/l</u>
Carbonaceous Biochemical Oxygen Demand (5-day)	5	N/A	N/A	35
Total Suspended Solids	5	N/A	N/A	60
Ammonia Nitrogen	2	N/A	N/A	15

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

The effluent shall be chlorinated in a chlorine contact chamber to a residual of 1.0 mg/l with a minimum detention time of 20 minutes. If the effluent is to be transferred to a holding pond or tank, re-chlorination prior to the effluent being delivered into the irrigation system will be required. A trace chlorine residual shall be maintained in the effluent at the point of irrigation application.

B. Monitoring Requirements:

<u>Parameter</u>	<u>Monitoring Frequency</u>	<u>Sample Type</u>
Flow	Continuous	Totalizing meter
Carbonaceous Biochemical Oxygen Demand (5-day)	One/week	Composite
Total Suspended Solids	One/week	Composite
Ammonia Nitrogen	One/week	Composite
pH	One/month	Grab
Chlorine Residual	Five/week	Grab

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

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall 003*

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

A. Effluent Limitations

Character: Treated Domestic Sewage Effluent

Volume: Daily Average Flow -- 0.525 MGD in the Interim I Phase;
Daily Average Flow -- 0.675 MGD in the Interim II Phase;
Daily Average Flow -- 1.0 MGD in the Final Phase from the treatment system.

Quality: The following effluent limitations shall be required:

<u>Parameter</u>	<u>Effluent Concentrations</u> (Not to Exceed)			
	<u>Daily Average</u> Mg/l	<u>7-Day Average</u> mg/l	<u>Daily Maximum</u> mg/	<u>Single Grab</u> Mg/l
Carbonaceous Biochemical Oxygen Demand (5-day)	5	N/A	N/A	35
Total Suspended Solids	5	N/A	N/A	60
Ammonia Nitrogen	2	N/A	N/A	15

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

The effluent shall be chlorinated in a chlorine contact chamber to a residual of 1.0 mg/l with a minimum detention time of 20 minutes. If the effluent is to be transferred to a holding pond or tank, re-chlorination prior to the effluent being delivered into the irrigation system will be required. A trace chlorine residual shall be maintained in the effluent at the point of irrigation application.

B. Monitoring Requirements:

<u>Parameter</u>	<u>Monitoring Frequency</u>	<u>Sample Type</u>
Flow	Continuous	Totalizing meter
Carbonaceous Biochemical Oxygen Demand (5-day)	N/A	N/A
Total Suspended Solids	N/A	N/A
Ammonia Nitrogen	N/A	N/A
pH	N/A	N/A
Chlorine Residual	N/A	N/A

* Outfall 003 is defined as the sum of Outfall 001 and Outfall 002.

STANDARD PERMIT CONDITIONS

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

DEFINITIONS

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

1. Flow Measurements

- a. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.
- b. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with a 1 million gallons per day or greater permitted flow.
- c. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

2. Concentration Measurements

- a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.
 - i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.
 - ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.
- b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.
- c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

3. Sample Type

- a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (b).
- b. Grab sample - an individual sample collected in less than 15 minutes.

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

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

MONITORING REQUIREMENTS

1. Monitoring Requirements

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

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

2. Test Procedures

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

3. Records of Results

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

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

4. Additional Monitoring by Permittee

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

5. Calibration of Instruments

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

6. Compliance Schedule Reports

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

7. Noncompliance Notification

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

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

- i. Unauthorized discharges as defined in Permit Condition 2(g).
- ii. Any unanticipated bypass which exceeds any effluent limitation in the permit.

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

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

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

9. Changes in Discharges of Toxic Substances

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

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - i. One hundred micrograms per liter (100 µg/L);
 - ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. The level established by the TCEQ.

- b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - i. Five hundred micrograms per liter (500 $\mu\text{g/L}$);
 - ii. One milligram per liter (1 mg/L) for antimony;
 - iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. The level established by the TCEQ.

10. Signatories to Reports

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

PERMIT CONDITIONS

1. General

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

2. Compliance

- a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
- b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or an application for a permit for another facility.
- c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment.
- e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.
- f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and Texas Water Code Section 7.302. The filing of a request by the permittee for a permit amendment,

suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

- g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Special Provisions section of this permit.
 - h. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties).
3. Inspections and Entry
- a. Inspection and entry shall be allowed as prescribed in the Texas Water Code Chapters 26, 27, and 28, and Texas Health and Safety Code Chapter 361.
 - b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in Texas Water Code Section 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.
4. Permit Amendment and/or Renewal
- a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:
 - i. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9;
 - ii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
 - b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.
 - c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.
 - d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.

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

5. Permit Transfer

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

6. Relationship to Hazardous Waste Activities

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

7. Property Rights

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

8. Permit Enforceability

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

9. Relationship to Permit Application

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

10. Notice of Bankruptcy.

- a. Each permittee shall notify the Executive Director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:
 - i. the permittee;
 - ii. an entity (as that term is defined in 11 USC, § 101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or
 - iii. an affiliate (as that term is defined in 11 USC, § 101(2)) of the permittee.
- b. This notification must indicate:
 - i. the name of the permittee;
 - ii. the permit number(s);
 - iii. the bankruptcy court in which the petition for bankruptcy was filed; and
 - iv. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

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

2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.
3. Domestic wastewater treatment facilities shall comply with the following provisions:
 - a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.
 - b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.
4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.
5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.
6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under Texas Water Code § 7.302(b)(6).
7. Documentation

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

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

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

- b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit

must be approved by the Commission, and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.

- c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.
9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
 10. Facilities which generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:
 - a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.
 - c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Environmental Cleanup Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.
 - d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.
 - e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.
 - f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:
 - i. Volume of waste and date(s) generated from treatment process;
 - ii. Volume of waste disposed of on-site or shipped off-site;
 - iii. Date(s) of disposal;
 - iv. Identity of hauler or transporter;
 - v. Location of disposal site; and
 - vi. Method of final disposal.

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

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

SLUDGE PROVISIONS

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

SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE LAND APPLICATION**A. General Requirements**

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

B. Testing Requirements

1. Sewage sludge shall be tested once during the term of this permit in the Interim I Phase and Interim II Phase and annually in the Final Phase in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method, which receives the prior approval of the TCEQ for the contaminants listed in Table 1 of 40 CFR Section 261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 11) within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Permitting and Remediation Support Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 11) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year.

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

TABLE 1

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

* Dry weight basis

3. Pathogen Control

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

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

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

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

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

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

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

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

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

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

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

Alternative 1 -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Lower Colorado River Authority

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

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

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

Alternative 9 -

- i. Sewage sludge shall be injected below the surface of the land.
- ii. No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.
- iii. When sewage sludge that is injected below the surface of the land is Class A with respect to pathogens, the sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

Alternative 10-

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

C. Monitoring Requirements

Toxicity Characteristic Leaching Procedure (TCLP) Test	- once during the term of this permit in the Interim I Phase and Interim II Phase and annually in the Final Phase
PCBs	- once during the term of this permit in the Interim I Phase and Interim II Phase and annually in the Final Phase

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 weight basis).*

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

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

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

A. Pollutant Limits

Table 2

<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 Section 312.44.
3. Bulk sewage sludge shall be applied at or below the agronomic rate of the cover crop.

4. An information sheet shall be provided to the person who receives bulk sewage sludge sold or given away. The information sheet shall contain the following information:
 - a. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.
 - b. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instruction on the label or information sheet.
 - c. The annual whole sludge application rate for the sewage sludge application rate for the sewage sludge that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

D. Notification Requirements

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

E. Record keeping Requirements

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

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

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

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

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

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

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

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 11) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 1 of each year the following information:

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

16. The certification statement listed in either 30 TAC Section 312.47(a)(4)(A)(ii) or 30 TAC Section 312.47(a)(5)(A)(ii) as applicable to the permittee's sludge treatment activities, shall be attached to the annual reporting form.
17. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the annual reporting form.
 - a. The location, by street address, and specific latitude and longitude.
 - b. The number of acres in each site on which bulk sewage sludge is applied.
 - c. The date and time bulk sewage sludge is applied to each site.
 - d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk sewage sludge applied to each site.
 - e. The amount of sewage sludge (i.e., dry tons) applied to each site.

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

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

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

Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 11) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Permitting and Remediation Support Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 11) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year.

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

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

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

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

Lower Colorado River Authority

G. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 11) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year the following information:

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

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

SPECIAL PROVISIONS:

1. This permit is granted subject to the policy of the Commission to encourage the development of areawide waste collection, treatment and disposal systems. The Commission reserves the right to amend this permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an areawide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such areawide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.
2. The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

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

3. The permittee shall maintain and operate the treatment facility in order to achieve optimum efficiency of treatment capability. This shall include required monitoring of effluent flow and quality as well as appropriate grounds and building maintenance.
4. Prior to construction and/or operation of the Interim II Phase and the Final Phase wastewater treatment facilities in Sites A and B, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) of the Water Quality Division, a summary submittal letter according to 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 the requirements of 30 TAC Chapter 217, Design Criteria for Wastewater Treatment Systems. The permittee shall clearly show how the treatment system will meet the permitted effluent limitations required on Pages 2 and 3 of the permit.
5. Application rates to the irrigated land shall not exceed 3.05 acre-feet per year per acre irrigated in the Interim I Phase, 2.1 acre-feet per year per acre irrigated (CCNG) in the Interim II Phase, 2.3 acre-feet per year per acre irrigated (Spillman Ranch) in the Interim II Phase, 3.0 acre-feet per year per acre irrigated (CCNG site) in the Final Phase and 3.4 acre-feet per year per acre irrigated (Spillman Ranch) in the Final Phase. The permittee is responsible for providing equipment to determine application rates and maintaining accurate records of the volume of effluent applied. These records shall be made available for review by the Texas Commission on Environmental Quality and shall be maintained for at least three years.
6. Irrigation practices shall be designed and managed so as to prevent ponding of effluent or contamination of ground and surface waters and to prevent the occurrence of nuisance conditions in the area. Crops, turf grass, native grasses, cover crops, the golf course or other ground cover shall be established and well maintained in

the irrigation area throughout the year for effluent and nutrient uptake by the crop and to prevent pathways for effluent surfacing. Tailwater control facilities shall be provided as necessary to prevent the discharge of any effluent from the irrigated land.

7. Effluent shall not be applied for irrigation during rainfall events or when the ground is frozen or saturated.
8. The permittee shall erect adequate signs stating that the irrigation water is from a non-potable water supply for any area where treated effluent is stored or where there exist hose bibs or faucets. Signs shall consist of a red slash superimposed over the international symbol for drinking water accompanied by the message "DO NOT DRINK THE WATER" in both English and Spanish. All piping transporting the effluent shall be clearly marked with these same signs.
9. Spray fixtures for the irrigation system shall be of such design that they cannot be operated by unauthorized personnel.
10. Irrigation with effluent shall be accomplished only when the area specified is not in use.
11. The permittee shall maintain a long term contract with the owner(s) of the land application site which is authorized for use in this permit, or own the land authorized for land application of treated effluent.
12. The permittee shall obtain representative soil samples from the root zones of the disposal site and analyze the samples as outlined in the following paragraph.

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

The permittee shall submit the results of the soil sample analyses to the TCEQ Regional Office (MC Region 11) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division during September of each year.

13. Holding or storage ponds shall conform to the design criteria for stabilization ponds with regard to construction and levee design and shall maintain a minimum freeboard of two feet according to 30 TAC Chapter 217, Design Criteria for Wastewater Treatment Systems.
14. Permanent transmission lines shall be installed from the holding pond to each tract of land to be irrigated utilizing effluent from that pond.
15. Facilities for the retention of treated or untreated wastewater (Holding Pond #1) shall be adequately lined to control seepage. The following methods of pond lining are acceptable.
 - a. In-situ clay soils or placed and compacted clay soils meeting the following requirements:
 - 1) More than 30% passing a No. 200 mesh sieve
 - 2) Liquid limit greater than 30%
 - 3) Plasticity index greater than 15
 - 4) A minimum thickness of 3 feet
 - 5) Permeability equal to or less than 1×10^{-7} cm/sec (*)
 - 6) Soil compaction will be 95% standard proctor at optimum moisture content (*)

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

- b. Membrane lining with a minimum thickness of 30 mils, and an underdrain leak detection system.
- c. An alternate method of pond lining may be utilized with prior approval from the Executive Director.

The permittee shall furnish certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria above prior to utilization of the facilities. The certification shall be sent to the TCEQ Regional Office (MC Region 11) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division.

The permittee shall furnish certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria above prior to use of the facilities. The certification shall be submitted to the TCEQ Regional Office (MC Region 11) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division.

16. Facilities (Holding Pond #2) for the retention of treated or untreated wastewater, such as constructed wetlands, facultative lagoons, earthen aerated lagoons, partially-aerated lagoons, stabilization lagoons, and treated effluent storage lagoons, shall be adequately lined to control seepage. The liner shall meet the requirements in 30 TAC Section 217.203, Design Criteria for Natural Treatment Facilities.

The permittee shall furnish certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria above prior to use of the facilities. The certification shall be submitted to the TCEQ Regional Office (MC Region 11) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division.

17. The permittee shall not irrigate land with a slope greater than 10 percent as shown on Attachment F.
18. The permittee shall comply with the requirements of 30 TAC Section 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 Section 309.13(e). On the portion of the buffer zone not owned by the permittee, the permittee has provided documentation showing that Lake Pointe Homeowners Association lot to be a public utility easement and drainage easement. The permittee confirms that the West Travis County MUD 5 habitat preserve is subject to a federal Fish and Wildlife permit and cannot be developed. The permittee further confirms that the buffer zone for the alternate location is a restricted habitat reserve and will never be developed as a residential property (Attachments B, C, D and E).
19. The permittee shall provide facilities for the protection of its wastewater treatment facilities from a 100-year flood.
20. The sludge from the treatment process may be hauled by a licensed hauler to a Windermere Utility Co., Inc. Wastewater Treatment Facility, Permit No. WQ0011931001 to be digested, dewatered and then disposed of with the bulk of the sludge from the plant accepting the sludge. The permittee shall keep records of all sludge removed from the wastewater treatment plant site. Such records will include the following information:
- a. Volume of sludge hauled.
 - b. Date(s) of disposal.
 - c. Identity of hauler(s).
 - d. Location of the wastewater treatment plant to which the sludge is hauled.
 - e. Owner of wastewater treatment plant and TCEQ permit number.

The above records shall be maintained on a monthly basis and shall be reported to the TCEQ Regional Office

(MC Region 11) and the TCEQ Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1st of each year.

21. The permittee shall maintain a minimum of 150-foot buffer zone from the irrigation disposal sites to any water wells, including wells that are off-site. Prior to utilization of the facilities, all wells located on-site shall be plugged in accordance with 16 TAC Section 76.1004.
22. The permittee shall ensure that the application area shall have suitable soils and adequate rooting depth to enhance the establishment and maintenance of the turf grass.
23. A certified operator shall inspect the facility daily and maintain at the plant site a record of these inspections. These records shall be available at the plant site for inspection by authorized representatives of the commission for at least three years.

During this daily inspection the proper operation and maintenance of the wastewater treatment facilities and irrigation system shall be checked in order to prevent or abate the occurrence of nuisance odor.

24. There shall be no construction of additional treatment tanks in Site A (see Attachment A) for all phases.
25. The permittee shall secure written approval from the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division before accepting for treatment in this facility any wastes significantly different from normal domestic wastewater. Before providing such approval, the Executive Director may require additional information regarding the nature, quantity, and treatability of the wastes.
26. The permittee shall notify the TCEQ Regional Office (MC Region 11) and the TCEQ Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five (45) days prior to the completion of the Interim II Phase and Final Phase facilities.

**LAKE
POINTE
M.U.D.**

ATTACHMENT A

MEC
Murfee Engineering Company

SITE DRAWING
FOR ITEM 11 OF TECHNICAL REPORT 1.0
AND ITEM 5b OF TECHNICAL REPORT 1.1

1101 South Capital of Texas Highway, Building D, Suite 110, Austin, Texas 78744 (512) 327-3200
JOB NO. 00048.40 SCALE: 1" = 3000' SHEET: 1 OF 1
DESIGNED BY: CRE
DRAWN BY: JMC
FILE:\PROJECTS\LCRA\MAJOR AMENDMENT DATE: 05/02

EXHIBIT A

W.W.T.P. SITE
(CURRENTLY PERMITTED - 0.525 MGD)
INITIAL - 0.525 MGD
INTERIM - 0.675 MGD
FINAL - 1.0 MGD

PROPOSED 100 AC-FT
EFFLUENT POND NO. 2

EXISTING 77ac.-ft.
EFFLUENT POND NO. 1
(CURRENTLY PERMITTED)

EFFLUENT DISPOSAL
AREA NO. 1
(SPILLMAN RANCH - 200 AC.)

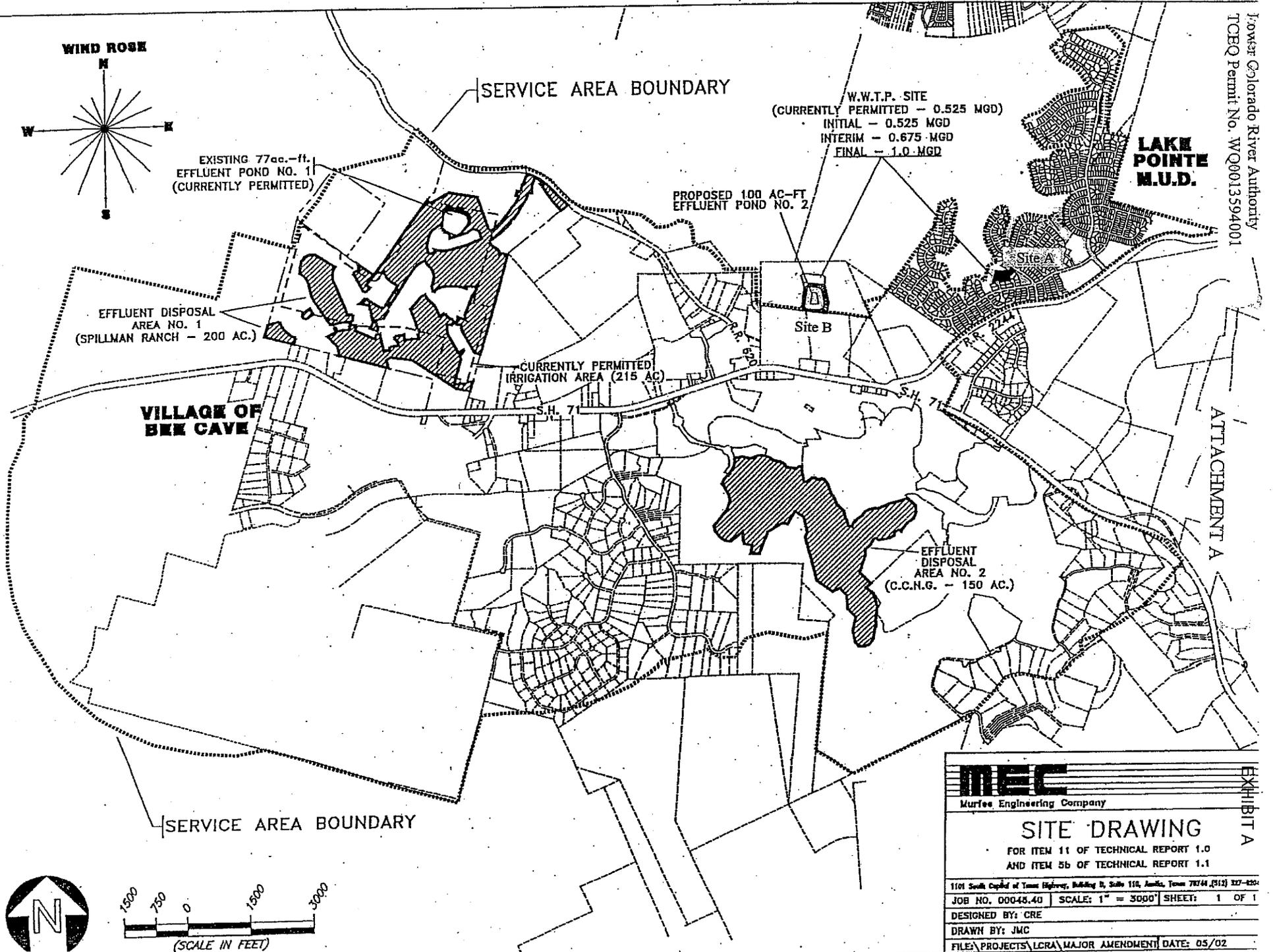
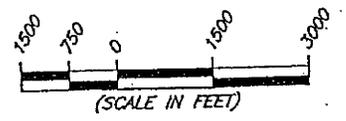
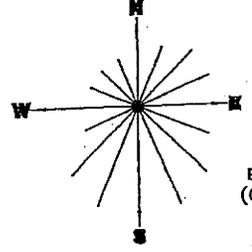
CURRENTLY PERMITTED
IRRIGATION AREA (215 AC)

EFFLUENT
DISPOSAL
AREA NO. 2
(C.C.N.G. - 150 AC.)

SERVICE AREA BOUNDARY

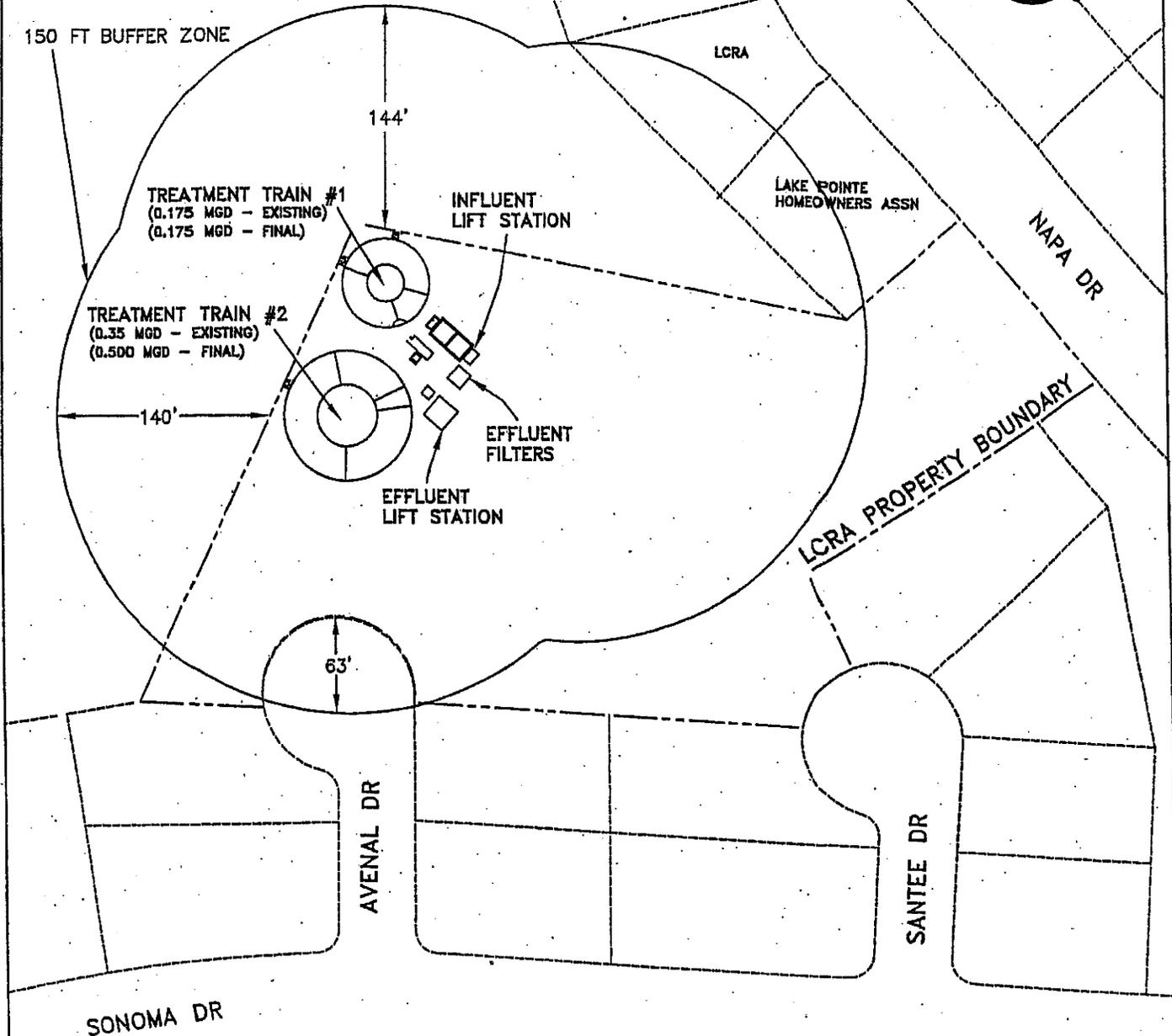
SERVICE AREA BOUNDARY

WIND ROSE



**WEST TRAVIS COUNTY MUD 5
 HABITAT PRESERVE**
 (RESTRICTIVE EASEMENT INCLUDED)

ATTACHMENT B



Murfee Engineering Company

**BUFFER ZONE MAP
 FOR ITEM 2A OF
 ADMINISTRATIVE REPORT 1.1**

1101 South Capital of Texas Highway, Building D, Suite 110, Austin, Texas 78746 (512) 327-9204

JOB NO. 00048.40 | SCALE: 1" = 100' | SHEET: 1 OF 2

DESIGNED BY: CRE

DRAWN BY: DL

FILE: \\00\048\40\buffer zone map | DATE: 05/05

Lower Colorado River Authority
TCEQ Permit No. WQ0013594001

ATTACHMENT C

PROPOSED TREATMENT PLANT SITE

150 FT BUFFER ZONE

CITY OF AUSTIN

LCRA PROPERTY BOUNDARY

140'

TREATMENT TRAIN #3
(0.325 MGD - FINAL)

PROPOSED EFFLUENT
POND 100 AC-FT



(SCALE IN FEET)

MEC		
Murfee Engineering Company		
BUFFER ZONE MAP		
FOR ITEM 2A OF		
ADMINISTRATIVE REPORT 1.1		
1101 South Capital of Texas Highway, Building D, Suite 110, Austin, Texas 78746 (512) 327-9204		
JOB NO. 00048.40	SCALE: 1" = 200'	SHEET: 2 OF 2
DESIGNED BY: CRE		
DRAWN BY: JMC/DL		
FILE: \\00\048\40\buffer-zone-2	DATE: 6/02	

Lower Colorado River Authority
TCEQ Permit No. WQ0013594001



ATTACHMENT D

EXHIBIT A

Murfee Engineering Company

September 30, 2003

Julian D. Centeno, Jr.
Water Quality Division
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
SEP 30 2003
MUNICIPAL PERMITS

Re: LCRA: Application for Major Amendment of TCEQ Permit No. 13594-001

Dear Mr. Centeno:

Please find attached our response to your review comments dated September 5 and September 9, 2003 on the referenced project.

Should you have any questions or require additional information, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'George Murfee', is written over a horizontal line.

George Murfee, P.E.
President

cc: Mike Tomme, LCRA

File: 00048.10

Lower Colorado River Authority
TCEQ Permit No. WQ0013594001

ATTACHMENT D

September 5, 2003 Comments

1. *The source and copy of the precipitation raw data used*

The precipitation data is National Weather Service Data for Robert Mueller Airport site. Data was obtained digitally from TNRS. A copy of the complete annual data is contained in the water balance under the column for daily precipitation.

2. *Why are the ET values constant each month?*

The ET values are only constant within a given month. The table of composite ET values at the beginning of the Water Balance and Effluent Storage Summary vary from month to month. For a daily ET, the monthly value was divided by the number of days in the month in order to obtain an estimate of the daily ET.

3. *How does the curve number revert back to AMC-II?*

The spreadsheet has an "if" statement that checks the previous five-day precipitation and adjusts the curve number accordingly. For a conservative analysis, the "effluent applied" is added to any precipitation to determine the antecedent moisture condition.

4. *Which period is considered the growing season? Dormant season?*

The dormant season is assumed to be November through February. The growing season is March through October.

5. *Please identify on the buffer zone map the properties which the submitted easement agreements refer to including the West Travis County MUD 5 habitat preserve.*

The easement agreements submitted with the application evidence LCRA's authorization to dispose of treated wastewater effluent in the proposed irrigation areas. As a result, the lands that are the subject of the easement agreements are golf course, median, and park lands within the Spillman Tract and the CCNG Tract. Representatives of LCRA previously submitted to TCEQ a map identifying each of the disposal areas.

The new site for which LCRA seeks authorization to construct an additional wastewater treatment plant is owned fee simple by LCRA. LCRA previously submitted to TCEQ a copy of the deed. As a result, it is not the subject of any of the easement agreements previously submitted to TCEQ with the permit application. The areas surrounding the new wastewater treatment plant site are habitat reserve lands that are subject to a Federal Fish and Wildlife Permit issued by the United States Fish & Wildlife Department. A copy of this permit was submitted by LCRA to TCEQ with the permit application. In summary, the easement agreements do not address any of the lands depicted on the buffer zone map, including the West Travis County MUD 5 habitat reserve. These lands are subject to a federal Fish & Wildlife permit and cannot be developed.

Lower Colorado River Authority
TCEQ Permit No. WQ0013594001

ATTACHMENT E

Murfee Engineering Company

MEMORANDUM

RECEIVED

OCT 29 2003

MUNICIPAL PERMITS

TO: Julian D. Centeno, Jr.

FROM: George Murfee, P.E. *GM*

RE: LCRA Application for Major Amendment of
TCEQ Permit #13594-001
MEC Job No. 00048.10

DATE: October 27, 2003

The following are our responses to the technical review:

1. *Referring to buffer zone requirements for treatment trains #1, #2 and #3: is there a restrictive easement agreement with the Lake Pointe Homeowners Association? Please provide further explanation if there is none.*

The two lots that were purchased in the subdivision that front on Napa Drive were purchased by and dedicated by the developer to the LCRA and the Lake Pointe Homeowner's Association (HOA) for the purposes of creating a buffer zone for the WWTP expansion. The LCRA owns Lot 2, Block A, and the HOA owns Lot 1, Block A. The attached plat for Lake Pointe Phase IV, Section A and Phase IV, Section B shows that Lot 1, Block A is designated as a MUD lot restricted as a public utility easement and drainage easement.

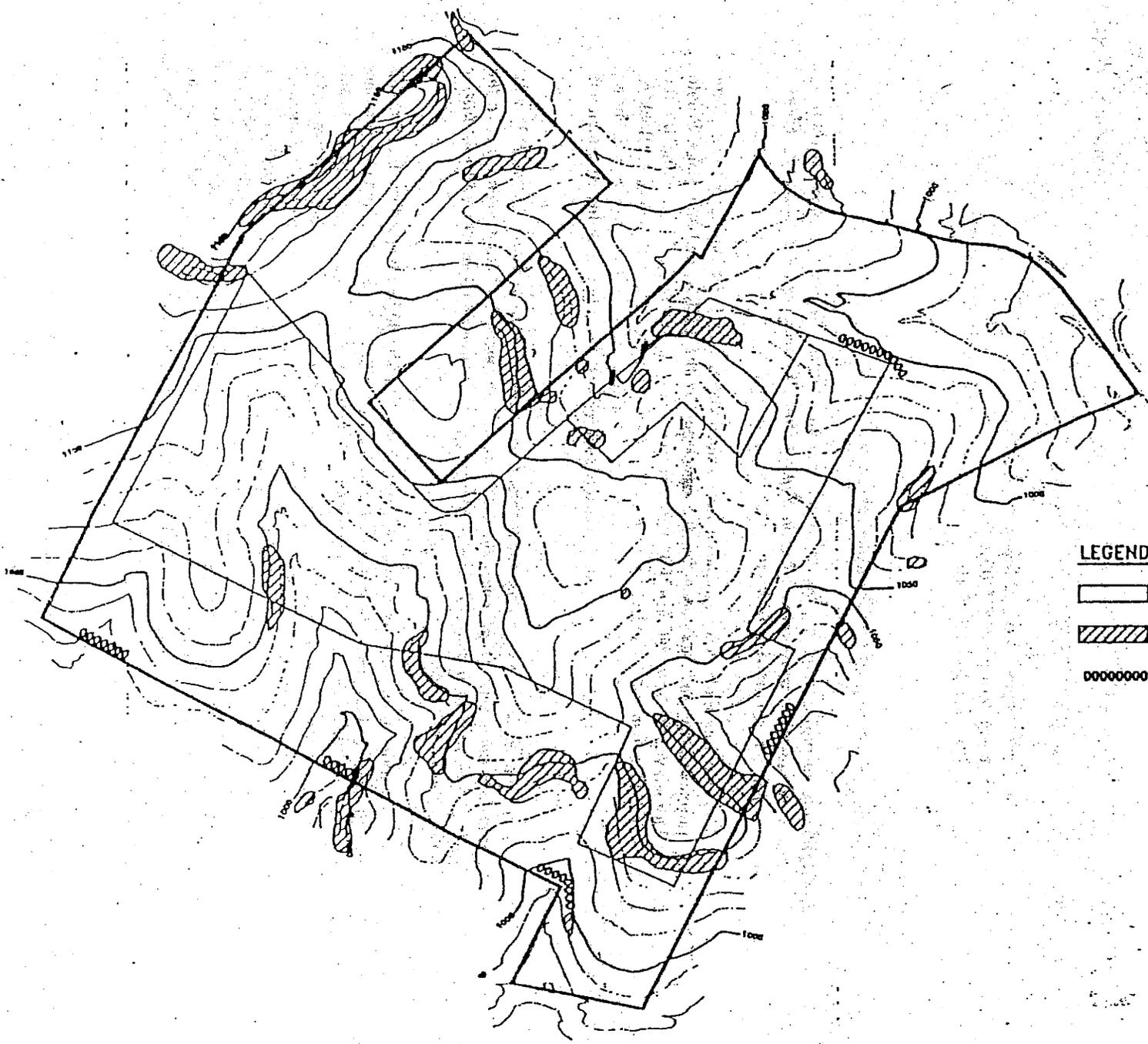
2. *Referring to the buffer zone map for the treatment train #3 or final phase 1.0 MGD WWTP (Alternate Location): Who owns the buffer zone? If owned by LCRA, please revise the buffer zone map to indicate LCRA property boundary encompassing the 150-foot buffer zone shown on the map.*

The buffer zone property is owned by the COA. You should be aware of the fact that this property (Alternative Location) was purchased from the City of Austin (COA) Balcones Habitat Preservation for the sole purpose of putting a WWTP and effluent pond on this site. This was a swap of properties that the Balcones Habitat Preservation Plan wanted to occur. My client, LCRA, doesn't feel that a buffer zone easement is required because the property surrounding the WWTP site is restricted habitat reserve and will never be developed as residential property, and they have an agreement between the LCRA and the COA that this site (Alternative Location) is the proposed site for the LCRA's regional WWTP to serve this area. This agreement in effect creates the needed buffer zone and the habitat reserve restriction ensures that no residences will ever exist or be impacted by noise or odor.

Lower Colorado River Authority
TCEQ Permit No. WQ0013594001



ATTACHMENT F



LEGEND

0-10%

10% ->

POTENTIAL TAIL-WATER CONTROL STRUCTURES

EXHIBIT A

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 21, 2009

Mr. Kyle Jensen
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767

Re: Lower Colorado River Authority, Permit No. WQ0013594001
(RN102077989; CN600253637)

Dear Mr. Jensen:

Enclosed is a copy of the above referenced permit for a wastewater treatment facility issued on behalf of the Executive Director pursuant to Chapter 26 of the Texas Water Code.

If you are receiving a Texas Pollutant Discharge Elimination System (TPDES) discharge permit and your system is a new facility or an existing facility that has been reporting to the Texas Commission on Environmental Quality (TCEQ), you may comply with self-reporting requirements by submitting discharge monitoring reports (DMR) electronically over the Web through STEERS (see enclosed flyer). Information about the electronic DMR (eDMR) system is available at www.tceq.state.tx.us/goto/eDMR. We encourage electronic reporting. Discharge facilities that do not use the eDMR system will receive paper DMR forms and instructions from the TCEQ Enforcement Division or from the U.S. Environmental Protection Agency (EPA) if the facility has been submitting DMRs to EPA.

If you are receiving a land application (no discharge) permit and are required to report monitoring results, self-reporting forms and instructions will be forwarded to you by the TCEQ Enforcement Division.

Enclosed is a "Notification of Completion of Wastewater Treatment Facilities" form. Use this form when the facility begins to operate or goes into a new phase. The form notifies the agency when the proposed facility is completed or when it is placed in operation. This notification complies with the special provision incorporated into the permit. When the agency receives this form, the appropriate permit requirements will be activated in the compliance system database so that accurate monitoring and reporting can occur.

Mr. Kyle Jensen
Page 2

Should you have any questions, please contact Mr. Julian Centeno, Jr. P.E. of the TCEQ's Wastewater Permitting Section at (512) 239-4671 or if by correspondence, include MC 148 in the letterhead address at the bottom of the previous page.

Sincerely,



Charles W. Maguire, Director
Water Quality Division
Texas Commission on Environmental Quality

CWM/JC/sp

Enclosures

ccs: TCEQ, Region 11
Ms. Gloria L. Broussars, Lower Colorado River Authority, 11612 Bee Caves Road, Building 1,
Suite 150, Austin, Texas 78738

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 21, 2009

TO: Persons on the attached mailing list.

RE: Lower Colorado River Authority
Permit No. WQ0013594001

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director (ED) has issued final approval of the above-named application. According to 30 Texas Administrative Code (TAC) Section 50.135 the approval became effective on December 15, 2009, the date the ED signed the permit or other approval unless otherwise specified in the permit or other approval.

You may file a **motion to overturn** with the chief clerk. A motion to overturn is a request for the commission to review the TCEQ ED's approval of the application. Any motion must explain why the commission should review the TCEQ executive director's action. According to 30 TAC Section 50.139 an action by the ED is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

A motion to overturn must be received by the chief clerk within 23 days after the date of this letter. An original and 7 copies of a motion must be filed with the chief clerk in person, or by mail to the chief clerk's address on the attached mailing list. On the same day the motion is transmitted to the chief clerk, please provide copies to the applicant, the ED's attorney, and the Public Interest Counsel at the addresses listed on the attached mailing list. If a motion to overturn is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the ED's approval. According to Texas Water Code Section 5.351 a person affected by the ED's approval must file a petition appealing the ED's approval in Travis County district court within 30 days after the effective date of the approval. Even if you request judicial review, you still must exhaust your administrative remedies, which includes filing a motion to overturn in accordance with the previous paragraphs.

Individual members of the public may seek further information by calling the TCEQ Office of Public Assistance, toll free, at 1-800-687-4040.

Sincerely,


LaDonna Castañuela
Chief Clerk

LDC/Ig

MAILING LIST
for
Lower Colorado River Authority
TPDES Permit No. WQ0013594001

FOR THE APPLICANT:

Kyle Jensen
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220

Gloria L. Broussars
Lower Colorado River Authority
11612 Bee Caves Road, Building 1, Suite 150
Austin, Texas 78738-5409

PROTESTANTS/INTERESTED PERSONS:

Lauren Kalisek
816 Congress Avenue, Suite 1900
Austin, Texas 78701-2442

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Chris Ekoh, Senior Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC 173
P.O. Box 13087
Austin, Texas 78711-3087

Julian Centeno, Jr., P.E., Technical Staff
Texas Commission on Environmental Quality
Water Quality Division MC-148
P.O. Box 13087
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE
via electronic mail:

Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC 108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC 103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK
via electronic mail:

LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk MC 105
P.O. Box 13087
Austin, Texas 78711-3087



PERMIT NO. WQ0013594001

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

This is a renewal of Permit No.
WQ0013594001 issued on
December 15, 2009.

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

West Travis County Public Utility Agency

whose mailing address is

12117 Bee Cave Road, Building 3, Suite 120
Bee Cave, Texas 78738

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

General Description and Location of Waste Disposal System:

Description: The Lake Pointe Wastewater Treatment Facility consists of an activated sludge process plant using the single stage nitrification mode. Treatment units include two parallel trains consisting of a bar screen, two equalization basins, two aeration basins, two final clarifiers, two aerobic digesters, two chlorine contact chambers, and cloth disk filters at Site A, and another train consisting of an equalization basin, bar screen, aeration basin, final clarifier, aerobic digester, chlorine contact chamber, and cloth disk filters at Site B. The permittee is authorized to dispose of treated domestic wastewater effluent at a daily average flow not to exceed 0.675 million gallons per day (MGD) at Outfall 001, and 0.325 MGD at Outfall 002 via surface irrigation of 350 acres of public access land. The 350-acre irrigation site consists of the 200-acre Spillman Ranch site's golf course, medians, and parks and the 150-acre CCNG site's golf course. The facility includes one storage pond (Effluent Pond No. 1) with a total surface area of 5 acres and total capacity of 77 acre-feet for storage of treated effluent prior to irrigation, and another effluent storage pond (Effluent Pond No. 2) with a total surface area of 4.5 acres and total capacity of 100 acre-feet for storage of treated effluent prior to irrigation. Application rates shall not exceed 3.0 acre-feet per year per acre irrigated (CCNG) and 3.4 acre-feet per year per acre irrigated (Spillman Ranch). The cover crops include bermuda grass, ryegrass, bentgrass and rough bluegrass for the tees, fairways and greens, buffalo grass and native indigenous species for the rough and out of play areas.

Location: The wastewater treatment facility and disposal site are located at 3100 Napa Drive, Austin, in Travis County, Texas 78738 (Site A). The Effluent Pond No. 1 is located approximately 8,000 feet northwest of the intersection of Farm-to-Market Road 620 and State Highway 71 in Travis County, Texas 78738. The irrigation site (Spillman Ranch) is also

located approximately 8,000 feet northwest of the intersection of Farm-to-Market Road 620 and State Highway 71 in Travis County, Texas 78738. The irrigation site (CCNG) is located approximately 2,500 feet south of the intersection of Farm-to-Market Road 620 and State Highway 71 in Travis County, Texas 78738. The Effluent Pond No. 2 and a treatment facility are located approximately 3,000 feet northwest of the intersection of Farm-to-Market Road 2244 and State Highway 71 in Travis County, Texas 78738 (Site B). (See Attachment A.)

Drainage Area: The wastewater treatment facility and the storage pond 2 are located in the drainage basin of Lake Austin in Segment No. 1403. The disposal sites and the storage pond 1 are located in the drainage basin of Barton Creek in Segment No. 1430 of the Colorado River Basin. No discharge of pollutants into water in the state is authorized by this permit.

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

ISSUED DATE:

For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfalls 001 (Site A) and 002 (Site B)

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

A. Effluent Limitations

- Character: Treated Domestic Sewage Effluent
- Volume: Daily Average Flow – 0.675 MGD at Outfall 001, and 0.325 MGD at Outfall 002 MGD from the treatment system
- Quality: The following effluent limitations shall be required:

<u>Parameter</u>	<u>Effluent Concentrations</u> (Not to Exceed)			
	<u>Daily Average</u> mg/l	<u>7-Day Average</u> mg/l	<u>Daily Maximum</u> mg/	<u>Single Grab</u> mg/l
Carbonaceous Biochemical Oxygen Demand (5-day)	5	N/A	N/A	35
Total Suspended Solids	5	N/A	N/A	60
Ammonia Nitrogen	2	N/A	N/A	15

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

The effluent shall be chlorinated in a chlorine contact chamber to a residual of 1.0 mg/l with a minimum detention time of 20 minutes. If the effluent is to be transferred to a holding pond or tank, re-chlorination prior to the effluent being delivered into the irrigation system will be required. A trace chlorine residual shall be maintained in the effluent at the point of irrigation application.

B. Monitoring Requirements:

<u>Parameter</u>	<u>Monitoring Frequency</u>	<u>Sample Type</u>
Flow	Continuous	Totalizing meter
Carbonaceous Biochemical Oxygen Demand (5-day)	One/week	Composite
Total Suspended Solids	One/week	Composite
Ammonia Nitrogen	One/week	Composite

pH	One/month	Grab
Chlorine Residual	Five/week	Grab

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

STANDARD PERMIT CONDITIONS

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

DEFINITIONS

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

1. Flow Measurements

- a. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.
- b. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with 1 million gallons per day or greater permitted flow.
- c. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

2. Concentration Measurements

- a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.
 - i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.
 - ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.
- b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.
- c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

3. Sample Type

- a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (b).
 - b. Grab sample - an individual sample collected in less than 15 minutes.
4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.
 5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids which have not been classified as hazardous waste separated from wastewater by unit processes.
 6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING REQUIREMENTS

1. Monitoring Requirements

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

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

2. Test Procedures

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

3. Records of Results

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

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

4. Additional Monitoring by Permittee

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

5. Calibration of Instruments

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

6. Compliance Schedule Reports

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

7. Noncompliance Notification

- a. In accordance with 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
- b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:
 - i. Unauthorized discharges as defined in Permit Condition 2(g).
 - ii. Any unanticipated bypass which exceeds any effluent limitation in the permit.
- c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
- d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible.

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

9. Changes in Discharges of Toxic Substances

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

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - i. One hundred micrograms per liter (100 µg/L);
 - ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

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

10. Signatories to Reports

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

PERMIT CONDITIONS

1. General

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

2. Compliance

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

- b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or an application for a permit for another facility.
 - c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
 - d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment.
 - e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.
 - f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and Texas Water Code Section 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
 - g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Special Provisions section of this permit.
 - h. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties).
3. Inspections and Entry
- a. Inspection and entry shall be allowed as prescribed in the Texas Water Code Chapters 26, 27, and 28, and Texas Health and Safety Code Chapter 361.
 - b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in

charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in Texas Water Code Section 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment and/or Renewal

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

5. Permit Transfer

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

6. Relationship to Hazardous Waste Activities

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

7. Property Rights

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

8. Permit Enforceability

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

9. Relationship to Permit Application

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

10. Notice of Bankruptcy.

- a. Each permittee shall notify the Executive Director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:
 - i. the permittee;
 - ii. an entity (as that term is defined in 11 USC, § 101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or
 - iii. an affiliate (as that term is defined in 11 USC, § 101(2)) of the permittee.
- b. This notification must indicate:
 - i. the name of the permittee;
 - ii. the permit number(s);
 - iii. the bankruptcy court in which the petition for bankruptcy was filed; and
 - iv. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.
2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.
3. Domestic wastewater treatment facilities shall comply with the following provisions:
 - a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.
 - b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.
4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.
5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.
6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under Texas Water Code § 7.302(b)(6).
7. Documentation

For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for information specified as not confidential in 30 TAC § 1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim

must be asserted in the manner prescribed in the application form or by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice. If the Commission or Executive Director agrees with the designation of confidentiality, the TCEQ will not provide the information for public inspection unless required by the Texas Attorney General or a court pursuant to an open records request. If the Executive Director does not agree with the designation of confidentiality, the person submitting the information will be notified.

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

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

If in the 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. Facilities which generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:
 - a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.
 - c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Environmental Cleanup Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.
 - d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.
 - e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.
 - f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:
 - i. Volume of waste and date(s) generated from treatment process;
 - ii. Volume of waste disposed of on-site or shipped off-site;
 - iii. Date(s) of disposal;
 - iv. Identity of hauler or transporter;
 - v. Location of disposal site; and
 - vi. Method of final disposal.

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

the TCEQ for at least five years.

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

TCEQ Revision 06/2008

SLUDGE PROVISIONS

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

SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE LAND APPLICATION**A. General Requirements**

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

B. Testing Requirements

1. Sewage sludge shall be tested annually in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method, which receives the prior approval of the TCEQ for the contaminants listed in Table 1 of 40 CFR Section 261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 11) within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to:

Director, Permitting and Remediation Support Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 11) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

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

TABLE 1

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

* Dry weight basis

3. Pathogen Control

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

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

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

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

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

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

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

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

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

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

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

Alternative 1 -

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

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

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

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

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

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

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

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

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

4. Vector Attraction Reduction Requirements

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

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

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

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

Alternative 10-

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

C. Monitoring Requirements

Toxicity Characteristic Leaching Procedure (TCLP) Test - annually
PCBs - annually

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 weight basis).*

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

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

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

A. Pollutant Limits

Table 2

<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 Section 312.44.
3. Bulk sewage sludge shall be applied at or below the agronomic rate of the cover crop.
4. An information sheet shall be provided to the person who receives bulk sewage sludge sold or given away. The information sheet shall contain the following information:
 - a. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.
 - b. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instruction on the label or information sheet.
 - c. The annual whole sludge application rate for the sewage sludge application rate for the sewage sludge that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

D. Notification Requirements

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

E. Record keeping Requirements

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

period of five years. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC Section 312.47 for persons who land apply.

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

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

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

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

- 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 Section 312.47(a)(4)(A)(ii) or 30 TAC Section 312.47(a)(5)(A)(ii), as applicable, and to the permittee's specific sludge treatment activities.
- b. The location, by street address, and specific latitude and longitude, of each site on which sludge is applied.
- c. The number of acres in each site on which bulk sludge is applied.
- d. The date and time sludge is applied to each site.

- e. The cumulative amount of each pollutant in pounds/acre listed in Table 2 applied to each site.
- f. The total amount of sludge applied to each site in dry tons.

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

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 11) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30 of each year the following information:

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

16. The certification statement listed in either 30 TAC Section 312.47(a)(4)(A)(ii) or 30 TAC Section 312.47(a)(5)(A)(ii) as applicable to the permittee's sludge treatment activities, shall be attached to the annual reporting form.
17. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the annual reporting form.
 - a. The location, by street address, and specific latitude and longitude.
 - b. The number of acres in each site on which bulk sewage sludge is applied.
 - c. The date and time bulk sewage sludge is applied to each site.
 - d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk sewage sludge applied to each site.
 - e. The amount of sewage sludge (i.e., dry tons) applied to each site.

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

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

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

Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 11) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Permitting and Remediation Support Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 11) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

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

F. Record keeping Requirements

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

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

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

G. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 11) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year the following information:

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

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

SPECIAL PROVISIONS:

1. This permit is granted subject to the policy of the Commission to encourage the development of areawide waste collection, treatment and disposal systems. The Commission reserves the right to amend this permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an areawide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such areawide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment, or disposal system.
2. The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations, and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

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

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

4. The permittee shall obtain representative soil samples from the root zones of the land application area receiving wastewater. Composite sampling techniques shall be used. Each composite sample shall represent no more than 80 acres with no less than 10 to 15 subsamples representing each composite sample. Subsamples shall be composited by like sampling depth, type of crop and soil type for analysis and reporting. Soil types are soils that have like topsoil or plow layer textures. These soils shall be sampled individually from 0 to 6 inches, 6 to 18 inches, and 18 to 30 inches below ground level. The permittee shall sample and analyze soils in December to February of each year. Soil samples shall be analyzed within 30 days of procurement.

The permittee shall provide annual soil analyses of the land application area according to the following table:

Parameter	Method	Minimum Analytical Level (MAL)	Reporting units
pH	2:1 (v/v) water to soil mixture		Reported to 0.1 pH units after calibration of pH meter
Electrical Conductivity	Obtained from the SAR water saturated paste extract	0.01	dS/m (same as mmho/cm)
Nitrate-nitrogen	From a 1 N KCl soil extract	1	mg/kg (dry weight basis)
Total Kjeldahl Nitrogen (TKN)	For determination of Organic plus Ammonium Nitrogen. Procedures that use Mercury (Hg) are not acceptable.	20	mg/kg (dry weight basis)
Total Nitrogen	= TKN plus Nitrate-nitrogen		mg/kg (dry weight basis)
Plant-available: Phosphorus	Mehlich III with inductively coupled plasma	1	mg/kg (dry weight basis)
Plant-available: Potassium (K)	May be determined in the same Mehlich III extract with inductively coupled	5 (K)	mg/kg (dry weight basis)

	plasma		
Amendment addition, e.g., gypsum	Recommendation from analytical laboratory		Report in <i>short tons/acre</i> in the year effected

A copy of this soil testing plan shall be provided to the analytical laboratory prior to sample analysis. The permittee shall submit the results of the annual soil sample analyses with copies of the laboratory reports and a map depicting the areas that have received wastewater within the permanent land application fields to the TCEQ Regional Office (MC Region 11) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, no later than the end of September of each sampling year. If wastewater is not applied in a particular year, the permittee shall notify the same TCEQ offices and indicate that soil analysis results are not required to be submitted because wastewater has not been applied on the approved land irrigation site(s) during that year.

5. Application rates to the irrigated land shall not exceed 3.0 acre-feet per year per acre irrigated (CCNG site) and 3.4 acre-feet per year per acre irrigated (Spillman Ranch). The permittee is responsible for providing equipment to determine application rates and maintaining accurate records of the volume of effluent applied. These records shall be made available for review by the Texas Commission on Environmental Quality and shall be maintained for at least three years.
6. The permittee shall comply with the requirements of 30 TAC Section 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 Section 309.13(e). On the portion of the buffer zone not owned by the permittee, the permittee has provided documentation showing that Lake Pointe Homeowners Association lot to be a public utility easement and drainage easement. The permittee confirms that the West Travis County MUD 5 habitat preserve is subject to a federal Fish and Wildlife permit and cannot be developed. The permittee further confirms that the buffer zone for the alternate location is a restricted habitat reserve and will never be developed as a residential property (Attachments B, C, D and E).
7. Irrigation practices shall be designed and managed so as to prevent ponding of effluent or contamination of ground and surface waters and to prevent the occurrence of nuisance conditions in the area. Crops, turf grass, native grasses, cover crops, the golf course or other ground cover shall be established and well maintained in the irrigation area throughout the year for effluent and nutrient uptake by the crop and to prevent pathways for effluent surfacing. Tailwater control facilities shall be provided as necessary to prevent the discharge of any effluent from the irrigated land.
8. Effluent shall not be applied for irrigation during rainfall events or when the ground is frozen or saturated.
9. The permittee shall erect adequate signs stating that the irrigation water is from a non-potable water supply for any area where treated effluent is stored or where there exist hose bibs or faucets. Signs shall consist of a red slash superimposed over the international symbol for drinking water accompanied by the message "DO NOT DRINK THE WATER" in both English and Spanish. All piping transporting the effluent shall be clearly marked with these same signs.

10. Spray fixtures for the irrigation system shall be of such design that they cannot be operated by unauthorized personnel.
11. Irrigation with effluent shall be accomplished only when the area specified is not in use.
12. The permittee shall maintain a long term contract with the owner(s) of the land application site which is authorized for use in this permit, or own the land authorized for land application of treated effluent.
13. Facilities for the retention of treated or untreated wastewater (Holding Pond #1) shall be adequately lined to control seepage. The following methods of pond lining are acceptable.
 - a. In-situ clay soils or placed and compacted clay soils meeting the following requirements:
 - 1) More than 30% passing a No. 200 mesh sieve
 - 2) Liquid limit greater than 30%
 - 3) Plasticity index greater than 15
 - 4) A minimum thickness of 3 feet
 - 5) Permeability equal to or less than 1×10^{-7} cm/sec (*)
 - 6) Soil compaction will be 95% standard proctor at optimum moisture content (*)

(*) For new and/or modified ponds only.
 - b. Membrane lining with a minimum thickness of 30 mils, and an underdrain leak detection system.
 - c. An alternate method of pond lining may be utilized with prior approval from the Executive Director.

The permittee shall furnish certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria above prior to utilization of the facilities. The certification shall be sent to the TCEQ Regional Office (MC Region 11) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division.

14. Facilities (Holding Pond #2) for the retention of treated or untreated wastewater, such as constructed wetlands, facultative lagoons, earthen aerated lagoons, partially-aerated lagoons, stabilization lagoons, and treated effluent storage lagoons, shall be adequately lined to control seepage. The liner shall meet the requirements in 30 TAC Section 217.203, Design Criteria for Natural Treatment Facilities.

The permittee shall furnish certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria above prior to use of the facilities. The certification shall be submitted to the TCEQ Regional Office (MC Region 11) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division.

15. The permittee shall not irrigate land with a slope greater than 10 percent as shown on Attachment F.
16. The permittee shall provide facilities for the protection of its wastewater treatment facilities from a 100-year flood.

17. The permittee shall maintain a minimum of 150-foot buffer zone from the irrigation disposal sites to any water wells, including wells that are off-site. Prior to utilization of the facilities, all wells located on-site shall be plugged in accordance with 16 TAC Section 76.1004.
18. The permittee shall ensure that the application area shall have suitable soils and adequate rooting depth to enhance the establishment and maintenance of the turf grass.
19. A certified operator shall inspect the facility daily and maintain at the plant site a record of these inspections. These records shall be available at the plant site for inspection by authorized representatives of the commission for at least three years.

During this daily inspection the proper operation and maintenance of the wastewater treatment facilities and irrigation system shall be checked in order to prevent or abate the occurrence of nuisance odor.

20. There shall be no construction of additional treatment tanks in Site A (see Attachment A) for all phases.
21. Holding or storage ponds shall conform to the design criteria for stabilization ponds with regard to construction and levee design and shall maintain a minimum freeboard of two feet according to 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems.
22. Permanent transmission lines shall be installed from the holding pond to each tract of land to be irrigated utilizing effluent from that pond.
23. The permittee shall secure written approval from the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division before accepting for treatment in this facility any wastes significantly different from normal domestic wastewater. Before providing such approval, the Executive Director may require additional information regarding the nature, quantity, and treatability of the wastes.
24. The permittee is authorized to haul sludge from the wastewater treatment facility, by a licensed hauler, to the City of Manor Wilbarger Wastewater Treatment Facility, Permit No. WQ0012900001, or any other facility authorized by the TCEQ to accept sludge, for final processing and disposal.

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

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

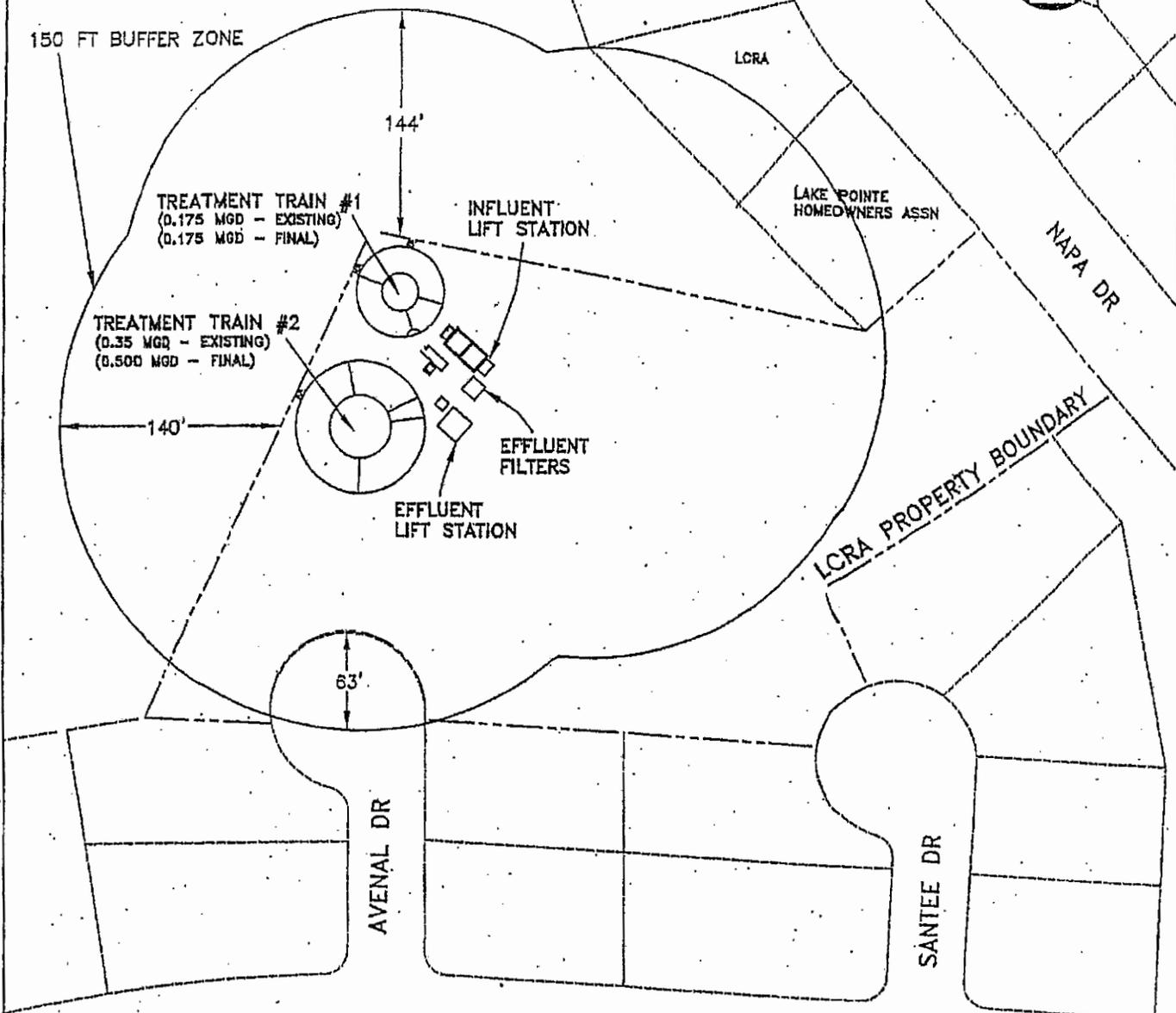
These records shall be maintained on a monthly basis and shall be reported to the TCEQ Regional Office (MC Region 11) and the TCEQ Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

25. The permittee shall install and maintain an automatic emergency power transfer.

26. The permittee shall use its best professional judgment to monitor and maintain operational dissolved oxygen concentrations for the aeration basins, equalization basins and sludge digesters as required by 30 TAC §217.
27. The permittee shall operate and maintain the odor abatement equipment according to the facility's operations and maintenance manual. All maintenance records shall be available for inspection by authorized representatives of the commission for at least three years. This permit condition shall expire at the end of the current permit term.
28. The permittee shall timely respond to odor complaints, made directly to the permittee and shall maintain a record of these responses. Documentation should include the cause of the odor and the corrective action. These records shall be available for inspection by authorized representatives of the commission for at least three years. This permit condition shall expire at the end of the current permit term.
29. The permittee shall continue to implement its program for retail and commercial customers to address grease and rag build-up within the collection system and lift station.

West Travis County Public Utility Agency
 TCEQ Permit No. WQ0013594001
**WEST TRAVIS COUNTY MUD 5
 HABITAT PRESERVE**
 (RESTRICTIVE EASEMENT INCLUDED)

ATTACHMENT B



Murfee Engineering Company

BUFFER ZONE MAP
 FOR ITEM 2A OF
 ADMINISTRATIVE REPORT 1.1

1101 South Capital of Texas Highway, Building D, Suite 110, Austin, Texas 78746 (512) 327-9204

JOB NO. 00048.40 SCALE: 1" = 100' SHEET: 1 OF 2

DESIGNED BY: CRE

DRAWN BY: DL

FILE: \\00\048\40\buffer zone map DATE: 05/05

West Travis County Public Utility Agency
TCEQ Permit No. WQ0013594001

ATTACHMENT C

PROPOSED TREATMENT PLANT SITE

150 FT BUFFER ZONE

CITY OF AUSTIN

LCRA PROPERTY BOUNDARY

TREATMENT TRAIN #3
(0.325 MGD - FINAL)

PROPOSED EFFLUENT
POND 100 AC-FT



(SCALE IN FEET)



Murfes Engineering Company

BUFFER ZONE MAP
FOR ITEM 2A OF
ADMINISTRATIVE REPORT 1.1

1101 South Capital of Texas Highway, Building D, Suite 110, Austin, Texas 78748, (512) 327-9204

JOB NO. 00048.40 | SCALE: 1" = 200' | SHEET: 2 OF 2

DESIGNED BY: CRE

DRAWN BY: JMC/DL

FILE: \\00\04B\40\buffer-zone-2

DATE: 6/02

West Travis County Public Utility Agency
TCEQ Permit No. WQ0013594001

EXHIBIT B



ATTACHMENT D

Murfee Engineering Company

September 30, 2003

Julian D. Centeno, Jr.
Water Quality Division
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
SEP 30 2003
MUNICIPAL PERMITS

Re: LCRA: Application for Major Amendment of TCEQ Permit No. 13594-001

Dear Mr. Centeno:

Please find attached our response to your review comments dated September 5 and September 9, 2003 on the referenced project.

Should you have any questions or require additional information, please contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read 'George Murfee', is written over a horizontal line.

George Murfee, P.E.
President

cc: Mike Tomme, LCRA

File: 00048.10

West Travis County Public Utility Agency
TCEQ Permit No. WQ0013594001

ATTACHMENT D

September 5, 2003 Comments

1. *The source and copy of the precipitation raw data used*

The precipitation data is National Weather Service Data for Robert Mueller Airport site. Data was obtained digitally from TNRS. A copy of the complete annual data is contained in the water balance under the column for daily precipitation.

2. *Why are the ET values constant each month?*

The ET values are only constant within a given month. The table of composite ET values at the beginning of the Water Balance and Effluent Storage Summary vary from month to month. For a daily ET, the monthly value was divided by the number of days in the month in order to obtain an estimate of the daily ET.

3. *How does the curve number revert back to AMC-II?*

The spreadsheet has an "if" statement that checks the previous five day precipitation and adjusts the curve number accordingly. For a conservative analysis, the "effluent applied" is added to any precipitation to determine the antecedent moisture condition.

4. *Which period is considered the growing season? Dormant season?*

The dormant season is assumed to be November through February. The growing season is March through October.

5. *Please identify on the buffer zone map the properties which the submitted easement agreements refer to including the West Travis County MUD 5 habitat preserve.*

The easement agreements submitted with the application evidence LCRA's authorization to dispose of treated wastewater effluent in the proposed irrigation areas. As a result, the lands that are the subject of the easement agreements are golf course, median, and park lands within the Spillman Tract and the CCNG Tract. Representatives of LCRA previously submitted to TCEQ a map identifying each of the disposal areas.

The new site for which LCRA seeks authorization to construct an additional wastewater treatment plant is owned fee simple by LCRA. LCRA previously submitted to TCEQ a copy of the deed. As a result, it is not the subject of any of the easement agreements previously submitted to TCEQ with the permit application. The areas surrounding the new wastewater treatment plant site are habitat reserve lands that are subject to a Federal Fish and Wildlife Permit issued by the United States Fish & Wildlife Department. A copy of this permit was submitted by LCRA to TCEQ with the permit application. In summary, the easement agreements do not address any of the lands depicted on the buffer zone map, including the West Travis County MUD 5 habitat reserve. These lands are subject to a federal Fish & Wildlife permit and cannot be developed.

West Travis County Public Utility Agency
TCEQ Permit No. WQ0013594001

ATTACHMENT E

Murfee Engineering Company

MEMORANDUM

RECEIVED

OCT 29 2003

MUNICIPAL PERMITS

TO: Julian D. Centeno, Jr.

FROM: George Murfee, P.E. *GM*

RE: LCRA Application for Major Amendment of
TCEQ Permit #13594-001
MEC Job No. 00048,10

DATE: October 27, 2003

The following are our responses to the technical review:

1. *Referring to buffer zone requirements for treatment trains #1, #2 and #3: is there a restrictive easement agreement with the Lake Pointe Homeowners Association? Please provide further explanation if there is none.*

The two lots that were purchased in the subdivision that front on Napa Drive were purchased by and dedicated by the developer to the LCRA and the Lake Pointe Homeowner's Association (HOA) for the purposes of creating a buffer zone for the WWTP expansion. The LCRA owns Lot 2, Block A, and the HOA owns Lot 1, Block A. The attached plat for Lake Pointe Phase IV, Section A and Phase IV, Section B shows that Lot 1, Block A is designated as a MUD lot restricted as a public utility easement and drainage easement.

2. *Referring to the buffer zone map for the treatment train #3 or final phase 1.0 MGD WWTP (Alternate Location): Who owns the buffer zone? If owned by LCRA, please revise the buffer zone map to indicate LCRA property boundary encompassing the 150-foot buffer zone shown on the map.*

The buffer zone property is owned by the COA. You should be aware of the fact that this property (Alternative Location) was purchased from the City of Austin (COA) Balcones Habitat Preservation for the sole purpose of putting a WWTP and effluent pond on this site. This was a swap of properties that the Balcones Habitat Preservation Plan wanted to occur. My client, LCRA, doesn't feel that a buffer zone easement is required because the property surrounding the WWTP site is restricted habitat reserve and will never be developed as residential property, and they have an agreement between the LCRA and the COA that this site (Alternative Location) is the proposed site for the LCRA's regional WWTP to serve this area. This agreement in effect creates the needed buffer zone and the habitat reserve restriction ensures that no residences will ever exist or be impacted by noise or odor.

West Travis County Public Utility Agency
TCEQ Permit No. WQ0013594001

ATTACHMENT F

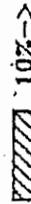
SCALE 1"=1000'



LEGEND

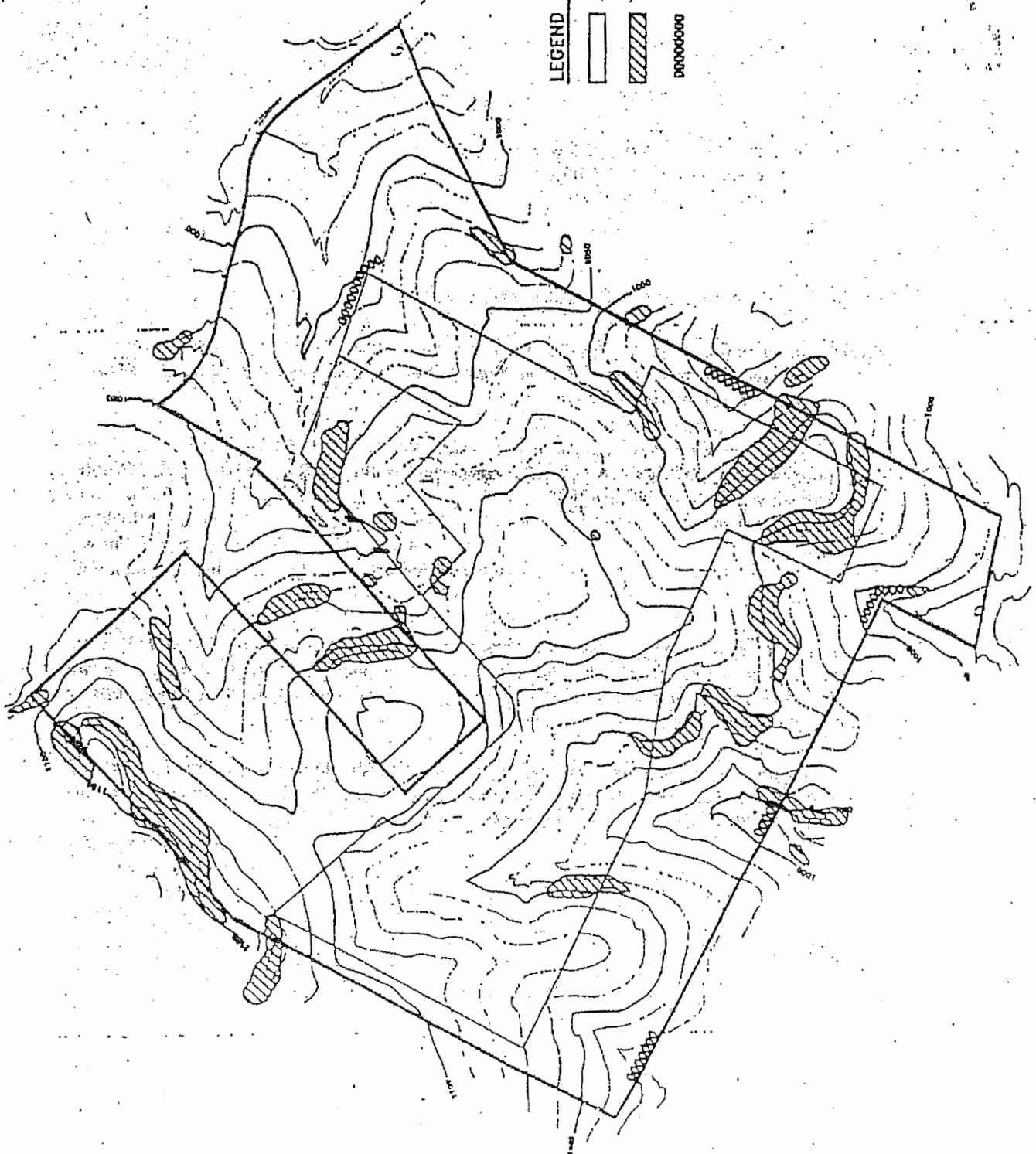


0-10%



10%+>

POTENTIAL TAIL-WATER
CONTROL STRUCTURES



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



RECEIVED

JUL 08 2015

Lloyd Gosselink

**NOTICE OF PUBLIC MEETING
FOR WATER QUALITY LAND APPLICATION PERMIT
FOR MUNICIPAL WASTEWATER****PERMIT NO. WQ0013594001**

APPLICATION. West Travis County Public Utility Agency, 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of TCEQ Permit No. WQ0013594001, which authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 1,000,000 gallons per day via surface irrigation of 350 acres of public access land. This permit will not authorize a discharge of pollutants into water in the state.

The wastewater treatment facility and disposal site are located at 3100 Napa Drive, Austin, in Travis County, Texas 78738 (Site A). The Effluent Pond No. 1 is located approximately 8,000 feet northwest of the intersection of Farm-to-Market Road 620 and State Highway 71 in Travis County, Texas 78738. The irrigation site (Spillman Ranch) is also located approximately 8,000 feet northwest of the intersection of Farm-to-Market Road 620 and State Highway 71 in Travis County, Texas 78738. The irrigation site (CCNG) is located approximately 2,500 feet south of the intersection of Farm-to-Market 620 and State Highway 71 in Travis County, Texas 78738. The Effluent Pond No. 2 and a treatment facility are located approximately 3,000 feet northwest of the intersection of Farm-to-Market Road 2244 and State Highway 71 in Travis County, Texas 78738 (Site B). The wastewater treatment facilities and the storage pond at Site B are located in the drainage basin of Lake Austin in Segment No. 1403 of the Colorado River Basin. The effluent disposal sites and the storage pond at Site A are located in the drainage basin of Barton Creek in Segment No. 1430 of the Colorado River Basin. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to the application.

www.tceq.texas.gov/assets/public/hb610/index.html?lat=30.310833&lng=-97.925833&zoom=13&type=r

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements.

PUBLIC COMMENT/PUBLIC MEETING. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

**The Public Meeting is to be held:
Thursday, August 13, 2015 at 7:00 PM
City of Bee Cave Council Chambers
4000 Galleria Parkway
Bee Cave, Texas 78738**

INFORMATION. Citizens are encouraged to submit written comments anytime during the meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.texas.gov/about/comments.html. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040. *Si desea información en Español, puede llamar 1-800-687-4040.* General information about the TCEQ can be found at our web site at www.tceq.texas.gov.

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the Bee Cave Public Library, 4000 Galleria Parkway, Bee Cave, Texas. Further information may also be obtained from West Travis County Public Utility Agency, 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738, or by calling Mr. Dennis Lozano, P.E., Murfee Engineering Company, Inc. at (512) 327-9204.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or 1-800-RELAY-TX (TDD) at least one week prior to the meeting.

Issued: July 6, 2015

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TRANSFER OF

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PERMIT NO. WQ0013594001

FROM: Lower Colorado River Authority

TO: West Travis County Public Utility Agency

Ownership of the facilities covered by the above-referenced permit issued December 15, 2009, has changed. That part of the signature page pertaining to the name and mailing address of the permit holder is hereby changed so that the same shall hereinafter be and read as follows:

"West Travis County Public Utility Agency
816 Congress Avenue, Suite 1900
Austin, Texas 78701"

The transferee is financially responsible for the proper maintenance and operation of the facility so as to comply with the terms and conditions of the permit. The failure to operate the facility in accordance with the terms and conditions of the permit may be good cause for revocation of the permit.

This transfer is in accordance with 30 Texas Administrative Code Section 305.64.

This order is part of the permit and should be attached there to.

Issued Date: March 22, 2012


For The Commission



Compliance History Report

PUBLISHED Compliance History Report for CN604021980, RN102077989, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN604021980, West Travis County Public Utility Agency	Classification:	SATISFACTORY	Rating:	2.25
Regulated Entity:	RN102077989, LAKE POINTE WWTP	Classification:	SATISFACTORY	Rating:	2.25
Complexity Points:	8	Repeat Violator:	NO		
CH Group:	08 - Sewage Treatment Facilities				
Location:	LOCATED 3100 NAPA DR APPROX 1000 FT N FM 2244 AND 3000 FT NE OF THE INTERX OF FM2244 AND SH 71 TRAVIS, TX, TRAVIS COUNTY				
TCEQ Region:	REGION 11 - AUSTIN				
ID Number(s):	WASTEWATER PERMIT WQ0013594001 WASTEWATER AUTHORIZATION R13594001				
Compliance History Period:	September 01, 2010 to August 31, 2015	Rating Year:	2015	Rating Date:	09/01/2015
Date Compliance History Report Prepared:	March 09, 2016				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	September 01, 2010 to August 31, 2015				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	TCEQ Staff Member			Phone:	(512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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

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

- 1 Effective Date: 08/13/2011 ADMINORDER 2011-0170-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121
Rqmt Prov: Permit Conditions 2.g PERMIT
Description: Failed to prevent the unauthorized discharges of wastewater.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

- | | | |
|--------|---------------|-----------|
| Item 1 | July 02, 2013 | (1100763) |
| Item 2 | July 03, 2013 | (1100309) |

Item 3 November 26, 2013 (1128836)
Item 4 February 26, 2014 (1151144)

EXHIBIT E

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

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

- 1 Date: 05/15/2015 (1252248) CN604021980
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Page 24, Item 6 PERMIT
Description: Failed to prevent ponding of treated effluent during irrigation.
- 2 Date: 07/31/2015 (1258790) CN604021980
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
2D TWC Chapter 26, SubChapter A 26.121(c)
2D TWC Chapter 26, SubChapter A 26.121(d)
2D TWC Chapter 26, SubChapter A 26.121(e)
Page 9, Item 2g PERMIT
TWC Chapter 26 26.121
Description: Failed to prevent an unauthorized discharge
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Pages 24 and 25, Items 6 and 7 PERMIT
Description: Failed to properly operate and maintain the disposal system

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

Compliance History

Customer/Respondent/Owner-Operator: CN600253637 Lower Colorado River Authority Classification: AVERAGE Rating: 2.64

Regulated Entity: RN102077989 LAKE POINT Classification: AVERAGE Site Rating: 1.00

ID Number(s): WASTEWATER PERMIT WQ0013594001
 WASTEWATER LICENSING LICENSE WQ0013594001

Location: 3100 NAPA DRIVE, APPROXIMATELY 1,000 FEET NORTH OF FARM-TO-MARKET ROAD 2244 AND APPROXIMATELY 3,000 FEET NORTHEAST OF THE INTERSECTION OF FARM-TO-MARKET ROAD 2244 AND STATE HIGHWAY 71 WITH AN ASSOCIATED TREATED EFFLUENT TRANSMISSION LINE AT 1 SPANISH OAKS CLUB IN TRAVIS COUNTY, TEXAS

TCEQ Region: REGION 11 - AUSTIN

Date Compliance History Prepared: January 26, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 26, 2006 to January 26, 2011

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

Name: Samuel Short Phone: (512) 239-5363

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/31/2007	(512974)
2	02/26/2010	(790686)
3	01/20/2011	(885745)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/26/2010 (790686) CN600253637

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 2D TWC Chapter 26, SubChapter A 26.121(a)(3)
 2D TWC Chapter 26, SubChapter A 26.121(b)
 2D TWC Chapter 26, SubChapter A 26.121(c)
 2D TWC Chapter 26, SubChapter A 26.121(d)
 2D TWC Chapter 26, SubChapter A 26.121(e)
 TWC Chapter 26 26.121
 TWC Chapter 26 26.121(a)(2)

Description: Failure to prevent unauthorized discharges

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.

J. Early compliance.

N/A

Sites Outside of Texas

N/A