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CHIEF CLERKS OFFICE

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October 5, 2023

REVIEWED

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By GCW

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Filed by Hand-Delivery

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

RE: Aguilas Robles LLC, CN606104941; Westridge Oaks WWTP, RN110910254;
Proposed Major Amendment to Waste Water Permit No. WQ0015843001; Request
for Contested Case Hearing and Request for Reconsideration

Dear Chief Clerk Gharis:

I am submitting this supplemental request for a contested case hearing and request for reconsideration on behalf of our client, Catalaunian LLC, an affiliate of the APL group (collectively "APL"). Catalaunian LLC is the owner of the land, located at 6281 FM 1102, New Braunfels, TX 78132 (the "Property") on which the Westridge Oaks WWTP (the "WWTP") is currently permitted and is immediately adjacent to the property on which it is now proposed to be constructed. Catalaunian LLC acquired the Property from Highbridge Consulting LLC. Kali Kate Services, Inc. ("Kali Kate") was the original permittee under TCEQ Waste Water Permit No. WQ0015843001 (the "Permit"). To obtain the Permit, Kali Kate submitted an application, dated November 2019, and received by TCEQ's Water Quality Permitting staff on December 10, 2019 (the "Kali Kate Application"). As previously noted in Catalaunian's comments submitted on July 17, 2023, Kali Kate falsely asserted in the Kali Kate Application that it was the landowner of the Property, and also that, inconsistently, it held a deed recorded easement to the Property. Kali Kate included a document reflecting an easement on the Property, but that easement is held by Crystal Clear Special Utility District, and not Kali Kate. This documentation was previously provided by Catalaunian in its comments.

Comal County deed records show no ownership of the Property by Kali Kate at any time. Nor do the Comal County deed records reflect that Kali Kate has ever held an easement on the Property. In fact, there is no record of Kali Kate ever owning property or holding an easement in Comal County.

Kali Kate misrepresented or failed to disclose in the Kali Kate Application the relevant fact that it held no property interest in the Property on which it sought a permit to construct the WWTP. Further, Kali Kate certified to the truth, accuracy, and completeness of the information provided in its application. This certification was false. The information provided in Kali Kate's Application regarding any property interest in the Property was not true, accurate, or complete.

The information, however, was relied on by the Executive Director's staff in reviewing the application and in deciding to prepare and recommend issuance of the Permit. The Executive Director's staff relied on this information based on Kali Kate's false certification. Because Kali Kate claimed to own the Property, the true owner of the Property¹ was not provided notice of Kali Kate's Application and did not have an opportunity to contest the application. Without a certification that Kali Kate owned the Property or had a deed recorded easement on the Property, the Executive Director's staff would have rejected the Kali Kate Application. Instead, based on the false information and the false certification, the Commission issued the Permit to Kali Kate on September 10, 2021.

The Commission recently opined on this issue, in TCEQ Docket No. 2021-1442-MWD; SOAH Docket No. 582-22-1885. At its July 19, 2023 Agenda, the Commission considered the Administrative Law Judge's Proposal for Decision and Proposed Order regarding the application of Stephen Selinger for new Texas Pollutant Discharge Elimination System Permit No. WQ0015932001, to authorize the discharge of treated domestic wastewater. The Administrative Law Judge ("ALJ") had recommended denial of the requested permit based on Mr. Selinger's failure to establish that he owned the property that was the subject of the application on the date the application was filed.² Commissioner Lindley noted that the property ownership was a "threshold issue." Chairman Niermann considered the applicant's failure to establish ownership at the time of his submission of the application to be a "fatal defect." The Commission unanimously adopted the Proposal for Decision and Proposed Order, with changes proposed by the Executive Director, including a change to Finding of Fact No. 59 "[t]o more accurately reflect the evidence in the record ... to state 'Selinger was not the owner of the land of the proposed Facility when the application was filed.'"³

Kali Kate misrepresented or failed to disclose in the Kali Kate Application the relevant fact that it held no property interest in the Property on which it sought a permit to construct the WWTP. If it had properly disclosed the true status of its property interest, i.e., none, the Commission would not have issued the Permit, just as it declined to issue Mr. Selinger his requested permit. Given that

¹ On the date Kali Kate submitted its application to the agency, December 10, 2019, the Property was owned by Hunter Creek Enterprises LP ("Hunter Creek").

² The ALJ had two bases for denial, either of which was arguably sufficient to support denial of the permit. While the Commission considered each basis, the Commission's discussion was focused on the failure of the applicant to establish that he owned the property that was the subject of the application at the time of the application's submission to the agency.

³ See Commissioner's Marked Agenda, July 19, 2023, Item 2; see also [Commissioners' Agenda Meeting - July 19th, 2023 - YouTube](#).

property ownership is indeed a threshold issue and failure to establish it in an application is a fatal defect, the Commission would have been right to do so.

The current holder of the Permit, Aguilas Robles, collaborated with Kali Kate to further misrepresent or fail to disclose fully all relevant facts when Aguilas Robles and Kali Kate submitted an application to transfer the Permit from Kali Kate to Aguilas Robles on January 9, 2023. As background, Catalaunian had acquired the Property from Highbridge on October 27, 2021. Aguilas Robles acquired its property, adjacent to Catalaunian's Property, from Flying W Properties on December 28, 2021.

Joshua Majors was Manager of Aguilas. *See* Transfer Application, at 9, 12. He signed the certification for Aguilas on December 28, 2022, certifying that the Transfer Application was true, correct, and complete. As part of the Transfer Application, Aguilas, through Mr. Majors, certified that the owner of the land on which the WWTP is located is the same as the applicant, here Aguilas. Transfer Application, at 8. Mr. Majors also signed the TCEQ Core Data Form as Manager of Aguilas. Transfer Application, at 14. Through the submission of the TCEQ Core Data Form, Aguilas claimed ownership and responsibility for the WWTP, and retained the location of WWTP as it was and is currently reflected in the Permit. Transfer Application, at 13-14. The property description and the geographic coordinate system data are located within the Property (owned by Catalaunian).

Mr. Majors, and therefore Aguilas, had prior knowledge that Aguilas was in fact not the owner of the Property. On October 15, 2022, Mr. Majors provided a proposed "Wastewater Facilities Easement" to Justin Davis, who, on November 2, 2022, provided that document to David Voekel of Tricor, a company assisting Catalaunian in the development of its Property. Under the proposed easement, Catalaunian would grant Aguilas "a non-exclusive, perpetual easement and right-of-way on, under, over and across the Easement Area for the construction, ... operation, use and maintenance of a wastewater treatment plant...." The Easement Area is a 2.488-acre segment of the Property that abuts Aguilas's property.⁴

Along with the Proposed Easement, Mr. Majors provided Justin Davis a proposed "Agreement Regarding Wastewater Matters" on October 15, 2022. Mr. Davis provided that document to David Voekel on November 2, 2022. In that document, Aguilas acknowledged that Catalaunian "is the current owner of the Westridge Oaks Tract;" Aguilas's property was adjacent to the Westridge Oaks Tract; and Aguilas had entered an agreement with Kali Kate to acquire the Permit. In this proposed agreement, Aguilas acknowledges the authorized location of the WWTP "is partially located on the Westridge Oaks Tract (owned by Catalaunian) and is partially located on the Aguilas Tract." Aguilas further acknowledges it needs an easement from Catalaunian for construction and operation of the WWTP as permitted. Catalaunian disputes that any portion of the permitted property lies within the Aguilas property and asserts it is wholly within the Catalaunian Property.

⁴ Copies of the proposed Wastewater Facilities Easement and Wastewater Agreement are included with Catalaunian's Petition, which is attached with this Request.

Catalaunian declined to enter into the proposed Easement Agreement and Wastewater Agreement. With Catalaunian's refusal to grant Aguilas an easement and enter into a wastewater agreement, Aguilas could only move forward with its plan to construct and operate a WWTP if it could move the permitted location of the WWTP onto its property. To do so, it had to: (1) get the Permit transferred into its name; and (2) amend the Permit to change the authorized location of the WWTP. To accomplish this objective, Kali Kate and Aguilas collaborated on the preparation of the Transfer Application.

Aguilas prepared the Transfer Application and claimed ownership of the land that was the subject of the Permit. Aguilas knew that claim was false, but it also knew, if it provided the correct information, TCEQ would require Catalaunian to be notified at a minimum and, without Catalaunian's concurrence, TCEQ would likely deny the transfer of the Permit. Aguilas could not accomplish its plan if Aguilas notified TCEQ, as required, that Catalaunian owned the land that was the authorized site of the WWTP. So Aguilas provided false and, at a minimum, incomplete information to TCEQ, as Aguilas had previously admitted that Catalaunian owned at least a portion of the land on which the WWTP was permitted. The Transfer Application is signed by David Tidwell, on behalf of Kali Kate, and Joshua Majors, on behalf of Aguilas, each certifying "under penalty of law that this document is, to the best of my knowledge and belief, true, accurate and complete," while acknowledging the consequences for submitting false information. Through these false statements, Aguilas effectively stole the Permit, and now seeks a major permit amendment to complete its fraud on the Commission and Catalaunian.

Notice is not required for a transfer of a permit under TCEQ's rules. As a result, Catalaunian was not given notice or an ability to contest the Transfer Application. Aguilas used the TCEQ process to manipulatively achieve the transfer based on its false statements and the lack of any requirement to notify Catalaunian as the true landowner. Based on the false assertion of land ownership, the Commission transferred the Permit to Aguilas on February 27, 2023. Catalaunian only became aware of the transfer of the Permit when, on April 10, 2023, the Executive Director's permitting staff determined Aguilas's application for a major amendment was administratively complete, and Aguilas Robles was required to provide notice to adjacent landowners, including Catalaunian. The falsity of Aguilas's assertion is admitted now by Aguilas itself through its pending application for a major amendment to, among other things, move the location of the proposed WWTP to property it actually owns – property adjacent to the Property.

The Executive Director's staff has noted it does not have the resources to verify land ownership or property interest claims. It is for this reason that staff and ultimately the Commission relies on the applicant's certification that the information included in the application is true, accurate, and complete. As demonstrated above, and further supported in Catalaunian's comment filed in this matter, that reliance was abused, first by Kali Kate, and then again by Kali Kate and Aguilas Robles. Through its pending application, Aguilas Robles admits the falsity of its prior application. Through the pending application, Aguilas Robles seeks the Commission's approval to, among other changes, move the location of the WWTP to property it actually owns. But fatal defects in two prior permitting actions cannot be cured.

Catalaunian has been significantly harmed by the issuance of the Permit to Kali Kate and the transfer of the Permit to Aguilas Robles based on their respective false representations to the Commission. This significant adverse impact would be exacerbated if Aguilas Robles's application for a major amendment is granted and Aguilas Robles is permitted to change the location of the proposed WWTP to property adjacent to the Property. The location of a WWTP on property adjacent to the Property would affect Catalaunian's ability to receive authorization to construct its own WWTP on its Property. TCEQ may approve new applications for discharges of wastewater in any of the following situations where: (1) there is no wastewater treatment facility or collection system within three miles of the proposed facility; or (2) the applicant requested service from wastewater treatment facilities within the three miles, and the request was denied. See TCEQ Regionalization Policy for Wastewater Treatment - Texas Commission on Environmental Quality - www.tceq.texas.gov. It is for this reason that Aguilas Robles sought the transfer of the Permit from Kali Kate rather than just initiating a permitting process on the property it actually owned.

If the Commission approves Aguilas Robles's application, Catalaunian will be subject to Aguilas Robles's conditions, whatever they may be, if it seeks to obtain service from Aguilas Robles as part of Catalaunian's development of the Property. Aguilas Robles will have gained the upper hand in negotiating position by virtue of false representations regarding ownership of the Property, compounded by the Commission's acquiescence in authorizing Aguilas Robles to relocate the site of the proposed WWTP to property it actually owns. Kali Kate's and Aguilas Robles's false representations and certifications will be rewarded, rather than punished, and injustice will be left unaddressed. Aguilas Robles will be allowed to profit from its misrepresentations to the Commission, and the Commission will have permitted a fraud on the Commission to stand and succeed.

Catalaunian respectfully requests that the Executive Director reconsider her recommendation for the Commission to approve Aguilas Robles's application for a major amendment. Alternatively, Catalaunian respectfully requests that the Commission grant a contested case hearing in this matter and designate Catalaunian as an affected party with the right to participate in that contested case hearing. Catalaunian has demonstrated that it is an affected party by showing that it is the owner of the Property that is the locus of the existing Permit; that this Property is adjacent to the property that is proposed to be the new location of the WWTP under Aguilas Robles' application; and that its rights would be affected by a granting of Aguilas Robles's application.

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Catalaunian Request for Contested Case Hearing
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In tandem with this filing, Catalaunian is also filing a Petition for the Commission to Involuntarily Transfer, or Revoke or Revoke and Reissue Permit No. WQ0015843001 from Aguilas Robles, LLC to Catalaunian LLC, a copy of which is attached. Pending the Commission's consideration of Catalaunian's Petition, Catalaunian requests that Aguilas Robles's pending application be stayed.

A handwritten signature in black ink, appearing to read 'P. C. Sarahan', with a long horizontal flourish extending to the right.

Paul C. Sarahan

TCEQ DOCKET NO. _____

PETITION FOR THE COMMISSION TO	§	BEFORE THE
INVOLUNTARILY TRANSFER, REVOKE,	§	
OR REVOKE AND REISSUE PERMIT NO.	§	TEXAS COMMISSION ON
WQ0015843001 FROM AGUILAS ROBLES,	§	
LLC TO CATALAUNIAN LLC	§	ENVIRONMENTAL QUALITY

**CATALAUNIAN LLC'S PETITION FOR THE COMMISSION TO INVOLUNTARILY
TRANSFER, OR REVOKE OR REVOKE AND REISSUE PERMIT NO. WQ0015843001
FROM AGUILAS ROBLES, LLC TO CATALAUNIAN LLC**

COMES NOW, Catalaunian LLC (the "Petitioner"), by and through its counsel, Paul C. Sarahan, Earth and Water Law, LLC, and files this Petition for the Commission to involuntarily transfer TCEQ Permit No. WQ0015843001 (the "Permit") from Aguilas Robles, LLC ("Aguilas") to Petitioner, or in the alternative, revoke the Permit or revoke and reissue the Permit to Petitioner. In support thereof, Petitioner would show as follows:

I. COMMISSION'S AUTHORITY

1. The Commission has authority to transfer a permit involuntarily after notice and an opportunity for hearing, where: (1) the permittee no longer owns or controls the permitted facilities; or (2) if the facilities have not been built, and the permittee no longer has sufficient property rights in the site of the proposed facilities. 30 Tex. Admin. Code § 305.64(i). In the interim, the Commission may transfer permits to an interim permittee pending an ultimate decision on a permit transfer if it finds the permittee no longer owns the permitted facilities. 30 Tex. Admin. Code § 305.64(h).

2. Under Tex. Water Code § 7.302(b)(5), the Commission, after notice and hearing, may revoke, suspend, or revoke and reissue a permit on any of several grounds, including where an applicant "misrepresent[ed] or fail[ed] to disclose fully all relevant facts in obtaining the permit or misrepresent[ed] to the commission any relevant fact at any time."

II. FACTS SUPPORTING INVOLUNTARY TRANSFER OR REVOCATION AND REISSUANCE

3. From the application's initial filing, the permitting process underlying the Permit was fatally flawed, not based on any error of the Commission or the Executive Director, but instead based on affirmative misrepresentations made first by the initial applicant and permittee, Kali Kate Services, Inc. ("Kali Kate") in 2019, and then again by Kali Kate and Aguilas in the context of an application to transfer the Permit from Kali Kate to Aguilas in 2023. The misrepresentations addressed the threshold issue of property ownership and, but for those misrepresentations, the permit application and the application to transfer the permit would have been denied consistent with Commission precedent.

4. Under the Permit, Westridge Oaks WWTP (the "WWTP") may be constructed and operated on property located at 6281 FM 1102, New Braunfels, TX 78132 (the "Property"). Kali Kate submitted its application for the Permit on December 10, 2019 (the "Application"). On December 10, 2019, the owner of the Property was Hunter Creek Enterprises LP ("Hunter Creek"), but Kali Kate claimed ownership of the Property, responding to TCEQ's question - "If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions" by stating "N/A." Attachment 1, Application, p. 8 of 21.¹ Kali Kate later amended that representation.

5. Later in the Application, Kali Kate indicated, instead, that a deed recorded easement was included with the Application,² but the easement provided with the Application was not an easement granted by the landowner, Hunter Creek to Kali Kate, but rather an easement granted by Hunter Creek to Crystal Clear Special Utility District. Application, APP-0064 to APP-0072. Kali

¹ Attachment 1 is hereinafter referred to in citations as Application.

² Application, p. 13 of 22.

Kate also asserted it would meet TCEQ's buffer zone compliance requirements by "ownership" and "restrictive easement." Application, APP-0018. Further, Kali Kate included a map with the Application reflecting that the "Plant Location" was located within "Applicant's Property." Application, APP-0073.

6. The fact is that, at the time of the Application's submission (and every day thereafter), Kali Kate had no ownership interest in the Property on which it proposed to construct and operate the WWTP. It did not own the Property, it had no lease for the Property, and it held no deed-recorded easement on the Property. Comal County deed records show no ownership of the Property by Kali Kate at any time. Nor do the Comal County deed records reflect that Kali Kate has ever held an easement on the Property. In fact, there is no record of Kali Kate ever owning property or holding an easement in Comal County.

7. This fact notwithstanding, Kali Kate certified otherwise. David Tidwell, President of Kali Kate, certified "the information submitted is, to the best of my knowledge and belief, true, accurate, and complete." Kali Kate thus certified to TCEQ both that it owned the property on which the WWTP was to be located, and that Kali Kate instead had rights to the Property under a deed-recorded easement. *See* Application, APP-0064 to APP-0072.

8. Kali Kate misrepresented or failed to disclose in the Application the relevant fact that it held no property interest in the Property on which it sought a permit to construct the WWTP. Further, Kali Kate certified the truth, accuracy, and completeness of the information provided in the Application. This certification was false. The information provided in Kali Kate's Application regarding any property interest in the Property was not true, accurate, or complete.

9. The information, however, was relied on by the Executive Director's staff in reviewing the application and in deciding to prepare and recommend issuance of the Permit. The

Executive Director's staff relied on this information based on Kali Kate's false certification. The true owner of the Property was not provided notice of the Application and did not have an opportunity to contest it. Without a certification that Kali Kate owned the Property or had a deed recorded easement on the Property, the Executive Director's staff would have rejected the Application. Instead, based on the false information and the false certification, the Commission issued the Permit to Kali Kate on September 10, 2021. At the time of permit issuance, the Property was owned by Highbridge Consultants, LLC, which acquired the Property from Hunter Creek on January 8, 2021.

10. The malfeasance and misrepresentation continued in 2023 when Kali Kate and Aguilas submitted an application on January 9, 2023, to transfer the Permit from Kali Kate to Aguilas (the "Transfer Application"). As background, Petitioner had acquired the Property from Highbridge on October 27, 2021. Aguilas acquired its property, adjacent to Petitioner's Property, from Flying W Properties on December 28, 2021.

III. Aguilas Knew, Through Joshua Majors, It Did Not Own the Property

11. Joshua Majors was Manager of Aguilas. *See* Attachment 2, Transfer Application, at 9, 12.³ He signed the certification for Aguilas on December 28, 2022, certifying that the Transfer Application was true, correct, and complete. As part of the Transfer Application, Aguilas, through Mr. Majors, certified that the owner of the land on which the WWTP is located is the same as the applicant, here Aguilas. Transfer Application, at 8. Mr. Majors also signed the TCEQ Core Data Form as Manager of Aguilas. Transfer Application, at 14. Through the submission of the TCEQ Core Data Form, Aguilas claimed ownership and responsibility for the WWTP, and retained the location of WWTP as it was and is currently reflected in the Permit. Transfer Application, at 13-

³ Attachment 2 is hereinafter referred to in citations as Transfer Application.

14. The property description and the geographic coordinate system data are located within the Property (owned by Petitioner).

12. Mr. Majors, and therefore Aguilas, had prior knowledge that Aguilas was in fact not the owner of the Property. On October 15, 2022, Mr. Majors provided a proposed “Wastewater Facilities Easement” to Justin Davis, who, on November 2, 2022, provided that document to David Voekel of Tricor, a company assisting Petitioner in the development of its Property. *See* Attachment 3, Proposed Easement Correspondence. Under the proposed easement, Petitioner would grant Aguilas “a non-exclusive, perpetual easement and right-of-way on, under, over and across the Easement Area for the construction, ... operation, use and maintenance of a wastewater treatment plant....” Attachment 4, Proposed Easement, at 1. The Easement Area is a 2.488-acre segment of the Property that abuts Aguilas’s property. *See* Attachment 4, Proposed Easement, Exhibit A.

13. Along with the Proposed Easement, Mr. Majors provided Justin Davis a proposed “Agreement Regarding Wastewater Matters” on October 15, 2022. Mr. Davis provided that document to David Voekel on November 2, 2022. In that document, Aguilas acknowledged that Petitioner “is the current owner of the Westridge Oaks Tract;” Aguilas’s property was adjacent to the Westridge Oaks Tract; and Aguilas had entered an agreement with Kali Kate to acquire the Permit. Attachment 5, Proposed Wastewater Agreement, at 1, Preliminary Statement C, D. In this proposed agreement, Aguilas acknowledges the authorized location of the WWTP “is partially located on the Westridge Oaks Tract (owned by Petitioner) and is partially located on the Aguilas Tract.” *Id.*, at 1, Preliminary Statement E.⁴ Aguilas further acknowledges it needs an easement

⁴ Petitioner contends that the Permit authorizes construction of the WWTP on the Property and disputes that any of the location of the WWTP authorized by the Permit is located on Aguilas’s property. At a minimum, however, Aguilas has acknowledged Petitioner’s ownership of the Property.

from Petitioner for construction and operation of the WWTP as permitted. *Id.*, at 1, Preliminary Statement G.

14. Petitioner declined to enter into the proposed Easement Agreement and Wastewater Agreement. With Petitioner's refusal to grant Aguilas an easement and enter into a wastewater agreement, Aguilas could only move forward with its plan to construct and operate a WWTP if it could move the permitted location of the WWTP onto its property. To do so, it had to: (1) get the Permit transferred into its name; and (2) amend the Permit to change the authorized location of the WWTP. To accomplish this objective, Kali Kate and Aguilas collaborated on the preparation of the Transfer Application.

15. Aguilas prepared the Transfer Application and claimed ownership of the land that was the subject of the Permit. Transfer Application, at 3. Aguilas knew that claim was false, but it also knew, if it provided the correct information, TCEQ would require Petitioner to be notified at a minimum and, without Petitioner's concurrence, TCEQ would likely deny the transfer of the Permit. Aguilas could not accomplish its plan if Aguilas notified TCEQ, as required, that Petitioner owned the land that was the authorized site of the WWTP. So Aguilas provided false and, at a minimum, incomplete information to TCEQ, as Aguilas had previously admitted that Petitioner owned at least a portion of the land on which the WWTP was permitted. The Transfer Application is signed by David Tidwell, on behalf of Kali Kate, and Joshua Majors, on behalf of Aguilas, each certifying "under penalty of law that this document is, to the best of my knowledge and belief, true, accurate and complete," while acknowledging the consequences for submitting false information. *Id.*, at 11, 12. Through these false statements, Aguilas effectively stole the Permit, and now seeks a major permit amendment to complete its fraud on the Commission and Petitioner.

16. Notice is not required for a transfer of a permit under TCEQ's rules. As a result, Petitioner was not given notice or an ability to contest the Transfer Application. Aguilas used the TCEQ process to manipulatively achieve the transfer based on its false statements and the lack of any requirement to notify the Petitioner as the true landowner. Petitioner only became aware of the transfer of the Permit when Aguilas was required to provide notice of its application for a major permit amendment. Based on the false assertion of land ownership, the Commission transferred the Permit to Aguilas on February 27, 2023. The falsity of Aguilas's assertion is admitted now by Aguilas itself through its pending application for a major amendment to, among other things, move the location of the proposed WWTP to property it actually owns – property adjacent to the Property.⁵

IV. JUSTIFICATION FOR COMMISSION ACTION

17. The Executive Director's staff has noted it does not have the resources to verify land ownership or property interest claims. It is for this reason that staff and ultimately the Commission rely on an applicant's certification that the information included in the application is true, accurate, and complete. As demonstrated above, that reliance was abused, first by Kali Kate, and then again by Kali Kate and Aguilas.

18. The Commission recently opined on this issue, in TCEQ Docket No. 2021-1442-MWD; SOAH Docket No. 582-22-1885. On July 19, 2023, the Commission considered the Administrative Law Judge's Proposal for Decision and Proposed Order regarding the application of Stephen Selinger for new Texas Pollutant Discharge Elimination System Permit No. WQ0015932001, to authorize the discharge of treated domestic wastewater. The Administrative Law Judge ("ALJ") had recommended denial of the requested permit based on Mr. Selinger's

⁵ Flying W Properties sold the property adjacent to the Property to Aguilas on December 28, 2021.

failure to establish that he owned the property that was the subject of the application on the date the application was filed.⁶ Commissioner Lindley noted that the property ownership was a “threshold issue.” Chairman Niermann considered the applicant’s failure to establish ownership at the time of his submission of the application to be a “fatal defect.” The Commission unanimously adopted the Proposal for Decision and Proposed Order, with changes proposed by the Executive Director, including a change to Finding of Fact No. 59 “[t]o more accurately reflect the evidence in the record ... to state ‘Selinger was not the owner of the land of the proposed Facility when the application was filed.’”⁷

19. The Commission has authority to transfer a permit involuntarily after notice and an opportunity for hearing, where: (1) the permittee no longer owns or controls the permitted facilities; or (2) if the facilities have not been built, and the permittee no longer has sufficient property rights in the site of the proposed facilities. 30 Tex. Admin. Code § 305.64(i). Here, the permittee, Aguilas, does not own the Property that is the subject of the Permit, and the only way Aguilas was able to obtain the transfer of the Permit was to falsely assert that it did own the Property. Aguilas does not currently have and has never had sufficient property rights in the Property that is the subject of the Permit. Aguilas’s false assertion to the contrary is a fatal defect that cannot be cured.

20. Given Aguilas’s lack of sufficient property rights in the Property, the Commission has authority to initiate a proceeding to transfer the Permit involuntarily. In the interim, the Commission may transfer the Permit to an interim permittee pending an ultimate decision on a

⁶ The ALJ had two bases for denial, either of which was arguably sufficient to support denial of the permit. While the Commission considered each basis, the Commission’s discussion was focused on the failure of the applicant to establish that he owned the property that was the subject of the application at the time of the application’s submission to the agency.

⁷ See Commissioner’s Marked Agenda, July 19, 2023, Item 2; *see also* Commissioners’ Agenda Meeting - July 19th, 2023 - YouTube.

permit transfer if it finds Aguilas no longer owns the permitted facilities. 30 Tex. Admin. Code § 305.64(h). The facilities have not been constructed and thus there are no facilities to be owned. The Commission is within its authority to transfer the Permit to Petitioner on an interim basis pending an ultimate decision on the permit transfer. Petitioner respectfully requests that the Commission initiate that proceeding to transfer the Permit to the true owner of the Property, Petitioner, and transfer the Permit on an interim basis to Petitioner pending the conclusion of that transfer proceeding.

21. Alternatively, the Commission has authority to revoke, suspend, or revoke and reissue a permit on any of several grounds, including where an applicant “misrepresent[ed] or fail[ed] to disclose fully all relevant facts in obtaining the permit or misrepresent[ed] to the commission any relevant fact at any time.” Tex. Water Code § 7.302(b)(5).

22. Kali Kate misrepresented or failed to disclose in the Application the relevant fact that it held no property interest in the Property on which it sought a permit to construct the WWTP. If it had properly disclosed the true status of its property interest, i.e., none, the Commission would not have issued the Permit, just as it declined to issue Mr. Selinger his requested permit. Given that property ownership is indeed a threshold issue and failure to establish it in an application is a fatal defect, the Commission would have been right to do so.

23. The Permit is invalid *ab initio*⁸ and the invalid issuance was only compounded by Aguilas’s subsequent false representation of land ownership. Just as Kali Kate had, Aguilas misrepresented or failed to disclose in the Transfer Application the relevant fact that it also held no property interest in the Property on which it sought a permit to construct the WWTP. At best, Aguilas has admitted through the Proposed Wastewater Agreement that the WWTP was to be

⁸ The Permit was invalidly issued based on Kali Kate’s false representation of ownership / property interest.

located partially on the Property and partially on Aguilas's property.⁹ This fact renders Aguilas's Transfer Application, at best, incomplete for Aguilas's failure to inform TCEQ of Petitioner's property ownership. If Aguilas had properly disclosed the true status of its property interest, i.e., none, the Commission would not have transferred the Permit to Aguilas, just as it declined to issue Mr. Selinger his requested permit. Again, property ownership is a threshold issue and failure to establish it in an application (for initial issuance or transfer) is a fatal defect.

24. Given that the Permit was invalid *ab initio*, the Commission is within its authority to revoke the Permit or revoke the Permit and reissue the Permit to Petitioner, the true owner of the Property that is the subject of the Permit. Under either course, the Commission is required to provide notice and opportunity for hearing. Petitioner respectfully requests that the Commission initiate such a proceeding and direct that the single issue to be addressed in that hearing is that of land ownership, specifically whether Kali Kate owned the Property or had some other property interest in the Property at the time it submitted the Application entitling it to construct the WWTP on the Property, and whether Aguilas owned the Property at the time it submitted the Transfer Application. If either question is answered in the negative, Petitioner respectfully requests that the Commission revoke the issuance of the Permit at a minimum, and preferably, revoke and reissue the Permit to Petitioner based on evidence that Petitioner is the true owner of the Property.

IV. PRAYER

25. Petitioner respectfully requests that the Commission grant this Petition and initiate proceedings to transfer or revoke the Permit.

⁹ See Proposed Wastewater Agreement, at 1, Preliminary Statement E. Petitioner contends that the Permit authorizes construction of the WWTP on the Property and disputes that any of the location of the WWTP authorized by the Permit is located on Aguilas's property.

26. If the Commission initiates proceedings to transfer the Permit, Petitioner respectfully requests that the Commission transfer the Permit to Petitioner on an interim basis.

27. If the Commission initiates proceedings to revoke the Permit, Petitioner respectfully requests that the Commission direct that the single issue to be addressed in that hearing is that of land ownership, and that the Commission consider revoking the Permit and reissuing the Permit to Petitioner based on evidence that Petitioner is the true owner of the Property.

28. Petitioner further requests that the Commission stay Aguilas's pending application for a major permit amendment until the Commission acts on this Petition.

29. Finally, Petitioner further requests that the Commission grant Petitioner such other and further relief to which it may show itself to be justly entitled.

Respectfully submitted,

By: 

Paul C. Sarahan
State Bar No. 17648200
psarahan@enochkever.com
Earth & Water Law, LLC
1445 Pennsylvania Ave., NW, Suite 400
Washington, D.C. 20004
Tel: (512) 971-4156

COUNSEL FOR CATALAUNIAN LLC

CERTIFICATE OF SERVICE

I hereby certify that, on October 5, 2023, a true and correct copy of the Petition for the Commission to Involuntarily Transfer, or Revoke or Revoke and Reissue Permit No. WQ0015843001 from Aguilas Robles, LLC to Catalaunian LLC has been served via electronic mail on the following:

Ms. Aubrey Pawelka
Attorney, Environmental Law Division
Texas Commission on Environmental Quality
P.O. Box 13087, MC 173
Austin, TX 78711-2087
Office: (512) 239-0622
Email: Aubrey.Pawelka@tceq.texas.gov

Counsel for the Executive Director

Ms. Helen Gilbert
Barton Benson Jones PLLC
7000 N. Mopac Expy, Suite 200
Austin, Texas 78731
Office: (210) 610-5335
Direct: (210) 640-9174
Email: HGilbert@bartonbensonjones.com

Counsel for Aguilas Robles, LLC

By: 
Paul C. Sarahan

Attachment 1
Excerpts of Kali Kate's Application

TPDES DOMESTIC WASTEWATER PERMIT

FOR

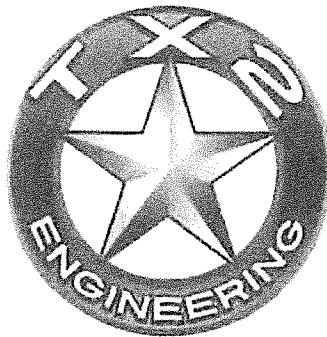
WESTRIDGE OAKS WWTP

Comal County, TEXAS

PREPARED FOR:

Kali Kate Services, Inc.

PREPARED BY:



TX2 ENGINEERING: F-20787

1659 STATE HWY 46, STE 115-438

NEW BRAUNFELS, TX 78132

Trevor Tast, P.E.

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DATE: November, 2019

Expiration Date:

Section 3. Facility Owner (Applicant) and Co-Applicant Information
(Instructions Page 29)

A. The owner of the facility must apply for the permit.

What is the Legal Name of the entity (applicant) applying for this permit?

Kali Kate Services Inc.

(The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?
You may search for your CN on the TCEQ website at <http://www.tceq.texas.gov/apps/permits/>

CN:

What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC § 305.44.

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: David Tidwell

Credential (P.E., P.G., Ph.D., etc.): N/A

Title: President

B. Co-applicant information. Complete this section only if another person or entity is required to apply as a co-permittee.

What is the Legal Name of the co-applicant applying for this permit?

(The legal name must be spelled exactly as filed with the TX SOS, with the County, or in the legal documents forming the entity.)

If the co-applicant is currently a customer with the TCEQ, what is the Customer Number (CN)? You may search for your CN on the TCEQ website at:
<http://www.tceq.texas.gov/apps/permits/>

CN:

What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC § 305.44.

Prefix (Mr., Ms., Miss):

First and Last Name:

Credential (P.E., P.G., Ph.D., etc.): N/A

Title:

Provide a brief description of the need for a co-permittee:

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5. If the answer is yes to question 1, 2, 3, or 4, public notices in an alternative language are required. Which language is required by the bilingual program? Spanish

**Section 9. Regulated Entity and Permitted Site Information (Instructions
Page 33)**

- A. If the site is currently regulated by TCEQ, provide the Regulated Entity Number (RN) issued to this site. RNN/A

Search the TCEQ's Central Registry at <http://www.tceq.texas.gov/cr/pub/> to determine if the site is currently regulated by TCEQ.

- B. Name of project or site (the name known by the community where located):

N/A

- C. Owner of treatment facility: N/A

Ownership of Facility: ☐ Public ☐ Private ☐ Both ☐ Federal

- D. Owner of land where treatment facility is or will be:

Prefix (Mr., Ms., Miss): N/A

First and Last Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A

E-mail Address: N/A

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment: N/A

- E. Owner of effluent disposal site:

Prefix (Mr., Ms., Miss): N/A

First and Last Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A

E-mail Address: N/A

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment: N/A

- F. Owner of sewage sludge disposal site (if authorization is requested for sludge disposal on property owned or controlled by the applicant):

Prefix (Mr., Ms., Miss): N/A

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First and Last Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A

E-mail Address: N/A

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment: N/A

Section 10. TPDLS Discharge Information (Instructions Page 34)

A. Is the wastewater treatment facility location in the existing permit accurate?

☐ Yes ☐ No

If no, or a new permit application, please give an accurate description:

Disposal site is located 750 LF East of the intersection of Havenwood Blvd and FM 1102 on the North side of FM 1102 in Comal County (City of New Braunfels ETJ).

B. Are the point(s) of discharge and the discharge route(s) in the existing permit correct?

☐ Yes ☐ No

If no, or a new or amendment permit application, provide an accurate description of the point of discharge and the discharge route to the nearest classified segment as defined in 30 TAC Chapter 307:

From the plant to a 24" culvert at FM 1102. Thence to an unnamed tributary of Water Hole Creek. Thence to Water Hole Creek, thence to York Creek, thence to San Marcos River Segment 1808.

City nearest the outfall(s): New Braunfels

County in which the outfalls(s) is/are located: Comal

Outfall Latitude: 29D 47' 11" N

Longitude: 98D 3' 11" W

C. Is or will the treated wastewater discharge to a city, county, or state highway right-of-way or a flood control district drainage ditch?

☒ Yes ☐ No

If yes, indicate by a check mark if:

☐ Authorization granted ☒ Authorization pending

For new and amendment applications, provide copies of letters that show proof of contact and the approval letter upon receipt.

Attachment:

D. For all applications involving an average daily discharge of 5 MGD or more, provide the names of all counties located within 100 statute miles downstream of the point(s) of discharge.

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C. Did any person formerly employed by the TCEQ represent your company and get paid for service regarding this application?

☐ Yes ☒ No

If yes, list each person formerly employed by the TCEQ who represented your company and was paid for service regarding the application:

D. Do you owe any fees to the TCEQ?

☐ Yes ☒ No

If yes, provide the following information:

Account number:

Amount past due:

E. Do you owe any penalties to the TCEQ?

☐ Yes ☒ No

If yes, please provide the following information:

Enforcement order number:

Amount past due:

Section 13. Attachments (Instructions Page 38)

Indicate which attachments are included with the Administrative Report. Check all that apply:

- ☒ Lease agreement or deed recorded easement, if the land where the treatment facility is located or the effluent disposal site are not owned by the applicant or co-applicant.
- ☒ Original full-size USGS Topographic Map with the following information:
 - Applicant's property boundary
 - Treatment facility boundary
 - Labeled point of discharge for each discharge point (TPDES only)
 - Highlighted discharge route for each discharge point (TPDES only)
 - Onsite sewage sludge disposal site (if applicable)
 - Effluent disposal site boundaries (TLAP only)
 - New and future construction (if applicable)
 - 1 mile radius information
 - 3 miles downstream information (TPDES only)
 - All ponds.

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Section 14. Signature Page (Instructions Page 39)

If co-applicants are necessary, each entity must submit an original, separate signature page.

Permit Number:

Applicant: Kali Kate Services Inc.

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code § 305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signatory name (typed or printed): David Tidwell

Signatory title: President

Signature: _____

Date: 11/1/19

(Use blue ink)

Subscribed and Sworn to before me by the said David Tidwell

on this 1st

day of November

, 20 19

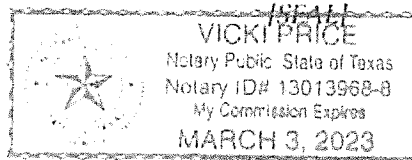
My commission expires on the 3

day of March

, 20 23

Vicki Price
Notary Public

Caldwell
County, Texas



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The Land is along the discharge route.

Section 2. Original Photographs (Instructions Page 44)

Provide original ground level photographs. Indicate with checkmarks that the following information is provided.

- ☒ At least one original photograph of the new or expanded treatment unit location
- ☒ At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.
- ☒ At least one photograph of the existing/proposed effluent disposal site
- ☒ A plot plan or map showing the location and direction of each photograph

Section 3. Buffer Zone Map (Instructions Page 44)

A. Buffer zone map. Provide a buffer zone map on 8.5 x 11-inch paper with all of the following information. The applicant's property line and the buffer zone line may be distinguished by using dashes or symbols and appropriate labels.

- The applicant's property boundary;
- The required buffer zone; and
- Each treatment unit; and
- The distance from each treatment unit to the property boundaries.

B. Buffer zone compliance method. Indicate how the buffer zone requirements will be met. Check all that apply.

- ☒ Ownership
- ☒ Restrictive easement
- ☐ Nuisance odor control
- ☐ Variance

C. Unsuitable site characteristics. Does the facility comply with the requirements regarding unsuitable site characteristic found in 30 TAC § 309.13(a) through (d)?

- ☒ Yes ☐ No

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201906043623 12/05/2019 11:44:08 AM 1/9

UNITED STATES DEPARTMENT OF AGRICULTURE
Rural Utilities Service

RIGHT-OF-WAY EASEMENT
(Location of Easement Required)

9
c

KNOW ALL MEN BY THESE PRESENTS, that HUNTER CREEK ENTERPRISES LP
(hereinafter called "Grantors"), in consideration of one dollar (\$1.00) and other good and valuable consideration paid by Crystal Clear Special Utility District, (hereinafter called "Grantee"), the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell, transfer, and convey to said Grantee, its successors, and assigns, a perpetual easement with the right to erect, construct, install and lay and thereafter access and use, operate, inspect, repair, maintain, replace, upgrade, parallel and remove water distribution and/or sewer collection lines and appurtenances, over and across 4.129 acres of land, more or less, more particularly described in instrument recorded in DOC. 201006011620 & 201006011618, in the Official Public Records, COMAL County, Texas, together with the right of ingress and egress over Grantor's adjacent lands for the purpose for which the above mentioned rights are granted. The easement hereby granted shall not exceed 20' in width, be located across said land as follows.

The easement herein conveyed shall run the length of the property line, parallel and adjacent to (SEE ATTACHED DOCUMENT FOR EASEMENT DESCRIPTION)

Grantee shall have such other rights and benefits necessary and/or convenient for the full enjoyment and use of the rights herein granted, including without limitation, (1) the reasonable right of ingress and egress over and across lands owned by Grantor which are contiguous to the easement; (2) the reasonable right from time to time to remove any and all paving, undergrowth and other obstructions that may injure Grantee's facilities and appurtenances or interfere with the construction, maintenance, inspection, operation, protection, repair, alteration, testing, replacement, upgrading, relocation (as above limited), substitution or removal thereof; and (3) the rights to abandon-in-place any and all water supply and/or sewer distribution lines, service lines and associated appurtenances, such that Grantee shall have no obligation or liability to Grantor, or their successors or assigns, to remove any such abandoned lines or appurtenances.

In the event the easement hereby granted abuts on a public road and the county or state hereafter widens or relocates the public road so as to require the relocation of this water and/or sewer line as installed, Grantor further grants to Grantee an additional easement over and across the land described above for the purpose of laterally relocating said water and/or sewer line as may be necessary to clear the road improvements, which easement hereby granted shall be limited to a strip of land 20' in width, the center line thereof being the pipeline as relocated.

The consideration recited herein shall constitute payment in full for all damages sustained by Grantors by reason of the installation of the structures referred to herein and the Grantee will maintain such easement in a state of good repair and efficiency so that no unreasonable damages will result from its use to Grantor's premises. This Agreement together with other provisions of this grant shall constitute a covenant running with the land for the benefit of the Grantee, its successors, and assigns.

The Grantors covenant that they are the owners of the above described lands and that said lands are free and clear of all encumbrances and liens except the following:

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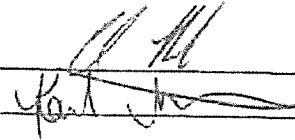
DEC 10 2019

Water Quality Applications Team APP-0064

Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular, the easement herein granted to Grantee, or Grantee's successors and assigns, against every person whomsoever claiming, or to claim, the same or any part thereof.

The easement conveyed herein was obtained or improved through Federal financial assistance. This easement is subject to the provisions of Title VI of the Civil Rights Act of 1964 and the regulations issued pursuant thereto for so long as the easement continues to be used for the same or similar purpose for which financial assistance was extended or for so long as the Grantee owns it, whichever is longer.

IN WITNESS WHEREOF the said Grantors have executed this instrument this 4th day of October, 20 19.



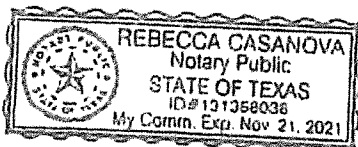
ACKNOWLEDGEMENT
(Individual)

STATE OF TEXAS §

COUNTY OF Guadalupe §

This instrument was acknowledged before me on 10/4/2021 by Chris
Horroth

(SEAL)




Notary Public, State of Texas

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Water Quality Applications Team

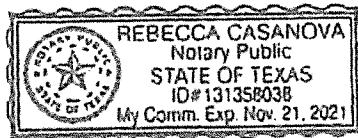
ACKNOWLEDGEMENT
(Individual)

STATE OF TEXAS §

COUNTY OF Guadalupe §

This instrument was acknowledged before me on 10/4/2019 by
Karl Harborth.

(SEAL)



Rebecca Casanova
Notary Public, State of Texas

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Water Quality Applications Team

4.129 Acres – WWTP Easement
August 28, 2019
SA19-0033

**DESCRIPTION OF A 4.129 ACRE TRACT OF LAND
SITUATED IN THE NANCY KENNER SURVEY NO. 3
ABSTRACT NO. 306, COMAL COUNTY, TEXAS**

BEING a 4.129 acre tract of land situated in the Nancy Kenner Survey No. 3, Abstract No. 306 of Comal County, Texas and being a portion of a called 42.76 acre tract and a called 20.965 acre tract of land described in instruments to Hunter Creek Enterprises, LP recorded in Document Nos. 201006011618, and 201006011620 of the Official Public Records of Comal County, Texas (O.P.R.C.C.), said 4.129 acre tract of land described by metes and bounds as follows:

COMMENCING at a 6-inch Wood Fence Corner Post found for the most Easterly corner of the herein described tract, same being the most Southerly corner of a called 39.320 acre tract of land described as Tract No. 2 in an instrument to TLJ Ranch, LP recorded in Document No. 201006004682, O.P.R.C.C. and lying on the Northwest right-of-way line of FM 1102 (Width Varies);

THENCE, South 41° 13' 39" West, along and with the Northwest right-of-way line of said FM 1102, a distance of 134.85 feet to the most Easterly corner and POINT OF BEGINNING of the herein described tract;

THENCE, South 41° 13' 39" West, continuing along and with the Northwest right-of-way line of said FM 1102, a distance of 15.00 feet to the most Southerly corner of the herein described tract, from which a 1/2-inch iron rod found for the common East corner of a called 0.29 acre tract of land described in an instrument to Hunter Creek Enterprises, LP recorded in Document No. 201006011832 and a called 5.222 acre tract of land described in an instrument to Hunter Creek Enterprises, LP recorded in Document No. 201006011619, O.P.R.C.C. bears South 41° 13' 39" West, a distance of 165.25 feet;

THENCE, over and across said 20.965 and said 42.76 acre tracts, the following thirteen (13) bearings and distances:

- 1) North 48° 46' 21" West, a distance of 1.97 feet to calculated point for the beginning of a curve to the left,
- 2) Along said curve to the left, an arc distance of 83.84 feet, a central angle of 12° 14' 20", having a radius of 392.50 feet, and whose long chord bears North 54° 53' 31" West a distance of 83.68 feet to a calculated point for corner;
- 3) North 61° 00' 41" West, a distance of 116.09 feet to a calculated point for the beginning of a curve to the right;
- 4) Along said curve to the right, an arc distance of 87.04 feet, a central angle of 12° 14' 20", having a radius of 407.50 feet, and whose long chord bears North 54° 53' 31" West a distance of 86.88 feet to a calculated point for corner;
- 5) North 48° 46' 21" West, a distance of 373.13 feet to a calculated point for the beginning of a curve to the left;
- 6) Along said curve to the left, an arc distance of 305.47 feet, a central angle of 35° 32' 15", having a radius of 492.50 feet, and whose long chord bears North 66° 32' 29" West a distance of 300.60 feet to a calculated point for corner;
- 7) North 84° 18' 36" West, a distance of 113.60 feet to a calculated point for the beginning of a curve to the left;

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Water Quality Applications Team APP-0067

4.129 Acres – WWTP Easement
August 28, 2019
SA19-0033

- 8) Along said curve to the left, an arc distance of 85.87 feet, a central angle of $09^{\circ} 59' 22''$, having a radius of 492.50 feet, and whose long chord bears North $89^{\circ} 18' 17''$ West a distance of 85.76 feet to a calculated point for corner;
- 9) South $85^{\circ} 42' 02''$ West, a distance of 45.28 feet to a calculated point for corner;
- 10) North $04^{\circ} 17' 58''$ West, a distance of 45.84 feet to a calculated point for corner;
- 11) South $85^{\circ} 42' 02''$ West, a distance of 19.58 feet to a calculated point for corner;
- 12) North $46^{\circ} 09' 03''$ West, a distance of 357.32 feet to a calculated point for corner;
- 13) North $41^{\circ} 38' 34''$ East, a distance of 413.59 feet to a calculated point for corner, lying on the common line of said 20.965 acre tract and the Southwest line of said 39.320 acre tract of land from which a 5/8-inch iron rod found for the common West corner of said 20.965 acre tract and said 39.320 acre tract of land bears North $48^{\circ} 24' 48''$ West, 745.30 feet;

THENCE, South $48^{\circ} 24' 48''$ East, along and with the common line of said 20.965 acre tract and said 39.320 acre tract, a distance of 383.26 feet to a calculated point for corner;

THENCE, over and across said 20.965 and said 42.76 acre tracts, the following eleven (11) bearings and distances:

- 1) South $41^{\circ} 35' 12''$ West, a distance of 405.35 feet to a calculated point for corner;
- 2) South $04^{\circ} 17' 58''$ East, a distance of 27.28 feet to a calculated point for corner;
- 3) North $85^{\circ} 42' 02''$ East, a distance of 30.28 feet to a calculated point for the beginning of a curve to the right;
- 4) Along said curve to the right, an arc distance of 88.48 feet, a central angle of $09^{\circ} 59' 22''$, having a radius of 507.50 feet, and whose long chord bears South $89^{\circ} 18' 17''$ East a distance of 88.37 feet to a calculated point for corner;
- 5) South $84^{\circ} 18' 36''$ East, a distance of 113.60 feet to a calculated point for the beginning of a curve to the right;
- 6) Along said curve to the right, an arc distance of 314.78 feet, an angle of $35^{\circ} 32' 15''$, having a radius of 507.50 feet, and whose long chord bears South $66^{\circ} 32' 29''$ East a distance of 309.75 feet to a calculated point for corner;
- 7) South $48^{\circ} 46' 21''$ East, a distance of 373.13 feet to a calculated point for the beginning of a curve to the left;
- 8) Along said curve to the left, an arc distance of 83.84 feet, a central angle of $12^{\circ} 14' 20''$, having a radius of 392.50 feet, and whose long chord bears South $54^{\circ} 53' 31''$ East a distance of 83.68 feet to a calculated point for corner;
- 9) South $61^{\circ} 00' 41''$ East, a distance of 116.09 feet to a calculated point for the beginning of a curve to the right;
- 10) Along said curve to the right, an arc distance of 87.04 feet, a central angle of $12^{\circ} 14' 20''$, having a radius of 407.50 feet, and whose long chord bears South $54^{\circ} 53' 31''$ East a distance of 86.88 feet to a calculated point for corner;
- 11) South $48^{\circ} 46' 21''$ East, a distance of 1.97 feet to the POINT OF BEGINNING and containing 4.129 acres of land.

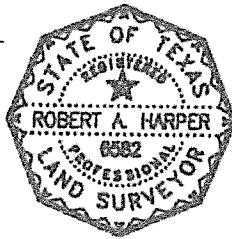
4.129 Acres — WWTP Easement
August 28, 2019
SA19-0033

All bearings are based on the Texas Coordinate System of 1983, South Central Zone 4204 and is referenced to monuments found along the Northwest right-of-way line of FM 1102 and shown on an exhibit of even date prepared by the undersigned in conjunction with this metes and bounds description.

Combined Scale Factor: 0.99987



Robert A. Harper, RPLS No. 6582
The Harper Company, LLC
P.O. Box 17803
San Antonio, Texas 78217
T8PLS Firm No. 10194511



SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

LEGEND

- D.R.C.C. DEED RECORDS OF COMAL COUNTY, TEXAS
- FND. FOUND
- I. IRON
- M.P.R.C.C. MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS
- NO. NUMBER
- O.P.R.C.C. OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
- PG. PAGE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- VOL. VOLUME

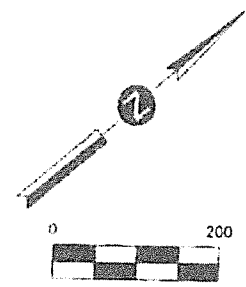
CALLLED 20.965 ACRES
HUNTER CREEK ENTERPRISES, LP
DOC. NO. 201006011620, O.P.R.C.C.

DESCRIBED IN AN INSTRUMENT TO
DOROTHY MAE JENTSCH HARBORTH
VOL. 334, PG. 765, D.R.C.C.

FND. 5/8" I. ROD

TLJ RANCH, LP
CALLLED 73.227 ACRES (TRACT NO. 1)
DOC. NO. 201006004682, O.P.R.C.C.

4.129 ACRES
WWTP EASEMENT



CALLLED 42.75 ACRES
HUNTER CREEK ENTERPRISES, LP
DOC. NO. 201006011618, O.P.R.C.C.

BEING THE REMAINDER OF A
CALLLED 52.265 ACRE TRACT
DOROTHY JENTSCH HARBORTH
VOL. 332, PG. 494, D.R.C.C.

TLJ RANCH, LP
CALLLED 39.320 ACRES (TRACT NO. 2)
DOC. NO. 201006004682, O.P.R.C.C.

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Water Quality Applications Team

HUNTER CREEK ENTERPRISES, LP
CALLLED 0.29 OF ONE ACRE
DOC. NO. 201006011832, O.P.R.C.C.

DESCRIBED IN AN INSTRUMENT TO
KERRI HARBORTH, ET UX
VOL. 445, PG. 177, D.R.C.C.

HUNTER CREEK ENTERPRISES, LP
CALLLED 5.222 ACRES
DOC. NO. 201006011619, O.P.R.C.C.

DESCRIBED IN AN INSTRUMENT TO
DOROTHY JENTSCH HARBORTH
VOL. 446, PG. 419, D.R.C.C.

FM 1102
(WIDTH VARIES)


FND. 1/2" I. ROD

P.O.B.

P.O.C.
6" FENCE
POST

BEARING BASIS NOTE:

BEARING ORIENTATION IS BASED ON
THE TEXAS COORDINATE SYSTEM OF
1983, SOUTH CENTRAL ZONE 4204.
DISTANCES SHOWN HEREON ARE
SURFACE DISTANCES. TO CONVERT TO
GRID, MULTIPLY BY THE COMBINED
SCALE FACTOR OF 0.99987.



THE HARPER COMPANY, LLC
P.O. Box 17803
San Antonio, Texas 78217
Tel: 210-971-1870 • harper@harc.com
TBPLS Firm No. 10194511

EXHIBIT OF A

4.129 ACRE EASEMENT
SITUATED IN THE
NANCY KENNER SURVEY NO. 3
ABSTRACT NO. 306
COMAL COUNTY, TEXAS
APP-0070

SCALE	DRAWING NO.	DATE	SHEET
			1


CURVE TABLE					
NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	83.84'	392.50'	12°14'20"	N 54°53'31" W	83.68'
C2	87.04'	407.50'	12°14'20"	N 54°53'31" W	86.88'
C3	305.47'	492.50'	35°32'15"	N 66°32'29" W	300.60'
C4	85.87'	492.50'	9°59'22"	N 89°18'17" W	85.76'
C5	88.48'	507.50'	9°59'22"	S 89°18'17" E	88.37'
C6	314.78'	507.50'	35°32'15"	S 66°32'29" E	309.75'
C7	83.84'	392.50'	12°14'20"	S 54°53'31" E	83.68'
C8	87.04'	407.50'	12°14'20"	S 54°53'31" E	86.88'

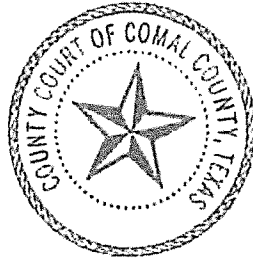
LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S 41°13'39" W	134.85'
L2	S 41°13'39" W	15.00'
L3	N 48°46'21" W	1.97'
L4	N 61°00'41" W	116.09'
L5	N 48°46'21" W	373.13'
L6	N 84°18'36" W	113.60'
L7	S 85°42'02" W	45.28'
L8	N 04°17'58" W	45.84'
L9	S 85°42'02" W	19.58'
L10	N 46°09'03" W	357.32'
L11	N 41°36'34" E	413.59'
L12	S 48°24'48" E	383.25'
L13	S 41°35'12" W	405.35'
L14	S 04°17'58" E	27.28'
L15	N 85°42'02" E	30.28'
L16	S 84°18'36" E	113.60'
L17	S 48°46'21" E	373.13'
L18	S 61°00'41" E	116.09'
L19	S 48°46'21" E	1.97'
L20	S 41°13'39" W	165.25'

RECEIVED

DEC 10 2019

Water Quality Applications Team

		THE HARPER COMPANY, LLC P.O. Box 17503 San Antonio, Texas 78217 Tel: 210-971-4870 • harpersurvey.com TBPLS Form No. 10104511	
		EXHIBIT OF A 4.129 ACRE EASEMENT SITUATED IN THE NANCY KENNER SURVEY NO. 3 ABSTRACT NO. 306 COMAL COUNTY, TEXAS APP-0071	
SCALE	JOB NO.	DATE	SHEET



This page has been added to comply with the statutory requirement that the clerk shall stamp the recording information at the bottom of the last page.

This page becomes part of the document identified by the file clerk number affixed on preceding pages.

Filed and Recorded
Official Public Records
Bobbie Koepp, County Clerk
Comal County, Texas
12/05/2019 11:44:08 AM
CSCHUL 9 Page(s)
201906043823



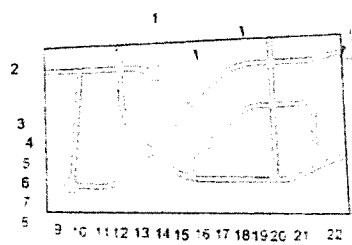
Bobbie Koepp

RECEIVED

DEC 10 2019

Water Quality Applications Team

APPLICANT'S
PROPERTY
PLANT LOCATION



POINT OF
DISCHARGE

W Watson Ln
R5280.00'
1 MILE —
DOWNSTREAM



TX2 ENGINEERING
1000 N. 10th St.
Arlington, TX 76010
CONTACT: (817) 338-1111
FAX: (817) 338-1112



LAND OWNER EXHIBIT
WESTRIDGE OAKS
WWTP

RECEIVED
SEP 10 2019

C0.0

Water Quality Applications Team

SECTION 4 APPLICATION CONTACT INFORMATION

☒ Administrative and Technical contact name, address, electronic information provided

SECTION 5 PERMIT CONTACT INFORMATION

☒ Permit (2) contact names, addresses, electronic information provided

SECTION 6 BILLING INFORMATION

☒ Billing contact name, address, electronic information provided

SECTION 7 REPORTING INFORMATION

☒ DMR/MER contact name, address, electronic information provided

SECTION 8 NOTICE INFORMATION

☒ Minor Amendment without Renewal – NORI not required. Skip review of notice information.

☒ Name, address and phone number of one person responsible for publishing NORI is provided

☒ Method of sending NORI package is provided

☒ Name and phone number of contact to be in NORI is provided

☒ Location where application will be available is provided and is in the county where the facility is located - the location must be a building supported by taxpayer funds. Note: If discharge is directly into water body that borders two counties, application must be placed in a public facility in both counties and the notice must be published in both counties

☒ Bilingual Items 1 – 5 are completed. If "Yes" to question 1 and "Yes" to either question 2, 3 or 4, then e.5 must be completed

SECTION 9 REGULATED ENTITY and PERMITTED SITE INFORMATION

☒ Permit No. and Expiration date is listed, if not, verify with permit or PARIS

☒ Name of project or site is provided. Should correspond to Item 22 on CDF.

☒ Owner of the facility identified in the application is the same as the name given in Section 3.A

NOTE: THE OWNER OF THE FACILITY IS REQUIRED TO APPLY FOR THE PERMIT

(Refer to legal policy memo for complete definition and discussion of facility.)

☒ Marked whether ownership of the facility is public, private or both

☒ Owner of the land where permitted facility is or will be located is the **SAME** as the applicant.

☒ The owner of the land on which the facility is located is **DIFFERENT FROM** the owner of the facility: A copy of a lease agreement or easement, with a term for the duration of the permit, between applicant and landowner, has been provided. See Lease Agreement/Easement Memo dated 2/14/06, that states that a lease is sufficient for pond systems, and that details the provisions that a lease agreement or easement must contain. OR, landowner can apply as a co-permittee. Lease must identify property by legal description or map.

Effluent Disposal Site Owner:

☒ N/A - (no effluent disposal proposed)

☒ If land disposal is authorized in permit or proposed, the applicant **OWNS** land on which site is located

☒ If applicant **DOES NOT OWN** land where site is located, a long-term lease agreement is provided which includes: a term of at least 5 years; is current or it includes an option to renew the term; is between the current applicant and the landowner; and includes description of property by legal description or map.

(For new TLAP permits only: A copy of an executed option to purchase agreement may be provided to show that applicant will have ownership of the land upon permit approval.)

Sewage Sludge Disposal Site Owner:

☒ N/A - (no sludge disposal proposed)

☒ If sludge is authorized in permit or proposed, the applicant **OWNS** land on which disposal site is located, otherwise lease is needed unless Class B sludge is land applied. Check the permit under Sludge Provisions to determine if sludge is authorized. Note: For BLU sludge application – lease is not needed; Landowner just needs to sign sludge affidavit (if different from applicant)

If sludge disposal is proposed or authorized in the permit, the applicant must also submit the applicable sludge forms.

SECTION 10 DISCHARGE INFORMATION

- ☒ Checked if treatment facility location in permit is correct.
- ☒ Checked if discharge info in permit is correct. If applicable, the discharge route description is adequately described and describes the discharge route to the nearest major watercourse. Changing the point of discharge and route from the current permit description requires a major amendment
- ☒ The name of the city (or nearest city) where the outfall(s) is/will be located has been provided
- ☒ The county where the outfall is located is provided
- ☒ The longitude and latitude of the outfall is provided
- ☒ Marked item regarding authorization for discharge into a city, county, or state ditch. If applicable, correspondence is provided. Email TXDOT if discharge is to a state highway right-of-way or roadside ditch.
- ☒ For a daily average flow of 5 MGD or more: the names of all counties located within 100 miles downstream from the point of discharge. These counties will be listed on contact sheet.

SECTION 11 DISPOSAL (TLAP) INFORMATION

- ☐ The written location description of the disposal site is adequately described. (NOTE: A CHANGE IN LOCATION OR INCREASE IN ACREAGE REQUIRES A MAJOR AMENDMENT. A decrease in acreage may also be a major amendment (due to flow rate) - check with permit writer)
- ☐ The name of the city (or nearest city) has been provided
- ☐ The county where the disposal site is located is provided
- ☐ The longitude and latitude of the disposal site is provided
- ☐ The written flow of effluent from the facility to the effluent disposal site is adequately described
- ☐ The nearest watercourse to the disposal site is listed

SECTION 12 MISCELLANEOUS INFORMATION

- ☒ Identified whether or not facility or discharge are on Indian land (If yes, we do not have permit authority.)
- ☒ For permits that allow sewage disposal the location description is adequately described. For an already-existing permit, check to see that the location has not changed
- ☒ Must indicate whether any former TCEQ employees who were paid for services regarding this application
- ☒ Fees or Penalties Owed: ☒ No ☐ Yes - See page 1 of checklist

SECTION 13 ATTACHMENTS

- ☒ Lease agreement or deed recorded easement, if the land where the treatment facility is located or the effluent disposal site are not owned by the applicant or co-applicant
- ☒ An ORIGINAL or equivalent FULL-SIZED USGS 7.5 minute topographic map (8½ x 11 acceptable for amendment and renewal applications) is provided and labeled showing: ☒ applicant's property boundary ☒ treatment facility boundaries ☒ point of discharge ☒ highlighted discharge route for three miles downstream or until it reaches a classified segment ☒ scale, ☒ effluent disposal site(s) ☒ pond(s) ☒ sludge disposal/land application site ☒ an area of not less than one mile in all directions of the site

All original or equivalent full sized maps must show:

- ☒ Color map ☒ Clear contour lines ☒ Upper left corner must identify map as USGS Department of the Interior Geological Survey ☒ Lower left corner, datum & project information ☒ Bottom, magnetic declination ☒ Bottom, must show scale ☒ Bottom, identify contour intervals ☒ Bottom, national map accuracy std. statement ☒ Bottom, show State of TX and quad location ☒ Around map, lat and long coordinates ☒ Bottom, quadrangle name ☒ Bottom, must identify map date

SECTION 14 SIGNATURE PAGE

Note: The signature information below lists the proper signatories for the various entities and the current version of the application contains a paragraph referencing 30 TAC 305.44. The person signing the application verifies that he or she is authorized, under this rule, to sign the application. We must verify that the title meets the requirements or signatory authority has been delegated.

- ☒ Original Signature Page is required.
- ☒ Signature must be properly notarized – check that signature date and notarized date are the same.

Attachment 2
Excerpts of Aguilas Robles LLC's
Transfer Application

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Interoffice Memorandum

To: See Distribution List
From: Jennifer E. Bowers, Section Manager
Applications Review and Processing Team
Subject: Transfers, Mailing Address and Name Changes

Date: February 22, 2023

Attached are the transfer/endorsement order packages for permits listed below, requiring final processing.

Permit Name	Permit Number	File sent to CCO	EPA Number	Region
Permit Transfers				
From: Kali Kate Services Inc To: Aguilas Robles, LLC	WQ0015843001	Yes	TX0139785	13
From: Regal, LLC To: SA Creekside Station, Ltd	WQ0015836001	Yes	TX0139688	13
From: Montgomery Ridge, Ltd To: Montgomery County Municipal Utility District 150	WQ0015372001	Yes	TX0136379	12
From: UIC 13, LLC To: Texas Water Utilities, LP	WQ0013882001	Yes	TX0070769	12
From: Terra Renewal Services Inc. and Gary Ray Parks To: Denali Water Solutions LLC and Gary Ray Parks	730238	No	N/A	10
Name Changes				
From: Monarch Utilities I LP To: Texas Water Utilities, LP	WQ0013637001	No	TX0075949	10

Jennifer E. Bowers, Section Manager
Water Quality Support Section
Water Quality Division

TEER 000

TEER 27 16124

CHECK LIST FOR APPLICATION TO TRANSFER A WATER QUALITY PERMIT/REGISTRATION

Permit No. <u>0015843001</u>	Review Date: <u>01/12/2023</u>
TX: <u>0139785</u>	Region: <u>13</u>
CN: <u>605729961</u>	RN: <u>110910254</u>

☒ Core Data Form received

Annual Fees

☒ Verified payment of annual fees and found not delinquent.

Outstanding fees 0 Account Number

Application fees:

☒ Verify that the \$100 application fee is submitted.

1. APPLICANT INFORMATION (CORE DATA FORM SECTION II: CUSTOMER INFORMATION)

a. b.

- ☒ ☐ Corporation: ☒ Verify status/ charter number with SOS ☒ print page ☒ Check spelling against 1.a.
☒ verify status/ TAX ID number with the Comptroller
- ☐ ☐ Individual: ☐ all info provided (Attachment 1 is required)
- ☐ ☐ Utility District: ☐ I-WUD - verify district is not dissolved (inactive is O.K. to process)
- ☐ ☐ Trust: ☐ copy of an executed trust agreement is provided by the applicant – each trustee or person on the estate must be listed on permit.
- ☐ ☐ Partnership: ☐ Verify w/ SOS ☐ Check against 1.a. ☐ Print page OR ☐ a copy of partnership agreement - If partnership not registered with SOS, the general partnership must register with the county where the facility is located. Limited Partnerships are required to register with SOS.
- ☐ ☐ Governmental Agency: Confirm legal name of agency when possible, using TNL City official book, State Directory.

☐ Verify address to be used on the permit is provided. ☐ Verify w/USPS ☐ print page

2. CONTACT INFORMATION (TRANSFER APPLICATION SECTION 4 & SECTION 5)

☒ a. Application Contact info provided ☒ b. Permit Contact info provided and ☒ Update made to database

3. PERMIT / REGISTRATION INFORMATION (PARIS)

- ☒ a. Check Permit No. and Expiration Date. If expired/ application & fee to be returned to the applicant. If expiring soon, contact the new owner to make certain they are aware of the expiration date.
- ☒ b. If permit requires implementation of approved pretreatment program, make a copy of endorsement and transfer application to Pretreatment Team Leader.
- ☒ c. If there is a Domestic Reclaimed Water authorization associated with the transfer, make copy of the entire transfer application and give to Applications Review and Processing Team Leader.

4. SITE INFORMATION (CORE DATA FORM SECTION III & TRANSFER APPLICATION SECTION 1)

☒ a. Name of the project or site is provided - ☐ update to database needed/done

- ☒ The owner of land on which the treatment facility is located is the **SAME** as the applicant.
- ☐ Owner of the land **DIFFERENT** from the owner of the facility &:
 ___ The treatment facility **IS** a fixture of land the owner of the land has applied as a co-permittee
 OR
 ___ The treatment facility is **NOT** a fixture of the land - provided a copy of a lease agreement

☒ b. If irrigation is authorized in permit:

- ___ The applicant **OWNS** the effluent disposal site
- ___ The applicant **DOES NOT OWN** the site & provided a long-term lease agreement for term of the permit
- ___ The owner of the land where effluent disposal, sludge disposal, and/or composting is currently permitted or proposed, is the same as the applicant, and they are seeking authorization in this permit

☒ c. For CAFOs, provided Warranty Deed, Tax Records, and OR Lease; provided facility size info.

5. TRANSFER DATE (TRANSFER APPLICATION SECTION 8)

- ☒ a. Verify an actual date of transfer of ownership was provided

6. REPORTING / BILLING INFORMATION (TRANSFER APPLICATION SECTION 9)

- ☒ a. Verify mailing address for receiving DMR/MER forms with USPS.com
- ☒ Copy DMR Address Page and Give to Coders
- ☐ b. Verify mailing address for receiving annual Water Quality Fee assessments with USPS.com
- ☒ Update made in TRACS

7. TRANSFEROR (OPERATOR OF PERMITTED FACILITY) SIGNATURE PAGE (TRANSFER APPLICATION)

- ☒ The appropriate signature of the Transferor, as indicated below has been provided, and has been notarized:

___ City: elected official or position verified in TML City Official Book

___ Individual: only the individual signs for himself/herself.

☒ Corporation: at least the level of vice president (CEO, Chairman of Board, Secretary equivalent to V.P.)

___ Utility District: at least level of vice president, (Board of Directors, District Manager, the position can be verified through the District Section of TCEQ, Water Utilities Division).

___ Water Authority: Regional managers.

___ Independent School Districts: at least level of the Assistant Superintendent (or board members).

___ Governmental Agencies: Directors of Divisions or Regional Directors.

___ Partnership: General Partner as identified in the partnership agreement OR if the partnership is on file with the Secretary of State The Vice President or General Partner may sign.

___ Trust: The trustee that has been identified in the trust agreement.

___ A letter of authorization for another person to sign on behalf of an entity has been provided or is on file with TCEQ. (The letter includes both the name and the title of person giving the authority.)

- ☐ If transferee can't obtain signature of transferor, app processed as involuntary transfer with the following:
- ___ Proof of ownership of the site, if applicable, and treatment facility has been provided by the transferee.
 - ___ Facilities not built & permittee no longer has sufficient property rights in the site of the proposed facilities.
 - ___ Transferor no longer owns the permitted facilities.
 - ___ ED provided notice by certified mail to transferor, using the last address of record, giving opportunity for hearing, and
 - ___ ED didn't receive request for hearing from permittee within 30 days from the date the notice was mailed.

8. TRANSFEEE (NEW SITE OWNER AND/OR OPERATOR) SIGNATURE PAGE (TRANSFER APPLICATION)

- ☐ The appropriate signature of the Transferee, as indicated below has been provided, and has been notarized:
- ___ City: elected official or position verified in TML City Official Book
 - ___ Individual: only the individual signs for himself/herself.
 - ☒ Corporation: at least the level of vice president (CEO, Chairman of Board, Secretary Equivalent to V.P.)
 - ___ Utility District: at least level of vice president, (Board of Directors, District Manager, and the position can be verified through the District Section of TCEQ, Water Utilities Division).
 - ___ Water Authority: Regional managers
 - ___ Independent School Districts: at least level of the Assistant Superintendent (or board members).
 - ___ Governmental Agencies: Directors of Divisions or Regional Directors.
 - ___ Partnership: General Partner as identified in the partnership agreement OR if the partnership is on file with the SOS. The Vice President or General Partner may sign.
 - ___ Trust: The trustee that has been identified in the trust agreement.

☒ A letter of authorization for another person to sign on behalf of an entity has been provided or is on file with TCEQ. The letter includes both the name and the title of person giving the authority.)

9. LANDOWNER SIGNATURE PAGE (TRANSFER APPLICATION)

- ☒ Landowner Original - If land application of sludge is authorized in the current permit and the owner of the land on which sludge disposal occurs is **NOT** the applicant the **sludge signature page** bearing the notarized signature of the landowner and applicant is provided.

PARIS UPDATES

☐ CR SEARCH Contacts ☐ Update Mailing Address ☐ Update Billing Address ☐ Facility and Facility Contact Person

☐ If you have a change in customer and there is not a pending application then click on Set issued To Name

☐ If there is a pending application you do not have to click on Set issued To Name



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
APPLICATION TO TRANSFER A WASTEWATER PERMIT
OR CAFO PERMIT

If you have questions about completing this form please contact the Applications Review and Processing Team at 512-239-4671.

SECTION 1. CURRENT PERMIT INFORMATION

What is the Permit Number? WQ0015843001

What is the EPA I.D. Number? TX 0139785

What is the Current Name on the Permit?

WESTRIDGE OAKS WWTP

What is the Customer Number (CN) for the current permittee? CN 605729961

What is the Regulated Entity Reference Number (RN): RN 110910254

For Publicly Owned Treatment Works (POTWs) Only:

- a) Does this permit require implementation of an approved pretreatment program by the POTW? Yes ☐ No ☒
- b) Does this permit have a domestic reclaimed water authorization associated with it?
NOTE: The domestic reclaimed water authorization associated with this permit will be cancelled on the same date the transfer took place. See instructions for more information.
Yes ☐ No ☒

SECTION 2. FACILITY OWNER (APPLICANT) INFORMATION

A. What is the Legal Name of the facility owner?

Aguilas Robles, LLC

B. What is the Customer Number (CN) issued to this entity? CN N/A

C. Complete and attach a Core Data Form (TCEQ-10400) for this customer.

SECTION 3. CO-APPLICANT INFORMATION

Complete this section only if another person or entity is required to apply as a co-permittee.

A. What is the Legal Name of the co-applicant applying for this permit?

- B. What is the Customer Number (CN) issued to this entity? CN
C. Complete and attach a Core Data Form (TCEQ-10400) for this customer.

SECTION 4. APPLICATION CONTACT INFORMATION

This is the person TCEQ will contact if additional information is needed about this application.

Application Contact First and Last Name: Lauren Crone
Title: Sr. Project Manager Credentials: PE
Company Name: LJA Engineering
Mailing Address: 7500 Rialto Boulevard, Building 2, Suite 100
City, State, and Zip Code: Austin, TX 78735
Phone Number: fax Number:
E-mail Address:

SECTION 5. PERMIT CONTACT INFORMATION

This is the person TCEQ will contact if additional information is needed during the term of the permit.

Permit Contact First and Last Name: Lauren Crone
Title: Sr. Project Manager Credentials: PE
Company Name: LJA Engineering
Mailing Address: 7500 Rialto Boulevard, Building 2, Suite 100
City, State, and Zip Code: Austin, TX 78735
Phone Number Fax Number:
E-mail Address:

SECTION 6. SITE INFORMATION

Site Name: Westridge Oaks WWTP

SECTION 7. LEASE AND EASEMENT REQUIREMENTS

A. Landowner where the facility is or will be located:

Landowner Name: Aguilas Robles, LLC

If this individual is not the same person as the facility owner or co-applicant, attach one of the following documents:

- A lease agreement or deed recorded easement, if the facility is NOT a fixture of the land, or
- A deed recorded easement if the facility IS a fixture of the land.

B. Landowner of the effluent disposal site:

Landowner Name:

If this individual is not the same person as the facility owner or co-applicant, attach a lease agreement.

C. For CAFOs: Attach the following records:

- Warranty Deed or Property Tax Records
- Lease Agreement (for land management units that are not owned by the facility owner or co-applicant)

Facility Size on the proof of ownership, in acres:

SECTION 8. TRANSFER DATE

What is the date that the transfer of operator or ownership will occur? 01/01/2023

SECTION 9. REPORTING AND BILLING INFORMATION

A. Please identify the individual for receiving the reporting forms.

First and Last Name: Joshua Majors

Title: Manager Credentials:

Company Name: Aguilas Robles, LLC

Mailing Address: 3724 Hulen Street

City, State, and Zip Code: Fort Worth, TX 76107

Phone Number: Fax Number:

E-mail Address:

B. Please identify the individual for receiving the annual fee invoices.

First and Last Name: Joshua Majors

Title: Manager Credentials:

Company Name: Aguilas Robles, LLC

Mailing Address: 3724 Hulen Street

City, State, and Zip Code: Fort Worth, TX 76107

Phone Number:

Fax Number:

E-mail Address:

SECTION 10. DELINQUENT FEES OR PENALTIES

Do you owe fees to the TCEQ? Yes ☐ No ☒

Do you owe any penalties to the TCEQ? Yes ☐ No ☒

If you answered yes to either of the above questions, provide the amount owed, the type of fee or penalty, and an identifying number.

TRANSFEROR SIGNATURE (Current Facility Owner)

I consent to the transfer of the permit and I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized under 30 Texas Administrative Code Section 305.44 to sign this document and can provide documentation in proof of such authorization upon request.

Facility Owner Name: KALU KAFE SERVICES INC

Title: PRESIDENT

Signature: [Signature] Date: 9/8/22

SUBSCRIBED AND SWORN to before me by the said David Tidwell on
this 8th day of Sept., 2022

My commission expires on the 7th day of August, 2024

(Seal)

[Signature]
Notary Public

County, Texas

TRANSFeree SIGNATURE (New Facility Owner)

I certify that a change of ownership of the facility for the subject permit has been issued will occur as indicated in the application. As a condition of the transfer, I do hereby declare that:

The transferee will be the owner of the existing treatment facility from which wastewater is discharged, deposited or disposed or the facilities required to comply with the permit will be constructed as described in the application considered by the TCEQ prior to the issuance of the permit.

The transferee possesses a copy of the permit, understands the terms and conditions therein, and does accept and assume all obligations of the permit.

The transferee assumes financial responsibility for the proper maintenance and operation of all waste treatment and disposal facilities required by the permit or which may be required to comply with the permit terms and conditions. The transferee certifies that the transfer is not made for the purpose of avoiding liability for improper actions carried out prior to the date of transfer. Neither is the transfer made for the purpose of transferring responsibility for improper operations to an insolvent entity.

The transferee certifies under penalty of law that this document is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations and revocation of this permit.

New Facility Owner: Aguilas Robles, LLC

Title: TriOak Development, LLC
Its Manager

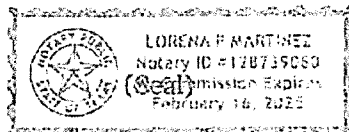
Signature: _____

Date: 12/28/2022

SUBSCRIBED AND SWORN to before me by the said Lorena Martinez on

this 28 day of December, 2022

My commission expires on the 16 day of February, 2023



Notary Public

County, Texas



TCEQ Core Data Form

TCEQ Use Only

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.)	
<input type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)	
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)	<input checked="" type="checkbox"/> Other Permit Transfer
2. Customer Reference Number (if issued)	3. Regulated Entity Reference Number (if issued)
CN 606104941	RN 110910254

SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)	
<input checked="" type="checkbox"/> New Customer		<input type="checkbox"/> Update to Customer Information	
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)		<input type="checkbox"/> Change in Regulated Entity Ownership	
The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).			
6. Customer Legal Name (If an individual, print last name first: eg: Doe, John)		If new Customer, enter previous Customer below:	
Aguilas Robles, L.L.C.			
7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number (if applicable)
0804213665	32080819744		
11. Type of Customer:		Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited	
<input checked="" type="checkbox"/> Corporation		<input type="checkbox"/> Individual	
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other:	
12. Number of Employees		13. Independently Owned and Operated?	
<input checked="" type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
14. Customer Role (Proposed or Actual) - as it relates to the Regulated Entity listed on this form. Please check one of the following			
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner & Operator			
<input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> Voluntary Cleanup Applicant <input type="checkbox"/> Other:			
15. Mailing Address:			
3724 Hulen Street			
City	Fort Worth	State	TX
ZIP	76107	ZIP + 4	
16. Country Mailing Information (if outside USA)		17. E-Mail Address (if applicable)	
18. Telephone Number		20. Fax Number (if applicable)	
(205)		()	

SECTION III: Regulated Entity Information

21. General Regulated Entity Information (If 'New Regulated Entity' is selected below this form should be accompanied by a permit application)	
<input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input checked="" type="checkbox"/> Update to Regulated Entity Information	
The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC).	
22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)	
Westridge Oaks WWTP	

23. Street Address of the Regulated Entity: (No PO Boxes)						
	City		State		ZIP	ZIP + 4
24. County	Comal					

Enter Physical Location Description if no street address is provided.

25. Description to Physical Location:	750 LF EAST OF THE INTERSECTION OF HAVENWOOD BLVD & FM 1102 ON THE N SIDE OF FM 1102 IN COMAL COUNTY					
26. Nearest City	New Braunfels			State	TX	
				Nearest ZIP Code	78130	
27. Latitude (N) In Decimal:	29.788639			28. Longitude (W) In Decimal:	-98.055786	
Degrees	Minutes	Seconds		Degrees	Minutes	Seconds
29. Primary SIC Code (4 digits)	4952		30. Secondary SIC Code (4 digits)			
31. Primary NAICS Code (6 or 8 digits)	221320		32. Secondary NAICS Code (6 or 8 digits)			
33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description)						
Wastewater Treatment						
34. Mailing Address:	3724 Hulen Street					
	City	Fort Worth	State	TX	ZIP	76107
					ZIP + 4	
35. E-Mail Address:	josh@trioakdevelopment.com					
36. Telephone Number	37. Extension or Code		38. Fax Number (if applicable)			
(205)			() -			

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.


<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input checked="" type="checkbox"/> Wastewater	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:
WQ0015843001				

SECTION IV: Preparer Information

40. Name:	Lauren Cronc, P.E.	41. Title:	Sr. Project Manager
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(512)		()	

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in Field 39.

Company:	Aguilar Robles, LLC	Job Title:	Manager of TriOak Development, LLC
Name (In Print):	Joshua Majors	Phone:	(205)
Signature:		Date:	12/13/2022

Attachment 3
Correspondence From Aguilas to Catalaunian
Team Regarding Proposed Easement and
Wastewater Agreement

TRICOR - David Voekel
Director of Land Development
Office - 800-874-0214 Ext. 747
Mobile - 214-704-8305
Website - www.TRICORSFR.com

From: Justin Davis <justin.davis.here@gmail.com>
Sent: Wednesday, November 2, 2022 11:08:49 AM
To: David Voekel <david.voekel@tricorsfr.com>
Cc: Kyle Belew <kyle.belew@tricorsfr.com>; Malerie Gamboa <malerie.gamboa@tricorsfr.com>
Subject: Fwd: Flying W Wastewater Agreement

David,

Attached is WW easement and cost sharing first draft that Flying W has sent over for your review. Look forward to meeting you Friday-

Justin Davis

512.417.3762
Justin.davis.here@gmail.com

Begin forwarded message:

From: Joshua Majors <josh@trioakdevelopment.com>
Subject: Fwd: Flying W Wastewater Agreement
Date: October 15, 2022 at 11:09:54 AM CDT
To: Justin Davis <justin.davis.here@gmail.com>

Justin

See the attached cost share agreement with Westridge oaks. Obviously we've planned for worst case scenario here.

JSM
Sent from my iPhone

Begin forwarded message:

From: Tony Corbett <tcorbett@mcleanhowardlaw.com>
Date: October 14, 2022 at 9:00:23 PM CDT
To: Joshua Majors <josh@trioakdevelopment.com>, Jeffrey McKinnie <jmckinnie@cudeengineers.com>
Subject: Flying W Wastewater Agreement

Josh and Jeff- Attached is a revised Wastewater Agreement for Flying W for your review.

Tony

Anthony S. Corbett
tcorbett@mcleanhowardlaw.com

4301 Bull Creek Road | Ste 150
Austin, Texas 78731
512.328.2008 phone
512.799.6405 cell
512.328.2409 fax
www.mcleanhowardlaw.com



McLEAN & HOWARD, L.L.P.
Real Property Lawyers

CONFIDENTIALITY NOTICE: This communication is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient of this information, you are notified that any use, dissemination, distribution, or copying of the communication is strictly prohibited.

From: Kyle Belew <kyle.belew@tricorsfr.com>
Sent: Thursday, June 16, 2022 1:12 PM
To: Greg Lawing <glawing@asialand.com>
Cc: Joel Thomas <joel.thomas@tricorsfr.com>; justin.davis.here@gmail.com
Subject: FW: WW plant participation discussion

Hello Greg,

Here's update from Integrated on discussing h2o treatment plant. A meeting is taking place this week to determine h2o treatment layout, timeline, etc., Josh with Flying W will have information to share after this meeting and wants to setup call next week. I will keep you posted on meeting time for next week, please let me know if you have any questions. Thanks Greg!

Kyle Belew
Vice President of New Construction

800-874-0214 Ext. 724
972-757-1988
kyle.belew@tricorsfr.com
tricorsfr.com

From: Joshua Majors <josh@trioakdevelopment.com>
Sent: Wednesday, June 15, 2022 6:20 PM
To: Edward Gelsone <egelsone@integratedwaterservices.com>
Cc: Justin Davis <justin.davis.here@gmail.com>; Kyle Belew <kyle.belew@tricorsfr.com>; Joel Thomas <joel.thomas@tricorsfr.com>; dtidwell@austin@gmail.com
Subject: Re: WW plant participation discussion

Justin

I echo Ed's comments. I think we will have a lot of clarity after next weeks meeting.

Maybe follow up the following week?

Sent from my iPhone

On Jun 15, 2022, at 1:07 PM, Edward Gelsone <egelsone@integratedwaterservices.com> wrote:

Hello Justin!

We are meeting with CCSUD to get clarification on a proposed developer agreement that will hopefully get us to the solution you are needing as described below. I should also have an update by tomorrow on current status of the major amendment to the existing permit. I'll keep you posted, and we will set up a meeting with you next week. Thanks!

Sincerely,

Edward F. Gelsone, M.S., P.E.

Director of Strategy & Business Development
Integrated Water Services, Inc.
721 Bulverde Road, Suite 104
Bulverde, TX 78163

Mobile: (512) 785-9586

www.integratedwaterservices.com

From: Justin Davis <justin.davis.here@gmail.com>

Sent: Wednesday, June 15, 2022 10:57 AM

To: Joshua Majors <josh@trioakdevelopment.com>; Edward Gelsone
<egelsone@integratedwaterservices.com>

Cc: Kyle Belew <kyle.belew@tricorsfr.com>; Joel Thomas
<joel.thomas@tricorsfr.com>; dtidwellaustin@gmail.com <dtidwellaustin@gmail.com>

Subject: WW plant participation discussion

Good morning Josh and Ed,

I was talking to Kyle over at Tricor yesterday and they expressed an interest in having a remote conf call meeting with everyone to get the WW plant participation worked out regarding cost and target schedule this week or next if possible. Not sure if Ed has any updates with the TCEQ process, but would like to pass that info along to everyone as well if we could. Let me know if this would work sometime this week or next and we can send an invite out to everyone once we get a time that works for everyone figured out.

Thanks,

Justin Davis
MJD Endeavors, LLC
512.417.3762

Attachment 4
Aguilas's Proposed Easement to be Granted by
Catalaunian to Aguilas

WASTEWATER FACILITIES EASEMENT
(Wastewater Treatment Plant Facilities)

STATE OF TEXAS

§

COUNTY OF COMAL

§

§

DATE: _____, 2022

GRANTOR: Catalaunian LLC, a Delaware limited liability company

GRANTOR'S MAILING ADDRESS:

c/o APL (New York) Corporation
599 Broadway
8th Floor
New York, NY 10012

GRANTEE: AGUILAS ROBLES, LLC a conservation and reclamation district of the State of Texas

GRANTEE'S MAILING ADDRESS:

Attn: Blake Carpenter
3724 Hulen Street
Fort Worth, TX 76107

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged. The consideration recited herein shall constitute payment in full for all damages sustained by Grantor by reason of the utilization by the Grantee of any rights granted herein.

GRANT: Grantor, for the Consideration paid by Grantor to Grantee, does hereby GRANT, SELL and CONVEY unto Grantee for the benefit of Grantee, a non-exclusive, perpetual easement and right-of-way (the "**Easement**") on, under, over and across the Easement Area (defined below) for the construction, reconstruction, replacement, relocation, alteration, removal, operation, use and maintenance of a wastewater treatment plant and related improvements, facilities and appurtenances thereto, including without limitation, wastewater influent and effluent lines, pumping facilities and storage facilities (collectively, the "**Wastewater Facilities**").

DESIGNATION OF EASEMENT AREA: The "**Easement Area**" shall include all of the following tract of land:

Being that certain 2.488-acre tract, piece or parcel of land lying and being situated in the County of Comal, State of Texas, being more particularly described by metes and bounds, and by sketch, in *Exhibit A* attached hereto and made a part hereof for all purposes (herein sometimes referred to as the "**Easement Area**").

RESERVED RIGHTS: Grantor expressly reserves all water, oil, gas, and other minerals owned by Grantor, in, on, and under the Easement Area, provided that Grantor shall not be permitted to drill or excavate for water, oil, gas and minerals on the surface of the Easement Area, but Grantor may extract water, oil, gas, or other minerals from and under the Easement Area by directional drilling or other means which do not interfere with or disturb Grantee's use of the Easement Area and that do not damage the Wastewater Facilities or interfere with their efficient operation.

OBLIGATIONS OF GRANTOR: Grantor shall take no action that impairs the use or exercise of the easement and access rights granted to Grantee hereby, that damages the Wastewater Facilities, or that impairs their proper and efficient operation.

OTHER RIGHTS GRANTED TO GRANTEE: Grantee shall have such other right and benefits necessary and/or convenient for the full enjoyment and use of the rights herein granted, including without limitation, (1) the reasonable right of ingress and egress over and across the Easement Area; (2) the reasonable right from time to time to remove any and all obstructions that may injure Grantee's facilities and appurtenances in the Easement Area or materially interfere with the exercise of Grantee's authorized rights; and (3) the reasonable right from time to time to alter the surface of the lands within the Easement Area to construct the Wastewater Facilities.

OBLIGATIONS OF GRANTEE: Grantee agrees that upon completion of any maintenance, operation, inspection, replacement, removal, repair or reconstruction of the Wastewater Facilities by Grantee, all surplus excavation, debris, trash, or litter resulting from such activity shall promptly be cleaned up and removed from Grantor's property. Grantee shall conduct all of its activities on the Easement Area in full compliance with all applicable federal, state, and local laws and ordinances.

REPRESENTATIONS OF GRANTOR: Grantor represents, covenants and warrants that it has full power and authority to enter into this instrument and to convey this Easement to Grantee.

EXCLUSIVITY: Grantee's easement rights within the Easement Area shall be exclusive. Grantor specifically acknowledges and agrees that the Wastewater Facilities shall be enclosed by fence, and no public access to the Easement Area shall be permitted.

HABENDUM: To HAVE AND HOLD the Easement and all and singular the rights and appurtenances thereunto belonging unto Grantee, its successors and assigns.

WARRANTY: Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular, the Easement unto Grantee, its successors and assigns, against every person whomsoever claiming, or to claim, the same or any part thereof, by through or under Grantor, but not otherwise.

SUCCESSORS AND ASSIGNS: The rights granted hereby and the rights, agreements and burdens pertaining thereto shall constitute a covenant running with the land and inure to the benefit of and shall be binding upon the Grantor, any other owner in the future on any part of the Easement Area, and the Grantee, and all of their respective successors, heirs, legal representatives, executors, administrators and assigns. Grantee's rights hereunder may be assigned in whole or in part to one or more assignees.

COVENANT OF GRANTOR: Grantor covenants that Grantor is the owner of the Easement Area and that the persons signing this instrument are authorized to execute the same on behalf of the owners or all the owners of all such real property.

[The remainder of this page intentionally left blank.]

In witness whereof, this instrument is executed this ____ day of _____, _____.

GRANTOR:

Catalaunian LLC, a Delaware limited liability company

By: _____

Name: _____

Title: _____

ACKNOWLEDGEMENT

THE STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, _____, by _____, as _____ of Catalaunian LLC, a Delaware limited liability company, on behalf of said limited liability company.

Notary Public Signature

(SEAL)

After recording, return to:

Aguilas Robles, LLC
Attn: Blake Carpenter
3724 Hulen Street
Fort Worth, TX 76107

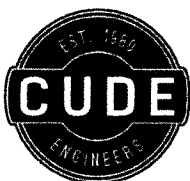
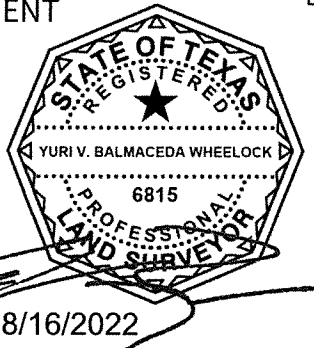
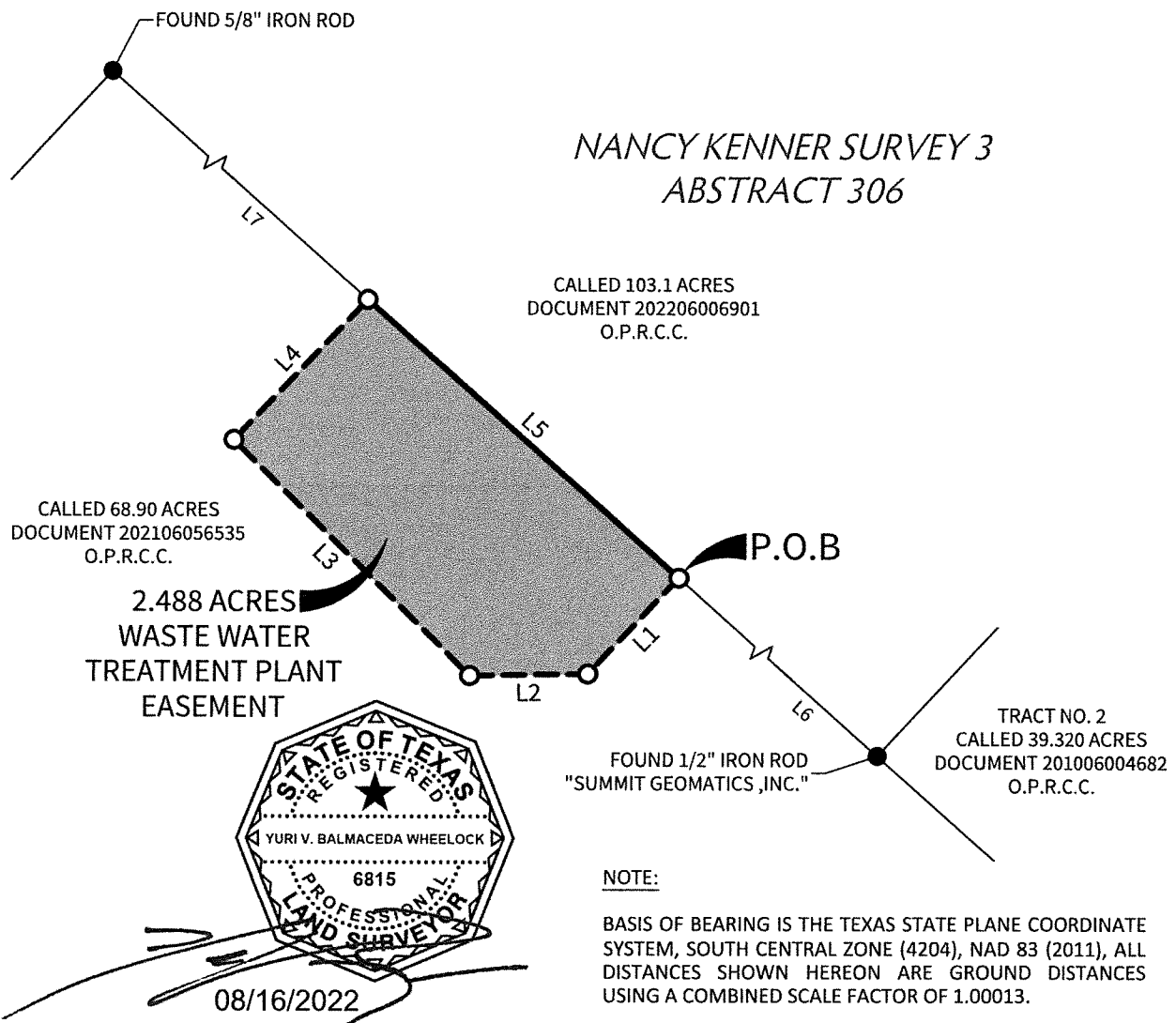
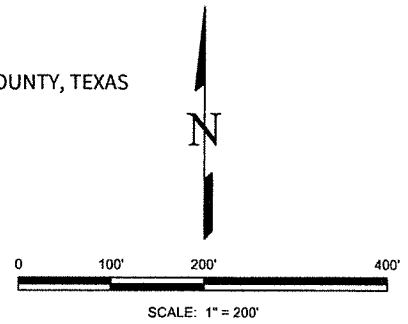
Exhibit "A"

Description of Easement Area

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	S43°32'22"W	151.73'
L2	S89°07'39"W	135.87'
L3	N45°14'45"W	383.03'
L4	N43°32'22"E	222.33'
L5	S48°24'48"E	480.28'
L6	S48°24'48"E	327.19'
L7	N48°24'48"W	753.73'

LEGEND

- O.P.R.C.C. = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
P.O.B. = POINT OF BEGINNING
○ = CALCULATED POINT
● = FOUND AS NOTED

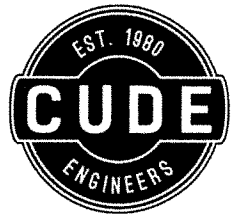


CUDE ENGINEERS
4122 POND HILL RD. • SUITE 101
SAN ANTONIO, TEXAS 78231
T:210.681.2951 • F:210.523.7112
WWW.CUDEENGINEERS.COM
TBPELS FIRM #10048500
TBPE FIRM #455

EXHIBIT OF
2.488 ACRES
WASTE WATER TREATMENT PLANT EASEMENT
COMAL COUNTY, TEXAS

PROJECT NO.: 03678.000 DATE: 08-16-2022

BY:DLT PM:YVB



**LEGAL DESCRIPTION
2.488 ACRES OF LAND**

2.488 ACRES OF LAND LOCATED IN THE NANCY KENNER SURVEY 3, ABSTRACT 306, COMAL COUNTY, TEXAS AND OUT OF THAT CALLED 68.90 ACRES OF LAND AS DESCRIBED IN DOCUMENT 202106056535 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS; SAID 2.488 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, AT A POINT ON THE COMMON LINE OF SAID 68.90 ACRE TRACT AND A CALLED 103.1 ACRE TRACT DESCRIBED IN DOCUMENT 202206006901 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, FROM WHICH A FOUND 1/2" IRON ROD WITH CAP MARKED "SUMMIT GEOMATICS INC" AT A SOUTH CORNER OF SAID 103.1 ACRE TRACT, THE WEST CORNER OF A CALLED TRACT NO. 2- 39.320 ACRE TRACT DESCRIBED IN DOCUMENT 201006004682 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, BEARS S 48°24'48" E, A DISTANCE OF 327.19 FEET;

THENCE, DEPARTING THE COMMON LINE OF SAID 68.90 ACRE TRACT AND SAID 103.1 ACRE TRACT, OVER AND ACROSS SAID 68.90 ACRE TRACT, THE FOLLOWING BEARINGS AND DISTANCES;

S 43°32'22" W, A DISTANCE OF 151.73 FEET TO A POINT;

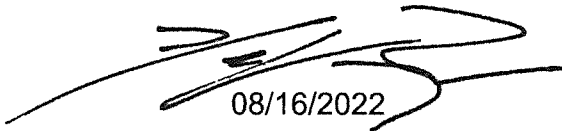
S 89°07'39" W, A DISTANCE OF 135.87 FEET TO A POINT;

N 45°14'45" W, A DISTANCE OF 383.03 FEET TO A POINT;

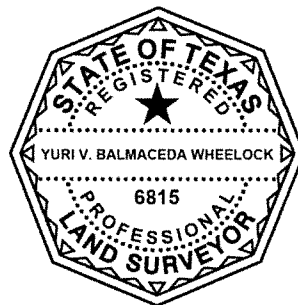
N 43°32'22" E, A DISTANCE OF 222.33 FEET TO A POINT, THE COMMON LINE OF SAID 68.90 ACRE TRACT AND SAID 103.1 ACRE TRACT, FROM WHICH A FOUND 1/2" IRON ROD AT THE NORTH CORNER OF SAID 68.90 ACRE TRACT AND AN INTERIOR CORNER OF SAID 103.1 ACRE TRACT BEARS N 48°24'48" W, A DISTANCE OF 753.73 FEET;

THENCE, S 48°24'48" E, ALONG AND WITH THE COMMON LINE OF SAID 68.90 ACRE TRACT AND SAID 103.1 ACRE TRACT, A DISTANCE OF 480.28 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 2.488 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83 (2011). ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES USING A SCALE FACTOR OF 1.00013.


08/16/2022

YURI V. BALMACEDA WHEELOCK
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6815
CUDE ENGINEERS
4122 POND HILL ROAD, SUITE 101
SAN ANTONIO, TEXAS 78231
TBPELS FIRM NO. 10048500
TBPE FIRM NO. 455
JOB NO. 03678.000.3



LIENHOLDER CONSENT

Monroe Capital Management Advisors, LLC, a Delaware limited liability company, whose address is 311 South Wacker Drive, 64th Floor, Chicago, Illinois 60606 ("Agent"), as agent for the lender parties from time to time to that certain Credit Agreement dated March 22, 2022 ("Beneficiaries"), being the beneficiaries of a deed of trust lien and other liens, assignments and security interests encumbering all or a portion of the property encumbered by the foregoing Wastewater Facilities Easement, created pursuant to that certain Deed of Trust, Security Agreement, Assignment of Rents and Leases and Fixture Filing dated March 22, 2022, recorded in the Official Public Records of Comal County, Texas, on April 1, 2022, under Document No. 202206015253, (the "Lien Document"), hereby consents to the foregoing grant of the Wastewater Facilities Easement, including the terms and conditions of the grant, and Lienholder subordinates its lien[s] to the rights and interests of Grantee, so that a foreclosure of the lien[s] will not extinguish the rights and interests of Grantee. No warranties of title are hereby made by Lienholder, Lienholder's joinder herein being solely limited to such consent and subordination.

**MONROE CAPITAL MANAGEMENT ADVISORS,
LLC**, an Delaware limited liability company

By: _____

Name: _____

Title: _____

THE STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me on this ____ day of _____, _____, by _____, _____ of Monroe Capital Management Advisors, LLC, a Delaware limited liability company, on behalf of said limited liability company.

Notary Public, State of _____

Printed Name: _____

My Commission Expires: _____

[SEAL]

Attachment 5
Aguilas's Proposed Wastewater Agreement to
be Entered into by Aguilas and Catalaunian

AGREEMENT REGARDING WASTEWATER MATTERS

THIS AGREEMENT REGARDING WASTEWATER MATTERS (this "Agreement") is entered into as of the last date of execution below ("Effective Date") between **Aguilas Robles, LLC**, a Texas limited liability company ("Aguilas"), and **Catalaunian, LLC**, a Delaware limited liability company ("Catalaunian"). Aguilas and Catalaunian are sometimes individually referred to herein as a "Party" and collectively as the "Parties."

Preliminary Statements

A. Kali Kate, Inc., a Texas corporation ("Kali Kate") is the holder and permittee under TCEQ Permit No. WQ0015843001 (the "Permit"), which authorizes the treatment and discharge of wastewater from the "Westridge Oaks Wastewater Treatment Facility", as more particularly described in the Permit;

B. Kali Kate acquired the Permit to provide for wastewater treatment and disposal services for an approximate 68.9-acre tract of real property platted as the Westridge Oaks Subdivision, which subdivision is shown on the plat recorded in the Official Public Records of Comal County, Texas as Instrument No. 201806029613 (the "Westridge Oaks Tract");

C. Catalaunian is the current owner of the Westridge Oaks Tract;

D. Aguilas has acquired real property adjacent to the Westridge Oaks Tract as more particularly described in **Exhibit "A"** attached hereto (the "Aguilas Tract"), and has entered an agreement with Kali Kate to acquire the Permit;

E. The authorized location of the Westridge Oaks Wastewater Treatment Facility set forth in the Permit ("WWTP Site") is partially located on the Westridge Oaks Tract and is partially located on the Aguilas Tract;

F. Aguilas desires to acquire and amend the Permit to secure additional wastewater treatment and discharge authorization to allow for the treatment and discharge of wastewater effluent generated within the the Aguilas Tract and additional lands that may be acquired by Aguilas;

G. Aguilas desires that that Catalaunian grant an easement to Aguilas for construction and operation of the wastewater treatment plant facility on that portion of the Westridge Oaks Tract that overlaps the WWTP Site, and Catalaunian has agreed to grant an easement to Aguilas in accordance with the terms and conditions of this Agreement;

H. Aguilas and Catalaunian further desire to enter into this Agreement to provide for the joint funding and construction of a wastewater treatment plant and disposal facilities (the "WWTP") to be located within the WWTP Site, and for the provision of wastewater treatment and disposal services to the Aguilas Tract (and other lands identified by Aguilas) and the Westridge Oaks Tract;

NOW, THEREFORE, in consideration of Ten and 00/100 Dollars (\$10.00), the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

Article I.
Easement Matters

1.01 Grant of Easement. Simultaneously with the execution of this Agreement, Catalaunian shall provide to Aguilas a fully executed and notarized original easement in the form attached hereto as **Exhibit "B"** (the "Easement"). Upon receipt, Aguilas shall promptly record the Easement in the Official Public Records of the county in which the WWTP Site is located.

Article II.
Wastewater Permit Amendment

2.01 Wastewater Permit Amendment.

(a) Upon receipt of the Easement, Aguilas shall prepare, file and prosecute with reasonable diligence and at its sole cost and expense an application with the Texas Commission on Environmental Quality ("TCEQ") to amend the Permit to secure additional wastewater treatment and disposal authorization in a quantity determined by Aguilas (the "Permit Amendment"). The Permit Amendment may not amend the Permit to provide less than the Catalaunian Permit Capacity (as hereinafter defined). Aguilas shall file the application for the Permit Amendment within ninety (90) days after the Effective Date of this Agreement.

(b) If the Permit Amendment has not been approved by final nonappealable order of TCEQ on or before twenty-four (24) months after the , then except as otherwise approved by the Parties, this Agreement shall terminate for all purposes, and the Parties shall be without further duty or obligation to each other.

(c) Aguilas may modify the final capacity of the WWTP Permit or any interim phasing of the Permit in its sole discretion and at its sole cost without prior authorization of Catalaunian; provided, however, no such amendment may change the first phase of the Permit to less than the Catalaunian Permit Capacity (as hereinafter defined).

2.02 Allocation of Wastewater Permit Capacity.

(a) The Parties acknowledge and agree that the Permit currently authorizes the treatment and disposal of wastewater in a quantity equal to 35,000 gpd (the "Catalaunian Permit Capacity"). Subject to receipt of payment of the Catalaunian Share (as defined below) of the WWTP Costs (as hereinafter defined), the Catalaunian Permit Capacity is hereby committed to Catalaunian for the Westridge Oaks Tract. All Permit authorization in excess of the Catalaunian Permit Capacity (the "Aguilas Permit Capacity") is hereby committed to Aguilas for the Aguilas Tract and other lands identified by Aguilas.

2.03 Phasing of Wastewater Treatment Plant.

(a) The Parties agree to the following initial phase of the Permit sought in the Permit Amendment may not be less than 35,000 gpd.

(b) The Catalaunian Permit Capacity is hereby deemed part of the first interim phase of the Permit, as amended, such that the Westridge Permit capacity shall be available to Catalaunian for the Westridge Oaks Tract in the initial phase of the WWTP.

Article III.
Design and Construction of Facilities

3.01 Design of the WWTP.

(a) Upon approval of the Permit Amendment by final nonappealable order of TCEQ, Aguilas shall diligently prepare plans and specifications for the first phase of the WWTP and secure all regulatory approvals for construction of such initial phase. Such plans and specifications shall be prepared at Aguilas' sole cost and expense, but subject to reimbursement by Catalaunian of the Catalaunian Share of design costs. Aguilas will design the initial phase of the WWTP, and each subsequent expansion, in accordance with the following (collectively, the "Applicable Standards"): (i) the laws of the State of Texas; and (ii) the applicable rules of TCEQ including, without limitation, 30 TAC Chapters 217 and 293 governing the design and construction of wastewater treatment facilities and the construction and reimbursement of costs by municipal utility districts for infrastructure funded by a developer.

(b) For purposes of this Agreement, the "Catalaunian Share" shall be equal to quotient of the Catalaunian Permit Capacity divided by the first phase capacity of the WWTP.

(c) Aguilas shall periodically submit invoices for reimbursement to Catalaunian for reimbursement of the Catalaunian Share of the costs funded by Aguilas for design and permitting of the first phase of the WWTP (the "Design and Permitting Costs"), including costs of designing, surveying, permitting and engineering, and all costs incurred by Aguilas in connection with obtaining governmental approvals, certificates or permits required for the first phase of the WWTP (specifically excluding costs of the Permit Amendment). Each invoice for payment shall include a description in reasonable detail identifying the Design and Permitting Costs for which reimbursement is requested and proof of payment by Aguilas of the costs for which reimbursement is sought by Aguilas. Catalaunian shall provide payment in the full amount of Catalaunian Share of the Design and Permitting Costs within thirty (30) days after receipt of each written invoice for payment.

3.02 Construction of WWTP.

(a) After approval of the plans and specifications for the first phase of the WWTP by all governmental entities with regulatory authority, either Party may trigger the construction of the first phase of the WWTP by providing written notice to the other Party. Upon issuance or receipt of such notice, Aguilas shall be responsible for construction of the first phase of the WWTP. If Aguilas does not complete construction of the first phase within eighteen (18) months after receipt of notice to proceed by Catalaunian, such failure to complete shall not constitute a breach of this Agreement, but Aguilas shall be responsible for all "pump and haul" costs for disposal of wastewater generated within the Westridge Oaks Tract until the construction is complete.

(b) Aguilas shall construct the WWTP in accordance with the Applicable Standards. Aguilas shall publicly advertise and bid the contract for construction of the first phase of the WWTP in accordance with the laws of the State of Texas applicable to municipal utility district facilities so that the costs of construction may be established through a competitive solicitation. Aguilas shall pay all costs associated with construction of the WWTP, subject to reimbursement from Catalaunian of the Catalaunian Share of WWTP Costs in accordance with the terms of this Agreement.

(c) During construction of the first phase of the WWTP, Aguilas shall periodically prepare a written invoice for reimbursement of the Catalaunian Share of the costs and expenses incurred by Aguilas in connection with the construction of the first phase of the WWTP (the "Construction Costs"), including all costs of materials, labor, construction and inspection arising in connection with the first phase of the WWTP; all payments arising under any contracts entered into for the construction of the first phase of the WWTP; and all other costs and expenses otherwise incurred relating to or arising out of the construction of the first phase of the WWTP, but specifically excluding the costs of the Permit Amendment and costs of operation, maintenance or repair of the WWTP. The Aguilas invoice shall include a description in reasonable detail identifying the Construction Costs for which reimbursement is requested and proof of payment of the Construction Costs for which reimbursement is sought. Catalaunian shall provide payment in the full amount of Catalaunian Share of the Construction Costs within thirty (30) days after receipt of the written invoice for payment.

(d) As between Aguilas and Catalaunian, Aguilas shall be solely responsible for funding and constructing any expansions of the WWTP beyond the first phase, and shall be entitled to all capacity in any such expansions.

3.03 Failure to Provide Reimbursement. If Catalaunian fails to timely provide payment of the Catalaunian Share of the Design and Permitting Costs, or the Construction Costs, in full, then its rights to the Catalaunian Permit Capacity shall terminate for all purposes after expiration of the notice and cure period set forth in this Agreement.

3.04 Assignment of Capacity. Subject to receipt of payment of the Catalaunian Share of the WWTP Costs from Catalaunian in full, Aguilas shall assign, transfer and convey the Catalaunian Permit Capacity to Catalaunian. Aguilas agrees to execute any instruments reasonably requested by Catalaunian evidencing the assignment of the Catalaunian Permit Capacity to Catalaunian. All service capacity rights associated with the WWTP other than the assigned Catalaunian Permit Capacity shall be retained by Aguilas.

3.05 Construction of Internal Facilities and Easement Matters. Catalaunian shall be solely responsible for the design and construction of all facilities within the Westridge Oaks Tract required to secure wastewater treatment and disposal service from the WWTP. Aguilas shall be solely responsible for the design and construction of all facilities within the Aguilas Tract required to secure wastewater treatment and disposal service from the WWTP. Each Party agrees to reasonably cooperate with the other Party, including granting any easements that may be required by that Party, to connect its internal wastewater collection facilities to the WWTP; provided, however, such easements shall be located in areas that do not materially interfere with the development of property by the grantor.

Article IV. Wastewater Service Matters

4.01 Allocation of Service Rights.

(a) Subject to reimbursement by Catalaunian to Aguilas of the Catalaunian Share of the Design and Permitting Costs and Construction Costs, Catalaunian shall be entitled to wastewater treatment and disposal service from the first phase of the WWTP in a quantity equal to the Catalaunian Permit Capacity. Aguilas shall be entitled to all remaining capacity in the wastewater treatment and disposal service funded by Aguilas.

(b) Catalaunian agrees that it shall not seek wastewater service, and will not authorize or allow any builder that purchases a lot within the Westridge Oaks Tract, to seek wastewater service, that would utilize any capacity in the WWTP in excess of the Catalaunian Permit Capacity. Aguilas agrees that it shall not seek wastewater service, and will not authorize or allow any builder that purchases a lot within the Aguilas Tract, to seek wastewater service that would utilize any portion of the Catalaunian Permit Capacity in the WWTP.

4.02 Service Provider Matters.

(a) The provision of retail wastewater service to customers within the Westridge Oaks Tract and the Aguilas Tract shall be subject to all requirements of the retail wastewater service provider.

(b) The Parties acknowledge that the retail service provider for the lands within the Westridge Oaks Tract and Aguilas Tract has not yet been identified, but it is currently contemplated that Aguilas shall create a municipal utility district within the Aguilas Tract that shall be the retail wastewater service provider to both the Aguilas Tract and the Westridge Oaks Tract. Notwithstanding the foregoing, Catalaunian acknowledges and agrees that such municipal utility district may not be created or a third party entity (such as Crystal Clear Special Utility District) may be the retail wastewater service provider.

(c) Catalaunian specifically authorizes Aguilas to convey the WWTP and Permit to a wholesale or retail wastewater service provider, but any such conveyance must be made subject to Catalaunian's rights under this Agreement, including specifically Catalaunian's ownership of the Catalaunian Permit Capacity.

Article V. Default and Remedies

5.01 Default and Remedies.

(a) If either Party fails to comply with any provision herein ("Defaulting Party"), then the other Party ("Non-Defaulting Parties") may, (i) with respect to a monetary default, upon ten (10) days prior written notice to the Defaulting Party, which notice specifically identifies the event of default, proceed to cure the default (and shall have a license to do so) by the payment of any money required to cure the default for the account of the Defaulting Party, and (ii) with respect to a non-monetary default, upon thirty (30) days' prior written notice to the Defaulting Party, proceed to cure the default (and shall have a license to do so (including entering the Defaulting Party's real property if necessary)) by the performance of any action required to cure the default action for the account of the Defaulting Party. The foregoing right to cure shall not be exercised if, within the ten (10) day notice period and/or thirty (30) day notice period, as applicable, (i) the Defaulting Party cures the default, or (ii) with respect to a non-monetary default, if the default is curable, but cannot reasonably be cured within that time period, the Defaulting Party begins to cure such default within such time period and diligently pursues such action to completion within no more than forty-five (45) days thereafter.

(b) Within ten (10) days of written demand (which must include copies of invoices reflecting costs incurred and evidence of payment) the Defaulting Party shall reimburse the Non-Defaulting Party for any sum reasonably expended by the Non-Defaulting Party to cure the default.

(c) If any Party brings an action at law or in equity to enforce or interpret this Agreement, the prevailing Party in such action will be entitled to recover from the other Party its reasonable attorneys' fees, court costs and expert witness fees for all stages of litigation, in addition to any other remedy granted. If a Party secures a judgment in any such action, then any costs and expenses (including but not limited to reasonable attorneys' fees and costs) incurred by the prevailing Party in any appeal from such judgment in connection with such appeal will be recoverable separately from and in addition to any other amount included in such judgment. The preceding sentence is intended to be severable from the other provisions of this Agreement and will survive and not be merged in to any such judgment. This Section will survive any termination or expiration of this Agreement.

(d) The Parties agree that a Non-Defaulting Party that provides payment of any costs or expenses on behalf of the Defaulting Party after notice and opportunity to cure shall be entitled to all reimbursements from the District for costs funded on behalf of the Defaulting Party.

(e) All remedies are cumulative and shall be deemed additional to any and all other remedies to which any Party may be entitled in law or in equity. Each Party shall also have the right to restrain by injunction any violation or threatened violation by the other Party of any of the terms, covenants, or conditions of this Agreement, or to obtain a decree to compel performance of any such terms, covenants, or conditions, it being agreed that the remedy at law for a breach of any such term, covenant, or condition (except those, if any, requiring the payment of a liquidated sum) is not adequate.

Article VI.

Force Majeure and Notices

6.01 Force Majeure.

(a) The duties of each of the Parties to observe or perform any of the provisions of this Agreement on its part to be performed or observed shall be excused for a period equal to the period of prevention, delay or stoppage due to causes beyond the reasonable control of the Party, including without limitation by reason of strikes, civil riots, invasion, fire or other casualty, adverse weather conditions such as, by way of illustration and not limitation, severe rain storms or tornadoes, labor action, strikes, delays caused by a governmental authority, epidemics, pandemics, and any resulting governmental orders and restrictions, changes in the law affecting the obligations of the Parties hereunder, or acts of God ("Force Majeure"), provided that the Party has taken steps that are reasonable under the circumstances to mitigate the effects of the Force Majeure.

(b) A Party claiming delay of performance as a result of Force Majeure events shall deliver written notice of the commencement of the delay resulting from such Force Majeure event not later than 15 calendar days after the claiming Party becomes aware of the same, unless prevented by such Force Majeure event from doing so, and if the claiming Party fails to so notify the other Party of the occurrence of a Force Majeure event causing such delay, the claiming Party shall not be entitled to avail itself of the provisions for the extension of performance contained in this Section 7.01.

6.02 Notices. All notices, demands, statements and requests required or permitted to be given under this Agreement must be in writing and must be delivered by one of the following methods of delivery to the Parties addresses set forth below:

(a) personal service (which may be by commercial courier service), in which event the notice will be deemed to have been given upon actual receipt;

(b) any nationally recognized overnight courier or delivery service, in which event the notice will be deemed to have been given on the first Business Day after the notice is deposited with the courier service (or the next Business Day thereafter if the notice is deposited with the courier service on a day other than a Business Day);

(c) United States registered or certified mail, postage prepaid and return receipt requested, in which event the notice will be deemed to have been given three Business Days after the notice is deposited with the United States Postal Service; or

(d) electronic transmission (i.e., email transmission), in which event the notice will be deemed to have been given upon confirmation of receipt of the transmission.

(e) The term “**Business Day**” as used in this Agreement means a day other than a Saturday or Sunday, or a state of Texas or federal holiday. The initial addresses of the Parties are:

to Aguilas:

Aguilas Robles, LLC
Attn: Joel Hale
3724 Hulen Street
Fort Worth, Texas 76107
Phone: 903.985.0365
Email: joel@trioakdevelopment.com

Attn: Chris Tirey
4634 94th Street
Lubbock, Texas 78424
E-mail: chris@trioakdevelopment.com

to Catalaunian:

Each Party has the right from time to time to change its address for notice purposes to any other address within the United States of America upon at least three (3) days prior written notice to the other Party given in accordance with the provisions of this Section. Any notice, demand, statement or request that is unable to be delivered because of a changed address of which no notice has been given in accordance with this Section, or because of the refusal or unavailability of a Party to accept delivery, shall be deemed to have been given as of the date otherwise provided in this Section if sent in accordance with the terms of this Section.

Article VII. Miscellaneous

7.01 Miscellaneous.

(a) Term. Except as otherwise provided herein, this Agreement shall remain in effect for forty (40) years.

(b) Development Matters. Catalaunian shall be solely responsible for development of the Westridge Oaks Tract. Aguilas shall be solely responsible for development of the Aguilas Tract.

(c) Assignment. This Agreement will constitute a covenant running with the Property and will be binding upon the Parties and their successors and assigns. Each Party shall have the right to assign its rights, duties and obligations under this Agreement to any subsequent owner of the lands owned by such Party within the Property provided such Party assigns, and the subsequent owner assumes, such rights, duties and obligations in writing. Notice of any such assignment, along with a copy of such executed assignment and assumption agreement, shall be given to the other Parties within thirty (30) days after completion of the assignment. This Agreement may not be otherwise assigned by any Party without the prior written consent of the other Parties, which shall not be unreasonably withheld, delayed or denied; provided, however, that any Party may grant a security interest in and collaterally assign this Agreement to any lender making a loan to that Party for its development project provided that such assignment is expressly made subject to the provisions of this Agreement, the other Parties are given prior written notice of the Assignment, and in the event of any foreclosure (or deed in lieu thereof), the lender expressly assume and perform all of the duties and obligations of the defaulting borrower Party under this Agreement. Any attempted assignment in violation of this Section will be ineffective. The provisions of this Agreement shall not be binding on or create any encumbrance to title as to any end-buyer of a fully developed and improved lot within the Property.

(d) Memorandum of Agreement. The Parties shall record in the real property records of the county, the Memorandum of Agreement attached hereto as **Exhibit "C"**.

(e) Entire Agreement. This Agreement contains the entire agreement and understanding of the Parties with respect to the subject matter hereof, and all previous negotiations and understandings between the Parties or their respective agents and employees with respect to the transaction set forth herein are merged in this Agreement.

(f) Amendments and Waivers. This Agreement may not be amended, modified or discharged, nor may any of its terms be waived, except by an instrument in writing signed by the Party(ies) to be bound thereby.

(g) Benefit. Each of the covenants, representations, warranties, indemnities and undertakings contained in this Agreement will inure to the benefit of and be binding upon the Parties and their respective successors and permitted assigns.

(h) Headings and Captions. The headings and captions herein are inserted for convenient reference only and will not limit or construe the paragraphs or sections to which they apply or otherwise affect the interpretation of this Agreement.

(i) Pronouns. Wherever appropriate in this Agreement, personal pronouns shall be deemed to include the other genders.

(j) Governing Law. This Agreement will be governed by and construed in accordance with the laws of the State of Texas without regard to its conflict of laws principles.

(k) Time of the Essence. Time is of the essence with respect to all matters and time periods contemplated by this Agreement.

(l) Invalidity. If any term, covenant, condition or provision of this Agreement, or the application thereof to any person or circumstance, is ever held to be invalid or unenforceable, then in each such event the remainder of this Agreement or the application of such term, covenant, condition or provision to any other person or any other circumstance (other than those as to which it is invalid or unenforceable) will not be affected, and each term, covenant, condition and provision of this Agreement will remain valid and enforceable to the fullest extent permitted by law.

(m) Counterparts; Electronic Signatures. This Agreement may be executed in separate counterparts and all of such counterparts, when taken together, shall constitute one and the same instrument. Electronic signatures on this Agreement (including without limitation any .PDF, facsimile, email, or DocuSign) shall have the same force and effect as an original signature.

(n) Representation. Each Party warrants and represents that it has been afforded the opportunity to be represented by counsel of its choice in connection with the negotiation and execution of this Agreement and has had ample opportunity to read, review, and understand the provisions of this Agreement.

(o) No Waiver. Failure by any Party to complain of any action, non-action or breach of any other Party shall not constitute a waiver of any aggrieved Party's rights hereunder, at law or in equity. Waiver by any Party of any right arising from any breach or default of any other Party shall not constitute a waiver of any other right arising from a subsequent breach of the same obligation or for any other breach or default, past, present or future.

7.02 Term. This Agreement shall remain in effect until the Parties are fully reimbursed by the District for all costs eligible for reimbursement under the Reimbursement Agreements.

7.03 Cooperation. The Parties agree to cooperate at all times in good faith to effectuate the purposes and intent of this Agreement.

7.04 Exhibits. The following exhibits are attached and made a part of this Agreement:

Exhibit "A" – Description of Aguilas Tract

Exhibit "B" – Form of Easement

Exhibit "C" – Form of Memorandum of Agreement

[Signatures begin on the next page.]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

Aguilas Robles, LLC
(a Texas limited liability company)

By: TriOak Development, LLC,
(a Texas limited liability company)
Its Manager

By: _____

Name: _____

Title: _____

Date: _____

Catalaunian, LLC
(a Delaware limited liability company)

By: _____
Its Manager

By: _____

Name: _____

Title: _____

Date: _____



REVIEWED

JUL 18 2023

By GCW

H

Paul C. Sarahan
(512) 615-1215
psarahan@enochkever.com

July 17, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

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

RE: Aguires Robles LLC, CN606104941; Westridge Oaks WWTP, RN110910254;
Proposed Major Amendment to Waste Water Permit No. WQ0015843001;
Comment and Request for Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a contested case hearing on behalf of our client, Catalaunian LLC, an affiliate of the APL group (collectively "APL"). Catalaunian LLC is the owner of the land, located at 6281 FM 1102, New Braunfels, TX 78132 (the "Property") on which the Westridge Oaks WWTP (the "WWTP") is proposed to be constructed. Catalaunian LLC acquired the Property from Highbridge Consulting LLC.

Kali Kate Services, Inc. ("Kali Kate") was the original permittee under TCEQ Waste Water Permit No. WQ0015843001 (the "Permit"). To obtain the Permit, Kali Kate submitted an application, dated November 2019, and received by TCEQ's Water Quality Permitting staff on December 10, 2019 (the "Kali Kate Application"). A copy of the relevant excerpts of the Kali Kate Application is attached hereto as Attachment 1.

In the Kali Kate Application, Kali Kate is designated as the Facility Owner. Kali Kate Application, Attachment 1, p. 3 of 21 (Bates-stamped APP-0005). The facility is to be "located 750 LF East of the intersection of Havenwood Blvd and FM 1102 on the North side of FM 1102 in Comal County (City of New Braunfels ETJ)." Kali Kate Application, Attachment 1, p. 9 of 21 (Bates-stamped APP-0011). Kali Kate responded to the TCEQ's question – "If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions" by stating "N/A." Kali Kate Application, Attachment 1, p. 8 of 21 (Bates-stamped APP-0010).¹ However, later in the Kali Kate Application, Kali Kate indicated that a lease agreement or deed recorded easement in fact was included with the Kali Kate Application. Kali Kate Application, Attachment 1, p. 13 of 22 (Bates-stamped APP-0015). See also Attachment 1, APP-0096 to APP-0097.

¹ Kali Kate later amended that representation. See Attachment 1, APP-0118.

ENOCH KEVER PLLC

7600 N. Capital of Texas Highway
Building B, Suite 200
Austin, Texas 78731

P: 512.615.1200
F: 512.615.1198

enochkever.com

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
JUL 17 2023

David Tidwell, President of Kali Kate, signed the required certification, stating:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code S 305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Kali Kate Application, Attachment 1, p. 13 of 22 (Bates-stamped APP-0015).

Through Mr. Tidwell's certification, Kali Kate certified to the TCEQ both that it owned the property on which the WWTP was to be located, and that Kali Kate instead had rights to the Property under a deed-recorded easement. A copy of the purported easement is provided later in the Kali Kate Application. Kali Kate Application, Attachment 1 (Bates-stamped APP-0064 to APP-0072). The Executive Director will note that the easement is granted by Hunter Creek Enterprises LP to Crystal Clear Special Utility District ("Crystal Clear SUD"), not to Kali Kate. There is nothing in the Kali Kate Application that shows an assignment of that easement from Crystal Clear SUD to Kali Kate. As an aside, I have contacted counsel for Crystal Clear SUD and he confirmed that Crystal Clear SUD still holds the easement it obtained from Hunter Creek Enterprises LP, and has not given any other party, including Kali Kate or Aguiles (defined below), any rights under that easement.

The ownership issue is further confused by Kali Kate when it: (1) claimed it would meet the buffer zone compliance requirements by "ownership" and "restrictive easement";² and (2) included a map with the application reflecting that the "Plant Location" was located within "Applicant's Property."³

A search of Comal County Appraisal District (the "District") records reflects that, as of the date of the Kali Kate Application filed with the TCEQ on December 10, 2019, the Property was owned by Hunter Creek Enterprises LP. The District record does not include any reference to Kali

² Kali Kate Application, Attachment 1, p. 15 of 21 (Bates-stamped APP-0018).

³ Kali Kate Application, Attachment 1, (Bates-stamped APP-0073).

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Asia Pacific Land Comments and Request for
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July 17, 2023
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Kate. A copy of the District record is attached hereto as Attachment 2. TCEQ will note that the record reflects that the current owner of the Property is Catalaunian LLC.

TCEQ appears to have accepted Kali Kate's representation of its right to construct and operate the WWTP on the Property. TCEQ issued the Permit to Kali Kate on September 10, 2021. A copy of the Permit is attached hereto as Attachment 3. The Permit does state:

The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

On January 9, 2023, Aguiles Robles, LLC ("Aguiles") filed an application to transfer the Permit from Kali Kate to Aguiles, as the new owner of the WWTP (the "Transfer Application"). A copy of the Transfer Application is attached hereto as Attachment 4. The Transfer Application states that Aguiles is the landowner. Attachment 4, at page 3. The Transfer Application is signed by David Tidwell on behalf of Kali Kate, and Joshua Majors on behalf of Aguiles Robles, each certifying "under penalty of law that this document is, to the best of my knowledge and belief, true, accurate and complete," while acknowledging the consequences for submitting false information. Attachment 4, pp. 11, 12.

In both Kali Kate's Application (Attachment 1, APP-0011) and Aguiles's Transfer Application (Attachment 4, p. 14), the property that is the subject of the respective applications is described as 750 LF East of the intersection of Havenwood Blvd and FM 1102 on the North side of FM 1102 in Comal County. The Commission will note that the District record (Attachment 2) demonstrates that Aguiles is also not in the chain of title for the Property.

TCEQ issued the transfer of the Permit to Aguiles on February 8, 2023. A copy of the Transfer Order is attached hereto as Attachment 5.

On March 17, 2023, Aguiles filed an application seeking a major amendment of the Permit. A copy of the Application for a Major Amendment ("Major Amendment Application") is attached hereto as Attachment 6. Aguiles again claims to own the Property. Attachment 6, p. 11. On page 9 of the Application (Attachment 6, p. 12), Aguiles states that the location of the WWTP will be "0.68 miles northwest of the intersection FM 1102 and Watson Ln W in Comal County." Based on a review of the property description, it is APL's belief that the property description again refers to the Property, in which Aguiles has no property ownership, interest, or right. Further, a review of the District's records reflects that Aguiles owns no property in Comal County. Screen shots of

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the District records showing no District records for “Aguiles” or “Aguiles Robles” are attached hereto as Attachment 7.

APL respectfully requests that the Executive Director:

- (1) require Aguiles to provide proof of property ownership, interest or right in the site on which it proposes to locate the WWTP that is the subject of its pending Major Amendment Application.
- (2) deny and return the Major Amendment Application to Aguiles; and
- (3) transfer the Permit to Catalaunian LLC, the rightful owner of the Property, or, in the alternative, void the Permit based on the failure of either Kali Kate or Aguiles to have property ownership, interest or right in the site on which the WWTP is proposed to be located.

Finally, in the event that the Major Amendment Application is allowed to proceed, APL respectfully requests that the Commission hold a contested case hearing regarding the Major Amendment so these issues may be fully litigated before the State Office of Administrative Hearings and, ultimately, the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. C. Sarahan', with a long horizontal flourish extending to the right.

Paul C. Sarahan

PCS: ewm
Attachments

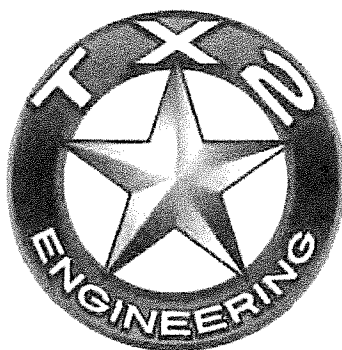
ATTACHMENT 1

TPDES DOMESTIC WASTEWATER PERMIT
FOR
WESTRIDGE OAKS WWTP
Comal County, TEXAS

PREPARED FOR:

Kali Kate Services, Inc.

PREPARED BY:



TX2 ENGINEERING: F-20787
1659 STATE HWY 46, STE 115-438
NEW BRAUNFELS, TX 78132
Trevor Tast, P.E.

RECEIVED

DEC 10 2019

Water Quality Applications Team

DATE: November, 2019

In this Section

Domestic Administrative Report 1.0



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
DOMESTIC WASTEWATER PERMIT APPLICATION
CHECKLIST

Complete and submit this checklist with the application.

APPLICANT: Kali Kate Services Inc.

PERMIT NUMBER: 0015843001

Indicate if each of the following items is included in your application.

	Y	N		Y	N
Administrative Report 1.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Original USGS Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Administrative Report 1.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Affected Landowners Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SPIF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Landowner Disk or Labels	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Core Data Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Buffer Zone Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Technical Report 1.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Flow Diagram	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Technical Report 1.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Drawing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 2.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Original Photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 2.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Design Calculations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 3.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Solids Management Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 3.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Balance	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Worksheet 3.2	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 3.3	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 4.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 5.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 6.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 7.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

RECEIVED
DEC 10 2019
Water Quality Applications Team

For TCEQ Use Only

Segment Number _____

Expiration Date _____

Permit Number 0015843001

County Comal

Region 13 - San Antonio



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
APPLICATION FOR A DOMESTIC WASTEWATER PERMIT
ADMINISTRATIVE REPORT 1.0

If you have questions about completing this form please contact the Applications Review and Processing Team at 512-239-4671.

Section 1. Application Fees (Instructions Page 29)

Indicate the amount submitted for the application fee (check only one).

Flow	New/Major Amendment	Renewal
<0.05 MGD	\$350.00 <input checked="" type="checkbox"/>	\$315.00 <input type="checkbox"/>
≥0.05 but <0.10 MGD	\$550.00 <input type="checkbox"/>	\$515.00 <input type="checkbox"/>
≥0.10 but <0.25 MGD	\$850.00 <input type="checkbox"/>	\$815.00 <input type="checkbox"/>
≥0.25 but <0.50 MGD	\$1,250.00 <input type="checkbox"/>	\$1,215.00 <input type="checkbox"/>
≥0.50 but <1.0 MGD	\$1,650.00 <input type="checkbox"/>	\$1,615.00 <input type="checkbox"/>
≥1.0 MGD	\$2,050.00 <input type="checkbox"/>	\$2,015.00 <input type="checkbox"/>

Minor Amendment (for any flow) \$150.00 ☐

Payment Information:

Mailed Check/Money Order Number: 1196
Check/Money Order Amount:
Name Printed on Check: Kali Kate Services Inc.
EPAY Voucher Number:
Copy of Payment Voucher enclosed? Yes ☐

Section 2. Type of Application (Instructions Page 29)

- | | |
|---|---|
| <input checked="" type="checkbox"/> New TPDES | <input type="checkbox"/> New TLAP |
| <input type="checkbox"/> Major Amendment <u>with</u> Renewal | <input type="checkbox"/> Minor Amendment <u>with</u> Renewal |
| <input type="checkbox"/> Major Amendment <u>without</u> Renewal | <input type="checkbox"/> Minor Amendment <u>without</u> Renewal |
| <input type="checkbox"/> Renewal without changes | <input type="checkbox"/> Minor Modification of permit |

For amendments or modifications, describe the proposed changes:

For existing permits:

Permit Number: WQ00 15843001

EPA I.D. (TPDES only): TX 0134785

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Expiration Date:

Section 3. Facility Owner (Applicant) and Co-Applicant Information (Instructions Page 29)

A. The owner of the facility must apply for the permit.

What is the Legal Name of the entity (applicant) applying for this permit?

Kali Kate Services Inc.

(The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?
You may search for your CN on the TCEQ website at <http://www.tceq.texas.gov/cnpub/>

CN:

What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC § 305.44.

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: David Tidwell

Credential (P.E, P.G., Ph.D., etc.): N/A

Title: President

B. Co-applicant information. Complete this section only if another person or entity is required to apply as a co-permittee.

What is the Legal Name of the co-applicant applying for this permit?

(The legal name must be spelled exactly as filed with the TX SOS, with the County, or in the legal documents forming the entity.)

If the co-applicant is currently a customer with the TCEQ, what is the Customer Number (CN)? You may search for your CN on the TCEQ website at:

<http://www.tceq.texas.gov/cnpub/>

CN:

What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC § 305.44.

Prefix (Mr., Ms., Miss):

First and Last Name:

Credential (P.E, P.G., Ph.D., etc.): N/A

Title:

Provide a brief description of the need for a co-permittee:

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C. Core Data Form

Complete the Core Data Form for each customer and include as an attachment. If the customer type selected on the Core Data Form is **Individual**, complete Attachment 1 of Administrative Report 1.0.

Attachment: A

Section 4. Application Contact Information (Instructions Page 30)

This is the person(s) TCEQ will contact if additional information is needed about this application. Provide a contact for administrative questions and technical questions.

A. Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Trevor Tast

Credential (P.E, P.G., Ph.D., etc.): P.E.

Title: Vice President of Operations

Organization Name: TX2 Engineering

Mailing Address: 1659 State Hwy 46 West, Ste 115-438

City, State, Zip Code: New Braunfels, TX, 78132

Phone No.: 816-510-9151 Ext.: N/A Fax No.: N/A

E-mail Address: Trevor@Tx2Engineering.com

Check one or both: ☒ Administrative Contact ☒ Technical Contact

B. Prefix (Mr., Ms., Miss): Mrs.

First and Last Name: Jamie Miller

Credential (P.E, P.G., Ph.D., etc.): P.E.

Title:

Organization Name: Integrated Water Services

Mailing Address: 1169 Hilltop Pkwy, Ste 103B

City, State, Zip Code: Steamboat Springs, CO 80487

Phone No.: 720-207-5052 Ext.: N/A Fax No.: N/A

E-mail Address: N/A

Check one or both: ☐ Administrative Contact ☐ Technical Contact

Section 5. Permit Contact Information (Instructions Page 30)

Provide two names of individuals that can be contacted throughout the permit term.

A. Prefix (Mr., Ms., Miss): Mr.

First and Last Name: David Tidwell

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Credential (P.E, P.G., Ph.D., etc.):

Title: President

Organization Name: Kali Kate Services

Mailing Address: 4550 FM 967

City, State, Zip Code: Buda, TX 78610

Phone No.: 512-939-4016 Ext.: N/A Fax No.: N/A

E-mail Address: D.Tidwellaustin@gmail.com

B. Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Trevor Tast

Credential (P.E, P.G., Ph.D., etc.): P.E.

Title: Vice President of Operations

Organization Name: TX2 Engineering

Mailing Address: 1659 State Hwy 46 West, Ste 115-438

City, State, Zip Code: New Braunfels, TX 78132

Phone No.: 816-510-9151 Ext.: N/A Fax No.: N/A

E-mail Address: N/A

Section 6. Billing Information (Instructions Page 30)

The permittee is responsible for paying the annual fee. The annual fee will be assessed to permits *in effect on September 1 of each year*. The TCEQ will send a bill to the address provided in this section. The permittee is responsible for terminating the permit when it is no longer needed (using form TCEQ-20029).

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: David Tidwell

Credential (P.E, P.G., Ph.D., etc.):

Title: President

Organization Name: Kali Kate Services Inc.

Mailing Address: 4550 FM 967

City, State, Zip Code: Buda, TX 78610

Phone No.: 512-939-4016 Ext.: N/A Fax No.: N/A

E-mail Address: D.Tidwellaustin@gmail.com

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Section 7. DMR/MER Contact Information (Instructions Page 31)

Provide the name and complete mailing address of the person delegated to receive and submit Discharge Monitoring Reports (EPA 3320-1) or maintain Monthly Effluent Reports.

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Mike Taylor

Credential (P.E, P.G., Ph.D., etc.):

Title: Wastewater Operator

Organization Name: Crystal Clear SUD

Mailing Address: 2370 FM 1979

City, State, Zip Code: San Marcos, TX. 78666

Phone No.: 830-372-1031 Ext.: N/A Fax No.: N/A

E-mail Address: MikeT@CrystalClearSUD.org

DMR data is required to be submitted electronically. Create an account at:

<https://www.tceq.texas.gov/permitting/ncdmc/ncdmc.html>.

Section 8. Public Notice Information (Instructions Page 31)

A. Individual Publishing the Notices

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Trevor Tast

Credential (P.E, P.G., Ph.D., etc.): P.E.

Title: Vice President

Organization Name: TX2 Engineering

Mailing Address: 1659 State Hwy 46 West, Ste 115-438

City, State, Zip Code: New Braunfels, TX, 78132

Phone No.: 816-510-9151 Ext.: N/A Fax No.: N/A

E-mail Address: TX2Engg@gmail.com

B. Method for Receiving Notice of Receipt and Intent to Obtain a Water Quality Permit Package

Indicate by a check mark the preferred method for receiving the first notice and instructions:

☒ E-mail Address

☐ Fax

☐ Regular Mail

C. Contact person to be listed in the Notices

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Trevor Tast

Credential (P.E, P.G., Ph.D., etc.): P.E.

Title: Vice President

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Organization Name: TX2 Engineering

Phone No.: 816-510-9151 Ext.: N/A

E-mail: Trevor@Tx2Engineering.com

D. Public Viewing Information

If the facility or outfall is located in more than one county, a public viewing place for each county must be provided.

Public building name: New Braunfels Public Library

Location within the building: Help Desk

Physical Address of Building: 700 E Common Street

City: New Braunfels

County: Comal

Contact Name: Gretchen Pruett

Phone No.: 830-221-4322 Ext.: N/A

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E. Bilingual Notice Requirements:

This information is required for new, major amendment, and renewal applications. It is not required for minor amendment or minor modification applications.

This section of the application is only used to determine if alternative language notices will be needed. Complete instructions on publishing the alternative language notices will be in your public notice package.

Please call the bilingual/ESL coordinator at the nearest elementary and middle schools and obtain the following information to determine whether an alternative language notices are required.

1. Is a bilingual education program required by the Texas Education Code at the elementary or middle school nearest to the facility or proposed facility?

☒ Yes ☐ No

If **no**, publication of an alternative language notice is not required; skip to Section 9 below.

2. Are the students who attend either the elementary school or the middle school enrolled in a bilingual education program at that school?

☒ Yes ☐ No

3. Do the students at these schools attend a bilingual education program at another location?

☐ Yes ☒ No

4. Would the school be required to provide a bilingual education program but the school has waived out of this requirement under 19 TAC §89.1205(g)?

☐ Yes ☒ No

5. If the answer is yes to question 1, 2, 3, or 4, public notices in an alternative language are required. Which language is required by the bilingual program? Spanish

**Section 9. Regulated Entity and Permitted Site Information (Instructions
Page 33)**

- A. If the site is currently regulated by TCEQ, provide the Regulated Entity Number (RN) issued to this site. RNN/A

Search the TCEQ's Central Registry at <http://www15.tceq.texas.gov/crpub/> to determine if the site is currently regulated by TCEQ.

- B. Name of project or site (the name known by the community where located):

N/A

- C. Owner of treatment facility: N/A

Ownership of Facility: ☐ Public ☐ Private ☐ Both ☐ Federal

- D. Owner of land where treatment facility is or will be:

Prefix (Mr., Ms., Miss): N/A

First and Last Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A

E-mail Address: N/A

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment: N/A

- E. Owner of effluent disposal site:

Prefix (Mr., Ms., Miss): N/A

First and Last Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A

E-mail Address: N/A

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment: N/A

- F. Owner of sewage sludge disposal site (if authorization is requested for sludge disposal on property owned or controlled by the applicant):

Prefix (Mr., Ms., Miss): N/A

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First and Last Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A

E-mail Address: N/A

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment: N/A

Section 10. TPDES Discharge Information (Instructions Page 34)

A. Is the wastewater treatment facility location in the existing permit accurate?

☐ Yes ☐ No

If **no**, or a new permit application, please give an accurate description:

Disposal site is located 750 LF East of the intersection of Havenwood Blvd and FM 1102 on the North side of FM 1102 in Comal County (City of New Braunfels ETJ).

B. Are the point(s) of discharge and the discharge route(s) in the existing permit correct?

☐ Yes ☐ No

If **no**, or a new or amendment permit application, provide an accurate description of the point of discharge and the discharge route to the nearest classified segment as defined in 30 TAC Chapter 307:

From the plant to a 24" culvert at FM 1102. Thence to an unnamed tributary of Water Hole Creek. Thence to Water Hole Creek, thence to York Creek, thence to San Marcos River Segment 1808.

City nearest the outfall(s): New Braunfels

County in which the outfalls(s) is/are located: Comal

Outfall Latitude: 29D 47' 11" N

Longitude: 98D 3' 11" W

C. Is or will the treated wastewater discharge to a city, county, or state highway right-of-way or a flood control district drainage ditch?

☒ Yes ☐ No

If yes, indicate by a check mark if:

☐ Authorization granted ☒ Authorization pending

For new and amendment applications, provide copies of letters that show proof of contact and the approval letter upon receipt.

Attachment:

D. For all applications involving an average daily discharge of 5 MGD or more, provide the names of all counties located within 100 statute miles downstream of the point(s) of discharge.

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Section 11. TLAP Disposal Information (Instructions Page 36)

A. For TLAPs, is the location of the effluent disposal site in the existing permit accurate?

☐ Yes ☐ No

If no, or a new or amendment permit application, provide an accurate description of the disposal site location:

N/A

B. City nearest the disposal site: N/A

C. County in which the disposal site is located: N/A

D. Disposal Site Latitude: N/A Longitude: N/A

E. For TLAPs, describe the routing of effluent from the treatment facility to the disposal site:

N/A

F. For TLAPs, please identify the nearest watercourse to the disposal site to which rainfall runoff might flow if not contained:

N/A

Section 12. Miscellaneous Information (Instructions Page 37)

A. Is the facility located on or does the treated effluent cross American Indian Land?

☐ Yes ☒ No

B. If the existing permit contains an onsite sludge disposal authorization, is the location of the sewage sludge disposal site in the existing permit accurate?

☐ Yes ☐ No ☒ Not Applicable

If No, or if a new onsite sludge disposal authorization is being requested in this permit application, provide an accurate location description of the sewage sludge disposal site.

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- C. Did any person formerly employed by the TCEQ represent your company and get paid for service regarding this application?

☐ Yes ☒ No

If yes, list each person formerly employed by the TCEQ who represented your company and was paid for service regarding the application:

- D. Do you owe any fees to the TCEQ?

☐ Yes ☒ No

If yes, provide the following information:

Account number:

Amount past due:

- E. Do you owe any penalties to the TCEQ?

☐ Yes ☒ No

If yes, please provide the following information:

Enforcement order number:

Amount past due:

Section 13. Attachments (Instructions Page 38)

Indicate which attachments are included with the Administrative Report. Check all that apply:

- ☒ Lease agreement or deed recorded easement, if the land where the treatment facility is located or the effluent disposal site are not owned by the applicant or co-applicant.
- ☒ Original full-size USGS Topographic Map with the following information:
 - Applicant's property boundary
 - Treatment facility boundary
 - Labeled point of discharge for each discharge point (TPDES only)
 - Highlighted discharge route for each discharge point (TPDES only)
 - Onsite sewage sludge disposal site (if applicable)
 - Effluent disposal site boundaries (TLAP only)
 - New and future construction (if applicable)
 - 1 mile radius information
 - 3 miles downstream information (TPDES only)
 - All ponds.

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- ☐ Attachment 1 for Individuals as co-applicants
- ☒ Other Attachments. Please specify: Core Data Form

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Section 14. Signature Page (Instructions Page 39)

If co-applicants are necessary, each entity must submit an original, separate signature page.

Permit Number:

Applicant: Kali Kate Services Inc.

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code § 305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signatory name (typed or printed): David Tidwell

Signatory title: President

Signature: _____

Date: 11/1/19

(Use blue ink)

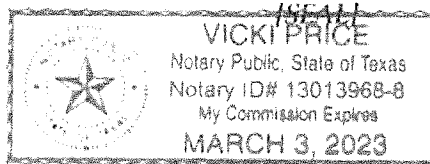
Subscribed and Sworn to before me by the said David Tidwell

on this 1st day of November, 20 19.

My commission expires on the 3 day of March, 20 23.

Vicki Price
Notary Public

Caldwell
County, Texas



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In this Section

Domestic Administrative Report 1.1

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DOMESTIC ADMINISTRATIVE REPORT 1.1

The following information is required for new and amendment applications.

Section 1. Affected Landowner Information (Instructions Page 41)

- A. Indicate by a check mark that the landowners map or drawing, with scale, includes the following information, as applicable:

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- ☒ The applicant's property boundaries
 - ☒ The facility site boundaries within the applicant's property boundaries
 - ☒ The distance the buffer zone falls into adjacent properties and the property boundaries of the landowners located within the buffer zone
 - ☒ The property boundaries of all landowners surrounding the applicant's property (Note: if the application is a major amendment for a lignite mine, the map must include the property boundaries of all landowners adjacent to the new facility (ponds).)
 - ☒ The point(s) of discharge and highlighted discharge route(s) clearly shown for one mile downstream
 - ☒ The property boundaries of the landowners located on both sides of the discharge route for one full stream mile downstream of the point of discharge
 - ☒ The property boundaries of the landowners along the watercourse for a one-half mile radius from the point of discharge if the point of discharge is into a lake, bay, estuary, or affected by tides
 - ☐ The boundaries of the effluent disposal site (for example, irrigation area or subsurface drainfield site) and all evaporation/holding ponds within the applicant's property
 - ☐ The property boundaries of all landowners surrounding the effluent disposal site
 - ☐ The boundaries of the sludge land application site (for land application of sewage sludge for beneficial use) and the property boundaries of landowners surrounding the applicant's property boundaries where the sewage sludge land application site is located
 - ☐ The property boundaries of landowners within one-half mile in all directions from the applicant's property boundaries where the sewage sludge disposal site (for example, sludge surface disposal site or sludge monofill) is located
- B. ☒ Indicate by a check mark that a separate list with the landowners' names and mailing addresses cross-referenced to the landowner's map has been provided.
- C. Indicate by a check mark in which format the landowners list is submitted:
- ☐ Readable/Writeable CD
 - ☒ Four sets of labels
- D. Provide the source of the landowners' names and mailing addresses: Comal County CAD
- E. As required by *Texas Water Code § 5.115*, is any permanent school fund land affected by this application?

☒ Yes ☐ No

If yes, provide the location and foreseeable impacts and effects this application has on the land(s):

The Land is along the discharge route.

Section 2. Original Photographs (Instructions Page 44)

Provide original ground level photographs. Indicate with checkmarks that the following information is provided.

- ☒ At least one original photograph of the new or expanded treatment unit location
- ☒ At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.
- ☒ At least one photograph of the existing/proposed effluent disposal site
- ☒ A plot plan or map showing the location and direction of each photograph

Section 3. Buffer Zone Map (Instructions Page 44)

A. Buffer zone map. Provide a buffer zone map on 8.5 x 11-inch paper with all of the following information. The applicant's property line and the buffer zone line may be distinguished by using dashes or symbols and appropriate labels.

- The applicant's property boundary;
- The required buffer zone; and
- Each treatment unit; and
- The distance from each treatment unit to the property boundaries.

B. Buffer zone compliance method. Indicate how the buffer zone requirements will be met. Check all that apply.

- ☒ Ownership
- ☒ Restrictive easement
- ☐ Nuisance odor control
- ☐ Variance

C. Unsuitable site characteristics. Does the facility comply with the requirements regarding unsuitable site characteristic found in 30 TAC § 309.13(a) through (d)?

- ☒ Yes ☐ No

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)

**FOR AGENCIES REVIEWING DOMESTIC
TPDES WASTEWATER PERMIT APPLICATIONS**

TCEQ USE ONLY:

Application type: ____ Renewal ____ Major Amendment ____ Minor Amendment ____ New

County: _____ Segment Number: _____

Admin Complete Date: _____

Agency Receiving SPIF:

____ Texas Historical Commission

____ U.S. Fish and Wildlife

____ Texas Parks and Wildlife Department

____ U.S. Army Corps of Engineers

This form applies to TPDES permit applications only. (Instructions, Page 53)

The SPIF must be completed as a separate document. The TCEQ will mail a copy of the SPIF to each agency as required by the TCEQ agreement with EPA. If any of the items are not completely addressed or further information is needed, you will be contacted to provide the information before the permit is issued. Each item must be completely addressed.

Do not refer to a response of any item in the permit application form. Each attachment must be provided with this form separately from the administrative report of the application. The application will not be declared administratively complete without this form being completed in its entirety including all attachments.

The following applies to all applications:

1. Permittee: Crystal Clear SUD

Permit No. WQ00 15843 001

EPA ID No. TX 0139785

Address of the project (or a location description that includes street/highway, city/vicinity, and county):

Site is located 750 LF East of the intersection of Havenwood Blvd and FM 1102 on the North side of FM 1102 in Comal County (City of New Braunfels ETJ).

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Provide the name, address, phone and fax number of an individual that can be contacted to answer specific questions about the property.

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Trevor Tasi

Credential (P.E, P.G., Ph.D., etc.): P.E.

Title: Vice President

Mailing Address: 1659 State Hwy 46, STE 115-438

City, State, Zip Code: New Braunfels, Tx, 78132

Phone No.: 816-510-9151 Ext.: N/A Fax No.: N/A

E-mail Address: Trevor@Tx2Engineering.com

2. List the county in which the facility is located: Comal
3. If the property is publicly owned and the owner is different than the permittee/applicant, please list the owner of the property.

N/A

4. Provide a description of the effluent discharge route. The discharge route must follow the flow of effluent from the point of discharge to the nearest major watercourse (from the point of discharge to a classified segment as defined in 30 TAC Chapter 307). If known, please identify the classified segment number.

From the plant to a 24" culvert at FM 1102. Thence to an unnamed tributary of Water Hole Creek. Thence to Water Hole Creek, thence to York Creek, thence to San Marcos River Segment 1808

5. Please provide a separate 7.5-minute USGS quadrangle map with the project boundaries plotted and a general location map showing the project area. Please highlight the discharge route from the point of discharge for a distance of one mile downstream. (This map is required in addition to the map in the administrative report).

Provide original photographs of any structures 50 years or older on the property.

Does your project involve any of the following? Check all that apply.

- ☐ Proposed access roads, utility lines, construction easements
- ☐ Visual effects that could damage or detract from a historic property's integrity
- ☐ Vibration effects during construction or as a result of project design
- ☐ Additional phases of development that are planned for the future
- ☐ Sealing caves, fractures, sinkholes, other karst features

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☐ Disturbance of vegetation or wetlands

6. List proposed construction impact (surface acres to be impacted, depth of excavation, sealing of caves, or other karst features):

Construction will impact approximately 60 acres of the 68.9 acre development. No caves or karst features are known to be present at the site. The construction of the wastewater facility and underground utilities will be completed with the construction permit to a depth of approximately 5'.

7. Describe existing disturbances, vegetation, and land use:

The existing site consists primarily of brush, dense trees and a single-family home. A majority of the site will be demolished and cleared for the installation of a single-family subdivision and its associated infrastructure.

THE FOLLOWING ITEMS APPLY ONLY TO APPLICATIONS FOR NEW TPDES PERMITS AND MAJOR AMENDMENTS TO TPDES PERMITS

8. List construction dates of all buildings and structures on the property:

Construction for the project will commence once the permit has been filed and pulled by TCEQ, and other jurisdictional agencies. Construction is estimated at beginning in Summer of 2020.

9. Provide a brief history of the property, and name of the architect/builder, if known.

The property has been owned by Hunter Creek Enterprises since 2009. And has existed as a single-family residence.

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**WATER QUALITY PERMIT
PAYMENT SUBMITTAL FORM**

Use this form to submit the Application Fee, if the mailing the payment.

- Complete items 1 through 5 below.
- Staple the check or money order in the space provided at the bottom of this document.
- **Do not mail this form with the application form.**
- Do not mail this form to the same address as the application.
- Do not submit a copy of the application with this form as it could cause duplicate permit entries.

Mail this form and the check or money order to:

BY REGULAR U.S. MAIL

Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
P.O. Box 13088
Austin, Texas 78711-3088

BY OVERNIGHT/EXPRESS MAIL

Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
12100 Park 35 Circle
Austin, Texas 78753

Fee Code: WQP Waste Permit No:

1. Check or Money Order Number: 1196
2. Check or Money Order Amount: 350.00
3. Date of Check or Money Order: 11/4/2019
4. Name on Check or Money Order: Kali Kate Services
5. APPLICATION INFORMATION

Name of Project or Site: Westridge Oaks

Physical Address of Project or Site: Site is located 750 LF East of the intersection of Havenwood Blvd and FM 1102 on the North side of FM 1102 in Comal County (City of New Braunfels ETI).

If the check is for more than one application, attach a list which includes the name of each Project or Site (RE) and Physical Address, exactly as provided on the application.

Staple Check or Money Order in This Space

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ATTACHMENT 1

INDIVIDUAL INFORMATION

Section 1. Individual Information (Instructions Page 50)

Complete this attachment if the facility applicant or co-applicant is an individual. Make additional copies of this attachment if both are individuals.

Prefix (Mr., Ms., Miss): N/A

Full legal name (first, middle, last): N/A

Driver's License or State Identification Number: N/A

Date of Birth: N/A

Mailing Address: N/A

City, State, and Zip Code: N/A

Phone Number: N/A Fax Number: N/A

E-mail Address: N/A

CN: N/A

For Commission Use Only:

Customer Number:

Regulated Entity Number:

Permit Number:

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Water Quality Applications Team

In this Section

Core Data Form



TCEQ Use Only

TCEQ Core Data Form

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.) <input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.) <input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form) <input type="checkbox"/> Other	
2. Customer Reference Number (if issued) CN 605729961	3. Regulated Entity Reference Number (if issued) RN 110910254

SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)	
<input checked="" type="checkbox"/> New Customer <input type="checkbox"/> Update to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership <input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)		07/22/2019	
The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).			
6. Customer Legal Name (If an individual, print last name first: eg: Doe, John)		If new Customer, enter previous Customer below:	
Kali Kate Services Inc.			
7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number (if applicable)
0802616812	32062470144		
11. Type of Customer: <input type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited			
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> State <input checked="" type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other:	
12. Number of Employees <input checked="" type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		13. Independently Owned and Operated? <input type="checkbox"/> Yes <input type="checkbox"/> No	
14. Customer Role (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following:			
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner & Operator <input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> Voluntary Cleanup Applicant <input type="checkbox"/> Other:			
15. Mailing Address: 4550 FM 967 City: Buda State: TX ZIP: 78610 ZIP + 4: 2100			
16. Country Mailing Information (if outside USA)		17. E-Mail Address (if applicable)	
		D.TidwellAustin@gmail.com	
18. Telephone Number	19. Extension or Code	20. Fax Number (if applicable)	
(512) 939-4016		() -	

SECTION III: Regulated Entity Information

21. General Regulated Entity Information (If 'New Regulated Entity' is selected below this form should be accompanied by a permit application) <input checked="" type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input type="checkbox"/> Update to Regulated Entity Information	
The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC.)	
22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.) Westridge Oaks WWTP	

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23. Street Address of the Regulated Entity: (No PO Boxes)								
	City		State		ZIP		ZIP + 4	
24. County								

Enter Physical Location Description if no street address is provided.

25. Description to Physical Location:	Disposal site is located 750 LF East of the intersection of Havenwood Blvd and FM 1102 on the North side of FM 1102 in Comal County (City of New Braunfels ETJ).								
26. Nearest City	New Braunfels			State	TX		Nearest ZIP Code	78130	
27. Latitude (N) In Decimal:	29.787254			28. Longitude (W) In Decimal:	-98.056353				
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds				
N 29	47	14	W 98	3	23				
29. Primary SIC Code (4 digits)	1521		30. Secondary SIC Code (4 digits)	6552		31. Primary NAICS Code (5 or 6 digits)	236115		
						32. Secondary NAICS Code (5 or 6 digits)	273210		
33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description.)									
Residential Subdivision									
34. Mailing Address:	2370 FM 1979								
	City	San Marcos	State	TX	ZIP	78666	ZIP + 4	2100	
35. E-Mail Address:	MikeT@CrystalClearSUD.org								
36. Telephone Number	(830) 372-1031		37. Extension or Code			38. Fax Number (if applicable)	() -		

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.


<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input checked="" type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:
WQ 0015843 001				

SECTION IV: Preparer Information

40. Name:	Trevor Tast		41. Title:	Vice President	
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address		
(816) 510-9151		() -	Trevor@Tx2Engineering.com		

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	TX2 Engineering	Job Title:	Vice President
Name(In Print):	Trevor Tast	Phone:	(816) 510-9151
Signature:		Date:	12/3/19

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Water Quality Applications Team

In this Section

Domestic Technical Report 1.0

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Water Quality Applications Team



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
DOMESTIC WASTEWATER PERMIT APPLICATION

DOMESTIC TECHNICAL REPORT 1.0

The Following Is Required For All Applications
Renewal, New, And Amendment

Section 1. Permitted or Proposed Flows (Instructions Page 51)

A. Existing/Interim I Phase

Design Flow (MGD):

2-Hr Peak Flow (MGD):

Estimated construction start date:

Estimated waste disposal start date:

B. Interim II Phase

Design Flow (MGD):

2-Hr Peak Flow (MGD):

Estimated construction start date:

Estimated waste disposal start date:

C. Final Phase

Design Flow (MGD): 0.0343

2-Hr Peak Flow (MGD): 0.1372

Estimated construction start date: February 2020

Estimated waste disposal start date: June 2020

D. Current operating phase: Not in Operation

Provide the startup date of the facility: June 2020

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Water Quality Applications Team

Section 2. Treatment Process (Instructions Page 51)

A. Treatment process description

Provide a detailed description of the treatment process. **Include the type of treatment plant, mode of operation, and all treatment units.** Start with the

plant's head works and finish with the point of discharge. Include all sludge processing and drying units. If more than one phase exists or is proposed in the permit, a description of *each phase* must be provided. Process description:

Please see Attachment 1

Port or pipe diameter at the discharge point, in inches: 4"

B. Treatment Units

In Table 1.0(1), provide the treatment unit type, the number of units, and dimensions (length, width, depth) of each treatment unit, accounting for *all* phases of operation.

Table 1.0(1) - Treatment Units

Treatment Unit Type	Number of Units	Dimensions (L x W x D)
Please see Attachment 1		

C. Process flow diagrams

Provide flow diagrams for the existing facilities and **each** proposed phase of construction.

Attachment: Please see Attachment 2

Section 3. Site Drawing (Instructions Page 52)

Provide a site drawing for the facility that shows the following:

- The boundaries of the treatment facility;
- The boundaries of the area served by the treatment facility;
- If land disposal of effluent, the boundaries of the disposal site and all storage/holding ponds; and
- If sludge disposal is authorized in the permit, the boundaries of the land application or disposal site.

Attachment: Please see Attachment 3

Provide the name and a description of the area served by the treatment facility.

Westridge Oaks is a proposed 193 home development approximately 3 miles Northeast of New Braunfels, TX.

Section 4. Unbuilt Phases (Instructions Page 52)

Is the application for a renewal of a permit that contains an unbuilt phase or phases?

Yes ☐ No ☒

If yes, does the existing permit contain a phase that has not been constructed within five years of being authorized by the TCEQ?

Yes ☐ No ☐

If yes, provide a detailed discussion regarding the continued need for the unbuilt phase. Failure to provide sufficient justification may result in the Executive Director recommending denial of the unbuilt phase or phases.

Section 5. Closure Plans (Instructions Page 53)

Have any treatment units been taken out of service permanently, or will any units be taken out of service in the next five years?

Yes ☐ No ☒

If yes, was a closure plan submitted to the TCEQ?

Yes ☐ No ☐

If yes, provide a brief description of the closure and the date of plan approval.

Section 6. Permit Specific Requirements (Instructions Page 53)

For applicants with an existing permit, check the *Other Requirements* or *Special Provisions* of the permit.

A. Summary transmittal

Have plans and specifications been approved for the existing facilities and each proposed phase?

Yes ☐ No ☒

If yes, provide the date(s) of approval for each phase:

Provide information, including dates, on any actions taken to meet a requirement or provision pertaining to the submission of a summary transmittal letter. Provide a copy of an approval letter from the TCEQ, if applicable.

B. Buffer zones

Have the buffer zone requirements been met?

Yes ☒ No ☐

Provide information below, including dates, on any actions taken to meet the conditions of the buffer zone. If available, provide any new documentation relevant to maintaining the buffer zones.

The buffer zone requirements are met by ownership.

C. Other actions required by the current permit

Does the *Other Requirements* or *Special Provisions* section in the existing permit require submission of any other information or other required actions? Examples include Notification of Completion, progress reports, soil monitoring data, etc.

Yes ☐ No ☒

If yes, provide information below on the status of any actions taken to meet the conditions of an *Other Requirement* or *Special Provision*.

D. Grit and grease treatment

1. Acceptance of grit and grease waste

Does the facility have a grit and/or grease processing facility onsite that treats and decants or accepts transported loads of grit and grease waste that are discharged directly to the wastewater treatment plant prior to any treatment?

Yes ☐ No ☒

If No, stop here and continue with Subsection E. Stormwater Management.

2. Grit and grease processing

Describe below how the grit and grease waste is treated at the facility. In your description, include how and where the grit and grease is introduced to the treatment works and how it is separated or processed. Provide a flow diagram showing how grit and grease is processed at the facility.

3. Grit disposal

Does the facility have a Municipal Solid Waste (MSW) registration or permit for grit disposal?

Yes ☐ No ☐

If No, contact the TCEQ Municipal Solid Waste team at 512-239-0000. Note: A registration or permit is required for grit disposal. Grit shall not be combined with treatment plant sludge. See the instruction booklet for additional information on grit disposal requirements and restrictions.

Describe the method of grit disposal.

4. Grease and decanted liquid disposal

Note: A registration or permit is required for grease disposal. Grease shall not be combined with treatment plant sludge. For more information, contact the TCEQ Municipal Solid Waste team at 512-239-0000.

Describe how the decant and grease are treated and disposed of after grit separation.

E. Stormwater management

1. Applicability

Does the facility have a design flow of 1.0 MGD or greater in any phase?

Yes ☐ No ☒

Does the facility have an approved pretreatment program, under 40 CFR Part 403?

Yes ☐ No ☒

If no to both of the above, then skip to Subsection F, Other Wastes Received.

2. MSGP coverage

Is the stormwater runoff from the WWTP and dedicated lands for sewage disposal currently permitted under the TPDES Multi-Sector General Permit (MSGP), TXR050000?

Yes ☐ No ☐

If yes, please provide MSGP Authorization Number and skip to Subsection F, Other Wastes Received:

TXR05 or TXRNE

If no, do you intend to seek coverage under TXR050000?

Yes ☐ No ☐

3. Conditional exclusion

Alternatively, do you intend to apply for a conditional exclusion from permitting based TXR050000 (Multi Sector General Permit) Part II B.2 or TXR050000 (Multi Sector General Permit) Part V, Sector T 3(b)?

Yes ☐ No ☐

If yes, please explain below then proceed to Subsection F, Other Wastes Received:

4. Existing coverage in individual permit

Is your stormwater discharge currently permitted through this individual TPDES or TLAP permit?

Yes ☐ No ☐

If yes, provide a description of stormwater runoff management practices at the site that are authorized in the wastewater permit then skip to Subsection F, Other Wastes Received.

5. Zero stormwater discharge

Do you intend to have no discharge of stormwater via use of evaporation or other means?

Yes ☐ No ☐

If yes, explain below then skip to Subsection F. Other Wastes Received.

Note: If there is a potential to discharge any stormwater to surface water in the state as the result of any storm event, then permit coverage is required under the MSGP or an individual discharge permit. This requirement applies to all areas of facilities with treatment plants or systems that treat, store, recycle, or reclaim domestic sewage, wastewater or sewage sludge (including dedicated lands for sewage sludge disposal located within the onsite property boundaries) that meet the applicability criteria of above. You have the option of obtaining coverage under the MSGP for direct discharges, (recommended), or obtaining coverage under this individual permit.

6. Request for coverage in individual permit

Are you requesting coverage of stormwater discharges associated with your treatment plant under this individual permit?

Yes ☐ No ☐

If yes, provide a description of stormwater runoff management practices at the site for which you are requesting authorization in this individual wastewater permit and describe whether you intend to comingle this discharge with your treated effluent or discharge it via a separate dedicated stormwater outfall. Please also indicate if you intend to divert stormwater to the treatment plant headworks and indirectly discharge it to water in the state.

Note: Direct stormwater discharges to waters in the state authorized through this individual permit will require the development and implementation of a stormwater pollution prevention plan (SWPPP) and will be subject to additional monitoring and reporting requirements. Indirect discharges of stormwater via headworks recycling will require compliance with all individual permit requirements including 2-hour peak flow limitations. All stormwater discharge authorization requests will require additional information during the technical review of your application.

F. Discharges to the Lake Houston Watershed

Does the facility discharge in the Lake Houston watershed?

Yes ☐ No ☒

If yes, a Sewage Sludge Solids Management Plan is required. See Example 5 in the instructions.

G. Other wastes received including sludge from other WWTPs and septic waste

1. Acceptance of sludge from other WWTPs

Does the facility accept or will it accept sludge from other treatment plants at the facility site?

Yes ☐ No ☒

If yes, attach sewage sludge solids management plan. See Example 5 of the instructions.

In addition, provide the date that the plant started accepting sludge or is anticipated to start accepting sludge, an estimate of monthly sludge acceptance (gallons or millions of gallons), an estimate of the BOD₅ concentration of the sludge, and the design BOD₅ concentration of the influent from the collection system. Also note if this information has or has not changed since the last permit action.

--

Note: Permits that accept sludge from other wastewater treatment plants may be required to have influent flow and organic loading monitoring.

2. Acceptance of septic waste

Is the facility accepting or will it accept septic waste?

Yes ☐ No ☒

If yes, does the facility have a Type V processing unit?

Yes ☐ No ☐

If yes, does the unit have a Municipal Solid Waste permit?

Yes ☐ No ☐

If yes to any of the above, provide a date that the plant started accepting septic waste, or is anticipated to start accepting septic waste, an estimate of monthly septic waste acceptance (gallons or millions of gallons), an estimate of the BOD₅ concentration of the septic waste, and the design BOD₅ concentration of the influent from the collection system. Also note if

this information has or has not changed since the last permit action.

--

Note: Permits that accept sludge from other wastewater treatment plants may be required to have influent flow and organic loading monitoring.

3. Acceptance of other wastes (not including septic, grease, grit, or RCRA, CERCLA or as discharged by IUs listed in Worksheet 6)

Is the facility accepting or will it accept wastes that are not domestic in nature excluding the categories listed above?

Yes ☐ No ☒

If yes, provide the date that the plant started accepting the waste, an estimate how much waste is accepted on a monthly basis (gallons or millions of gallons), a description of the entities generating the waste, and any distinguishing chemical or other physical characteristic of the waste. Also note if this information has or has not changed since the last permit action.

--

Section 7. Pollutant Analysis of Treated Effluent (Instructions Page 58)

Is the facility in operation?

Yes ☐ No ☒

If no, this section is not applicable. Proceed to Section 8.

If yes, provide effluent analysis data for the listed pollutants. *Wastewater treatment facilities* complete Table 1.0(2). *Water treatment facilities* discharging filter backwash water, complete Table 1.0(3).

Note: The sample date must be within 1 year of application submission.

Table 1.0(2) - Pollutant Analysis for Wastewater Treatment Facilities

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
CBOD ₅ , mg/l					

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Total Suspended Solids, mg/l					
Ammonia Nitrogen, mg/l					
Nitrate Nitrogen, mg/l					
Total Kjeldahl Nitrogen, mg/l					
Sulfate, mg/l					
Chloride, mg/l					
Total Phosphorus, mg/l					
pH, standard units					
Dissolved Oxygen*, mg/l					
Chlorine Residual, mg/l					
<i>E.coli</i> (CFU/100ml) freshwater					
Enterococci (CFU/100ml) saltwater					
Total Dissolved Solids, mg/l					
Electrical Conductivity, μ mohs/cm, †					
Oil & Grease, mg/l					
Alkalinity (CaCO ₃)*, mg/l					

*TPDES permits only

†TLAP permits only

Table 1.0(3) - Pollutant Analysis for Water Treatment Facilities

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Total Suspended Solids, mg/l					
Total Dissolved Solids, mg/l					
pH, standard units					

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Fluoride, mg/l					
Aluminum, mg/l					
Alkalinity (CaCO ₃), mg/l					

Section 8. Facility Operator (Instructions Page 60)

Facility Operator Name: Crystal Clear Special Utility District - Michael F Taylor

Facility Operator's License Classification and Level: Wastewater Treatment Operator Class A

Facility Operator's License Number: WW0009531

Section 9. Sewage Sludge Management and Disposal (Instructions Page 60)

A. Sludge disposal method

Identify the current or anticipated sludge disposal method or methods from the following list. Check all that apply.

- ☒ Permitted landfill
- ☐ Permitted or Registered land application site for beneficial use
- ☐ Land application for beneficial use authorized in the wastewater permit
- ☐ Permitted sludge processing facility
- ☐ Marketing and distribution as authorized in the wastewater permit
- ☐ Composting as authorized in the wastewater permit
- ☐ Permitted surface disposal site (sludge monofill)
- ☐ Surface disposal site (sludge monofill) authorized in the wastewater permit
- ☐ Transported to another permitted wastewater treatment plant or permitted sludge processing facility. If you selected this method, a

written statement or contractual agreement from the wastewater treatment plant or permitted sludge processing facility accepting the sludge must be included with this application.

☐ Other:

B. Sludge disposal site

Disposal site name: Mesquite Creek Landfill

TCEQ permit or registration number: 95594TX

County where disposal site is located: Comal

C. Sludge transportation method

Method of transportation (truck, train, pipe, other): Truck

Name of the hauler: Enriched Organics

Hauler registration number: 25589

Sludge is transported as a:

Liquid ☐

semi-liquid ☒

semi-solid ☐

solid ☐

**Section 10. Permit Authorization for Sewage Sludge Disposal
(Instructions Page 60)**

A. Beneficial use authorization

Does the existing permit include authorization for land application of sewage sludge for beneficial use?

Yes ☐ No ☒

If yes, are you requesting to continue this authorization to land apply sewage sludge for beneficial use?

Yes ☐ No ☐

If yes, is the completed **Application for Permit for Beneficial Land Use of Sewage Sludge (TCEQ Form No. 10451)** attached to this permit application (see the instructions for details)?

Yes ☐ No ☐

B. Sludge processing authorization

Does the existing permit include authorization for any of the following sludge processing, storage or disposal options?

Sludge Composting

Yes ☐

No ☒

Marketing and Distribution of sludge Yes ☐ No ☒

Sludge Surface Disposal or Sludge Monofill Yes ☐ No ☒

Temporary storage in sludge lagoons Yes ☐ No ☒

If yes to any of the above sludge options and the applicant is requesting to continue this authorization, is the completed **Domestic Wastewater Permit Application: Sewage Sludge Technical Report (TCEQ Form No. 10056)** attached to this permit application?

Yes ☐ No ☐

Section 11. Sewage Sludge Lagoons (Instructions Page 61)

Does this facility include sewage sludge lagoons?

Yes ☐ No ☒

If yes, complete the remainder of this section. If no, proceed to Section 12.

A. Location information

The following maps are required to be submitted as part of the application. For each map, provide the Attachment Number.

- Original General Highway (County) Map:

Attachment:

- USDA Natural Resources Conservation Service Soil Map:

Attachment:

- Federal Emergency Management Map:

Attachment:

- Site map:

Attachment:

Discuss in a description if any of the following exist within the lagoon area.

Check all that apply.

- ☐ Overlap a designated 100-year frequency flood plain
- ☐ Soils with flooding classification
- ☐ Overlap an unstable area
- ☐ Wetlands
- ☐ Located less than 60 meters from a fault

☐ None of the above

Attachment:

If a portion of the lagoon(s) is located within the 100-year frequency flood plain, provide the protective measures to be utilized including type and size of protective structures:

B. Temporary storage information

Provide the results for the pollutant screening of sludge lagoons. These results are in addition to pollutant results in Section 7 of Technical Report 1.0.

Nitrate Nitrogen, mg/kg:

Total Kjeldahl Nitrogen, mg/kg:

Total Nitrogen (=nitrate nitrogen + TKN), mg/kg:

Phosphorus, mg/kg:

Potassium, mg/kg:

pH, standard units:

Ammonia Nitrogen mg/kg:

Arsenic:

Cadmium:

Chromium:

Copper:

Lead:

Mercury:

Molybdenum:

Nickel:

Selenium:

Zinc:

Total PCBs:

Provide the following information:

Volume and frequency of sludge to the lagoon(s):

Total dry tons stored in the lagoons(s) per 365-day period:

Total dry tons stored in the lagoons(s) over the life of the unit:

C. Liner information

Does the active/proposed sludge lagoon(s) have a liner with a maximum hydraulic conductivity of 1×10^{-7} cm/sec?

Yes ☐ No ☐

If yes, describe the liner below. Please note that a liner is required.

D. Site development plan

Provide a detailed description of the methods used to deposit sludge in the lagoon(s):

Attach the following documents to the application.

- Plan view and cross-section of the sludge lagoon(s)

Attachment:

- Copy of the closure plan

Attachment:

- Copy of deed recordation for the site

Attachment:

- Size of the sludge lagoon(s) in surface acres and capacity in cubic feet and gallons

Attachment:

- Description of the method of controlling infiltration of groundwater and surface water from entering the site

Attachment:

- Procedures to prevent the occurrence of nuisance conditions

Attachment:

E. Groundwater monitoring

Is groundwater monitoring currently conducted at this site, or are any wells available for groundwater monitoring, or are groundwater monitoring data otherwise available for the sludge lagoon(s)?

Yes ☐ No ☐

If groundwater monitoring data are available, provide a copy. Provide a profile of soil types encountered down to the groundwater table and the depth to the shallowest groundwater as a separate attachment.

Attachment:

**Section 12. Authorizations/Compliance/Enforcement
(Instructions Page 63)**

A. Additional authorizations

Does the permittee have additional authorizations for this facility, such as reuse authorization, sludge permit, etc?

Yes ☐ No ☒

If yes, provide the TCEQ authorization number and description of the authorization:

--

B. Permittee enforcement status

Is the permittee currently under enforcement for this facility?

Yes ☐ No ☒

Is the permittee required to meet an implementation schedule for compliance or enforcement?

Yes ☐ No ☒

If yes to either question, provide a brief summary of the enforcement, the implementation schedule, and the current status:

--

Section 13. RCRA/CERCLA Wastes (Instructions Page 63)

A. RCRA hazardous wastes

Has the facility received in the past three years, does it currently receive, or will it receive RCRA hazardous waste?

Yes ☐ No ☒

B. Remediation activity wastewater

Has the facility received in the past three years, does it currently receive, or will it receive CERCLA wastewater, RCRA remediation/corrective action wastewater or other remediation activity wastewater?

Yes ☐ No ☒

C. Details about wastes received

If yes to either Subsection A or B above, provide detailed information concerning these wastes with the application.

Attachment:

Section 14. Laboratory Accreditation (Instructions Page 64)

All laboratory tests performed must meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification*, which includes the following general exemptions from National Environmental Laboratory Accreditation Program (NELAP) certification requirements:

- The laboratory is an in-house laboratory and is:
 - periodically inspected by the TCEQ; or
 - located in another state and is accredited or inspected by that state; or
 - performing work for another company with a unit located in the same site; or
 - performing pro bono work for a governmental agency or charitable organization.
- The laboratory is accredited under federal law.
- The data are needed for emergency-response activities, and a laboratory accredited under the Texas Laboratory Accreditation Program is not available.
- The laboratory supplies data for which the TCEQ does not offer accreditation.

The applicant should review *30 TAC Chapter 25* for specific requirements.

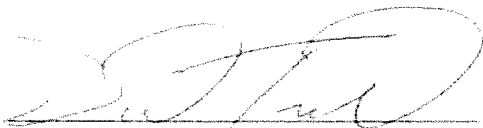
The following certification statement shall be signed and submitted with every application. See the *Signature Page* section in the Instructions, for a list of designated representatives who may sign the certification.

CERTIFICATION:

I certify that all laboratory tests submitted with this application meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification*.

Printed Name: David Tidwell

Title:

Signature: 

Date: 11/1/19

DOMESTIC TECHNICAL REPORT 1.1

The following is required for new and amendment applications

Section 1. Justification for Permit (Instructions Page 66)

A. Justification of permit need

Provide a detailed discussion regarding the need for any phase(s) not currently permitted. Failure to provide sufficient justification may result in the Executive Director recommending denial of the proposed phase(s) or permit.

A development of 193 homes is planned for the location, and water treatment facilities are not available.

B. Regionalization of facilities

Provide the following information concerning the potential for regionalization of domestic wastewater treatment facilities:

1. *Municipally incorporated areas*

If the applicant is a city, then Item 1 is not applicable. Proceed to Item 2
Utility CCN areas.

Is any portion of the proposed service area located in an incorporated city?

Yes ☐ No ☒ Not Applicable ☐

If yes, within the city limits of:

If yes, attach correspondence from the city.

Attachment:

If consent to provide service is available from the city, attach a justification for the proposed facility and a cost analysis of expenditures that includes the cost of connecting to the city versus the cost of the proposed facility or expansion attached.

Attachment:

2. *Utility CCN areas*

Is any portion of the proposed service area located inside another utility's CCN area?

Yes ☐ No ☒

If yes, attach a justification for the proposed facility and a cost analysis of expenditures that includes the cost of connecting to the CCN facilities versus the cost of the proposed facility or expansion.

Attachment:

3. Nearby WWTPs or collection systems

Are there any domestic permitted wastewater treatment facilities or collection systems located within a three-mile radius of the proposed facility?

Yes ☐ No ☒

If yes, attach a list of these facilities that includes the permittee's name and permit number, and an area map showing the location of these facilities.

Attachment:

If yes, attach copies of your certified letters to these facilities and their response letters concerning connection with their system.

Attachment:

Does a permitted domestic wastewater treatment facility or a collection system located within three (3) miles of the proposed facility currently have the capacity to accept or is willing to expand to accept the volume of wastewater proposed in this application?

Yes ☐ No ☒

If yes, attach an analysis of expenditures required to connect to a permitted wastewater treatment facility or collection system located within 3 miles versus the cost of the proposed facility or expansion.

Attachment:

Section 2. Organic Loading (Instructions Page 67)

Is this facility in operation?

Yes ☐ No ☒

If no, proceed to Item B, Proposed Organic Loading.

If yes, provide organic loading information in Item A, Current Organic

Loading

A. Current organic loading

Facility Design Flow (flow being requested in application):

Average Influent Organic Strength or BOD₅ Concentration in mg/l:

Average Influent Loading (lbs/day = total average flow X average BOD₅ conc. X 8.34):

Provide the source of the average organic strength or BOD₅ concentration.

--

B. Proposed organic loading

This table must be completed if this application is for a facility that is not in operation or if this application is to request an increased flow that will impact organic loading.

Table 1.1(1) - Design Organic Loading

Source	Total Average Flow (MGD)	Influent BOD ₅ Concentration (mg/l)
Municipality		
Subdivision	0.0343	150
Trailer park - transient		
Mobile home park		
School with cafeteria and showers		
School with cafeteria, no showers		
Recreational park,		

Source	Total Average Flow (MGD)	Influent BOD ₅ Concentration (mg/l)
overnight use		
Recreational park, day use		
Office building or factory		
Motel		
Restaurant		
Hospital		
Nursing home		
Other		
TOTAL FLOW from all sources	0.0343	
AVERAGE BOD ₅ from all sources		150

Section 3. Proposed Effluent Quality and Disinfection (Instructions Page 68)

A. Existing/Interim I Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l:

Total Suspended Solids, mg/l:

Ammonia Nitrogen, mg/l:

Total Phosphorus, mg/l:

Dissolved Oxygen, mg/l:

Other:

B. Interim II Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l:

Total Suspended Solids, mg/l:

Ammonia Nitrogen, mg/l:

Total Phosphorus, mg/l:

Dissolved Oxygen, mg/l:

Other:

C. Final Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l: 20

Total Suspended Solids, mg/l: 20

Ammonia Nitrogen, mg/l: n/a

Total Phosphorus, mg/l: n/a

Dissolved Oxygen, mg/l: 4

Other:

D. Disinfection Method

Identify the proposed method of disinfection.

☒ Chlorine: 1-4 mg/l after 20 minutes detention time at peak flow

Dechlorination process: n/a

☐ Ultraviolet Light: _____ seconds contact time at peak flow

☐ Other:

Section 4. Design Calculations (Instructions Page 68)

Attach design calculations and plant features for each proposed phase. Example 4 of the instructions includes sample design calculations and plant features.

Attachment: Please see Attachment 4

Section 5. Facility Site (Instructions Page 68)

A. 100-year floodplain

Will the proposed facilities be located above the 100-year frequency flood level?

Yes ☒ No ☐

If no, describe measures used to protect the facility during a flood event. Include a site map showing the location of the treatment plant within the 100-year frequency flood level. If applicable, provide the size and types of protective structures.

Provide the source(s) used to determine 100-year frequency flood plain.

FEMA FIRM Data from FEMA website, flood map ID# 48091C0295F

For a new or expansion of a facility, will a wetland or part of a wetland be filled?

Yes ☐ No ☒

If yes, has the applicant applied for a US Corps of Engineers 404 Dredge and Fill Permit?

Yes ☐ No ☐

If yes, provide the permit number:

If no, provide the approximate date you anticipate submitting your application to the Corps:

B. Wind rose

Attach a wind rose. Attachment: Please see Attachment 5

Section 6. Permit Authorization for Sewage Sludge Disposal (Instructions Page 69)

A. Beneficial use authorization

Are you requesting to include authorization to land apply sewage sludge for beneficial use on property located adjacent to the wastewater treatment facility under the wastewater permit?

Yes ☐ No ☒

If yes, attach the completed Application for Permit for Beneficial Land Use of Sewage Sludge (TCEQ Form No. 10451)

Attachment:

B. Sludge processing authorization

Identify the sludge processing, storage or disposal options that will be conducted at the wastewater treatment facility:

- ☐ Sludge Composting
- ☐ Marketing and Distribution of sludge
- ☐ Sludge Surface Disposal or Sludge Monofill

If any of the above sludge options are selected, attach a completed DOMESTIC WASTEWATER PERMIT APPLICATION: SEWAGE SLUDGE TECHNICAL REPORT (TCEQ Form No. 10056).

Attachment:

Section 7. Sewage Sludge Solids Management Plan (Instructions Page 69)

Attach a solids management plan to the application.

Attachment: Please see Attachment 6

The sewage sludge solids management plan must contain the following information:

- Treatment units and processes dimensions and capacities
- Solids generated at 100, 75, 50, and 25 percent of design flow
- Mixed liquor suspended solids operating range at design and projected actual flow
- Quantity of solids to be removed and a schedule for solids removal
- Identification and ownership of the ultimate sludge disposal site
- For facultative lagoons, design life calculations, monitoring well locations and depths, and the ultimate disposal method for the sludge from the facultative lagoon

An example of a sewage sludge solids management plan has been included as Example 5 of the instructions.

In this Section

Receiving Waters 2.0

RECEIVING WATERS

Yes ☐ No ☐

If yes, provide the distance and direction from the outfall(s).

--

Section 3. Classified Segments (Instructions Page 73)

Is the discharge directly into (or within 300 feet of) a classified segment?

Yes ☐ No ☒

If yes, this Worksheet is complete.

If no, complete Sections 4 and 5 of this Worksheet.

Section 4. Description of Immediate Receiving Waters (Instructions Page 75)

Name of the immediate receiving waters:

A. Receiving water type

Identify the appropriate description of the receiving waters.

- ☐ Stream
- ☐ Freshwater Swamp or Marsh
- ☐ Lake or Pond

Surface area, in acres:

Average depth of the entire water body, in feet:

Average depth of water body within a 500-foot radius of discharge point, in feet:

- ☐ Man-made Channel or Ditch
- ☐ Open Bay
- ☐ Tidal Stream, Bayou, or Marsh

- ☒ Other, specify: Unnamed Dry Creek

B. Flow characteristics

If a stream, man-made channel or ditch was checked above, provide the following. For existing discharges, check one of the following that best characterizes the area *upstream* of the discharge. For new discharges, characterize the area *downstream* of the discharge (check one).

- ☒ Intermittent - dry for at least one week during most years
- ☐ Intermittent with Perennial Pools - enduring pools with sufficient habitat to maintain significant aquatic life uses
- ☐ Perennial - normally flowing

Check the method used to characterize the area upstream (or downstream for new dischargers).

- ☐ USGS flow records
- ☐ Historical observation by adjacent landowners
- ☒ Personal observation
- ☐ Other, specify:

C. Downstream perennial confluences

List the names of all perennial streams that join the receiving water within three miles downstream of the discharge point.

The discharge route flows along the dry unnamed creek to Water Hole Creek, thence flows into Soil Conservation Service Site 3 Reservoir.

D. Downstream characteristics

Do the receiving water characteristics change within three miles downstream of the discharge (e.g., natural or man-made dams, ponds, reservoirs, etc.)?

Yes ☒ No ☐

If yes, discuss how.

Soil Conservation Service Site 3 Reservoir is a man-made reservoir approximately 3 miles downstream.

E. Normal dry weather characteristics

Provide general observations of the water body during normal dry weather conditions.

The unnamed dry creek bed is dry except during rain events.

Date and time of observation: 7/23/2019

Was the water body influenced by stormwater runoff during observations?

Yes ☐

No ☒

Section 5. General Characteristics of the Waterbody (Instructions Page 74)

A. Upstream influences

Is the immediate receiving water upstream of the discharge or proposed discharge site influenced by any of the following? Check all that apply.

- | | |
|---|---|
| <input type="checkbox"/> Oil field activities | <input type="checkbox"/> Urban runoff |
| <input type="checkbox"/> Upstream discharges | <input checked="" type="checkbox"/> Agricultural runoff |
| <input type="checkbox"/> Septic tanks | <input type="checkbox"/> Other(s), specify |

B. Waterbody uses

Observed or evidences of the following uses. Check all that apply.

- | | |
|--|---|
| <input type="checkbox"/> Livestock watering | <input type="checkbox"/> Contact recreation |
| <input type="checkbox"/> Irrigation withdrawal | <input type="checkbox"/> Non-contact recreation |
| <input type="checkbox"/> Fishing | <input type="checkbox"/> Navigation |

- ☐ Domestic water supply ☐ Industrial water supply
- ☐ Park activities ☐ Other(s), specify

C. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the receiving water and the surrounding area.

- ☐ Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional
- ☒ Natural Area: trees and/or native vegetation; some development evident (from fields, pastures, dwellings); water clarity discolored
- ☐ Common Setting: not offensive; developed but uncluttered; water may be colored or turbid
- ☐ Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

In this Section

Exhibits/ Documents

USGS Map

Affected Landowner Map & List

Affected Landowner Labels

Buffer Zone Map

Flow Diagram

Location Map

Site Plan

Photographs/ Aerials

If the answer to a question requires a lengthy response, submit a separate attachment to answer the question. The separate attachments must be clearly cross-referenced back to the original question. Failure to clearly cross-reference attachments may result in delays in processing the application.

THE INSTRUCTIONS MUST BE FOLLOWED WHILE COMPLETING THE APPLICATION. Each item in the application is cross referenced to a page number in the instructions. All items must be addressed. If an item is not addressed, a Notice of Deficiency letter will be sent to the applicant's representative unless an explanation is provided as to why the item is not applicable. Failure to follow the instructions while completing the application may result in significant delays in processing the application.

Applicants are required to keep records of all data used to complete the permit application and any supplemental information submitted as part of the application process for a period of at least three years from the date the application is signed.

THE APPLICATION FORM MAY NOT BE ALTERED IN ANY WAY. APPLICATIONS THAT ARE ALTERED WILL NOT BE PROCESSED AND WILL BE RETURNED. QUESTIONS CANNOT BE DELETED OR REARRANGED.

Please note: Older versions of the application forms will not be accepted after 6 months from the date of the updated or revised forms.

The regular mailing address is:

Texas Commission on Environmental Quality
Water Quality Division
Applications Review and Processing Team (MC148)
P.O. Box 13087
Austin, Texas 78711-3087

The hand delivery address is:

Texas Commission on Environmental Quality
Applications Review and Processing Team
Building F, Room 2101
12100 Park 35 Circle
Austin, Texas 78753

The express mail address is:

Executive Director
Applications Review and Processing Team (MC148)
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

What Fees are Required?

Wastewater permits are subject to two different types of fees: 1) an application fee and 2) an annual water quality fee. Payment of the fees may be made either by check or money order payable to the TCEQ or through ePay (TCEQ's online payment application on the TCEQ web site).

1. Application fee

This fee is required to be paid at the time the application is submitted. Failure to submit payment at the time the application is filed will cause delays in processing the permit application.

Postage fees of \$50.00 for new and amendments and \$15.00 for renewals have been included with the application fees to cover the expense of the notice required by 30 TAC § 305.53. For new and major amendments the \$50.00 postage fee covers the expense of notifying up to 100 landowners. An additional \$50.00 postage fee will be required for each additional increment of up to 100 landowners.

To verify receipt of payment or any other questions you may have regarding payment of fees to the TCEQ, please call the Revenues Section, Cashiers Office at (512) 239-0357. The applicant is responsible for the cost of publishing in a newspaper the public notices concerning the application for a permit. The applicant will be provided the information necessary to publish, including instructions, by Water Quality Applications Team for the first public notice, and by the TCEQ Office of Chief Clerk for the second public notice.

ePAY electronic payment

Go to: <https://www3.tceq.texas.gov/epay/index.cfm>

When making the payment you must select Water Quality, and then select the fee category Municipal. You must include a copy of the payment voucher with your application, which will not be considered complete without the payment voucher.

Mailed payments

Payment must be mailed in a separate envelope to one of the addresses below. Include the Water Quality Permit Payment Submittal Form which is located just after the signature page of the Administrative Report 1.0.

By regular U.S. mail:

Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
P.O. Box 13088
Austin, TX 78711-3088

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Water Quality Applications Team

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201906043623 12/05/2019 11:44:08 AM 1/9

UNITED STATES DEPARTMENT OF AGRICULTURE
Rural Utilities Service

RIGHT-OF-WAY EASEMENT
(Location of Easement Required)

KNOW ALL MEN BY THESE PRESENTS, that HUNTER CREEK ENTERPRISES LP
(hereinafter called "Grantors"), in consideration of one dollar (\$1.00) and other good and valuable consideration
paid by Crystal Clear Special Utility District, (hereinafter called "Grantee"), the receipt and sufficiency of which is
hereby acknowledged, does hereby grant, bargain, sell, transfer, and convey to said Grantee, its successors, and
assigns, a perpetual easement with the right to erect, construct, install and lay and thereafter access and use,
operate, inspect, repair, maintain, replace, upgrade, parallel and remove water distribution and/or sewer
collection lines and appurtenances, over and across 4.129 acres of land, more or less, more particularly
described in instrument recorded in DOC. 201006011620 & 201006011618, in the Official Public Records,
COMAL County, Texas, together with the right of ingress and egress over Grantor's adjacent lands for
the purpose for which the above mentioned rights are granted. The easement hereby granted shall not exceed
20' in width, be located across said land as follows:

The easement herein conveyed shall run the length of the property line, parallel and adjacent
to (SEE ATTACHED DOCUMENT FOR EASEMENT DESCRIPTION)

Grantee shall have such other rights and benefits necessary and/or convenient for the full enjoyment and use
of the rights herein granted, including without limitation, (1) the reasonable right of ingress and egress over and
across lands owned by Grantor which are contiguous to the easement; (2) the reasonable right from time to time
to remove any and all paving, undergrowth and other obstructions that may injure Grantee's facilities and
appurtenances or interfere with the construction, maintenance, inspection, operation, protection, repair,
alteration, testing, replacement, upgrading, relocation (as above limited), substitution or removal thereof; and (3)
the rights to abandon-in-place any and all water supply and/or sewer distribution lines, service lines and
associated appurtenances, such that Grantee shall have no obligation or liability to Grantor, or their successors or
assigns, to remove any such abandoned lines or appurtenances.

In the event the easement hereby granted abuts on a public road and the county or state hereafter widens or
relocates the public road so as to require the relocation of this water and/or sewer line as installed, Grantor
further grants to Grantee an additional easement over and across the land described above for the purpose of
laterally relocating said water and/or sewer line as may be necessary to clear the road improvements, which
easement hereby granted shall be limited to a strip of land 20' in width, the center line thereof being the pipeline
as relocated.

The consideration recited herein shall constitute payment in full for all damages sustained by
Grantors by reason of the installation of the structures referred to herein and the Grantee will maintain such
easement in a state of good repair and efficiency so that no unreasonable damages will result from its use to
Grantor's premises. This Agreement together with other provisions of this grant shall constitute a covenant
running with the land for the benefit of the Grantee, its successors, and assigns.

The Grantors covenant that they are the owners of the above described lands and that said lands are free
and clear of all encumbrances and liens except the following:

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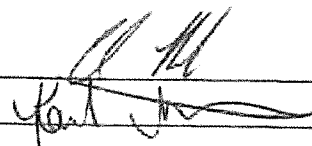
DEC 10 2019

Water Quality Applications Team APP-0064

Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular, the easement herein granted to Grantee, or Grantee's successors and assigns, against every person whomsoever claiming, or to claim, the same or any part thereof.

The easement conveyed herein was obtained or improved through Federal financial assistance. This easement is subject to the provisions of Title VI of the Civil Rights Act of 1964 and the regulations issued pursuant thereto for so long as the easement continues to be used for the same or similar purpose for which financial assistance was extended or for so long as the Grantee owns it, whichever is longer.

IN WITNESS WHEREOF the said Grantors have executed this instrument this 4/4 day of October, 20 19.



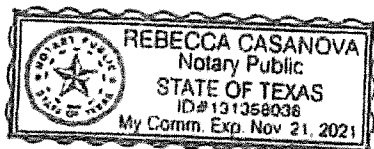
ACKNOWLEDGEMENT
(Individual)

STATE OF TEXAS §

COUNTY OF Guadalupe §

This instrument was acknowledged before me on 10/4/2021 by Chris
Harborth

(SEAL)





Notary Public, State of Texas

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ACKNOWLEDGEMENT
(Individual)

STATE OF TEXAS

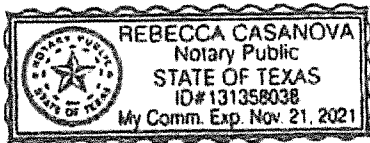
§

COUNTY OF Guadalupe

§

This instrument was acknowledged before me on 10/4/2019 by
Karl Harborth.

(SEAL)



Rebecca Casanova
Notary Public, State of Texas

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Water Quality Applications Team

4.129 Acres – WWTP Easement
August 28, 2019
SA19-0033

**DESCRIPTION OF A 4.129 ACRE TRACT OF LAND
SITUATED IN THE NANCY KENNER SURVEY NO. 3
ABSTRACT NO. 306, COMAL COUNTY, TEXAS**

BEING a 4.129 acre tract of land situated in the Nancy Kenner Survey No. 3, Abstract No. 306 of Comal County, Texas and being a portion of a called 42.76 acre tract and a called 20.965 acre tract of land described in instruments to Hunter Creek Enterprises, LP recorded in Document Nos. 201006011618, and 201006011620 of the Official Public Records of Comal County, Texas (O.P.R.C.C.), said 4.129 acre tract of land described by metes and bounds as follows:

COMMENCING at a 6-inch Wood Fence Corner Post found for the most Easterly corner of the herein described tract, same being the most Southerly corner of a called 39.320 acre tract of land described as Tract No. 2 in an instrument to TLJ Ranch, LP recorded in Document No. 201006004682, O.P.R.C.C. and lying on the Northwest right-of-way line of FM 1102 (Width Varies);

THENCE, South 41° 13' 39" West, along and with the Northwest right-of-way line of said FM 1102, a distance of 134.85 feet to the most Easterly corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, South 41° 13' 39" West, continuing along and with the Northwest right-of-way line of said FM 1102, a distance of 15.00 feet to the most Southerly corner of the herein described tract, from which a 1/2-inch iron rod found for the common East corner of a called 0.29 acre tract of land described in an instrument to Hunter Creek Enterprises, LP recorded in Document No. 201006011832 and a called 5.222 acre tract of land described in an instrument to Hunter Creek Enterprises, LP recorded in Document No. 201006011619, O.P.R.C.C. bears South 41°13'39" West, a distance of 165.25 feet;

THENCE, over and across said 20.965 and said 42.76 acre tracts, the following thirteen (13) bearings and distances:

- 1) North 48° 46' 21" West, a distance of 1.97 feet to calculated point for the beginning of a curve to the left;
- 2) Along said curve to the left, an arc distance of 83.84 feet, a central angle of 12° 14' 20", having a radius of 392.50 feet, and whose long chord bears North 54° 53' 31" West a distance of 83.68 feet to a calculated point for corner;
- 3) North 61° 00' 41" West, a distance of 116.09 feet to a calculated point for the beginning of a curve to the right;
- 4) Along said curve to the right, an arc distance of 87.04 feet, a central angle of 12° 14' 20", having a radius of 407.50 feet, and whose long chord bears North 54° 53' 31" West a distance of 86.88 feet to a calculated point for corner;
- 5) North 48° 46' 21" West, a distance of 373.13 feet to a calculated point for the beginning of a curve to the left;
- 6) Along said curve to the left, an arc distance of 305.47 feet, a central angle of 35° 32' 15", having a radius of 492.50 feet, and whose long chord bears North 66° 32' 29" West a distance of 300.60 feet to a calculated point for corner;
- 7) North 84° 18' 36" West, a distance of 113.60 feet to a calculated point for the beginning of a curve to the left;

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Water Quality Applications Team APP-0067

4.129 Acres – WWTP Easement
August 28, 2019
SA19-0033

- 8) Along said curve to the left, an arc distance of 85.87 feet, a central angle of $09^{\circ} 59' 22''$, having a radius of 492.50 feet, and whose long chord bears North $89^{\circ} 18' 17''$ West a distance of 85.76 feet to a calculated point for corner;
- 9) South $85^{\circ} 42' 02''$ West, a distance of 45.28 feet to a calculated point for corner;
- 10) North $04^{\circ} 17' 58''$ West, a distance of 45.84 feet to a calculated point for corner;
- 11) South $85^{\circ} 42' 02''$ West, a distance of 19.58 feet to a calculated point for corner;
- 12) North $46^{\circ} 09' 03''$ West, a distance of 357.32 feet to a calculated point for corner;
- 13) North $41^{\circ} 38' 34''$ East, a distance of 413.59 feet to a calculated point for corner, lying on the common line of said 20.965 acre tract and the Southwest line of said 39.320 acre tract of land from which a 5/8-inch iron rod found for the common West corner of said 20.965 acre tract and said 39.320 acre tract of land bears North $48^{\circ} 24' 48''$ West, 745.30 feet;

THENCE, South $48^{\circ} 24' 48''$ East, along and with the common line of said 20.965 acre tract and said 39.320 acre tract, a distance of 383.26 feet to a calculated point for corner;

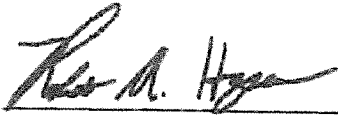
THENCE, over and across said 20.965 and said 42.76 acre tracts, the following eleven (11) bearings and distances:

- 1) South $41^{\circ} 35' 12''$ West, a distance of 405.35 feet to a calculated point for corner;
- 2) South $04^{\circ} 17' 58''$ East, a distance of 27.28 feet to a calculated point for corner;
- 3) North $85^{\circ} 42' 02''$ East, a distance of 30.28 feet to a calculated point for the beginning of a curve to the right;
- 4) Along said curve to the right, an arc distance of 88.48 feet, a central angle of $09^{\circ} 59' 22''$, having a radius of 507.50 feet, and whose long chord bears South $89^{\circ} 18' 17''$ East a distance of 88.37 feet to a calculated point for corner;
- 5) South $84^{\circ} 18' 36''$ East, a distance of 113.60 feet to a calculated point for the beginning of a curve to the right;
- 6) Along said curve to the right, an arc distance of 314.78 feet, an angle of $35^{\circ} 32' 15''$, having a radius of 507.50 feet, and whose long chord bears South $66^{\circ} 32' 29''$ East a distance of 309.75 feet to a calculated point for corner;
- 7) South $48^{\circ} 46' 21''$ East, a distance of 373.13 feet to a calculated point for the beginning of a curve to the left;
- 8) Along said curve to the left, an arc distance of 83.84 feet, a central angle of $12^{\circ} 14' 20''$, having a radius of 392.50 feet, and whose long chord bears South $54^{\circ} 53' 31''$ East a distance of 83.68 feet to a calculated point for corner;
- 9) South $61^{\circ} 00' 41''$ East, a distance of 116.09 feet to a calculated point for the beginning of a curve to the right;
- 10) Along said curve to the right, an arc distance of 87.04 feet, a central angle of $12^{\circ} 14' 20''$, having a radius of 407.50 feet, and whose long chord bears South $54^{\circ} 53' 31''$ East a distance of 86.88 feet to a calculated point for corner;
- 11) South $48^{\circ} 46' 21''$ East, a distance of 1.97 feet to the **POINT OF BEGINNING** and containing 4.129 acres of land.

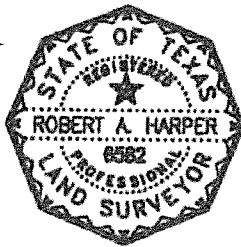
4.129 Acres – WWTP Easement
August 28, 2019
SA19-0033

All bearings are based on the Texas Coordinate System of 1983, South Central Zone 4204 and is referenced to monuments found along the Northwest right-of-way line of FM 1102 and shown on an exhibit of even date prepared by the undersigned in conjunction with this metes and bounds description.

Combined Scale Factor: 0.99987



Robert A. Harper, RPLS No. 6582
The Harper Company, LLC
P.O. Box 17803
San Antonio, Texas 78217
TBPLS Firm No. 10194511



SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

LEGEND

D.R.C.C. DEED RECORDS OF
COMAL COUNTY, TEXAS
FND. FOUND
I. IRON
M.P.R.C.C. MAP AND PLAT RECORDS OF
COMAL COUNTY, TEXAS
NO. NUMBER
O.P.R.C.C. OFFICIAL PUBLIC RECORDS OF
COMAL COUNTY, TEXAS
PG. PAGE
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
VOL. VOLUME

CALLLED 20.965 ACRES
HUNTER CREEK ENTERPRISES, LP
DOC. NO. 201006011620, O.P.R.C.C.

DESCRIBED IN AN INSTRUMENT TO
DOROTHY MAE JENTSCH HARBORTH
VOL. 334, PG. 765, D.R.C.C.

FND. 5/8" I. ROD

TLJ RANCH, LP
CALLLED 73.227 ACRES (TRACT NO. 1)
DOC. NO. 201006004682, O.P.R.C.C.

4.129 ACRES

WWTP EASEMENT

CALLLED 42.75 ACRES
HUNTER CREEK ENTERPRISES, LP
DOC. NO. 201006011618, O.P.R.C.C.

BEING THE REMAINDER OF A
CALLLED 52.265 ACRE TRACT
DOROTHY JENTSCH HARBORTH
VOL. 332, PG. 494, D.R.C.C.

TLJ RANCH, LP
CALLLED 39.320 ACRES (TRACT NO. 2)
DOC. NO. 201006004682, O.P.R.C.C.

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DEC 10 2019

Water Quality Applications Team

HUNTER CREEK ENTERPRISES, LP
CALLLED 0.29 OF ONE ACRE
DOC. NO. 201006011832, O.P.R.C.C.

DESCRIBED IN AN INSTRUMENT TO
KERRIE HARBORTH, ET UX
VOL. 445, PG. 177, D.R.C.C.

HUNTER CREEK ENTERPRISES, LP
CALLLED 5.222 ACRES
DOC. NO. 201006011619, O.P.R.C.C.

DESCRIBED IN AN INSTRUMENT TO
DOROTHY JENTSCH HARBORTH
VOL. 448, PG. 419, D.R.C.C.

FM 1102
(WIDTH VARIES)

FND. 1/2" I. ROD

P.O.B.

P.O.C.
6" FENCE
POST

BEARING BASIS NOTE:

BEARING ORIENTATION IS BASED ON
THE TEXAS COORDINATE SYSTEM OF
1983, SOUTH CENTRAL ZONE 4204.
DISTANCES SHOWN HEREON ARE
SURFACE DISTANCES. TO CONVERT TO
GRID, MULTIPLY BY THE COMBINED
SCALE FACTOR OF 0.99987.

THE HARPER
COMPANY LLC

THE HARPER COMPANY, LLC
P.O. Box 17803
San Antonio, Texas 78217
Tel: 210-971-4870 • harpersurvey.com
TBLPS Firm No. 10184511

EXHIBIT OF A


4.129 ACRE EASEMENT
SITUATED IN THE
NANCY KENNER SURVEY NO. 3
ABSTRACT NO. 306
COMAL COUNTY, TEXAS
APP-0070

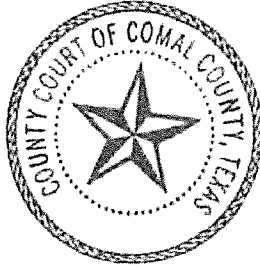
SCALE: JOB NO.: DATE: SHEET:

CURVE TABLE					
NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	83.84'	392.50'	12°14'20"	N 54°53'31" W	83.68'
C2	87.04'	407.50'	12°14'20"	N 54°53'31" W	86.88'
C3	305.47'	492.50'	35°32'15"	N 66°32'29" W	300.60'
C4	85.87'	492.50'	9°59'22"	N 89°18'17" W	85.76'
C5	88.48'	507.50'	9°59'22"	S 89°18'17" E	88.37'
C6	314.78'	507.50'	35°32'15"	S 66°32'29" E	309.75'
C7	83.84'	392.50'	12°14'20"	S 54°53'31" E	83.68'
C8	87.04'	407.50'	12°14'20"	S 54°53'31" E	86.88'

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S 41°13'39" W	134.85'
L2	S 41°13'39" W	15.00'
L3	N 48°46'21" W	1.97'
L4	N 61°00'41" W	116.09'
L5	N 48°46'21" W	373.13'
L6	N 84°18'36" W	113.60'
L7	S 85°42'02" W	45.28'
L8	N 04°17'58" W	45.84'
L9	S 85°42'02" W	19.58'
L10	N 46°09'03" W	357.32'
L11	N 41°36'34" E	413.59'
L12	S 48°24'48" E	383.26'
L13	S 41°35'12" W	405.35'
L14	S 04°17'58" E	27.28'
L15	N 85°42'02" E	30.28'
L16	S 84°18'36" E	113.60'
L17	S 48°46'21" E	373.13'
L18	S 61°00'41" E	116.09'
L19	S 48°46'21" E	1.97'
L20	S 41°13'39" W	165.25'

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DEC 10 2019
 Water Quality Applications Team

 THE HARPER COMPANY LLC		THE HARPER COMPANY, LLC P.O. Box 17603 San Antonio, Texas 78217 Tel: 210-971-4870 • harpersurvey.com TBPLS Firm No. 10194511	
		EXHIBIT OF A 4.129 ACRE EASEMENT SITUATED IN THE NANCY KENNER SURVEY NO. 3 ABSTRACT NO. 306 COMAL COUNTY, TEXAS APP-0071	
SCALE	JOB NO.	DATE	SHEET
1"=200'	19-0001	9/01/2019	1 OF 1



This page has been added to comply with the statutory requirement that the clerk shall stamp the recording information at the bottom of the last page.

This page becomes part of the document identified by the file clerk number affixed on preceding pages.

Filed and Recorded
Official Public Records
Bobbie Koepp, County Clerk
Comal County, Texas
12/05/2019 11:44:08 AM
CSCHUL 9 Page(s)
201906043823



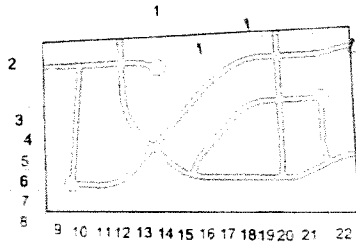
Bobbie Koepp

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APPLICANT'S
PROPERTY
PLANT LOCATION



POINT OF
DISCHARGE

1 MILE
DOWNSTREAM

R5280.00'

W Watson Ln

Hunter Rd

Hunter Rd

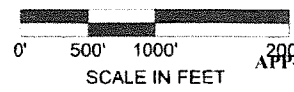
Winding Way

Country Ridge St

to Rock Hill

1102

73



SCALE IN FEET



TX2 ENGINEERING
FALL 2018

CONTACT
1800 STATE HWY 44 WEST, STE 1154M
NEW HOUSTON, TX 77060
TEL: (832) 359-3151



PLM

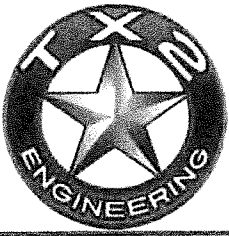
LAND OWNER EXHIBIT
WESTRIDGE OAKS

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C0.0

APP-0073



TX2 Engineering
Firm F-20787
1659 State Hwy 46 West, Ste 115-438
New Braunfels, TX 78132
816-510-9151

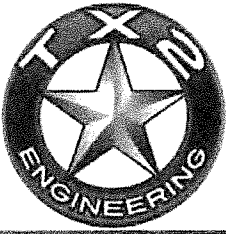
Adjacent Landowner Information
Source: Comal County Appraisal District

1. & 2. Confidential
No Address Listed
3. Lea & Hector Velez
2628 Wild Cat Roost
New Braunfels, TX 78132
4. Chase Agnew
2624 Wild Cat Roost
New Braunfels, TX 78132
5. Casimir & Marcia Mikolajczak
2620 Wild Cat Roost
New Braunfels, TX 78132
6. Scott & Lisa Fisher
2616 Wild Cat Roost
New Braunfels, TX 78132
7. Nelda Juarez
2612 Wild Cat Roost
New Braunfels, TX 78132
8. Antonio Martinez Jr.
2608 Wild Cat Roost
New Braunfels, TX 78132
9. Scott & Christina Vaughn
1512 Havenwood Blvd
New Braunfels, TX 78132
10. Kenneth & Cheryl Venderhorst
1508 Havenwood Blvd
New Braunfels, TX 78132
11. Jason Smith
1446 Havenwood Blvd
New Braunfels, TX 78132
12. Christian Gomez & Dalia Hernandez
1442 Havenwood Blvd
New Braunfels, TX 78132
13. Juan Herrera & Maria Gonzalez
1438 Havenwood Blvd

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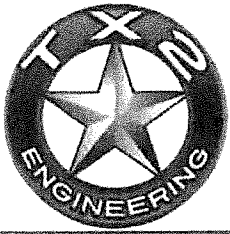
Water Quality Applications Team



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Firm F-20787
1659 State Hwy 46 West, Ste 115-438
New Braunfels, TX 78132
816-510-9151

New Braunfels, TX 78132

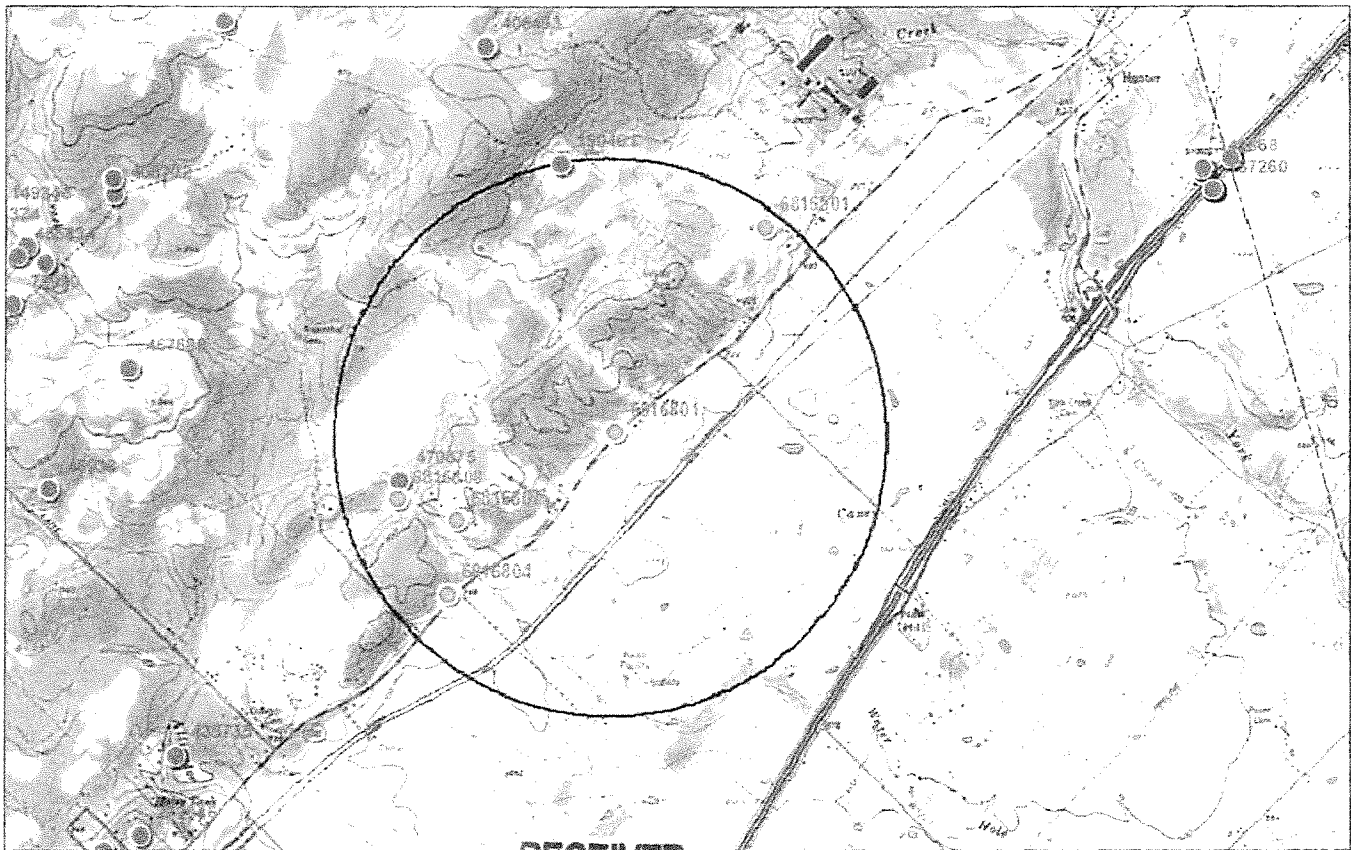
14. Grandon Eagan
1434 Havenwood Blvd
New Braunfels, TX 78132
15. Mark & Leigh Ferguson
1430 Havenwood Blvd
New Braunfels, TX 78132
16. Guarri General Contractors LLC
514 Eden Ranch Dr.
Canyon Lake, TX 78133
17. Gregg & Tara Moore
1422 Havenwood Blvd
New Braunfels, TX 78132
18. Richard & Carolyn Bentley
1418 Havenwood Blvd
New Braunfels, TX 78132
19. Richard & Denise Boehm
1414 Havenwood Blvd
New Braunfels, TX 78132
20. Nusha Bladinieres
1410 Havenwood Blvd
New Braunfels, TX 78132
21. & 22. Jefferey & Wendy Rogers
1312 Havenwood Blvd
New Braunfels, TX 78132
23. & 24. Southstar at Spencer Land LLC
1114 Lost Creek Blvd Ste 270
Austin, TX 787846
25. Level 3 Communications LLC
C/O Ryan LLC
2800 Post Oak Blvd
Houston, TX 77056
26. KTS Industrial Park LLC
6385 FM 1102
New Braunfels, TX 78132



TX2 Engineering
Firm F-20787
1659 State Hwy 46 West, Ste 115-438
New Braunfels, TX 78132
816-510-9151

- 27. Hunter Creek Enterprises LP
120 Colette Ln
Marion, TX 78124
- 28. ET New Braunfels LLC
8027 Forsyth Blvd
Saint Louis, MO 63105
- 29. State of Texas FBO Permanent School Fund
Asset Mgmt Division
1700 Congress Ave Ste 720
Austin, TX 78701

Well Report 1 Mile




**Texas Water
Development Board**

July 15, 2019

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 Well Reports **Higher Quality Applications Team**



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77

APP-0077
TEXAS WATER DEVELOPMENT BOARD

**Westridge Oaks WWTP
Technical Report
Attachment 1**

Domestic Technical Report 1.0

2. Treatment process description
 - a. Detailed description of the treatment process.

Collection System

Due to site characteristics and various site constraints, the collection system will consist of a septic tank effluent pump (STEP) system. There will be a 1,250-gallon capacity baffled septic tank with pumping system located on each lot. The septic tanks will settle out most of the solids from the waste stream and the remaining effluent will be pumped via a small diameter collection system to the central treatment system for treatment and disposal. 2" and 3" lines will convey the effluent to the treatment facility.

Orenco Advantex Treatment System

The wastewater treatment facility (WWTF) for both phases will be located as shown on the site plan. The treatment system will consist of an Advantex Treatment System manufactured by Orenco. The first phase will be designed to treat a design flow of 34,300 gallons per day of typical domestic wastewater. The design flow was calculated by the size of the proposed development, 193 homes. US census data for the area shows 2.69 people/ home, and the volume of water discharged to the facility, from historical data in the vicinity, of 66 gal/ person/ day.

The Advantex treatment system utilizes primary tanks, a recirculation tank, and packed bed filters. Solids settle in the primary tanks (located on each lot). The effluent is then pumped to an equalization tank located at the facility. The equalization tank is sized to handle three times the design flow, for a two-hour period. From there, the effluent is filtered into a recirculation or blending tank. The wastewater effluent is pumped from the recirculation tank to the textile filter system and returned to the splitter valve at the head of the recirculation tank. A portion of the filtered wastewater is recirculated back through the recirculation tank via the recirculating splitter valve. The remainder of the effluent is disinfected and pumped to the discharge point.

Chlorine Contact Tank

The chlorine contact tank is sized to handle the peak design flow for 20 minutes. The residual chlorine after the contact chamber will be 1-4 mg/L.

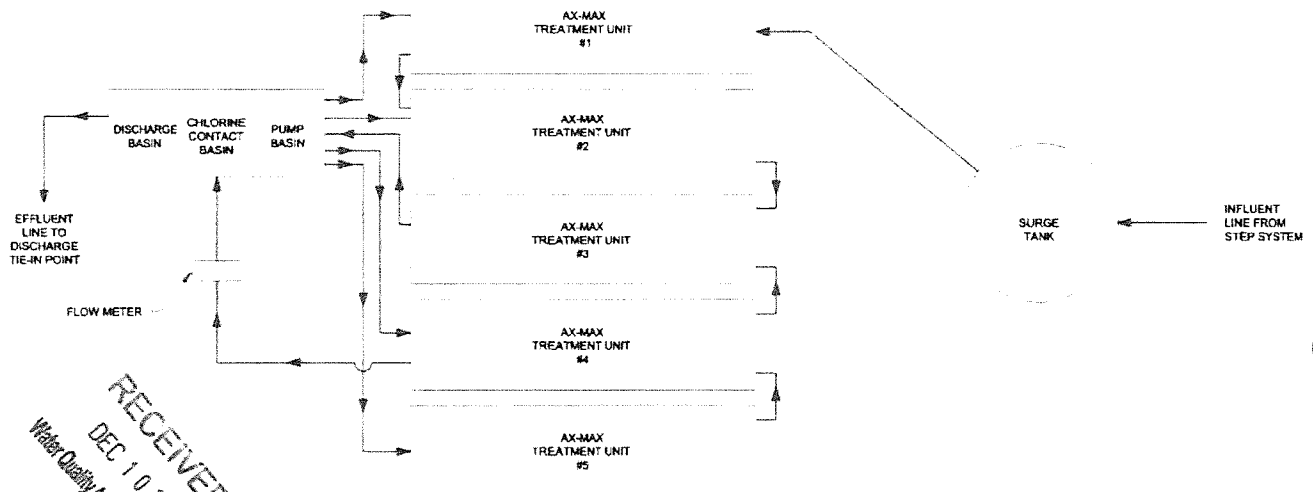
- b. Treatment Units

Treatment Unit Type	Number of Units	Dimensions (L' x W' x D')
AX-Max 300 - Treatment	5	42 x 7.5 x 8
Control and Ventilation	1	8 x 16 x 8

Building		
AX-Max - Chlorine Contact and Dosing Chamber	1	42 x 7.5 x 8
Equalization Tank	1	12' dia x 12' tall

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WESTRIDGE OAKS WASTEWATER PROCESS FLOW DIAGRAM ATTACHMENT 2



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WATER
Services, Inc.

D:\IWS_D\Westridge Oaks\Process Flow Diagrams\2019 351 PM 0 E

WESTRIDGE OAKS SITE LAYOUT ATTACHMENT 3

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N

300 ft

Plant Footprint: 150'
x 100'

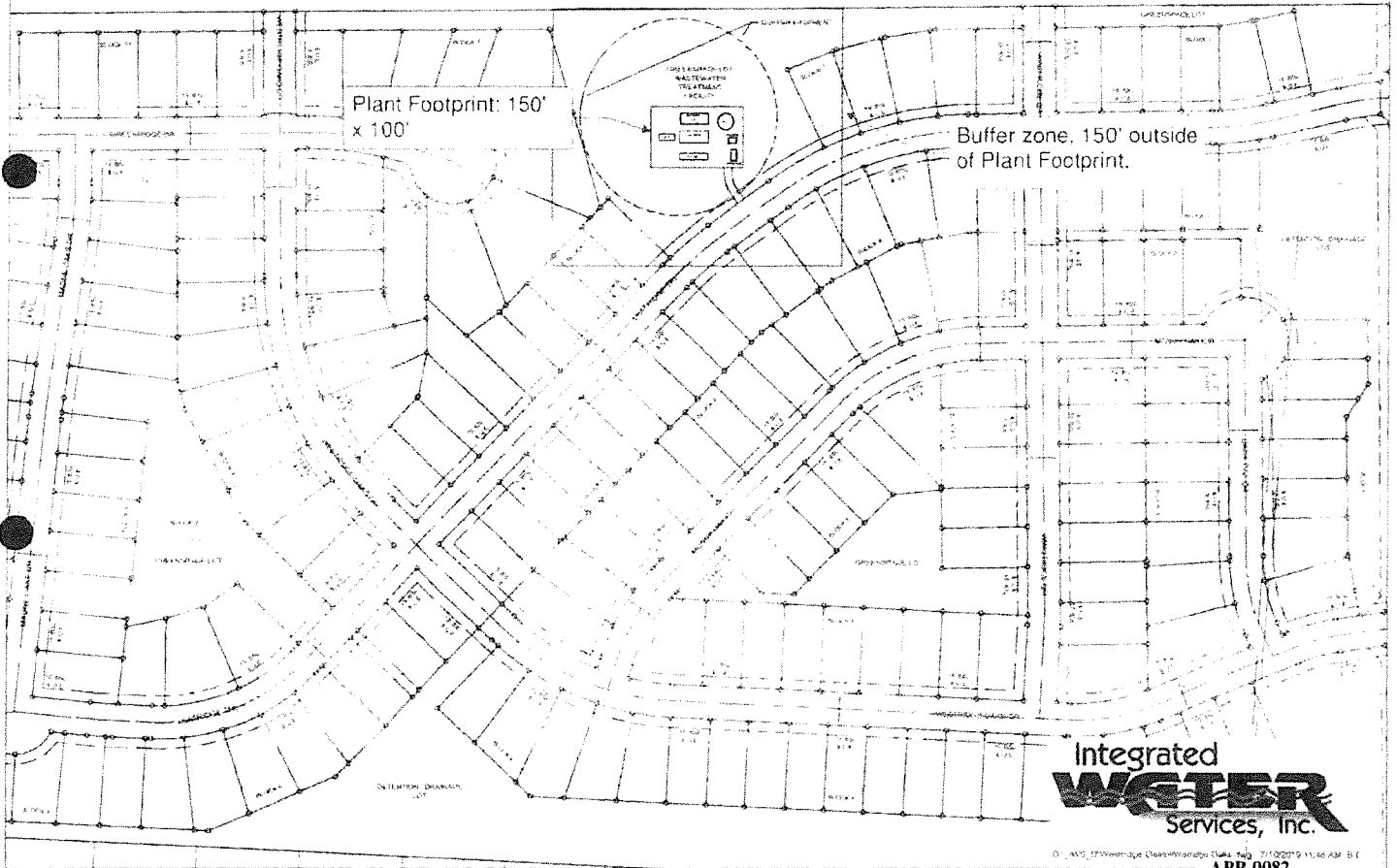
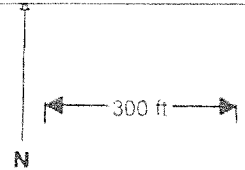


Buffer zone 50' outside
of Plant Footprint

Integrated
WATER
Services, Inc.

APP-0081

WESTRIDGE OAKS SITE LAYOUT ATTACHMENT 3



WESTRIDGE OAKS
CONCEPTUAL LAYOUT
ATTACHMENT 3

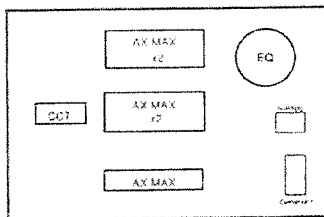
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Buffer zone, 150' outside of Plant Footprint.

GREENSPACE LOT
WASTEWATER
TREATMENT
FACILITY



BLOCK 7

15' BSL
& U.E.

15' BSL
& U.E.

BLOCK 7

N

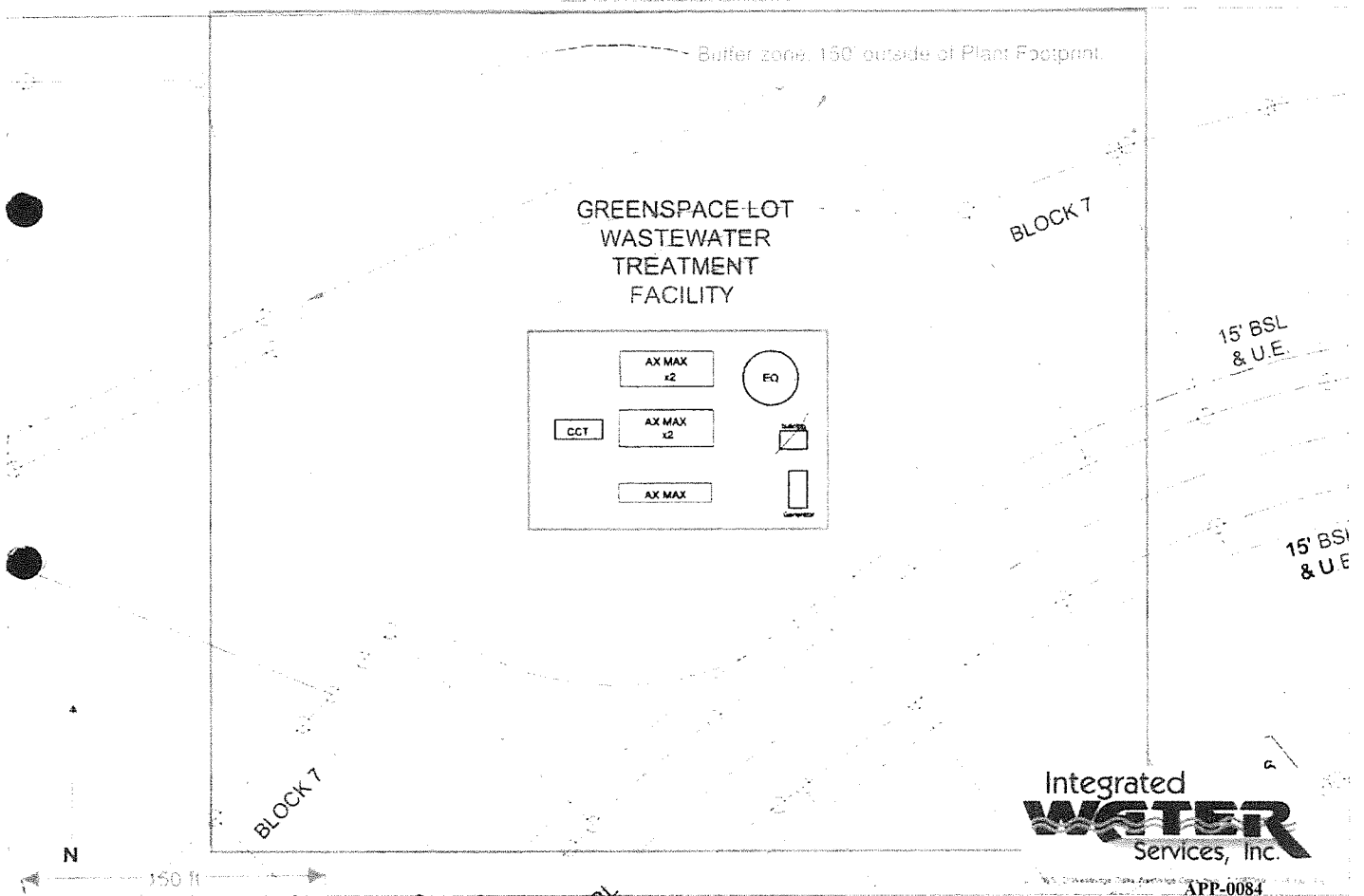
150 ft

Integrated
WATER
Services, Inc.

D:\100\0 Westridge Oaks\Westridge Oaks.dwg, 7/10/2019 11:46:58 AM

APP-0083

WESTRIDGE OAKS CONCEPTUAL LAYOUT ATTACHMENT 3



**WESTRIDGE OAKS
TCEQ DOMESTIC WASTEWATER PERMIT APPLICATION
DESIGN CALCULATIONS AND PLANT FEATURES**

ATTACHMENT 4

4. DESIGN CALCULATIONS

Wastewater Characteristics

Influent Quality Characteristics - The influent sewage used for design purposes is as follows:

<u>Parameter</u>	<u>Concentration</u>
BOD ₅ - Raw Wastewater	300 mg/l
Following STEP system	150 mg/l
TSS - Raw Wastewater	240 mg/l
Following STEP system	40 mg/l

Flow

Influent Flow Characteristics - The plant process and hydraulic design for this facility is as follows:

	<u>Gallons Per Day</u>	<u>Gallons Per Minute</u>
<u>All Phases</u>		
Average Daily Flow (Qave)	34,300	24
Peak 2-Hour Flow (Qpk)	137,200	96

Process Design

The treatment plant will be designed to produce an effluent quality in compliance with the proposed permitted parameters of: CBOD₅ < 20 mg/l; TSS < 20 mg/l; Chlorine Residual = 1 to 4 mg/l following 20 minutes detention time at peak flow. In order to achieve these limits, the system will consist of a recirculating textile filter system. Wastewater effluent will be conveyed from primary tanks located on each lot to the treatment facility. Treatment will be provided by AdvanTex Textile filters in accordance with the manufacturer's (Orenco Systems, Inc.) recommendations. The design of the system is based on the AdvanTex Design Criteria Design Manual for Commercial and Multi-Family Applications: AX Max (enclosed). Components, design basis and sizing are as follows:

All Phases

Treatment Units	Design Basis	Recommended	Actual Provided
AX-Max Treatment Units - Hydraulic loading	25 gpd/ft ² (ave) Each unit = 300 ft ²	4.57 AX300 Units (34,300/25/300)	5 Units

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APP-0085

AX-Max Treatment Units - BOD ₅ loading	.04 lbs/ft ² or 12 lbs per unit	3.34 AX300 Units (34,300*140*3.78/453000/12)	5 Units
Chlorine Contact Chamber	20 min @ Qpk	1920 gal 20 min * 96 gpm	2200 gal
Equalization Tank	2 hours @ Qpk	5760 gal 120 min * 96 gpm	8900 gal

Provisions are made to include an alkalinity feed system in the event that the wastewater influent is alkalinity limited.

Controls

The system will be operated with an Orenco TCOM control panel. The panel will be capable of controlling the normal operating requirements of the system. It can be monitored and adjusted on-site or remotely utilizing HyperTerminal.

Operational Requirements

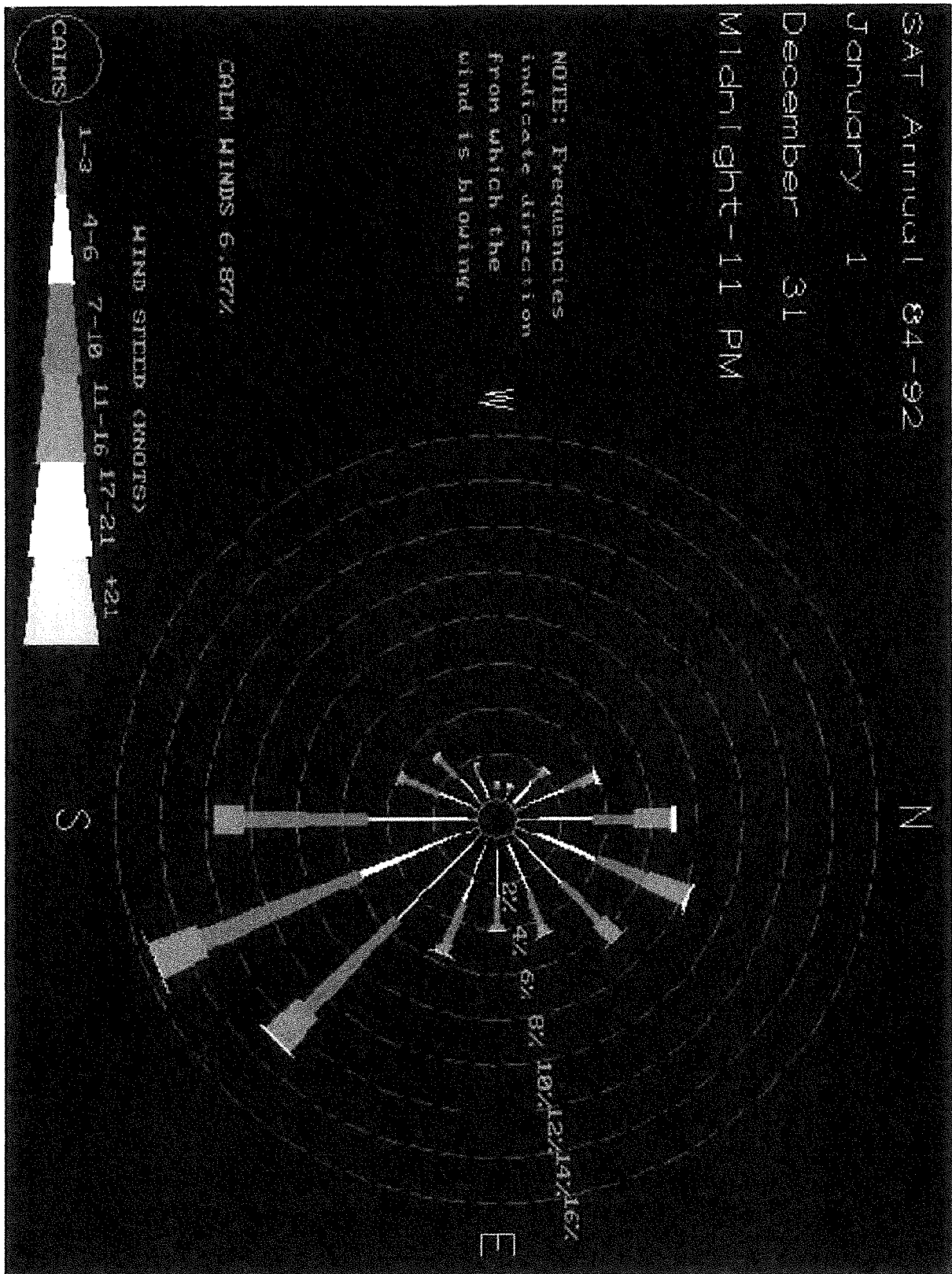
Canyon Lake Water Service Company will provide operation and maintenance at the treatment facility. The operator will also be responsible for taking samples, sending the samples to appropriate laboratories, and completing the DMRs.

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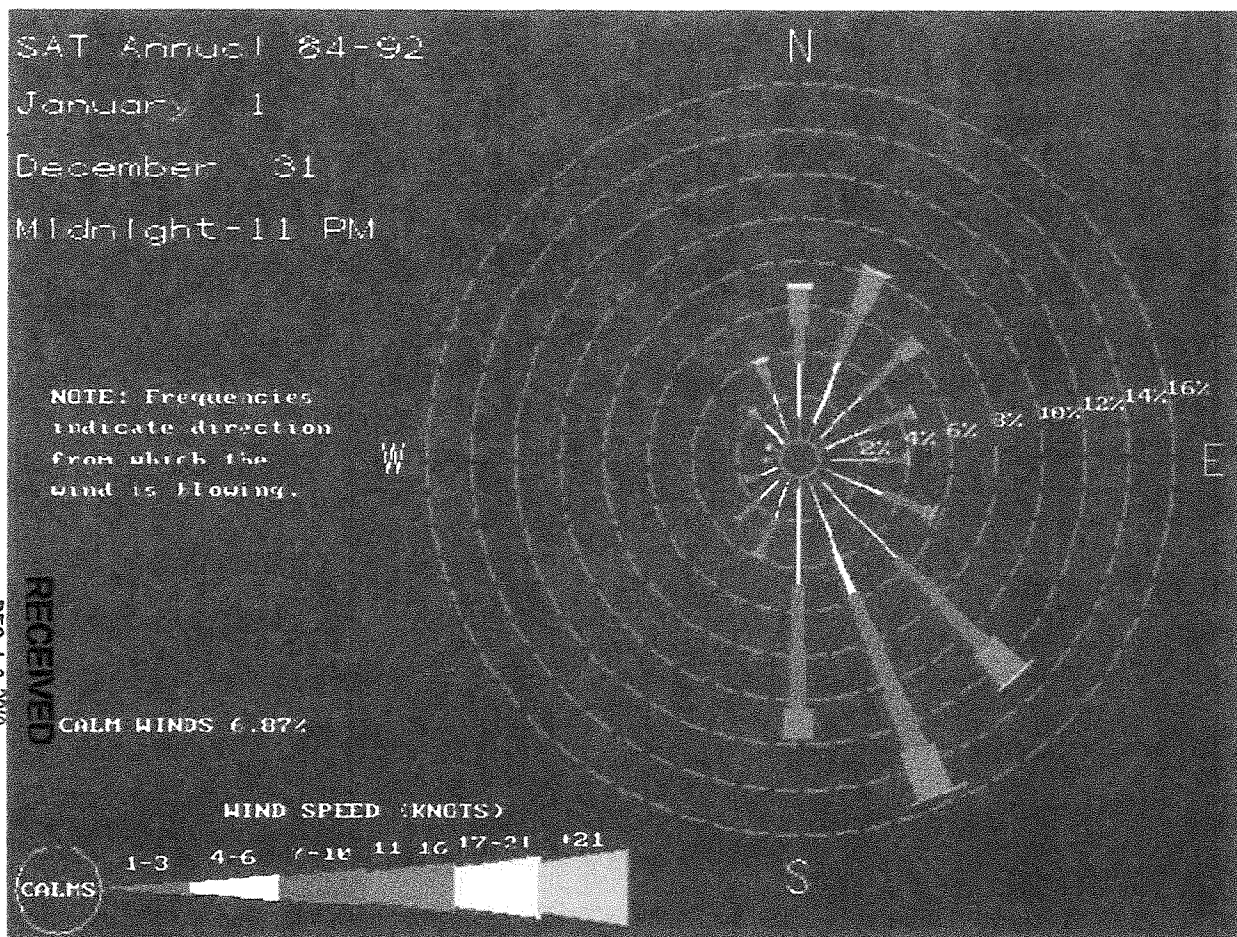
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Westridge Oaks - Technical Report 1.1 - Attachment 5 - Windrose



Westridge Oaks - Technical Report 1.1 - Attachment 5 - Windrose



**Sewage Sludge Solids Management Plan
Westridge Oaks
Attachment 6**

a) The dimensions (length x width x height) and capacities (gallons or cubic feet) of all sewage sludge handling and treatment units and processes.

The collection system consists of a septic tank effluent pump system (STEP). Each lot will have a 1,250-gallon step tank with floats and pump to convey effluent only (no sludge), to the treatment facility. The sludge from the wastewater will accumulate in the septic tanks located on each residential lot.

b) b. Calculations showing the amount of solids generated at design flow and at 75%, 50%, and 25% of design flow.

Anticipated sludge volumes and expected pump intervals can be calculated based on the Public Health Service Studies to estimated septage pumping intervals (By Weibel, Bendixen and Coulter, 1955, with 95% confidence) and is as follows:

Rate of scum accumulation - $R_{scum} = 5.24t + 12.04$ / person

Rate of sludge accumulation - $R_{sludge} = 8.15t + 38.82$ / person

Estimating a typical pumping interval of 7 years, the volume of sludge and scum are calculated as follows:

$R_{scum} = (5.24(7) + 12.04) * 2.69$ persons = 131.1 gallons

$R_{sludge} = (8.15(7) + 38.82) * 2.69$ persons = 257.9 gallons

Total accumulation per unit = 389 gallons per 7 years

Accumulation every 7 years = 389 gal/ unit * 119 units = 46,291 gallons

c) Operating range for mixed liquor suspended solids in the treatment process based on the design flow and the projected actual flow expected at the facility.

Not applicable as sludge production is not part of treatment process. Please see response b) above for sludge accumulation in STEP system.

d) Description of the procedure and method of solids removal from both the wastewater and sludge treatment processes.

The solids will be captured in the 1,250-gallon STEP tanks located on each lot. The rate of sludge accumulation is shown above in the response to b). The STEP tanks will be emptied via vacuum truck, after which will be disposed of at a registered and properly permitted landfill.

e) Quantity of solids to be removed from the process and schedule for removal of solids designed to maintain an appropriate solids inventory.

The quantity removed and schedule for removal of solids is discussed above in the response to b).

f) Identification and ownership of the ultimate disposal site and a system of documenting the amount of solids disposed of, recorded in dry weight.

To be disposed at the Mesquite Creek Landfill. Amount of sludge pumped and hauled will be tracked and documented.

g) If the treatment system uses facultative lagoons, provide calculations describing the design life of the sludge holding volume in the lagoons. Provide the location and depth of any monitoring wells located in the area of, and adjacent to, the facultative lagoons. Describe how the sludge will ultimately be disposed of when the design life of the facultative or other lagoons is reached. An example of a sewage sludge solids management plan has been provided as Example 5.

Does not apply.

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EXH
01

AERIAL PHOTOGRAPHY
WESTRIDGE OAKS WWTP



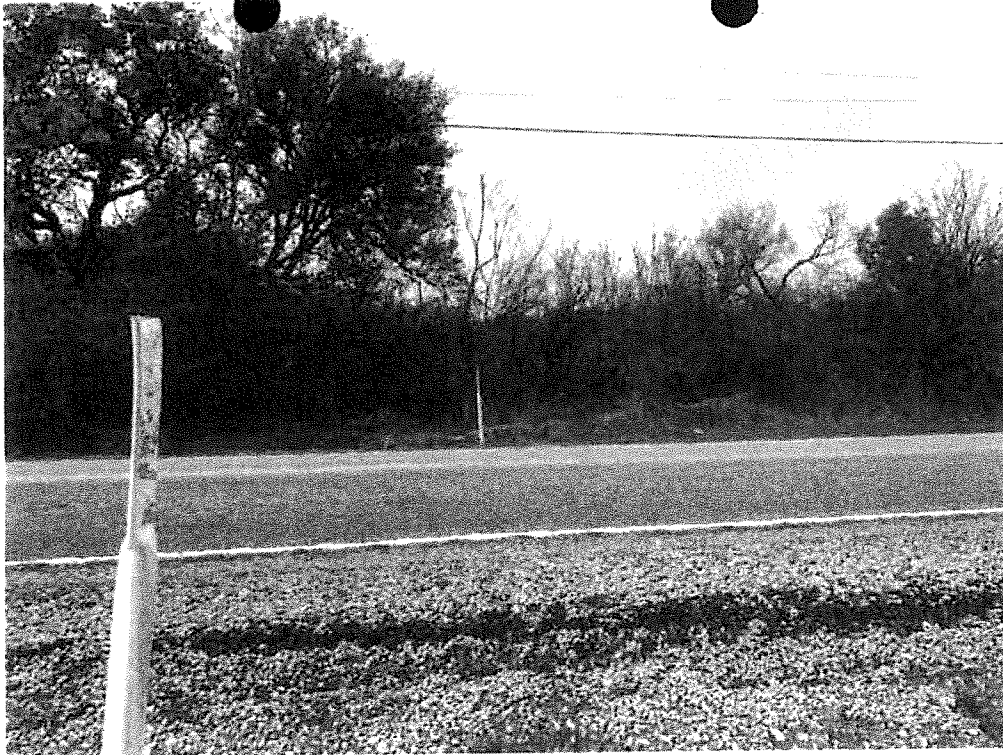
2019



TX2 ENGINEERING
FIRM # 20167

CONTACT
1659 STATE HWY 46 WEST, STE 115-436
NEW BRAUNFELS, TX 78132

TEL: (817) 510-9101
APP-0091



PICTURE 1: UPSTREAM OF DISCHARGE POINT



PICTURE 2: DOWNSTREAM OF DISCHARGE POINT

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EXH
02

SITE PHOTOGRAPHY
WESTRIDGE OAKS WWTP

02



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FORM # 20187

CONTACT
1808 STATE HWY 48 WEST, STE. 115-438
NEW BRUNSWICK, NJ 08901

TEL: (810) 510-9151

APP-0092

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PICTURE 3: DOWNSTREAM OF DISCHARGE POINT

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SMEL

EXH
03

SITE PHOTOGRAPHY
WESTRIDGE OAKS WWTP



TX2 ENGINEERING
FIRM # 20787
CONTACT
1609 STATE HWY 46 WEST, STE 115-428
NEW DRAINFIELDS TX 78132
TEL (816) 516-3-51
APP-0093

2019

Exhibit APP-2

CHECK LIST FOR ADMIN REVIEW OF MUNICIPAL APPLICATION FOR PERMIT

Permit No. WQ00 <u>15843 001</u>	TX <u>0139785</u>	MGD <u>0.0543</u>
CN <u>605 729 961</u>	RN <u>110 910 254</u>	County: <u>COMAL</u> Region No. <u>13</u>
Facility: () Major (X) Minor	App Rcvd Date: <u>12/10/19</u>	Permit Expiration Date:
(X) Inactive () Active	Segment No. <u>1808</u>	

Note: A minor facility is generally one in which the final flow is less than 1.0 MGD.

Application Review Date: 12/11/2019

☒ A copy of the **pre-tech review** was provided by the Municipal Permits Team (for new, major amendments and major facilities).

☒ A copy of the **groundwater review** was provided (for TLAP new, major amendment, SADD minor amendment, and all applications with (or proposing) Class B sludge provisions).

☒ For new and major amendment applications that propose surface water discharge, the standards review for RWA comments is included.

☒ Coastal Zone sheet is included. - NO

Fees or Penalties Owed: ☒ No ☐ Yes Amount Owed: _____

SECTION 1 APPLICATION FEES

Application Fees: The appropriate item checked and payment verified in receipt rpt or booxi rpt. Note: copies of checks should be removed and shredded.

Municipal Fees

Proposed/Final Phase Flow	New/Major Amend.	Renewals	Minor Amendment or Modification <i>without</i> Renewal
< .05 MGD	<input type="checkbox"/> \$350.00	<input type="checkbox"/> \$315.00	<input type="checkbox"/> \$150.00 (for any flow)
≥ .05 but < .10 MGD	<input type="checkbox"/> \$550.00	<input type="checkbox"/> \$515.00	
≥ .10 but < .25 MGD	<input type="checkbox"/> \$850.00	<input type="checkbox"/> \$815.00	
≥ .25 but < .50 MGD	<input type="checkbox"/> \$1,250.00	<input type="checkbox"/> 1,215.00	
≥ .50 but < 1.0 MGD	<input type="checkbox"/> \$1,650.00	<input type="checkbox"/> 1,615.00	
≥ 1.0 MGD	<input type="checkbox"/> \$2,050.00	<input type="checkbox"/> 2,015.00	

SECTION 2 TYPE OF APPLICATION

☒ The Type of application is marked

☒ Reason for amendment or modification (if applicable). Also, check Tech. Report 1.1 Section 4 on page 3 (Unbuilt Phases) and Section 1.A on page 20 (Justification of permit need).

SECTION 3 FACILITY OWNER (APPLICANT) AND CO-APPLICANT

☒ Legal name of applicant is listed (*the owner of the facility must apply for the permit*)

☒ Legal name of co-applicant is listed (*if required to apply with facility owner*)

☒ Core Data Form (CDF) is provided. A separate CDF is required for each customer.

Section I – General Information

☒ Reason for submittal is marked.

☒ Customer (CN) and Regulated Entity (RN) Reference Nos. provided – verify with Central Registry

Section II – Customer Information

☒ Customer legal name is provided and it matches name on admin report

☒ Texas SOS/Filing number is provided – verify with SOS

☒ Texas State Tax ID is provided – verify with Texas Comptroller

☒ Type of customer is marked – refer to information below

☒ **Corporation:** Check with Secretary of State (SOS) at: <https://direct.sos.state.tx.us/acct/acct-login.asp> verify the entity status and charter number – print page. Verify correct legal spelling of applicant's name. Check spelling with SOS against the name listed in the application. (Permit must be issued in name as filed with SOS.) The applicant must be **"In existence and active"** before the application can be processed further.

☐ **Those entities subject to state franchise taxes:** If applicable, check with Comptroller (website at: <http://ecpa.cpa.state.tx.us/coa/coaStart.html>. Verify the tax identification number is correct. Note: Non-profit organizations and partnerships are not subject to the state franchise tax.

☐ **Individual: Complete Attachment 1 of Admin. Report 1.0** The complete legal name, including the middle name; and all other information is required. This info is required by Chapter 26.027C of the Texas Water Code. A separate form is required for each individual.

☐ **Utility District:** Check IWUD to verify that district is not dissolved (inactive is O.K. to process)

☐ **Trust:** A copy of an executed trust agreement is provided. Verify that applicant's name is the same as the name in the trust agreement. NOTE: Executed trust must show signatures of trustees or beneficiaries forming the trust and which county it is recorded in.

☐ **Partnership:** Verify with Secretary of State (SOS) that partnership is registered, active, and has a filing number. Check spelling with SOS against the name submitted in Item 1; Check that SOS # is correct; Print page from SOS website. OR if the partnership is not listed with the SOS, a copy of the partnership agreement is provided by the applicant. The agreement must: give the name of the partnership as provided on the application for permit; list names of partners; bear signatures of the partners; state the terms of the partnership; and must be recorded in the county where the facility (plant) is located.

☐ **Municipality/Governmental Agencies/School Districts:** City, County, ISD, Fed, etc. – applicable info is listed.

☐ Other _____

☒ Number of employees is marked

☒ Customer role is marked

☒ Mailing address for the applicant is provided - verify on USPS website. This address is used on the permit.

☒ Email address is provided

☒ Telephone number is provided

Section III – Regulated Entity Information

☒ Regulated Entity Name is provided and it matches name on admin report

☒ Street address or location description of facility is adequately described. If different from current permit, new permit may be required. Use USPS website/GIS mapping to confirm street address

☒ The county where the facility is located is provided

☒ The name of the nearest city is provided

☒ The zip code is provided

☒ The longitude and latitude of the facility is provided – check mapit

☒ Primary SIC Code is provided

☒ Permit No. listed under appropriate programs- if not listed, add it

Section IV – Preparer Information

☒ Name, title, telephone number, and email address is provided

Section V – Authorized Signature

☒ Company name, title, printed name, phone number, signature, and date provided

SECTION 4 APPLICATION CONTACT INFORMATION

☒ Administrative and Technical contact name, address, electronic information provided

SECTION 5 PERMIT CONTACT INFORMATION

☒ Permit (2) contact names, addresses, electronic information provided

SECTION 6 BILLING INFORMATION

☒ Billing contact name, address, electronic information provided

SECTION 7 REPORTING INFORMATION

☒ DMR/MER contact name, address, electronic information provided

SECTION 8 NOTICE INFORMATION

☒ **Minor Amendment without Renewal** – NORI not required. Skip review of notice information.

☒ Name, address and phone number of one person responsible for publishing NORI is provided

☒ Method of sending NORI package is provided

☒ Name and phone number of contact to be in NORI is provided

☒ Location where application will be available is provided and is in the county where the facility is located - the location must be a building supported by taxpayer funds. Note: If discharge is directly into water body that borders two counties, application must be placed in a public facility in both counties and the notice must be published in both counties

☒ Bilingual Items 1 – 5 are completed. If “Yes” to question 1 and “Yes” to either question 2, 3 or 4, then e.5 must be completed

SECTION 9 REGULATED ENTITY and PERMITTED SITE INFORMATION

☒ Permit No. and Expiration date is listed, if not, verify with permit or PARIS

☒ Name of project or site is provided. Should correspond to Item 22 on CDF.

☒ Owner of the facility identified in the application is the same as the name given in Section 3.A

NOTE: THE OWNER OF THE FACILITY IS REQUIRED TO APPLY FOR THE PERMIT

(Refer to legal policy memo for complete definition and discussion of facility.)

☒ Marked whether ownership of the facility is public, private or both

☒ Owner of the land where permitted facility is or will be located is the **SAME** as the applicant.

☒ The owner of the land on which the facility is located is **DIFFERENT FROM** the owner of the facility: A copy of a lease agreement or easement, with a term for the duration of the permit, between applicant and landowner, has been provided. See Lease Agreement/Easement Memo dated 2/14/06, that states that a lease is sufficient for pond systems, and that details the provisions that a lease agreement or easement must contain. OR, landowner can apply as a co-permittee. Lease must identify property by legal description or map.

Effluent Disposal Site Owner:

☒ N/A - (no effluent disposal proposed)

☒ If land disposal is authorized in permit or proposed, the applicant **OWNS** land on which site is located

☒ If applicant **DOES NOT OWN** land where site is located, a long-term lease agreement is provided which includes: a term of at least 5 years; is current or it includes an option to renew the term; is between the current applicant and the landowner; and includes description of property by legal description or map.

(For new TLAP permits only: A copy of an executed option to purchase agreement may be provided to show that applicant will have ownership of the land upon permit approval.)

Sewage Sludge Disposal Site Owner:

☒ N/A - (no sludge disposal proposed)

☒ If sludge is authorized in permit or proposed, the applicant **OWNS** land on which disposal site is located, otherwise lease is needed unless Class B sludge is land applied. Check the permit under Sludge Provisions to determine if sludge is authorized. Note: For BLU sludge application – lease is not needed; Landowner just needs to sign sludge affidavit (if different from applicant)

If sludge disposal is proposed or authorized in the permit, the applicant must also submit the applicable sludge forms.

SECTION 10 DISCHARGE INFORMATION

~~NEW~~ ☒ Checked if treatment facility location in permit is correct.

~~NEW~~ ☒ Checked if discharge info in permit is correct. If applicable, the discharge route description is adequately described and describes the discharge route to the nearest major watercourse. Changing the point of discharge and route from the current permit description requires a major amendment

☒ The name of the city (or nearest city) where the outfall(s) is/will be located has been provided

☒ The county where the outfall is located is provided

☒ The longitude and latitude of the outfall is provided

☒ Marked item regarding authorization for discharge into a city, county, or state ditch. If applicable, correspondence is provided. Email TXDOT if discharge is to a state highway right-of-way or roadside ditch.

☒ For a daily average flow of 5 MGD or more: the names of all counties located within 100 miles downstream from the point of discharge. These counties will be listed on contact sheet.

SECTION 11 DISPOSAL (TLAP) INFORMATION

☐ The written location description of the disposal site is adequately described. (NOTE: A CHANGE IN LOCATION OR INCREASE IN ACREAGE REQUIRES A MAJOR AMENDMENT. A decrease in acreage may also be a major amendment (due to flow rate) - check with permit writer)

☐ The name of the city (or nearest city) has been provided

☐ The county where the disposal site is located is provided

☐ The longitude and latitude of the disposal site is provided

☐ The written flow of effluent from the facility to the effluent disposal site is adequately described

☐ The nearest watercourse to the disposal site is listed

SECTION 12 MISCELLANEOUS INFORMATION

☒ Identified whether or not facility or discharge are on Indian land (If yes, we do not have permit authority.)

☒ For permits that allow sewage disposal the location description is adequately described. For an already-existing permit, check to see that the location has not changed

☒ Must indicate whether any former TCEQ employees who were paid for services regarding this application

☒ Fees or Penalties Owed: ☒ No ☐ Yes - See page 1 of checklist

SECTION 13 ATTACHMENTS

☒ Lease agreement or deed recorded easement, if the land where the treatment facility is located or the effluent disposal site are not owned by the applicant or co-applicant

☒ An ORIGINAL or equivalent FULL-SIZED USGS 7.5 minute topographic map (8½ x 11 acceptable for amendment and renewal applications) is provided and labeled showing: ☒ applicant's property boundary ☒ treatment facility boundaries ☒ point of discharge ☒ highlighted discharge route for three miles downstream or until it reaches a classified segment ☒ scale, ~~map~~ effluent disposal site(s) ~~pond(s)~~ ~~sludge~~ disposal/land application site ☒ an area of not less than one mile in all directions of the site

All original or equivalent full sized maps must show:

☒ Color map ☒ Clear contour lines ☒ Upper left corner must identify map as USGS Department of the Interior Geological Survey ☒ Lower left corner, datum & project information ☒ Bottom, magnetic declination ☒ Bottom, must show scale ☒ Bottom, identify contour intervals ☒ Bottom, national map accuracy std. statement ☒ Bottom, show State of TX and quad location ☒ Around map, lat and long coordinates ☒ Bottom, quadrangle name ☒ Bottom, must identify map date

SECTION 14 SIGNATURE PAGE

Note: The signature information below lists the proper signatories for the various entities and the current version of the application contains a paragraph referencing 30 TAC 305.44. The person signing the application verifies that he or she is authorized, under this rule, to sign the application. We must verify that the title meets the requirements or signatory authority has been delegated.

☒ Original Signature Page is required.

☒ Signature must be properly notarized – check that signature date and notarized date are the same.

Owner Co-Permittee

- ☐ ☐ City - Elected official or principle executive officer of the city may be public works director.
☐ ☐ Individual: only the individual signs for himself/herself.
☐ ☐ Partnership: General Partner or exec officer
☒ ☐ Corporation: at least level of VP (CEO, Chairman of Board, Secretary can be equiv. to V.P., Member or General Manager for LLC, Manager of one or more manufacturing, production, or operating facilities employing more than 250 persons - refer to 30 TAC 305.44)
☐ ☐ Utility District: at least the level of vice president, on Board of Directors or District Manager
☐ ☐ Water Authority: Regional managers.
☐ ☐ Independent School Districts: at least level of the Assistant Superintendent or board members.
☐ ☐ Governmental Agencies: Division Directors or Regional Directors.
☐ ☐ Trust: The trustee that has been identified in the trust agreement.
☐ ☐ Other: _____

ADMIN REPORT 1.1 For All New or Major Amendment Applications**SECTION 1 Affected Landowner Information -****Landowner Map:**

- ☒ The applicant's complete property boundaries are delineated which includes boundaries of contiguous property owned by the applicant
- ☒ For domestic facilities, show the buffer zone and identify all of the landowners whose property is located within the buffer zone
- ☒ The property boundaries of the landowners surrounding the applicant's property have been clearly delineated on the map
- ☒ The location of the facility within applicant's property is shown.

For TPDES applications:

- ☒ The point(s) of discharge is clearly identified on the map and the discharge route(s) is highlighted.
- ☒ The scale of map is provided to measure one mile downstream or if discharge is into a lake, bay estuary, or affected by tides, 1/2 mile up & down stream is measured.
- ☒ The property boundaries of landowners adjacent to the discharge route(s) for one mile downstream from the point of discharge have been clearly delineated and the route is clearly delineated. OR If discharge is into a lake, bay estuary, or affected by tides, the property boundaries of landowners 1/2 mile up & downstream and those property owners across the lake along the shore line that fall within a 1/2 mile radius of the point of discharge are clearly delineated on the map.

For TLAP applications (i.e., irrigation, evaporation, etc.):

- ☒ The boundaries of the disposal site is clearly identified on the map.
- ☒ The boundaries of all landowners surrounding the disposal site.
- ☒ Cross-referenced list of landowners is provided.
- ☒ Disk or four sets of labels were provided
- ☒ Source of landowners' info was provided.
- ☒ Provided response regarding permanent school fund land. If information filled out on General Land Office, then indicate so on the contact sheet.

SECTION 2 Original Photographs

- ☒ The original (color) ground level photos of treatment unit area, disposal or discharge areas (2 photos - one upstream, one downstream) have been provided
- ☒ Plot plan or map showing location and direction of each photo

SECTION 3 Buffer Zone Map

☒ Buffer zone map (8 1/2 by 11): The permit writer will review this during the pre-tech review. Any deficiencies will be addressed by them.

SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)

☒ SPIF is provided - TPDES only

TECHNICAL REPORT – MUNICIPAL/DOMESTIC APPLICATIONS

☒ Minor Amendment *without* Renewal. Review not required. Just make sure report is provided.

THE FOLLOWING ITEMS APPLY TO ALL APPLICATIONS:

New - ☒ The existing permitted design flow (including all permit phases) is indicated

☒ If flow indicated is greater than permitted, a major amendment is required.

☒ If flow amount is less than permitted amount, confirm with applicant that they are requesting to reduce the flow.

☒ For facilities that have not been constructed the anticipated construction and operation dates are provided for all phases.

☒ Site Drawing must be submitted (*see email from Lana 1/10/2019*).

☒ The permit authorizes irrigation/evaporation/subsurface disposal method and the information has been addressed in the technical report. Verify the acreage. If the acreage has changed from what is currently permitted, a major amendment is required.

The applicable worksheets must be completed:

☒ Worksheet 3.0 - required for land disposal of effluent

☒ Worksheet 3.1 - required for land disposal (new and major amendment only)

☒ Worksheet 3.2 - required for subsurface land disposal (new and major amendment only)

☒ Worksheet 3.3 - required for subsurface area drip dispersal systems (SADDS) (new and major amendment); may be required for renewal on a case-by-case basis.

☒ SADDS Applications: Compliance history items must be completed for SADDS disposal. When the application is administratively complete, a copy of the application and a transmittal letter must be sent to the State Department of Health Services. See the folder titled "SADDS" (under the Individual Permit Review folder) for a template of the letter.

☒ Worksheet 7.0 – required for SADD applications (new and major amendment only) - We do not review the form; we just make sure that it is submitted. If it is not submitted, request it in a NOD.

☒ Sludge disposal and/or land application is authorized in the permit on property owned or under applicant's control. If facility is beneficially applying class B sludge on the same site as the facility, the applicant must submit the Beneficial Land Use of Sewage Sludge (Class B) Permit Application - Form No. 10451 (See Class B Sludge Permit checklist). The applicant must also submit the appropriate sludge application fee.

If authorization is for sludge processing, storage, disposal, composting, marketing and distribution of sludge, sludge surface disposal, or sludge monofill or for temporary storage in sludge lagoons, the applicant must submit the Domestic Wastewater Permit Application: Sewage Sludge Technical Report – Form No. 10056.

Check for:

☒ required signatures (if applicable)

☒ site acreage ☒ Acreage application area ☒ site boundaries shown on USGS map

Notes: If the applicant is disposing or land applying sludge on land owned or under their control, but it is not authorized in their permit or by any other TCEQ authorization, a major amendment is required.

If the application is for a new permit or major amendment, then you need to check for the appropriate affected landowner requirements.

- ☒ Worksheet 6.0 must be addressed if a domestic facility is labeled as public or both, (not required for federal agencies or water treatment plants)

THE FOLLOWING ITEMS ONLY APPLY TO MINOR RENEWAL APPLICATIONS:

- ☐ The type of treatment plant has been indicated.
- ☐ The list of units and their dimensions have been provided
- ☐ The flow diagram has been provided.
- ☐ The required grab sample test results have been provided for all constituents - *not required if plant not operational.*
- ☐ Sludge disposal is authorized off site, and the ultimate sludge disposal method has been identified.
- ☐ Worksheet 2.0 - For TPDES permits - the stream data has been addressed.
- ☐ Worksheet 4.0 - For discharge permits: If the applicant has a permitted phase equal to or greater than 1 MGD or more than one phase, and interim or final phase(s) that have not been constructed has a flow equal to or greater than 1 MGD, the applicant must perform the all of the required effluent testing to renew that phase.

WHEN APPLICATION IS NOT ADMINISTRATIVELY COMPLETE:

- ☒ Complete NOD. See NOD SOP

WHEN APPLICATION IS ADMINISTRATIVELY COMPLETE:

- ☒ Complete NORI package. See NORI SOP
NORI not required for minor amendment. Complete the Routing and Contact (list "n/a" for item regarding person responsible for publication of the notice) Blue sheets only.
- ☒ Prepare SPIF forms (only for TPDES permits)
- ☒ checked application type
 - ☒ entered county name
 - ☒ entered administrative completeness date
 - ☒ ensured permit number is on form
 - ☒ *check agency receiving SPIF
- Minor amendments** - ALL agencies **BUT** Texas Historical Commission and Army Corps of Engineers
Renewals - All agencies **BUT** Texas Historical Commission
New and Major Amendments - All agencies
- ☒ check that the segment number (if known) is entered in receiving water body information.
 - ☒ On the accompanying map, delineate the discharge route in such a way that copies will reflect the highlighted discharge route.

***NOTE:** Copy of SPIFs not required for Houston - US Fish and Wildlife and Galveston-US Army Corps of Engineers

Admin Complete PARIS Entry and Other Reminders

WQ Folder - Application Search

Application Summary Tab—verify application info

Admin Review Tab

- ☒ Admin Review Begin Date
- ☒ Admin Complete Date
- ☒ SPIF
- ☒ NORI

Public Participation Tab – No longer required to enter public notice details. See Katherine's email dated 3/30/2017.

CR Folder – RE Search

AI Detail Screen—verify facility info

Enter Contact Info – Contact List

- ☒ Owner
- ☒ Applicant
- ☒ Technical
- ☒ Billing (To edit existing info – select Billing Maintenance)
- ☒ MER (TLAP only)
- ☒ Remove CN affiliation for MER contact (TLAP and TPDES)

OTHER

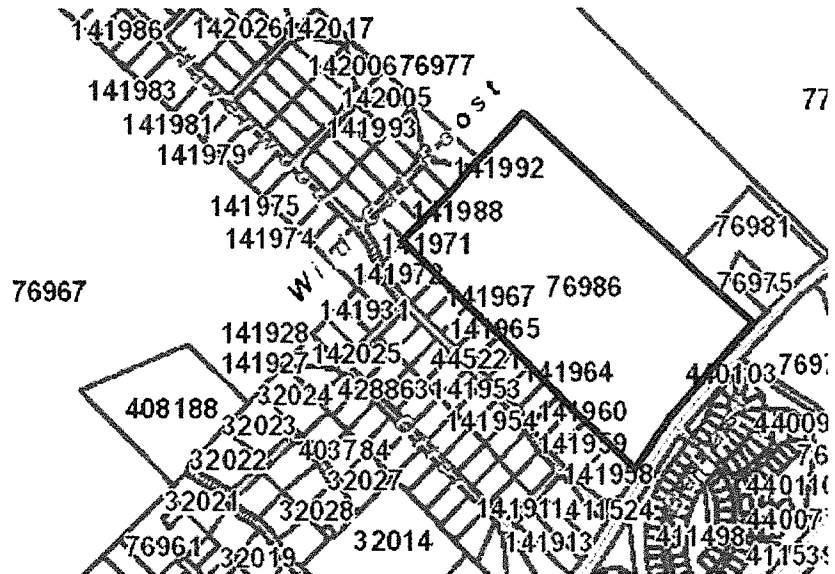
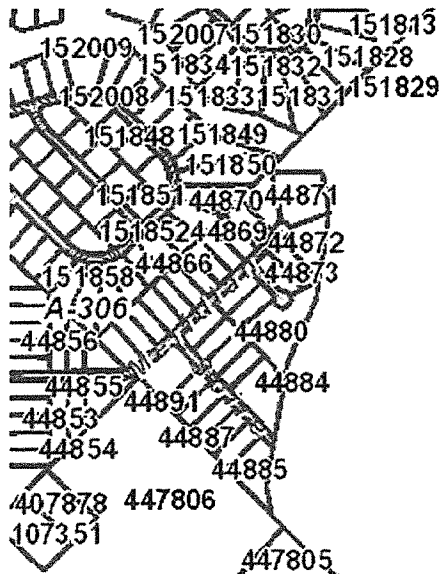
- ☒ Copy of notice and labels to I/Drive
- ☒ SADDs – Application to Dept. of Health Services
- ☒ Email TXDOT if discharge is to a state highway right-of-way or roadside ditch.

ATTACHMENT 2

Comal CAD Property Search

Property ID: 76986 For Year 2023

Map



Property Details

Account

Property ID: 76986

Geographic ID: 740306005500

Type: Real

Zoning:

Property Use:

Location

Situation Address: 6281 FM 1102 NEW BRAUNFELS, TX 78132

Map ID: 5L-A306-TR 14

Mapsc0:

Legal Description: A-306 SUR- 3 N KENNER, ACRES 68.9

Abstract/Subdivision: A0306 - A-306 SUR- 3 N KENNER

Neighborhood: RURAL5

Owner

Owner ID: 1064547

Name: CATALAUNIAN LLC

Agent:

Mailing Address: C/O APL (NEW YORK) CORPORATION
599 BROADWAY
8TH FLOOR
NEW YORK, NY 10012

% Ownership: 100.0%

Exemptions: For privacy reasons not all exemptions are shown online.

Property Values

Improvement Homesite Value:	\$0 (+)
Improvement Non-Homesite Value:	\$68,790 (+)
Land Homesite Value:	\$0 (+)
Land Non-Homesite Value:	\$2,790,350 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$2,859,140 (=)
Agricultural Value Loss: ⓘ	\$0 (-)
Homestead Cap Loss: ⓘ	\$0 (-)
Appraised Value:	\$2,859,140
Ag Use Value:	\$0

Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Property Taxing Jurisdiction

Owner: CATALAUNIAN LLC **%Ownership:** 100.0%

Entity	Description	Market Value	Taxable Value
046	COMAL COUNTY	\$2,859,140	\$2,859,140
046LR	COMAL COUNTY LATERAL ROAD	\$2,859,140	\$2,859,140

CAD	CAD	\$2,859,140	\$2,859,140
EDW	Edwards Water	\$2,859,140	\$2,859,140
ES7	(ESD7) COMAL COUNTY EMERGENCY SERVICES DISTRICT NO. 7 (EMS & FIRE)	\$2,859,140	\$2,859,140
SCIS	COMAL ISD	\$2,859,140	\$2,859,140
ZZZ	Credit	\$2,859,140	\$2,859,140

Property Improvement - Building

Description: RESIDENTIAL **Type:** RESIDENTIAL **State Code:** E1 **Living Area:** 590.00sqft
Value: \$68,790

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
AGF1	Attached Garage	*	WE		288.00
SEP1	Septic System	*		0	1.00
RES	Residential 1 Story	LOW	WE	1959	590.00
PC	Covered Porch (attached)	*	WE		130.00

Property Land

Type	Description	Acreage	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
RES	Residential	0.2900	12,632.40	0.00	0.00	\$11,740	\$0
RUR.AC	Rural Acres	68.6100	2,988,651.60	0.00	0.00	\$2,778,610	\$0

Property Roll Value History

Year	Improvements	Land Market	Ag Valuation	HS Cap Loss	Appraised
2023	\$68,790	\$2,790,350	\$0	\$0	\$2,859,140
2022	\$48,250	\$2,319,483	\$0	\$0	\$2,367,733
2021	\$42,110	\$1,308,000	\$5,760	\$0	\$53,380
2020	\$40,940	\$5,510	\$0	\$0	\$46,450
2019	\$47,680	\$5,510	\$0	\$0	\$53,190
2018	\$39,350	\$5,510	\$0	\$0	\$44,860
2017	\$43,730	\$5,510	\$0	\$0	\$49,240
2016	\$44,980	\$2,240	\$0	\$0	\$47,220

2015	\$45,290	\$2,240	\$0	\$0	\$47,530
2014	\$44,050	\$2,240	\$0	\$0	\$46,290
2013	\$38,090	\$2,240	\$0	\$0	\$40,330
2012	\$37,610	\$2,240	\$0	\$0	\$39,850

Property Deed History

Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Number
10/27/2021	SWD	SPECIAL WARRANTY DEED	HIGHBRIDGE CONSULTANTS LLC	CATALAUNIAN LLC	202106056535		202106056535
1/8/2021	WDVL	WD W/VENDORS LIEN	HUNTER CREEK ENTERPRISES LP	HIGHBRIDGE CONSULTANTS LLC	202106002169		202106002169
9/1/2009	WD	WARRANTY DEED	HARBORTH KERMIT G &	HUNTER CREEK ENTERPRISES LP	201006011832		
4/17/1985	WD	WARRANTY DEED	JENTSCH RUBY	HARBORTH KERMIT G &	444	177	444177

▶

ATTACHMENT 3



TPDES PERMIT NO. WQ0015843001
[For TCEQ office use only - EPA I.D.
No. TX0139785]

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

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

Kali Kate Services Inc.

whose mailing address is

4550 Farm-to-Market Road 967
Buda, Texas 78610

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

located approximately 0.3 mile northeast of the intersection of Farm-to-Market Road 1102 and
Havenwood Boulevard, in Comal County, Texas 78130

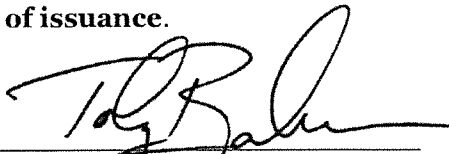
via pipe to an unnamed tributary of Water Hole Creek, thence to Water Hole Creek, thence to Soil
Conservation Service (SCS) Site 3 Reservoir, thence to Water Hole Creek, thence to York Creek, thence
to the Lower San Marcos River in Segment No. 1808 of the Guadalupe River Basin

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

This permit shall expire at midnight, **five years from the date of issuance.**

ISSUED DATE:

September 10, 2021



For the Commission

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

1. During the period beginning upon the date of issuance and lasting through the completion of expansion to the 0.0343 million gallons per day (MGD) facility, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.015 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 42 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Min. Self-Monitoring Requirements</u>	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Max. Single Grab Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Biochemical Oxygen Demand (5-day)	20 (2.5)	30	45	65	One/week	Grab
Total Suspended Solids	20 (2.5)	30	45	65	One/week	Grab
Total Phosphorus	1 (0.13)	2	4	6	One/week	Grab
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	N/A	399	One/quarter	Grab

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

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

1. During the period beginning upon the completion of expansion to the 0.0343 million gallons per day (MGD) facility and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.0343 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 95 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Min. Self-Monitoring Requirements</u>	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Max. Single Grab Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Biochemical Oxygen Demand (5-day)	20 (5.7)	30	45	65	One/week	Grab
Total Suspended Solids	20 (5.7)	30	45	65	One/week	Grab
Total Phosphorus	1 (0.29)	2	4	6	One/week	Grab
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	N/A	399	One/quarter	Grab

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

DEFINITIONS AND STANDARD PERMIT CONDITIONS

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

1. Flow Measurements

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

2. Concentration Measurements

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

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

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

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

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

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, effluent monitoring data shall be submitted each month, to the Compliance Monitoring Team of the Enforcement Division (MC 224), by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be submitted online using the NetDMR reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. Monitoring results must be signed and certified as required by Monitoring and Reporting Requirements No. 10.

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

2. Test Procedures

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

3. Records of Results

- a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period

of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR § 264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.

c. Records of monitoring activities shall include the following:

- i. date, time and place of sample or measurement;
- ii. identity of individual who collected the sample or made the measurement.
- iii. date and time of analysis;
- iv. identity of the individual and laboratory who performed the analysis;
- v. the technique or method of analysis; and
- vi. the results of the analysis or measurement and quality assurance/quality control records.

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

4. Additional Monitoring by Permittee

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

5. Calibration of Instruments

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

6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date to the Regional Office and the Compliance Monitoring Team of 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. Except as allowed by 30 TAC § 305.132, 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 Compliance Monitoring Team of the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. For Publicly Owned Treatment Works (POTWs), effective December 21, 2023, the permittee must submit the written report for unauthorized discharges and unanticipated bypasses that exceed any effluent limit in the permit using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
 - b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:
 - i. Unauthorized discharges as defined in Permit Condition 2(g).
 - ii. Any unanticipated bypass that exceeds any effluent limitation in the permit.
 - iii. Violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.
 - c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Compliance Monitoring Team of 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 Compliance Monitoring Team of the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.
8. In accordance with the procedures described in 30 TAC §§ 35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.
9. Changes in Discharges of Toxic Substances
- All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Office, orally or by facsimile transmission within 24 hours, and both the Regional Office and the Compliance Monitoring Team of the Enforcement Division (MC 224) in writing within five (5) working days, after becoming aware of or having reason to believe:
- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D,

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

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

10. Signatories to Reports

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

11. All POTWs must provide adequate notice to the Executive Director of the following:

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

PERMIT CONDITIONS

1. General

- a. When the permittee becomes aware that it failed to submit any relevant facts in a permit

application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.

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

2. Compliance

- a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
- b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.
- c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.
- e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.
- f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and TWC§ 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- g. There shall be no unauthorized discharge of wastewater or any other waste. For the

- h. In accordance with 30 TAC § 305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility which does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.
- i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).

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

- a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:
 - i. The alteration or addition to a permitted facility may meet one of the criteria for

determining whether a facility is a new source in accordance with 30 TAC § 305.534 (relating to New Sources and New Dischargers); or

- ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9; or
 - iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.
 - c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.
 - d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.
 - e. In accordance with the TWC § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.
 - f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA § 307(a) for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA § 307(a) for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
5. Permit Transfer
- a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of

facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.

- b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

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

7. Relationship to Water Rights

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

8. Property Rights

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

9. Permit Enforceability

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

10. Relationship to Permit Application

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

11. Notice of Bankruptcy

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

- 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 TWC § 7.302(b)(6).
7. Documentation

For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for

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

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

If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 219) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.
 - b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.
 - c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be

made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.
11. Facilities that generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:
 - a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.
 - c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Corrective Action Section (MC 221) 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 Registration 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 § 335 and must include the following, as it pertains to wastewater treatment and discharge:

- i. Volume of waste and date(s) generated from treatment process;
- ii. Volume of waste disposed of on-site or shipped off-site;
- iii. Date(s) of disposal;
- iv. Identity of hauler or transporter;
- v. Location of disposal site; and
- vi. Method of final disposal.

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

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

TCEQ Revision 08/2008

SLUDGE PROVISIONS

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

SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE LAND APPLICATION

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC § 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge.
2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.

B. Testing Requirements

1. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method that receives the prior approval of the TCEQ for the contaminants listed in 40 CFR Part 261.24, Table 1. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Registration Support Division and the Regional Director (MC Region 13) within seven (7) days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Permitting and Registration 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 13) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year. Effective December 21, 2020, the permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

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

TABLE 1

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

* Dry weight basis

3. Pathogen Control

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

- a. For sewage sludge to be classified as Class A with respect to pathogens, the density of fecal coliform in the sewage sludge must be less than 1,000 most probable number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge must be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. In addition, one of the alternatives listed below must be met:

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

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

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

- b. For sewage sludge to be classified as Class AB with respect to pathogens, the density of fecal coliform in the sewage sludge must be less than 1,000 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. In addition, one of the alternatives listed below must be met:

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

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

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

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

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.

- c. Sewage sludge that meets the requirements of Class AB sewage sludge may be classified a Class A sewage sludge if a variance request is submitted in writing that is supported by substantial documentation demonstrating equivalent methods for reducing odors and written approval is granted by the executive director. The executive director may deny the variance request or revoke that approved variance if it is determined that the variance may potentially endanger human health or the environment, or create nuisance odor conditions.
- d. 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 to the Alternatives 1 – 3, the following site restrictions must be met if Class B sludge is land applied:

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

- vii. Public access to land with a high potential for public exposure shall be restricted for 1 year after application of sewage sludge.
- viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge.
- ix. Land application of sludge shall be in accordance with the buffer zone requirements found in 30 TAC § 312.44.

4. Vector Attraction Reduction Requirements

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

- Alternative 1 - The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38%.
- Alternative 2 - If Alternative 1 cannot be met for an anaerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30° and 37° Celsius. Volatile solids must be reduced by less than 17% to demonstrate compliance.
- Alternative 3 - If Alternative 1 cannot be met for an aerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge with percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20° Celsius. Volatile solids must be reduced by less than 15% to demonstrate compliance.
- Alternative 4 - The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20° Celsius.
- Alternative 5 - Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40° Celsius and the average temperature of the sewage sludge shall be higher than 45° Celsius.
- Alternative 6 - The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali shall remain at 12 or higher for two hours and then remain at a pH of 11.5 or higher for an additional 22 hours at the time the sewage sludge is prepared for sale or given away in a bag or other container.
- Alternative 7 - The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75% based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are

defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

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

Alternative 9 -

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

C. Monitoring Requirements

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

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

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

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

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

Identify each of the analytic methods used by the facility to analyze enteric viruses, fecal coliforms, helminth ova, *Salmonella* sp., and other regulated parameters.

Identify in the following categories (as applicable) the sewage sludge treatment process or processes at the facility: preliminary operations (e.g., sludge grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.

Identify the nature of material generated by the facility (such as a biosolid for beneficial use or land-farming, or sewage sludge for disposal at a monofill) and whether the material is ultimately conveyed off-site in bulk or in bags.

SECTION II. REQUIREMENTS SPECIFIC TO BULK SEWAGE SLUDGE FOR APPLICATION TO THE LAND MEETING CLASS A, CLASS AB 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, Class AB 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, Class AB 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 Applicability in accordance with 30 TAC §312.41 and the Management Requirements in accordance with 30 TAC § 312.44.
3. Bulk sewage sludge shall be applied at or below the agronomic rate of the cover crop.
4. An information sheet shall be provided to the person who receives bulk sewage sludge sold or given away. The information sheet shall contain the following information:
 - a. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.
 - b. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instruction on the label or information sheet.
 - c. The annual whole sludge application rate for the sewage sludge application rate for the sewage sludge that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

D. Notification Requirements

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

E. Record keeping Requirements

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

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

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

“I certify, under penalty of law, that the applicable pathogen requirements in 30 TAC § 312.82(a) or (b) and the vector attraction reduction requirements in 30 TAC § 312.83(b) have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices have been met. I am aware that there are significant penalties for false certification including fine and imprisonment.”
6. The recommended agronomic loading rate from the references listed in Section II.C.3. above, as well as the actual agronomic loading rate shall be retained. The person who applies bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative indefinitely. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply:
 - a. A certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii), as applicable, and to the permittee’s specific sludge treatment activities.
 - b. The location, by street address, and specific latitude and longitude, of each site on which sludge is applied.
 - c. The number of acres in each site on which bulk sludge is applied.
 - d. The date and time sludge is applied to each site.

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

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

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 13) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year the following information. Effective December 21, 2020, the permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge treatment process or processes at the facility: preliminary operations (e.g., sludge grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. Identify the nature of material generated by the facility (such as a biosolid for beneficial use or land-farming, or sewage sludge for disposal at a monofill) and whether the material is ultimately conveyed off-site in bulk or in bags.
3. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.
4. The frequency of monitoring listed in Section I.C. that applies to the permittee.
5. Toxicity Characteristic Leaching Procedure (TCLP) results.
6. PCB concentration in sludge in mg/kg.
7. Identity of hauler(s) and TCEQ transporter number.
8. Date(s) of transport.
9. Texas Commission on Environmental Quality registration number, if applicable.
10. Amount of sludge disposal dry weight (lbs/acre) at each disposal site.
11. 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.
12. Level of pathogen reduction achieved (Class A, Class AB or Class B).
13. 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.

14. Identify each of the analytic methods used by the facility to analyze enteric viruses, fecal coliforms, helminth ova, *Salmonella* sp., and other regulated parameters.
15. Vector attraction reduction alternative used as listed in Section I.B.4.
16. Amount of sludge transported in dry tons/year.
17. The certification statement listed in either 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii) as applicable to the permittee's sludge treatment activities, shall be attached to the annual reporting form.
18. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the annual reporting form.
 - a. The location, by street address, and specific latitude and longitude.
 - b. The number of acres in each site on which bulk sewage sludge is applied.
 - c. The date and time bulk sewage sludge is applied to each site.
 - d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk sewage sludge applied to each site.
 - e. The amount of sewage sludge (i.e., dry tons) applied to each site.

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

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

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

Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Registration Support Division and the Regional Director (MC Region 13) 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 Registration 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 13) and the 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 13) and Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year the following information. Effective December 21, 2020, the permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge treatment process or processes at the facility: preliminary operations (e.g., sludge grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. Toxicity Characteristic Leaching Procedure (TCLP) results.
3. Annual sludge production in dry tons/year.
4. Amount of sludge disposed in a municipal solid waste landfill in dry tons/year.
5. Amount of sludge transported interstate in dry tons/year.
6. A certification that the sewage sludge meets the requirements of 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
7. Identity of hauler(s) and transporter registration number.
8. Owner of disposal site(s).
9. Location of disposal site(s).
10. 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.

SECTION IV. REQUIREMENTS APPLYING TO SLUDGE TRANSPORTED TO ANOTHER FACILITY FOR FURTHER PROCESSING

These provisions apply to sludge that is transported to another wastewater treatment facility or facility that further processes sludge. These provisions are intended to allow transport of sludge to facilities that have been authorized to accept sludge. These provisions do not limit the ability of the receiving facility to determine whether to accept the sludge, nor do they limit the ability of the receiving facility to request additional testing or documentation.

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 that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge.
2. Sludge may only be transported using a registered transporter or using an approved pipeline.

B. Record Keeping Requirements

1. For sludge transported by an approved pipeline, the permittee must maintain records of the following:
 - a. the amount of sludge transported;
 - b. the date of transport;
 - c. the name and TCEQ permit number of the receiving facility or facilities;
 - d. the location of the receiving facility or facilities;
 - e. the name and TCEQ permit number of the facility that generated the waste; and
 - f. copy of the written agreement between the permittee and the receiving facility to accept sludge.
2. For sludge transported by a registered transporter, the permittee must maintain records of the completed trip tickets in accordance with 30 TAC § 312.145(a)(1)-(7) and amount of sludge transported.
3. The above records shall be maintained on-site on a monthly basis and shall be made available to the TCEQ upon request. These records shall be retained for at least five years.

C. Reporting Requirements

The permittee shall report the following information annually to the TCEQ Regional Office (MC Region 13) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year. Effective December 21, 2020, the permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge treatment process or processes at the facility: preliminary operations (e.g., sludge grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. the annual sludge production;
3. the amount of sludge transported;
4. the owner of each receiving facility;
5. the location of each receiving facility; and
6. the date(s) of disposal at each receiving facility.

TCEQ Revision 10/2019

OTHER REQUIREMENTS

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

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

*A Class D Wastewater Treatment Operator license is not renewable for operators of a facility listed in 30 TAC Section 30.342(c) and must be upgraded to a Class C Wastewater Treatment Operator license or higher prior to the expiration date of the Class D license.

2. The facility is not located in the Coastal Management Program boundary.
3. The permittee shall comply with the requirements of 30 TAC § 309.13(a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC § 309.13(e).
4. The permittee shall provide facilities for the protection of its wastewater treatment facility from a 100-year flood.
5. In accordance with 30 TAC § 319.9, a permittee that has at least twelve months of uninterrupted compliance with its bacteria limit may notify the commission in writing of its compliance and request a less frequent measurement schedule. To request a less frequent schedule, the permittee shall submit a written request to the TCEQ Wastewater Permitting Section (MC 148) for each phase that includes a different monitoring frequency. The request must contain all of the reported bacteria values (Daily Avg. and Daily Max/Single Grab) for the twelve consecutive months immediately prior to the request. If the Executive Director finds that a less frequent measurement schedule is protective of human health and the environment, the permittee may be given a less frequent measurement schedule. For this permit, 1/quarter may be reduced to 1/6 months in both phases. **A violation of any bacteria limit by a facility that has been granted a less frequent measurement schedule will require the permittee to return to the standard frequency schedule and submit written notice to the TCEQ Wastewater Permitting Section (MC 148).** The permittee may not apply for another reduction in measurement frequency for at least 24 months from the date of the last violation. The Executive Director may establish a more frequent measurement schedule if necessary to protect human health or the environment.
6. Prior to construction of the 0.015 MGD and 0.0343 MGD treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). If requested by the Wastewater Permitting Section, the permittee shall submit plans and specifications and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The permittee shall clearly show how the treatment system will meet the permitted effluent limitations required on Page 2 and 2a of this permit. A copy of the summary transmittal letter shall be available at the plant site for inspection by authorized representatives of the TCEQ.

7. Reporting requirements according to 30 TAC §§ 319.1-319.11 and any additional effluent reporting requirements contained in this permit are suspended from the effective date of the permit until plant startup or discharge from the facility described by this permit, whichever occurs first. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 13) and the Applications Review and Processing Team (MC 148) of the Water Quality Division at least forty-five (45) days prior to plant startup or anticipated discharge, whichever occurs first, and prior to completion of 0.015 MGD and 0.0343 MGD treatment facilities on Notification of Completion Form 20007.

ATTACHMENT 4

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Interoffice Memorandum

To: See Distribution List
From: Jennifer E. Bowers, Section Manager
Subject: Applications Review and Processing Team
Transfers, Mailing Address and Name Changes

Date: February 22, 2023

Attached are the transfer/endorsement order packages for permits listed below, requiring final processing.

Permit Name	Permit Number	File sent to CCO	EPA Number	Region
Permit Transfers				
From: Kali Kate Services Inc To: Aguilas Robles, LLC	WQ0015843001	Yes	TX0139785	13
From: Regal, LLC To: SA Creekside Station, Ltd	WQ0015836001	Yes	TX0139688	13
From: Montgomery Ridge, Ltd To: Montgomery County Municipal Utility District 150	WQ0015372001	Yes	TX0136379	12
From: UIC 13, LLC To: Texas Water Utilities, LP	WQ0013882001	Yes	TX0070769	12
From: Terra Renewal Services Inc. and Gary Ray Parks To: Denali Water Solutions LLC and Gary Ray Parks	730238	No	N/A	10
Name Changes				
From: Monarch Utilities I LP To: Texas Water Utilities, LP	WQ0013637001	No	TX0075949	10

Jennifer E. Bowers, Section Manager
Water Quality Support Section
Water Quality Division

TEEO 000

20FEB 27 16:39

CHECK LIST FOR APPLICATION TO TRANSFER A WATER QUALITY PERMIT/REGISTRATION

Permit No. <u>0015843001</u>	Review Date: <u>01/12/2023</u>
TX: <u>0139785</u>	Region: <u>13</u>
CN: <u>605729961</u>	RN: <u>110910254</u>

☒ Core Data Form received

Annual Fees

☒ Verified payment of annual fees and found not delinquent.

Outstanding fees 0 Account Number _____

Application fees:

☒ Verify that the \$100 application fee is submitted.

1. APPLICANT INFORMATION (CORE DATA FORM SECTION II: CUSTOMER INFORMATION)

- a. ☒ b. ☒
- ☒ ☐ Corporation: ☒ Verify status/ charter number with SOS ☒ Print page ☒ Check spelling against 1.a.
☒ Verify status/ TAX ID number with the Comptroller
- ☐ ☐ Individual: ☐ all info provided (Attachment 1 is required)
- ☐ ☐ Utility District: ☐ I-WUD - verify district is not dissolved (inactive is O.K. to process)
- ☐ ☐ Trust: ☐ copy of an executed trust agreement is provided by the applicant – each trustee or person on the estate must be listed on permit.
- ☐ ☐ Partnership: ☐ Verify w/ SOS ☐ Check against 1.a. ☐ Print page OR ☐ a copy of partnership agreement - If partnership not registered with SOS, the general partnership must register with the county where the facility is located. Limited Partnerships are required to register with SOS.
- ☐ ☐ Governmental Agency: Confirm legal name of agency when possible, using TNL City official book, State Directory.

☐ Verify address to be used on the permit is provided. ☐ Verify w/USPS ☐ print page

2. CONTACT INFORMATION (TRANSFER APPLICATION SECTION 4 & SECTION 5)

☒ a. Application Contact info provided ☒ b. Permit Contact info provided and ☒ Update made to database

3. PERMIT / REGISTRATION INFORMATION (PARIS)

- ☒ a. Check Permit No. and Expiration Date. If expired/ application & fee to be returned to the applicant. If expiring soon, contact the new owner to make certain they are aware of the expiration date.
- ☒ b. If permit requires implementation of approved pretreatment program, make a copy of endorsement and transfer application to Pretreatment Team Leader.
- ☒ c. If there is a Domestic Reclaimed Water authorization associated with the transfer, make copy of the entire transfer application and give to Applications Review and Processing Team Leader.

4. SITE INFORMATION (CORE DATA FORM SECTION III & TRANSFER APPLICATION SECTION 1)

☒ a. Name of the project or site is provided - ☒ update to database needed/done

- ☒ The owner of land on which the treatment facility is located is the SAME as the applicant.
- ☐ Owner of the land DIFFERENT from the owner of the facility &:
 ___ The treatment facility IS a fixture of land the owner of the land has applied as a co-permittee
 OR
 ___ The treatment facility is NOT a fixture of the land - provided a copy of a lease agreement

☒ b. If irrigation is authorized in permit:

- ___ The applicant OWNS the effluent disposal site
- ___ The applicant DOES NOT OWN the site & provided a long-term lease agreement for term of the permit
- ___ The owner of the land where effluent disposal, sludge disposal, and/or composting is currently permitted or proposed, is the same as the applicant, and they are seeking authorization in this permit

☒ c. For CAFOs, provided Warranty Deed, Tax Records, and OR Lease; provided facility size info.

5. TRANSFER DATE (TRANSFER APPLICATION SECTION 8)

- ☒ a. Verify an actual date of transfer of ownership was provided

6. REPORTING / BILLING INFORMATION (TRANSFER APPLICATION SECTION 9)

- ☒ a. Verify mailing address for receiving DMR/MER forms with USPS.com
- ☒ Copy DMR Address Page and Give to Coders
- ☐ b. Verify mailing address for receiving annual Water Quality Fee assessments with USPS.com
- ☒ Update made in TRACS

7. TRANSFEROR (OPERATOR OF PERMITTED FACILITY) SIGNATURE PAGE (TRANSFER APPLICATION)

- ☒ The appropriate signature of the Transferor, as indicated below has been provided, and has been notarized:

- ___ City: elected official or position verified in TML City Official Book
- ___ Individual: only the individual signs for himself/herself.
- ☒ Corporation: at least the level of vice president (CEO, Chairman of Board, Secretary equivalent to V.P.)
- ___ Utility District: at least level of vice president, (Board of Directors, District Manager, the position can be verified through the District Section of TCEQ, Water Utilities Division).
- ___ Water Authority: Regional managers.
- ___ Independent School Districts: at least level of the Assistant Superintendent (or board members).
- ___ Governmental Agencies: Directors of Divisions or Regional Directors.
- ___ Partnership: General Partner as identified in the partnership agreement OR if the partnership is on file with the Secretary of State. The Vice President or General Partner may sign.
- ___ Trust: The trustee that has been identified in the trust agreement.

___ A letter of authorization for another person to sign on behalf of an entity has been provided or is on file with TCEQ. (The letter includes both the name and the title of person giving the authority.)

- ☐ If transferee can't obtain signature of transferor, app processed as involuntary transfer with the following:
- ___ Proof of ownership of the site, if applicable, and treatment facility has been provided by the transferee.
 - ___ Facilities not built & permittee no longer has sufficient property rights in the site of the proposed facilities.
 - ___ Transferor no longer owns the permitted facilities.
 - ___ ED provided notice by certified mail to transferor, using the last address of record, giving opportunity for hearing, and
 - ___ ED didn't receive request for hearing from permittee within 30 days from the date the notice was mailed.

8. TRANSFEEE (NEW SITE OWNER AND/OR OPERATOR) SIGNATURE PAGE (TRANSFER APPLICATION)

- ☐ The appropriate signature of the Transferee, as indicated below has been provided, and has been notarized:
- ___ City: elected official or position verified in TML City Official Book
 - ___ Individual: only the individual signs for himself/herself.
 - ☒ Corporation: at least the level of vice president (CEO, Chairman of Board, Secretary Equivalent to V.P.)
 - ___ Utility District: at least level of vice president, (Board of Directors, District Manager, and the position can be verified through the District Section of TCEQ, Water Utilities Division).
 - ___ Water Authority: Regional managers
 - ___ Independent School Districts: at least level of the Assistant Superintendent (or board members).
 - ___ Governmental Agencies: Directors of Divisions or Regional Directors.
 - ___ Partnership: General Partner as identified in the partnership agreement OR if the partnership is on file with the SOS. The Vice President or General Partner may sign.
 - ___ Trust: The trustee that has been identified in the trust agreement.

☒ A letter of authorization for another person to sign on behalf of an entity has been provided or is on file with TCEQ. The letter includes both the name and the title of person giving the authority.)

9. LANDOWNER SIGNATURE PAGE (TRANSFER APPLICATION)

- ☒ Landowner Original - If land application of sludge is authorized in the current permit and the owner of the land on which sludge disposal occurs is **NOT** the applicant the **sludge signature page** bearing the notarized signature of the landowner and applicant is provided.

PARIS UPDATES

☐ CR SEARCH Contacts ☐ Update Mailing Address ☐ Update Billing Address ☐ Facility and Facility Contact Person

☐ If you have a change in customer and there is **not a pending application** then click on Set issued To Name

☐ If there is a **pending application** you do not have to click on Set issued To Name

ICIS UPDATES

☐ Update ICIS/DMR Contact/Facility Address



7500 Rialto Boulevard, Building II, Suite 100, Austin, Texas 78735
t 512.439.4700 LJA.com TBPE F-1386

January 6, 2023

Texas Commission on Environmental Quality
Applications Review and Processing Team, MC 148
MC148
PO Box 13087
Austin, Texas 78711-3087

Re: Westridge Oaks Wastewater Treatment Facility, Permit No. WQ0015843001
LJA Project No. A655-0401

To whom it may concern,

Please find enclosed the Application to Transfer a Wastewater Permit and supplementary documents, for the Westridge Oaks WWTP. The new permittee is Aguilas Robles, LLC.

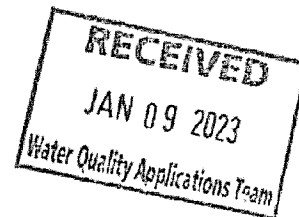
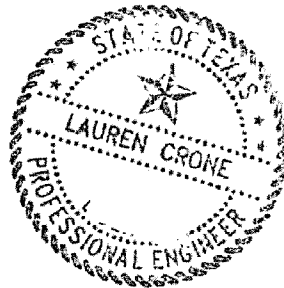
1. Core Data Form
2. Application Form

Should you have any questions or need any additional information, please do not hesitate to call 512-439-4700.

Sincerely,

A handwritten signature in cursive script that reads 'Lauren Crone'.

Lauren Crone, P.E.





TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
APPLICATION TO TRANSFER A WASTEWATER PERMIT
OR CAFO PERMIT

If you have questions about completing this form please contact the Applications Review and Processing Team at 512-239-4671.

SECTION 1. CURRENT PERMIT INFORMATION

What is the Permit Number? WQ0015843001

What is the EPA I.D. Number? TX 0139785

What is the Current Name on the Permit?

WESTRIDGE OAKS WWTP

What is the Customer Number (CN) for the current permittee? CN 605729961

What is the Regulated Entity Reference Number (RN): RN 110910254

For Publicly Owned Treatment Works (POTWs) Only:

- a) Does this permit require implementation of an approved pretreatment program by the POTW? Yes ☐ No ☒
- b) Does this permit have a domestic reclaimed water authorization associated with it?
NOTE: The domestic reclaimed water authorization associated with this permit will be cancelled on the same date the transfer took place. See instructions for more information.
Yes ☐ No ☒

SECTION 2. FACILITY OWNER (APPLICANT) INFORMATION

A. What is the Legal Name of the facility owner?

Aguilas Robles, LLC

B. What is the Customer Number (CN) issued to this entity? CN N/A

C. Complete and attach a Core Data Form (TCEQ-10400) for this customer.

SECTION 3. CO-APPLICANT INFORMATION

Complete this section only if another person or entity is required to apply as a co-permittee.

A. What is the Legal Name of the co-applicant applying for this permit?

B. What is the Customer Number (CN) issued to this entity? CN

C. Complete and attach a Core Data Form (TCEQ-10400) for this customer.

SECTION 4. APPLICATION CONTACT INFORMATION

This is the person TCEQ will contact if additional information is needed about this application.

Application Contact First and Last Name: Lauren Crone

Title: Sr. Project Manager Credentials: PE

Company Name: LJA Engineering

Mailing Address: 7500 Rialto Boulevard, Building 2, Suite 100

City, State, and Zip Code: Austin, TX 78735

Phone Number: ix Number:

E-mail Address:

SECTION 5. PERMIT CONTACT INFORMATION

This is the person TCEQ will contact if additional information is needed during the term of the permit.

Permit Contact First and Last Name: Lauren Crone

Title: Sr. Project Manager Credentials: PE

Company Name: LJA Engineering

Mailing Address: 7500 Rialto Boulevard, Building 2, Suite 100

City, State, and Zip Code: Austin, TX 78735

Phone Number Fax Number:

E-mail Address:

SECTION 6. SITE INFORMATION

Site Name: Westridge Oaks WWTP

SECTION 7. LEASE AND EASEMENT REQUIREMENTS

A. Landowner where the facility is or will be located:

Landowner Name: Aguilas Robles, LLC

If this individual is not the same person as the facility owner or co-applicant, attach one of the following documents:

- A lease agreement or deed recorded easement, if the facility is NOT a fixture of the land, or
- A deed recorded easement if the facility IS a fixture of the land.

B. Landowner of the effluent disposal site:

Landowner Name:

If this individual is not the same person as the facility owner or co-applicant, attach a lease agreement.

C. For CAFOs: Attach the following records:

- Warranty Deed or Property Tax Records
- Lease Agreement (for land management units that are not owned by the facility owner or co-applicant)

Facility Size on the proof of ownership, in acres:

SECTION 8. TRANSFER DATE

What is the date that the transfer of operator or ownership will occur? 01/01/2023

SECTION 9. REPORTING AND BILLING INFORMATION

A. Please identify the individual for receiving the reporting forms.

First and Last Name: Joshua Majors

Title: Manager Credentials:

Company Name: Aguilas Robles, LLC

Mailing Address: 3724 Hulen Street

City, State, and Zip Code: Fort Worth, TX 76107

Phone Number: Fax Number:

E-mail Address: :

B. Please identify the individual for receiving the annual fee invoices.

First and Last Name: Joshua Majors

Title: Manager Credentials:

Company Name: Aguilas Robles, LLC

Mailing Address: 3724 Hulen Street

City, State, and Zip Code: Fort Worth, TX 76107

Phone Number: Fax Number:

E-mail Address: .

SECTION 10. DELINQUENT FEES OR PENALTIES

Do you owe fees to the TCEQ? Yes ☐ No ☒

Do you owe any penalties to the TCEQ? Yes ☐ No ☒

If you answered yes to either of the above questions, provide the amount owed, the type of fee or penalty, and an identifying number.

I consent to the transfer of the permit and I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized under 30 Texas Administrative Code Section 305.44 to sign this document and can provide documentation in proof of such authorization upon request.

Title: PRESIDENT

Signature: [Signature] Date: 9/8/22

My commission expires on the 7th day of August, 2024

Notary Public

County, Texas

TRANSFeree SIGNATURE (New Facility Owner)

I certify that a change of ownership of the facility for the subject permit has been issued will occur as indicated in the application. As a condition of the transfer, I do hereby declare that:

The transferee will be the owner of the existing treatment facility from which wastewater is discharged, deposited or disposed or the facilities required to comply with the permit will be constructed as described in the application considered by the TCEQ prior to the issuance of the permit.

The transferee possesses a copy of the permit, understands the terms and conditions therein, and does accept and assume all obligations of the permit.

The transferee assumes financial responsibility for the proper maintenance and operation of all waste treatment and disposal facilities required by the permit or which may be required to comply with the permit terms and conditions. The transferee certifies that the transfer is not made for the purpose of avoiding liability for improper actions carried out prior to the date of transfer. Neither is the transfer made for the purpose of transferring responsibility for improper operations to an insolvent entity.

The transferee certifies under penalty of law that this document is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations and revocation of this permit.

New Facility Owner: Aguilas Robles, LLC

Title: TriOak Development, LLC
Its Manager

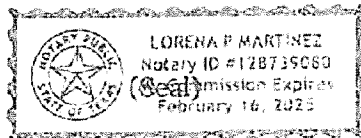
Signature: _____

Date: 12/28/2022

SUBSCRIBED AND SWORN to before me by the said Joshua Majors on

this 28 day of December, 20 22

My commission expires on the 16 day of February, 20 23



Notary Public

County, Texas



TCEQ Use Only

TCEQ Core Data Form

For detailed instructions regarding completion of this form, please read the Core Data Form: Instructions or call 512-239-5175

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.)	
<input type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)	
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)	<input checked="" type="checkbox"/> Other Permit Transfer
2. Customer Reference Number (if issued)	3. Regulated Entity Reference Number (if issued)
CN 606104941	RN 110910254

Follow this link to search for CN or RN numbers in Central Registry**

SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)	
<input checked="" type="checkbox"/> New Customer		<input type="checkbox"/> Update to Customer Information	
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)		<input type="checkbox"/> Change in Regulated Entity Ownership	
The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).			
6. Customer Legal Name (If an individual, print last name first: eg: Doe, John)		If new Customer, enter previous Customer below:	
Aguilas Robles, LLC			
7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number (if applicable)
0804213665	32080819744		
11. Type of Customer:		Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited	
<input checked="" type="checkbox"/> Corporation		<input type="checkbox"/> Individual	
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other:	
12. Number of Employees		13. Independently Owned and Operated?	
<input checked="" type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
14. Customer Role (Proposed or Actual) - as it relates to the Regulated Entity listed on this form. Please check one of the following			
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner & Operator			
<input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> Voluntary Cleanup Applicant <input type="checkbox"/> Other:			
15. Mailing Address:			
3724 Hulen Street			
City	Fort Worth	State	TX
ZIP	76107	ZIP + 4	
16. Country Mailing Information (if outside USA)		17. E-Mail Address (if applicable)	
18. Telephone Number		19. Extension or Code	
(205)			
		20. Fax Number (if applicable)	
		()	

SECTION III: Regulated Entity Information

21. General Regulated Entity Information (If 'New Regulated Entity' is selected below this form should be accompanied by a permit application)	
<input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input checked="" type="checkbox"/> Update to Regulated Entity Information	
The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC).	
22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)	
Westridge Oaks WWTP	

23. Street Address of the Regulated Entity: (No PO Boxes)						
	City		State		ZIP	
24. County	Comal					

Enter Physical Location Description if no street address is provided.

25. Description to Physical Location:	750 LF EAST OF THE INTERSECTION OF HAVENWOOD BLVD & FM 1102 ON THE N SIDE OF FM 1102 IN COMAL COUNTY										
26. Nearest City	New Braunfels			State	TX		Nearest ZIP Code	78130			
27. Latitude (N) In Decimal:	29.788639			28. Longitude (W) In Decimal:	-98.055786						
Degrees	Minutes	Seconds		Degrees	Minutes	Seconds					
29. Primary SIC Code (4 digits)	4952		30. Secondary SIC Code (4 digits)			31. Primary NAICS Code (5 or 6 digits)	221320		32. Secondary NAICS Code (5 or 6 digits)		
33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description.)											
Wastewater Treatment											
34. Mailing Address:	3724 Hulen Street										
	City	Fort Worth	State	TX	ZIP	76107	ZIP + 4				
35. E-Mail Address:	josh@trioakdevelopment.com										
36. Telephone Number	(285)		37. Extension or Code			38. Fax Number (if applicable)	() -				

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

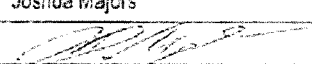
<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input checked="" type="checkbox"/> Wastewater	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:
WQ0015843001				

SECTION IV: Preparer Information

40. Name:	Lauren Crone, P.E.		41. Title:	Sr. Project Manager	
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address		
(512)		()			

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	Aguilas Robles, LLC		Job Title:	Manager or TriOak Development, LLC	
Name (In Print):	Joshua Majors		Phone:	(205	
Signature:			Date:	12/19/2022	



Basis 2 A/R Outstanding Past Due Transactions Detail Report By Customer Name

FEB-08-23 06:10 AM

Customer Name: WESTPARK TIRE & AUTO INC
Account #: 00228150

Debtcollectpath Stage: UNCOL:EXHAUST

Call:

UST	SC2310-006	LATE FEE FOR UST0452930	0000010431	10-JUN-03	10-JUL-03	\$.22
UST	SC2310-001	LATE FEE FOR UST0595831	0000010431	10-JUN-03	10-JUL-03	\$.22
UST	SC2310-005	LATE FEE FOR UST0486666	0000010431	10-JUN-03	10-JUL-03	\$.22
UST	SC2310-004	LATE FEE FOR UST0514164	0000010431	10-JUN-03	10-JUL-03	\$.22
UST	SC2310-002	LATE FEE FOR UST0569231	0000010431	10-JUN-03	10-JUL-03	\$.22
UST	SC2311-005	LATE FEE FOR UST0486666	0000010431	10-JUL-03	10-AUG-03	\$.22
UST	SC2311-004	LATE FEE FOR UST0514164	0000010431	10-JUL-03	10-AUG-03	\$.22
UST	SC2311-003	LATE FEE FOR UST0545885	0000010431	10-JUL-03	10-AUG-03	\$.22
UST	SC2311-006	LATE FEE FOR UST0452930	0000010431	10-JUL-03	10-AUG-03	\$.22
UST	SC2311-001	LATE FEE FOR UST0595831	0000010431	10-JUL-03	10-AUG-03	\$.22
UST	SC2311-002	LATE FEE FOR UST0569231	0000010431	10-JUL-03	10-AUG-03	\$.22
UST	SC2312-004	LATE FEE FOR UST0514164	0000010431	11-AUG-03	11-SEP-03	\$.22
UST	SC2312-005	LATE FEE FOR UST0486666	0000010431	11-AUG-03	11-SEP-03	\$.22
UST	SC2312-006	LATE FEE FOR UST0452930	0000010431	11-AUG-03	11-SEP-03	\$.22
UST	SC2312-003	LATE FEE FOR UST0545885	0000010431	11-AUG-03	11-SEP-03	\$.22
UST	SC2312-002	LATE FEE FOR UST0569231	0000010431	11-AUG-03	11-SEP-03	\$.22
UST	SC2312-001	LATE FEE FOR UST0595831	0000010431	11-AUG-03	11-SEP-03	\$.22
UST	SC2401-003	LATE FEE FOR UST0545885	0000010431	08-SEP-03	08-OCT-03	\$.22
UST	SC2401-002	LATE FEE FOR UST0569231	0000010431	08-SEP-03	08-OCT-03	\$.22
UST	SC2401-001	LATE FEE FOR UST0595831	0000010431	08-SEP-03	08-OCT-03	\$.22
UST	SC2401-004	LATE FEE FOR UST0514164	0000010431	08-SEP-03	08-OCT-03	\$.22
UST	SC2401-006	LATE FEE FOR UST0452930	0000010431	08-SEP-03	08-OCT-03	\$.22
UST	SC2401-005	LATE FEE FOR UST0486666	0000010431	08-SEP-03	08-OCT-03	\$.22
UST	UST0620304	U'GROUND TANK FEE TANKS:FY04	0000010431	30-SEP-03	31-OCT-03	\$50.00
UST	SC2402-001	LATE FEE FOR UST0595831	0000010431	10-OCT-03	10-NOV-03	\$.22
UST	SC2402-002	LATE FEE FOR UST0569231	0000010431	10-OCT-03	10-NOV-03	\$.22
UST	SC2402-006	LATE FEE FOR UST0452930	0000010431	10-OCT-03	10-NOV-03	\$.22
UST	SC2402-003	LATE FEE FOR UST0545885	0000010431	10-OCT-03	10-NOV-03	\$.22
UST	SC2402-005	LATE FEE FOR UST0486666	0000010431	10-OCT-03	10-NOV-03	\$.22
UST	SC2402-004	LATE FEE FOR UST0514164	0000010431	10-OCT-03	10-NOV-03	\$.22
UST	UST0644396	U'GROUND TANK FEE TANKS:FY05	0000010431	30-SEP-04	31-OCT-04	\$50.00

Total of delinquent transactions (Account): \$697.04

Total of delinquent transactions (Customer): \$697.04

Customer Name: WESTPORT ORANGE SHIPYARD LLC
Account #: 0318297N

Debtcollectpath Stage: AGENCY:REFERRED

Call:

NWO	NWO0054548	NWAZ WASTE GRN FE TONE FY23	23492	10-SEP-22	31-OCT-22	\$50.00
NWO	SC00312539	LATE FEE - NOV 2022		10-NOV-22	10-NOV-22	\$2.50
NWO	SC003124971	LATE FEE - DEC 2022		10-DEC-22	10-DEC-22	\$2.50
NWO	SC00318826	LATE FEE - JAN 2023		10-JAN-23	10-JAN-23	\$.42

Total of delinquent transactions (Account): \$55.42

Total of delinquent transactions (Customer): \$55.42

Customer Name: WESTSIDE BODY SHOP
Account #: 23500154

Debtcollectpath Stage: UNCOL:EXHAUST

Call:

CAV	CAVBFW0146	ADMIN PENALTY FWD FY97	970118AIRE	30-SEP-04	31-OCT-04	\$350.00
CAV	SC2510-001	LATE FEE FOR CAVBFW0146	970118AIRE	09-JUN-05	09-JUL-05	\$1.75
CAV	SC2511-001	LATE FEE FOR CAVBFW0146	970118AIRE	11-JUL-05	11-AUG-05	\$1.75
CAV	SC2512-001	LATE FEE FOR CAVBFW0146	970118AIRE	10-AUG-05	10-SEP-05	\$1.75
CAV	SC2601-001	LATE FEE FOR CAVBFW0146	970118AIRE	12-SEP-05	12-OCT-05	\$1.75
CAV	SC2602-001	LATE FEE FOR CAVBFW0146	970118AIRE	10-OCT-05	10-NOV-05	\$1.75
CAV	SC2603-001	LATE FEE FOR CAVBFW0146	970118AIRE	10-NOV-05	10-DEC-05	\$1.75
CAV	SC2604-001	LATE FEE FOR CAVBFW0146	970118AIRE	12-DEC-05	12-JAN-06	\$1.75
CAV	SC2605-001	LATE FEE FOR CAVBFW0146	970118AIRE	10-JAN-06	10-FEB-06	\$1.75
CAV	SC2606-001	LATE FEE FOR CAVBFW0146	970118AIRE	10-FEB-06	10-MAR-06	\$1.75
CAV	SC2607-001	LATE FEE FOR CAVBFW0146	970118AIRE	10-MAR-06	10-APR-06	\$1.75
CAV	SC2608-001	LATE FEE FOR CAVBFW0146	970118AIRE	11-APR-06	11-MAY-06	\$1.75
CAV	SC2609-001	LATE FEE FOR CAVBFW0146	970118AIRE	10-MAY-06	10-JUN-06	\$1.75

Total of delinquent transactions (Account): \$371.00

Total of delinquent transactions (Customer): \$371.00

TEXAS SECRETARY of STATE
JANE NELSON**BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

Filing Number: 804213665
Original Date of Filing: August 31, 2021
Formation Date: N/A
Tax ID: 32080819744
Duration: Perpetual
Entity Type: Domestic Limited Liability Company (LLC)
Entity Status: In existence
FEIN:
Name: Aguilas Robles, LLC
Address: 3724 HULEN ST
Fort Worth, TX 76107-6816 USA

REGISTERED AGENT	FILING HISTORY	NAMES	MANAGEMENT	ASSUMED NAMES	ASSOCIATED ENTITIES	INITIAL ADDRESS
Name		Name Status		Name Type	Name Inactive Date	Consent Filing #
Aguila Robles, LLC		Prior		Legal	December 21, 2021	0
Aguilas Robles, LLC		In use		Legal		0

[Order](#)[Return to Search](#)**Instructions:**

- To place an order for additional information about a filing press the 'Order' button.

[Return to Sharelist](#)

Central Registry Internal Reporting

[Main Query Page](#)[Program Area Search](#)

The Customer Name displayed may be different from the Customer Name associated with the Additional ID. This name may be different due to ownership changes, legal name changes, or other administrative changes.

Customer Detail				No Prior Names	
Customer Name:		KALI KATE SERVICES INC		CN: CN605729961	
Customer Legal Name:	Kali Kate Services Inc.	Customer Type:	CORPORATION	Last Updated:	Dec 10, 2019
Customer Status:	ACTIVE	Status Comment:			
Federal Tax Id:			State Franchise Tax Id:	32062470144	
State Sales Tax Id:			Local Tax Id:		
DUNS Number:			SOS Filing No:	802616812	
Compliance Class:	UNCLASSIFIED	Compliance Rating:		Publication Date:	Nov 15, 2022
Independently Owned:			Number Employees:		

1-2 of 2 Records

Affiliated Regulated Entities			List All
RN Number	Regulated Entity Name	Roles	Begin Date
RN111151092	MYSTIC CANYON	OPERATOR, OWNER OPERATOR	11/23/2020
RN110910254	WESTRIDGE OAKS WWTP	OWNER OPERATOR	12/10/2019

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Central Registry Internal Reporting

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Regulated Entity Detail			
Regulated Entity Name:	WESTRIDGE OAKS WWTP		RN: RN110910254
Status:	Active	Status Comment:	Stand Alone: N
Physical Address:	No physical or street address on file.		County: COMAL
Physical Location:	750 LF EAST OF THE INTERSECTION OF HAVENWOOD BLVD & FM 1102 ON THE N SIDE OF FM 1102 IN COMAL COUNTY		
Nearest City:	NEW BRAUNFELS	State: TX	Zip Code:
Latitude:	29° 47 min 14 sec (29.787254)		Longitude: 98° 3 min 23 sec (-98.056350)

1-1 of 1 Records

Affiliated Customers					List All
CN Number	Customer*	Role	Begin Date	End Date	RE Comp Hist
CN605729261	KALK KATE SERVICES INC	OWNER OPERATOR	12/10/2019	12/31/3000	UNCLASSIFIED

1-2 of 2 Records

Program Interests									
Program	RE Type	ID Type	Addn ID	Addn ID Status	Alt RE Name	Role	Customer Name (CN)	Begin Date - End Date	View 'Issued To' History
WASTEWATER	SITE	PERMIT	W00015843001	ACTIVE	WESTRIDGE OAKS WWTP	OWNER OPERATOR	Kalk Kate Services Inc (CN605729261)	12/10/2019 - 12/31/3000	View
WASTEWATER	SITE	EPA ID	TX0139785	ACTIVE	KALK KATE SERVICES	OWNER OPERATOR	KALK KATE SERVICES INC (CN605729261)	12/10/2019 - 12/31/3000	View

*The Customer Name displayed may be different from the Customer Name associated with the Additional ID. This name may be different due to ownership changes, legal name changes, or other administrative changes.

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[Statewide Links](#): [Texas.gov](#) | [Texas Homeland Security](#) | [TBAIL Statewide Archive](#) | [Texas Veterans Portal](#)

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[ZIP Code™ by Address \(/zip-code-lookup.htm?byaddress\)](https://tools.usps.com/zip-code-lookup.htm?byaddress)

[ZIP Code™ by City and State \(/zip-code-lookup.htm?bycitystate\)](https://tools.usps.com/zip-code-lookup.htm?bycitystate)

[Cities by ZIP Code \(/zip-code-lookup.htm?citybyzipcode\)](https://tools.usps.com/zip-code-lookup.htm?citybyzipcode)

[FAQs](https://www.usps.com/ziplookup-facts.htm)

<https://www.usps.com/ziplookup-facts.htm>

<https://www.usps.com/ziplookup-facts.htm>

Look Up a ZIP Code™ FAQs

Go to

ZIP Code™ by Address

You entered:

7500 RIALTO BLVD BLDG 2 SUITE 100
AUSTIN TX
78735

If more than one address matches the information provided, try narrowing your search by entering a street address and, if applicable, a unit number. **Edit and search again.** ([zip-code-lookup.htm?byaddress](https://tools.usps.com/zip-code-lookup.htm?byaddress))

Feedback

Showing Results

1- 10 of 55

7500 RIALTO BLVD STE 100
AUSTIN TX **78735-8531**

7500 RIALTO BLVD
AUSTIN TX **78735-8531**

7500 RIALTO BLVD STE 2-280
AUSTIN TX **78735-0004**

7500 RIALTO BLVD STE 2-290
AUSTIN TX **78735-0060**

7500 RIALTO BLVD STE 1-125
AUSTIN TX **78735-2100**

7500 RIALTO BLVD STE 1-180
AUSTIN TX **78735-8504**

7500 RIALTO BLVD STE 1-270
AUSTIN TX **78735-8505**

7500 RIALTO BLVD STE 2-100
AUSTIN TX **78735-8510**

7500 RIALTO BLVD STE 2-200
AUSTIN TX **78735-8517**

7500 RIALTO BLVD STE 2-210
AUSTIN TX **78735-8522**

Results per page:

10

Feedback

1 2 3 4 5 6

Look Up Another ZIP Code™

Edit and Search Again (/zip-code-lookup.htm?byaddress)

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[Cities by ZIP \(/zip-code-lookup.htm?citybyzipcode\)](#)

[FAQs](#)

<https://www.usps.com/faq/ziplookup.htm>

Look Up a ZIP Code™ FAQs

Go to

ZIP Code™ by Address

You entered:

3724 HULEN ST
FORT WORTH TX
76107

If more than one address matches the information provided, try narrowing your search by entering a street address and, if applicable, a unit number. **Edit and search again.** ([zip-code-lookup.htm?byaddress](#))

3724 HULEN ST
FORT WORTH TX 76107-6816

Feedback

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ATTACHMENT 5

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TRANSFER OF TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PERMIT NO. WQ0015843001

EPA I.D. No. TX0139785

FROM: Kali Kate Services Inc.

TO: Aguilas Robles, LLC

Ownership of the facilities covered by the above-referenced permit issued September 10, 2021, 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:

"Aguilas Robles, LLC
3724 Hulen Street
Fort Worth, Texas 76107"

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: February 8, 2023



For The Commission

ATTACHMENT 6

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TRANSFER OF TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PERMIT NO. WQ0015843001

EPA I.D. No. TX0139785

FROM: Kali Kate Services Inc.

TO: Aguilas Robles, LLC

Ownership of the facilities covered by the above-referenced permit issued September 10, 2021, 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:

"Aguilas Robles, LLC
3724 Hulen Street
Fort Worth, Texas 76107"

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: February 8, 2023

A handwritten signature in black ink, reading "Erin E. Chamallo".

For The Commission



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DOMESTIC WASTEWATER PERMIT APPLICATION

CHECKLIST



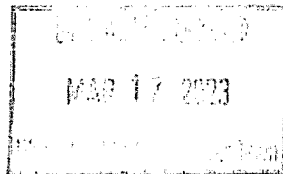
Complete and submit this checklist with the application.

APPLICANT: Aguilas Robles, LLC

PERMIT NUMBER: WQ0015843001

Indicate if each of the following items is included in your application.

	Y	N		Y	N
Administrative Report 1.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Original USGS Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Administrative Report 1.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Affected Landowners Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SPIF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Landowner Disk or Labels	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Core Data Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Buffer Zone Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Involvement Plan Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Flow Diagram	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Technical Report 1.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Drawing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Technical Report 1.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Original Photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 2.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Design Calculations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 2.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Solids Management Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 3.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Balance	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Worksheet 3.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 3.2	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 3.3	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 4.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 5.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 6.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 7.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			



HAND DELIVERED

RECEIVED
MAR 17 2023
TCEQ
PERMITTING OFFICE

For TCEQ Use Only

Segment Number 1 County COMAL
 Expiration Date 9/10/2024 Region 13
 Permit Number WQ0015843001

TABLE OF CONTENTS

EXHIBIT 1: ADMINISTRATIVE REPORTS 1.0 AND 1.1

EXHIBIT 2: DOMESTIC TECHINAL REPORT 1.0

DOMESTIC TECHINAL REPORT 1.1

DOMESTIC TECHINAL REPORT 2.0

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APPENDIX B: USGS MAP

APPENDIX C: AFFECTED LANDOWNER MAP AND LIST

APPENDIX D: ORIGINAL PHOTOGRAPHS

APPENDIX E: BUFFER ZONE MAP

APPENDIX F: SPIF MAP

APPENDIX G: PROCESS FLOW DIAGRAM

APPENDIX H: SITE DRAWING

APPENDIX I: NEARBY WWTP FACILITIES MAP

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APPENDIX N: PUBLIC INVOLVEMENT PLAN

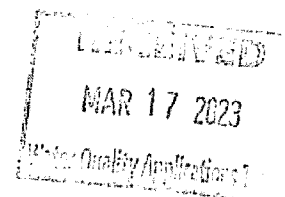
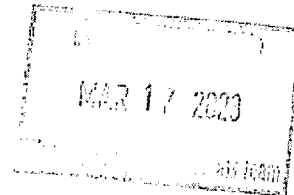


EXHIBIT 1
ADMINISTRATIVE REPORTS 1.0 AND 1.1





TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
**APPLICATION FOR A DOMESTIC WASTEWATER PERMIT
ADMINISTRATIVE REPORT 1.0**

If you have questions about completing this form please contact the Applications Review and Processing Team at 512-239-4671.

Section 1. Application Fees (Instructions Page 29)

Indicate the amount submitted for the application fee (check only one).

Flow	New/Major Amendment	Renewal
<0.05 MGD	\$350.00 <input type="checkbox"/>	\$315.00 <input type="checkbox"/>
≥0.05 but <0.10 MGD	\$550.00 <input type="checkbox"/>	\$515.00 <input type="checkbox"/>
≥0.10 but <0.25 MGD	\$850.00 <input type="checkbox"/>	\$815.00 <input type="checkbox"/>
≥0.25 but <0.50 MGD	\$1,250.00 <input type="checkbox"/>	\$1,215.00 <input type="checkbox"/>
≥0.50 but <1.0 MGD	\$1,650.00 <input checked="" type="checkbox"/>	\$1,615.00 <input type="checkbox"/>
≥1.0 MGD	\$2,050.00 <input type="checkbox"/>	\$2,015.00 <input type="checkbox"/>

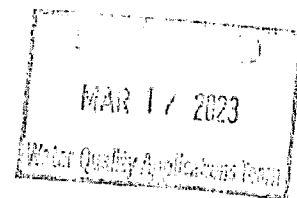
Minor Amendment (for any flow) \$150.00 ☐

Payment Information:

Mailed Check/Money Order Number:
Check/Money Order Amount: \$1,650.00
Name Printed on Check: TCEQ

EPAY Voucher Number:

Copy of Payment Voucher enclosed? Yes ☐



Section 2. Type of Application (Instructions Page 29)

- | | |
|--|---|
| <input type="checkbox"/> New TPDES | <input type="checkbox"/> New TLAP |
| <input type="checkbox"/> Major Amendment <u>with</u> Renewal | <input type="checkbox"/> Minor Amendment <u>with</u> Renewal |
| <input checked="" type="checkbox"/> Major Amendment <u>without</u> Renewal | <input type="checkbox"/> Minor Amendment <u>without</u> Renewal |
| <input type="checkbox"/> Renewal without changes | <input type="checkbox"/> Minor Modification of permit |

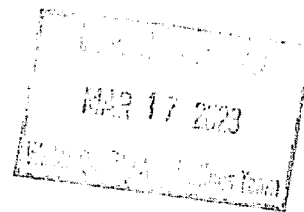
For amendments or modifications, describe the proposed changes: Change phasing, increase total flow discharge route and service area.

For existing permits:

Permit Number: WQ0015843001

EPA I.D. (TPDES only): TX0139785

Expiration Date: 09/10/2026



Section 3. Facility Owner (Applicant) and Co-Applclicant Information (Instructions Page 29)

A. The owner of the facility must apply for the permit.

What is the Legal Name of the entity (applicant) applying for this permit?

Aguilas Robles, LLC

(The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?
You may search for your CN on the TCEQ website at <http://www15.tceq.texas.gov/crpub/>

CN: 606104941

What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC § 305.44.

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Joshua Majors

Credential (P.E, P.G., Ph.D., etc.):

Title: Manager

B. Co-applclicant information. Complete this section only if another person or entity is required to apply as a co-permittee.

What is the Legal Name of the co-applclicant applying for this permit?

N/A

(The legal name must be spelled exactly as filed with the TX SOS, with the County, or in the legal documents forming the entity.)

If the co-applclicant is currently a customer with the TCEQ, what is the Customer Number (CN)? You may search for your CN on the TCEQ website at:
<http://www15.tceq.texas.gov/crpub/>

CN: N/A

What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC § 305.44.

Prefix (Mr., Ms., Miss): N/A

First and Last Name: N/A

Credential (P.E, P.G., Ph.D., etc.): N/A

Title: N/A

Provide a brief description of the need for a co-permittee: N/A

C. Core Data Form

Complete the Core Data Form for each customer and include as an attachment. If the customer type selected on the Core Data Form is **Individual**, complete **Attachment 1** of Administrative Report 1.0.

Attachment: Appendix A

Section 4. Application Contact Information (Instructions Page 30)

This is the person(s) TCEQ will contact if additional information is needed about this application. Provide a contact for administrative questions and technical questions.

A. Prefix (Mr., Ms., Miss): Ms.

First and Last Name: Lauren Crone

Credential (P.E, P.G., Ph.D., etc.): P.E.

Title: Sr. Project Manager

Organization Name: LJA Engineering, Inc.

Mailing Address: 7500 Rialto Boulevard, Building 2, Suite 100

City, State, Zip Code: Austin, TX 78735

Phone No.: 512-439-4700 Ext.:

Fax No.: 512-439-4700

E-mail Address: _____

Check one or both: ☒ Administrative Contact ☒ Technical Contact

B. Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Daniel Ryan

Credential (P.E, P.G., Ph.D., etc.): P.E.

Title: Vice President

Organization Name: LJA Engineering, Inc.

Mailing Address: 7500 Rialto Boulevard, Building 2, Suite 100

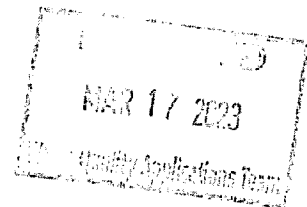
City, State, Zip Code: Austin, TX 78735

Phone No.: 512-439-4700 Ext.:

Fax No.: 512-439-4700

E-mail Address: _____

Check one or both: ☒ Administrative Contact ☒ Technical Contact



Section 5. Permit Contact Information (Instructions Page 30)

Provide two names of individuals that can be contacted throughout the permit term.

A. Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Joshua Majors

Credential (P.E, P.G., Ph.D., etc.):

Title: Manager

Organization Name: Aguilas Robles, LLC

Mailing Address: 3724 Hulen Street

City, State, Zip Code: Fort Worth, TX 76107

Phone No.: 205-504-4877 Ext.:

Fax No.:

E-mail Address:

B. Prefix (Mr., Ms., Miss): Ms.

First and Last Name: Lauren Crone

Credential (P.E, P.G., Ph.D., etc.): P.E.

Title: Sr. Project Manager

Organization Name: LIA Engineering, Inc.

Mailing Address: 7500 Rialto Boulevard, Building 2, Suite 100

City, State, Zip Code: Austin, TX 78735

Phone No.: 512-439-4700 Ext.:

Fax No.: 512-439-4700

E-mail Address:

Section 6. Billing Information (Instructions Page 30)

The permittee is responsible for paying the annual fee. The annual fee will be assessed to permits *in effect on September 1 of each year*. The TCEQ will send a bill to the address provided in this section. The permittee is responsible for terminating the permit when it is no longer needed (using form TCEQ-20029).

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Joshua Majors

Credential (P.E, P.G., Ph.D., etc.):

Title: Manager

Organization Name: Aguilas Robles, LLC

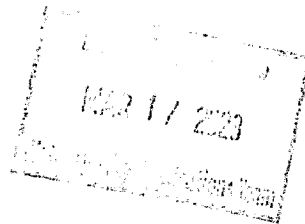
Mailing Address: 3724 Hulen Street

City, State, Zip Code: Fort Worth, TX 76107

Phone No.: 205-504-4877 Ext.:

Fax No.:

E-mail Address:



Section 7. DMR/MER Contact Information (Instructions Page 31)

Provide the name and complete mailing address of the person delegated to receive and submit Discharge Monitoring Reports (EPA 3320-1) or maintain Monthly Effluent Reports.

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Joshua Majors

Credential (P.E, P.G., Ph.D., etc.):

Title: Manager

Organization Name: Aguilas Robles, LLC

Mailing Address: 3724 Hulen Street

City, State, Zip Code: Fort Worth, TX 76107

Phone No.: 205-504-4877 Ext.:

Fax No.:

E-mail Address:

DMR data is required to be submitted electronically. Create an account at:

<https://www.tceq.texas.gov/permitting/netdmr/netdmr.html>.

Section 8. Public Notice Information (Instructions Page 31)

A. Individual Publishing the Notices

Prefix (Mr., Ms., Miss): Ms.

First and Last Name: Lauren Crone

Credential (P.E, P.G., Ph.D., etc.): P.E.

Title: Sr. Project Manager

Organization Name: LJA Engineering, Inc.

Mailing Address: 7500 Rialto Boulevard, Building 2, Suite 100

City, State, Zip Code: Austin, TX 78735

Phone No.: 512-439-4700 Ext.:

Fax No.: 512-439-4700

E-mail Address:



B. Method for Receiving Notice of Receipt and Intent to Obtain a Water Quality Permit Package

Indicate by a check mark the preferred method for receiving the first notice and instructions:

☒ E-mail Address

☐ Fax

☐ Regular Mail

C. Contact person to be listed in the Notices

Prefix (Mr., Ms., Miss): Ms.

First and Last Name: Lauren Crone

Credential (P.E, P.G., Ph.D., etc.): P.E.

Title: Sr. Project Manager

Organization Name: LJA Engineering, Inc.

Phone No.: 512-439-4700 Ext.:

E-mail:

D. Public Viewing Information

If the facility or outfall is located in more than one county, a public viewing place for each county must be provided.

Public building name: New Braunfels Public Library

Location within the building: Main Desk

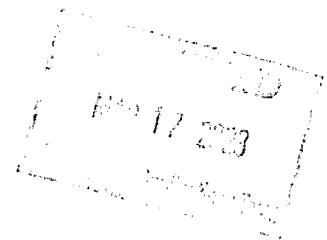
Physical Address of Building: 700 E Common Street

City: New Braunfels

County: Comal

Contact Name: Gretchen Pruett

Phone No.: 830-221-4322 Ext.:



E. Bilingual Notice Requirements:

This information **is required** for **new, major amendment, minor amendment or minor modification, and renewal applications.**

This section of the application is only used to determine if alternative language notices will be needed. Complete instructions on publishing the alternative language notices will be in your public notice package.

Please call the bilingual/ESL coordinator at the nearest elementary and middle schools and obtain the following information to determine whether an alternative language notices are required.

1. Is a bilingual education program required by the Texas Education Code at the elementary or middle school nearest to the facility or proposed facility?

☒ Yes ☐ No

If **no**, publication of an alternative language notice is not required; **skip to Section 9** below.

2. Are the students who attend either the elementary school or the middle school enrolled in a bilingual education program at that school?

☒ Yes ☐ No

3. Do the students at these schools attend a bilingual education program at another location?
- ☐ Yes ☒ No
4. Would the school be required to provide a bilingual education program but the school has waived out of this requirement under 19 TAC §89.1205(g)?
- ☐ Yes ☒ No
5. If the answer is yes to question 1, 2, 3, or 4, public notices in an alternative language are required. Which language is required by the bilingual program? Spanish

F. Public Involvement Plan Form

Complete the Public Involvement Plan Form (TCEQ Form 20960) for each application for a new permit or major amendment to a permit and include as an attachment.

Attachment: Appendix N

Section 9. Regulated Entity and Permitted Site Information (Instructions Page 33)

- A. If the site is currently regulated by TCEQ, provide the Regulated Entity Number (RN) issued to this site. RN110910254

Search the TCEQ's Central Registry at <http://www15.tceq.texas.gov/crpub/> to determine if the site is currently regulated by TCEQ.

- B. Name of project or site (the name known by the community where located):

Westridge Oaks WWTP

- C. Owner of treatment facility: Aguilas Robles, LLC

Ownership of Facility: ☐ Public ☒ Private ☐ Both ☐ Federal

- D. Owner of land where treatment facility is or will be:

Prefix (Mr., Ms., Miss):

First and Last Name: Aguilas Robles, LLC

Mailing Address: 3724 Hulen Street

City, State, Zip Code: Fort Worth, TX 76107

Phone No.: 205-504-4877

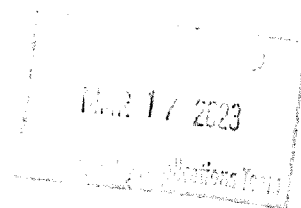
E-mail Address: josh@trioakdevelopment.com

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment:

- E. Owner of effluent disposal site:

Prefix (Mr., Ms., Miss): N/A



First and Last Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A

E-mail Address: N/A

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment: N/A

- F. Owner of sewage sludge disposal site (if authorization is requested for sludge disposal on property owned or controlled by the applicant):

Prefix (Mr., Ms., Miss): N/A

First and Last Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A

E-mail Address: N/A

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment: N/A

Section 10. TPDES Discharge Information (Instructions Page 34)

- A. Is the wastewater treatment facility location in the existing permit accurate?

☐ Yes ☒ No

If no, or a new permit application, please give an accurate description:

0.68 MILES NORTHWEST OF THE INTERSECTION FM 1102 AND WATSON LN W IN COMAL COUNTY

- B. Are the point(s) of discharge and the discharge route(s) in the existing permit correct?

☐ Yes ☒ No

If no, or a new or amendment permit application, provide an accurate description of the point of discharge and the discharge route to the nearest classified segment as defined in 30 TAC Chapter 307:

The discharge will flow via force main across the property for approximately 3,400 LF and discharge into York Tributary 7 for approximately 11,400 LF, thence to York Creek for approximately 26.6 miles, thence to San Marcos River Segment 1808.

City nearest the outfall(s): New Braunfels

County in which the outfalls(s) is/are located: Comal

Outfall Latitude: 29.791039

Longitude: -98.057601

- C. Is or will the treated wastewater discharge to a city, county, or state highway right-of-way, or a flood control district drainage ditch?

☐ Yes ☒ No

If yes, indicate by a check mark if:

☐ Authorization granted ☐ Authorization pending

For **new and amendment** applications, provide copies of letters that show proof of contact and the approval letter upon receipt.

Attachment: N/A

- D. For all applications involving an average daily discharge of 5 MGD or more, provide the names of all counties located within 100 statute miles downstream of the point(s) of discharge.

N/A

Section 11. TLAP Disposal Information (Instructions Page 36)

- A. For TLAPs, is the location of the effluent disposal site in the existing permit accurate?

☐ Yes ☐ No

If **no**, or a **new or amendment permit application**, provide an accurate description of the disposal site location:

N/A

- B. City nearest the disposal site: N/A

- C. County in which the disposal site is located: N/A

- D. Disposal Site Latitude: N/A Longitude: N/A

- E. For TLAPs, describe the routing of effluent from the treatment facility to the disposal site:

N/A

- F. For TLAPs, please identify the nearest watercourse to the disposal site to which rainfall runoff might flow if not contained:

N/A

Section 12. Miscellaneous Information (Instructions Page 37)

A. Is the facility located on or does the treated effluent cross American Indian Land?

☐ Yes ☒ No

B. If the existing permit contains an onsite sludge disposal authorization, is the location of the sewage sludge disposal site in the existing permit accurate?

☐ Yes ☐ No ☒ Not Applicable

If No, or if a new onsite sludge disposal authorization is being requested in this permit application, provide an accurate location description of the sewage sludge disposal site.

N/A

C. Did any person formerly employed by the TCEQ represent your company and get paid for service regarding this application?

☐ Yes ☒ No

If yes, list each person formerly employed by the TCEQ who represented your company and was paid for service regarding the application:

N/A

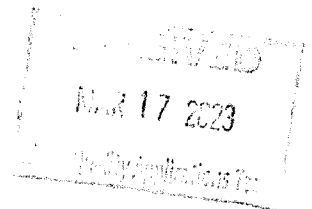
D. Do you owe any fees to the TCEQ?

☐ Yes ☒ No

If yes, provide the following information:

Account number:

Amount past due:



E. Do you owe any penalties to the TCEQ?

☐ Yes ☒ No

If yes, please provide the following information:

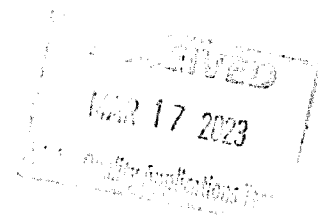
Enforcement order number:

Amount past due:

Section 13. Attachments (Instructions Page 38)

Indicate which attachments are included with the Administrative Report. Check all that apply:

- ☐ Lease agreement or deed recorded easement, if the land where the treatment facility is located or the effluent disposal site are not owned by the applicant or co-applicant.
- ☒ Original full-size USGS Topographic Map with the following information:
 - Applicant's property boundary
 - Treatment facility boundary
 - Labeled point of discharge for each discharge point (TPDES only)
 - Highlighted discharge route for each discharge point (TPDES only)
 - Onsite sewage sludge disposal site (if applicable)
 - Effluent disposal site boundaries (TLAP only)
 - New and future construction (if applicable)
 - 1 mile radius information
 - 3 miles downstream information (TPDES only)
 - All ponds.
- ☐ Attachment 1 for Individuals as co-applicants
- ☐ Other Attachments. Please specify:



Section 14. Signature Page (Instructions Page 39)

If co-applicants are necessary, each entity must submit an original, separate signature page.

Permit Number: WQ0015843001

Applicant: Aguilas Robles, LLC

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code § 305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signatory name (typed or printed): Joshua Majors

Signatory title: Manager

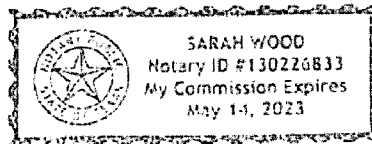
Signature: _____

Date: 3/6/2023

(Use blue ink)

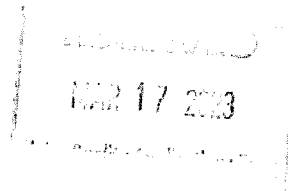
Subscribed and Sworn to before me by the said Joshua Majors
on this 6th day of March, 20 23.
My commission expires on the 14th day of May, 20 23.

Sarah Wood
Notary Public



(SEAL)

Bexar
County, Texas



Section 15. Plain Language Summary (Instructions Page 40)

If you are subject to the alternative language notice requirements in 30 Texas Administrative Code §39.426, **you must provide a translated copy of the completed plain language summary in the appropriate alternative language as part of your application package.** For your convenience, a Spanish template has been provided below.

ENGLISH TEMPLATE FOR TPDES or TLAP NEW/RENEWAL/AMENDMENT APPLICATIONS

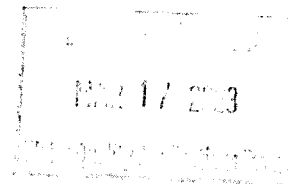
DOMESTIC WASTEWATER

The following summary is provided for this pending water quality permit application being reviewed by the Texas Commission on Environmental Quality as required by 30 Texas Administrative Code Chapter 39. The information provided in this summary may change during the technical review of the application and are not federal enforceable representations of the permit application.

Aguilas Robles, LLC. (CN 606104941) proposes to operate Westridge Oaks WWTP RN110910254, a wastewater treatment plant. The facility will be located 0.68 miles northwest of the intersection of FM 1102 and Watson Ln W, in New Braunfels, Comal County, Texas 78130.

This application is for a TPDES Major Amendment without Renewal.

Discharges from the facility are expected to contain no pollutants. Domestic wastewater will be treated by the facility which is to be constructed in three phases with a total design flow of approximately 600,000 gpd. Interim Phases I and II will treat approximately 100,000 gpd each, the Final Phase will treat approximately 400,000 gpd. Each phase will operate as suspended-growth activated sludge process in the extended aeration mode. The treatment units include a bar screen, aeration basin, clarifier, chlorine contact basin and an aerobic digester. Wastewater will be pumped into the plant where it will enter the aeration basin through a bar screen. The influent will then pass through the aeration zone and flow into a clarifier. From the clarifier, the effluent will flow to a chlorine contact basin for disinfection. This facility will also utilize a digester for sludge holding, prior to haul off.



DOMESTIC ADMINISTRATIVE REPORT 1.1

The following information is required for new and amendment applications.

Section 1. Affected Landowner Information (Instructions Page 41)

- A. Indicate by a check mark that the landowners map or drawing, with scale, includes the following information, as applicable:
- ☒ The applicant's property boundaries
 - ☒ The facility site boundaries within the applicant's property boundaries
 - ☒ The distance the buffer zone falls into adjacent properties and the property boundaries of the landowners located within the buffer zone
 - ☒ The property boundaries of all landowners surrounding the applicant's property (Note: if the application is a major amendment for a lignite mine, the map must include the property boundaries of all landowners adjacent to the new facility (ponds).)
 - ☒ The point(s) of discharge and highlighted discharge route(s) clearly shown for one mile downstream
 - ☒ The property boundaries of the landowners located on both sides of the discharge route for one full stream mile downstream of the point of discharge
 - ☐ The property boundaries of the landowners along the watercourse for a one-half mile radius from the point of discharge if the point of discharge is into a lake, bay, estuary, or affected by tides
 - ☐ The boundaries of the effluent disposal site (for example, irrigation area or subsurface drainfield site) and all evaporation/holding ponds within the applicant's property
 - ☐ The property boundaries of all landowners surrounding the effluent disposal site
 - ☐ The boundaries of the sludge land application site (for land application of sewage sludge for beneficial use) and the property boundaries of landowners surrounding the applicant's property boundaries where the sewage sludge land application site is located
 - ☐ The property boundaries of landowners within one-half mile in all directions from the applicant's property boundaries where the sewage sludge disposal site (for example, sludge surface disposal site or sludge monofill) is located
- B. ☒ Indicate by a check mark that a separate list with the landowners' names and mailing addresses cross-referenced to the landowner's map has been provided.
- C. Indicate by a check mark in which format the landowners list is submitted:
- ☐ USB Drive
 - ☒ Four sets of labels
- D. Provide the source of the landowners' names and mailing addresses: Comal County Central Appraisal district
- E. As required by *Texas Water Code § 5.115*, is any permanent school fund land affected by this application?
- ☐ Yes
 - ☒ No

If yes, provide the location and foreseeable impacts and effects this application has on the land(s):

Section 2. Original Photographs (Instructions Page 44)

Provide original ground level photographs. Indicate with checkmarks that the following information is provided.

- ☒ At least one original photograph of the new or expanded treatment unit location
- ☒ At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.
- ☐ At least one photograph of the existing/proposed effluent disposal site
- ☒ A plot plan or map showing the location and direction of each photograph

Section 3. Buffer Zone Map (Instructions Page 44)

A. Buffer zone map. Provide a buffer zone map on 8.5 x 11-inch paper with all of the following information. The applicant's property line and the buffer zone line may be distinguished by using dashes or symbols and appropriate labels.

- The applicant's property boundary;
- The required buffer zone; and
- Each treatment unit; and
- The distance from each treatment unit to the property boundaries.

B. Buffer zone compliance method. Indicate how the buffer zone requirements will be met. Check all that apply.

- ☒ Ownership
- ☐ Restrictive easement
- ☐ Nuisance odor control
- ☐ Variance

C. Unsuitable site characteristics. Does the facility comply with the requirements regarding unsuitable site characteristic found in 30 TAC § 309.13(a) through (d)?

- ☒ Yes ☐ No

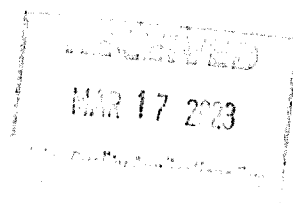
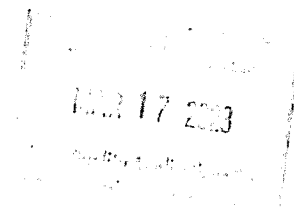


EXHIBIT 2

DOMESTIC TECHINAL REPORT 1.0

DOMESTIC TECHINAL REPORT 1.1

DOMESTIC TECHINALC REPORT 2.0





TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
DOMESTIC WASTEWATER PERMIT APPLICATION

DOMESTIC TECHNICAL REPORT 1.0

The Following Is Required For All Applications
Renewal, New, And Amendment

Section 1. Permitted or Proposed Flows (Instructions Page 51)

A. Existing/Interim I Phase

Design Flow (MGD): 0.100

2-Hr Peak Flow (MGD): 0.400

Estimated construction start date: 10/2023

Estimated waste disposal start date: 10/2024

B. Interim II Phase

Design Flow (MGD): 0.200

2-Hr Peak Flow (MGD): 0.800

Estimated construction start date: 10/2025

Estimated waste disposal start date: 10/2026

C. Final Phase

Design Flow (MGD): 0.600

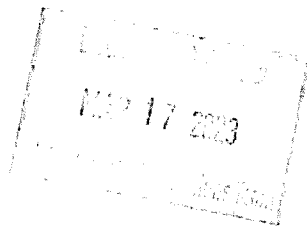
2-Hr Peak Flow (MGD): 2.400

Estimated construction start date: 10/2027

Estimated waste disposal start date: 10/2028

D. Current operating phase: N/A

Provide the startup date of the facility: N/A



Section 2. Treatment Process (Instructions Page 51)

A. Treatment process description

Provide a detailed description of the treatment process. Include the type of

treatment plant, mode of operation, and all treatment units. Start with the plant's head works and finish with the point of discharge. Include all sludge processing and drying units. If more than one phase exists or is proposed in the permit, a description of *each phase* must be provided. Process description:

The facility is to be constructed in three phases with a total design flow of approximately 600,000 gpd. Interim Phases I and II will treat approximately 100,000 gpd each, the Final Phase will treat approximately 400,000 gpd. Each phase will operate as suspended-growth activated sludge process in the extended aeration mode. The treatment units include a bar screen, aeration basin, clarifier, chlorine contact basin and an aerobic digester. Wastewater will be pumped into the plant where it will enter the aeration basin through a bar screen. The influent will then pass through the aeration zone and flow into a clarifier. From the clarifier, the effluent will flow to a chlorine contact basin for disinfection. This facility will also utilize a digester for sludge holding, prior to haul off.

Port or pipe diameter at the discharge point, in inches: 8"

B. Treatment Units

In Table 1.0(1), provide the treatment unit type, the number of units, and dimensions (length, width, depth) of each treatment unit, accounting for *all* phases of operation.

Table 1.0(1) - Treatment Units

Treatment Unit Type	Number of Units	Dimensions (L x W x D)
AERATION BASIN	3 (1 per phase)	Phase 1: 61.5'L x 44'W x 10'D Phase 2: 61.5'L x 44'W x 10'D Phase 3: 61.5'L x 44'W x 10'D
CLARIFIER	3 (1 per phase)	Phase 1: 31' DIA x 10' D Phase 2: 31' DIA x 10' D Phase 3: 31' DIA x 10' D
AEROBIC DIGESTER	3 (1 per phase)	Phase 1: 18.5'L x 44'W x 10'D Phase 2: 18.5'L x 44'W x 10'D Phase 3: 18.5'L x 44'W x 10'D
CHLORINE CONTACT CHAMBER	3 (1 per phase)	Phase 1: 4.5'L x 44'W x 10'D Phase 2: 4.5'L x 44'W x 10'D Phase 3: 4.5'L x 44'W x 10'D

Treatment Unit Type	Number of Units	Dimensions (L x W x D)

C. Process flow diagrams

Provide flow diagrams for the existing facilities and **each** proposed phase of construction.

Attachment: APPENDIX G

Section 3. Site Drawing (Instructions Page 52)

Provide a site drawing for the facility that shows the following:

- The boundaries of the treatment facility;
- The boundaries of the area served by the treatment facility;
- If land disposal of effluent, the boundaries of the disposal site and all storage/holding ponds; and
- If sludge disposal is authorized in the permit, the boundaries of the land application or disposal site.

Attachment: APPENDIX H

Provide the name and a description of the area served by the treatment facility.

The facility is planned to serve a 2,448 lot single-family residential subdivision on approximately 362 acres being developed in the New Braunfels ETJ.

Section 4. Unbuilt Phases (Instructions Page 52)

Is the application for a renewal of a permit that contains an unbuilt phase or phases?

Yes ☐ No ☒

If yes, does the existing permit contain a phase that has not been constructed within five years of being authorized by the TCEQ?

Yes ☐ No ☐

If yes, provide a detailed discussion regarding the continued need for the unbuilt phase. Failure to provide sufficient justification may result in the Executive Director recommending denial of the unbuilt phase or phases.

Section 5. Closure Plans (Instructions Page 53)

Have any treatment units been taken out of service permanently, or will any units be taken out of service in the next five years?

Yes ☐ No ☒

If yes, was a closure plan submitted to the TCEQ?

Yes ☐ No ☐

If yes, provide a brief description of the closure and the date of plan approval.

Section 6. Permit Specific Requirements (Instructions Page 53)

For applicants with an existing permit, check the *Other Requirements* or *Special Provisions* of the permit.

A. Summary transmittal

Have plans and specifications been approved for the existing facilities and each proposed phase?

Yes ☐ No ☒

If yes, provide the date(s) of approval for each phase:

Provide information, including dates, on any actions taken to meet a requirement or provision pertaining to the submission of a summary

transmittal letter. Provide a copy of an approval letter from the TCEQ, if applicable.

B. Buffer zones

Have the buffer zone requirements been met?

Yes ☒ No ☐

Provide information below, including dates, on any actions taken to meet the conditions of the buffer zone. If available, provide any new documentation relevant to maintaining the buffer zones.

150' Buffer around the treatment plant to be owned by plant owner.

C. Other actions required by the current permit

Does the *Other Requirements* or *Special Provisions* section in the existing permit require submission of any other information or other required actions? Examples include Notification of Completion, progress reports, soil monitoring data, etc.

Yes ☐ No ☒

If yes, provide information below on the status of any actions taken to meet the conditions of an *Other Requirement* or *Special Provision*.

D. Grit and grease treatment

1. Acceptance of grit and grease waste

Does the facility have a grit and/or grease processing facility onsite that treats and decants or accepts transported loads of grit and grease waste that are discharged directly to the wastewater treatment plant prior to any

treatment?

Yes ☐ No ☒

If No, stop here and continue with Subsection E. Stormwater Management.

2. Grit and grease processing

Describe below how the grit and grease waste is treated at the facility. In your description, include how and where the grit and grease is introduced to the treatment works and how it is separated or processed. Provide a flow diagram showing how grit and grease is processed at the facility.

N/A

3. Grit disposal

Does the facility have a Municipal Solid Waste (MSW) registration or permit for grit disposal?

Yes ☐ No ☐

If No, contact the TCEQ Municipal Solid Waste team at 512-239-0000. Note: A registration or permit is required for grit disposal. Grit shall not be combined with treatment plant sludge. See the instruction booklet for additional information on grit disposal requirements and restrictions.

Describe the method of grit disposal.

N/A

4. Grease and decanted liquid disposal

Note: A registration or permit is required for grease disposal. Grease shall not be combined with treatment plant sludge. For more information, contact the TCEQ Municipal Solid Waste team at 512-239-0000.

Describe how the decant and grease are treated and disposed of after grit separation.

N/A

E. Stormwater management

1. Applicability

Does the facility have a design flow of 1.0 MGD or greater in any phase?

Yes ☐ No ☒

Does the facility have an approved pretreatment program, under 40 CFR Part 403?

Yes ☐ No ☒

If no to both of the above, then skip to Subsection F, Other Wastes Received.

2. MSGP coverage

Is the stormwater runoff from the WWTP and dedicated lands for sewage disposal currently permitted under the TPDES Multi-Sector General Permit (MSGP), TXR050000?

Yes ☐ No ☐

If yes, please provide MSGP Authorization Number and skip to Subsection F, Other Wastes Received:

TXR05 or TXRNE

If no, do you intend to seek coverage under TXR050000?

Yes ☐ No ☐

3. Conditional exclusion

Alternatively, do you intend to apply for a conditional exclusion from permitting based TXR050000 (Multi Sector General Permit) Part II B.2 or TXR050000 (Multi Sector General Permit) Part V, Sector T 3(b)?

Yes ☐ No ☐

If yes, please explain below then proceed to Subsection F, Other Wastes Received:

4. Existing coverage in individual permit

Is your stormwater discharge currently permitted through this individual TPDES or TLAP permit?

Yes ☐ No ☐

If yes, provide a description of stormwater runoff management practices at the site that are authorized in the wastewater permit then skip to Subsection F, Other Wastes Received.

5. Zero stormwater discharge

Do you intend to have no discharge of stormwater via use of evaporation or other means?

Yes ☐ No ☐

If yes, explain below then skip to Subsection F. Other Wastes Received.

Note: If there is a potential to discharge any stormwater to surface water in the state as the result of any storm event, then permit coverage is required under the MSGP or an individual discharge permit. This requirement applies to all areas of facilities with treatment plants or systems that treat, store, recycle, or reclaim domestic sewage, wastewater or sewage sludge (including dedicated lands for sewage sludge disposal located within the onsite property boundaries) that meet the applicability criteria of above. You have the option of obtaining coverage under the MSGP for direct discharges, (recommended), or obtaining coverage under this individual permit.

6. Request for coverage in individual permit

Are you requesting coverage of stormwater discharges associated with your

treatment plant under this individual permit?

Yes ☐ No ☐

If yes, provide a description of stormwater runoff management practices at the site for which you are requesting authorization in this individual wastewater permit and describe whether you intend to comingle this discharge with your treated effluent or discharge it via a separate dedicated stormwater outfall. Please also indicate if you intend to divert stormwater to the treatment plant headworks and indirectly discharge it to water in the state.

Note: Direct stormwater discharges to waters in the state authorized through this individual permit will require the development and implementation of a stormwater pollution prevention plan (SWPPP) and will be subject to additional monitoring and reporting requirements. Indirect discharges of stormwater via headworks recycling will require compliance with all individual permit requirements including 2-hour peak flow limitations. All stormwater discharge authorization requests will require additional information during the technical review of your application.

F. Discharges to the Lake Houston Watershed

Does the facility discharge in the Lake Houston watershed?

Yes ☐ No ☒

If yes, a Sewage Sludge Solids Management Plan is required. See Example 5 in the instructions.

G. Other wastes received including sludge from other WWTPs and septic waste

1. Acceptance of sludge from other WWTPs

Does the facility accept or will it accept sludge from other treatment plants at the facility site?

Yes ☐ No ☒

If yes, attach sewage sludge solids management plan. See Example 5 of the instructions.

In addition, provide the date that the plant started accepting sludge or is anticipated to start accepting sludge, an estimate of monthly sludge

acceptance (gallons or millions of gallons), an estimate of the BOD₅ concentration of the sludge, and the design BOD₅ concentration of the influent from the collection system. Also note if this information has or has not changed since the last permit action.

N/A

Note: Permits that accept sludge from other wastewater treatment plants may be required to have influent flow and organic loading monitoring.

2. Acceptance of septic waste

Is the facility accepting or will it accept septic waste?

Yes ☐ No ☒

If yes, does the facility have a Type V processing unit?

Yes ☐ No ☒

If yes, does the unit have a Municipal Solid Waste permit?

Yes ☐ No ☒

If yes to any of the above, provide a the date that the plant started accepting septic waste, or is anticipated to start accepting septic waste, an estimate of monthly septic waste acceptance (gallons or millions of gallons), an estimate of the BOD₅ concentration of the septic waste, and the design BOD₅ concentration of the influent from the collection system. Also note if this information has or has not changed since the last permit action.

Note: Permits that accept sludge from other wastewater treatment plants may be required to have influent flow and organic loading monitoring.

3. Acceptance of other wastes (not including septic, grease, grit, or RCRA, CERCLA or as discharged by IUs listed in Worksheet 6)

Is the facility accepting or will it accept wastes that are not domestic in nature excluding the categories listed above?

Yes ☐ No ☒

If yes, provide the date that the plant started accepting the waste, an estimate how much waste is accepted on a monthly basis (gallons or millions of gallons), a description of the entities generating the waste, and any distinguishing chemical or other physical characteristic of the waste. Also note if this information has or has not changed since the last permit action.

Section 7. Pollutant Analysis of Treated Effluent (Instructions Page 58)

Is the facility in operation?

Yes ☐ No ☒

If no, this section is not applicable. Proceed to Section 8.

If yes, provide effluent analysis data for the listed pollutants. *Wastewater treatment facilities* complete Table 1.0(2). *Water treatment facilities* discharging filter backwash water, complete Table 1.0(3).

Note: The sample date must be within 1 year of application submission.

Table 1.0(2) - Pollutant Analysis for Wastewater Treatment Facilities

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
CBOD ₅ , mg/l					
Total Suspended Solids, mg/l					
Ammonia Nitrogen, mg/l					
Nitrate Nitrogen, mg/l					
Total Kjeldahl Nitrogen, mg/l					
Sulfate, mg/l					
Chloride, mg/l					
Total Phosphorus, mg/l					
pH, standard units					
Dissolved Oxygen*, mg/l					

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Chlorine Residual, mg/l					
<i>E.coli</i> (CFU/100ml) freshwater					
Enterococci (CFU/100ml) saltwater					
Total Dissolved Solids, mg/l					
Electrical Conductivity, μ mohs/cm, †					
Oil & Grease, mg/l					
Alkalinity (CaCO ₃)*, mg/l					

*TPDES permits only

†TLAP permits only

Table 1.0(3) - Pollutant Analysis for Water Treatment Facilities

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Total Suspended Solids, mg/l					
Total Dissolved Solids, mg/l					
pH, standard units					
Fluoride, mg/l					
Aluminum, mg/l					
Alkalinity (CaCO ₃), mg/l					

Section 8. Facility Operator (Instructions Page 60)

Facility Operator Name: Crossroads Utility Services LLC

Facility Operator's License Classification and Level: Wastewater Operator A

Facility Operator's License Number: OC0000182

Section 9. Sewage Sludge Management and Disposal (Instructions Page 60)

A. Sludge disposal method

Identify the current or anticipated sludge disposal method or methods from the following list. Check all that apply.

- ☐ Permitted landfill
- ☐ Permitted or Registered land application site for beneficial use
- ☐ Land application for beneficial use authorized in the wastewater permit
- ☐ Permitted sludge processing facility
- ☐ Marketing and distribution as authorized in the wastewater permit
- ☐ Composting as authorized in the wastewater permit
- ☐ Permitted surface disposal site (sludge monofill)
- ☐ Surface disposal site (sludge monofill) authorized in the wastewater permit
- ☒ Transported to another permitted wastewater treatment plant or permitted sludge processing facility. If you selected this method, a written statement or contractual agreement from the wastewater treatment plant or permitted sludge processing facility accepting the sludge must be included with this application.
- ☐ Other:

B. Sludge disposal site

Disposal site name: J-V Dirt & Loan

TCEQ permit or registration number: 2310

County where disposal site is located: Travis

C. Sludge transportation method

Method of transportation (truck, train, pipe, other): Truck

Name of the hauler: Captex

Hauler registration number: 20745

Sludge is transported as a:

Liquid ☒ semi-liquid ☐ semi-solid ☐ solid ☐

Section 10. Permit Authorization for Sewage Sludge Disposal (Instructions Page 60)

A. Beneficial use authorization

Does the existing permit include authorization for land application of sewage sludge for beneficial use?

Yes ☐ No ☒

If yes, are you requesting to continue this authorization to land apply sewage sludge for beneficial use?

Yes ☐ No ☐

If yes, is the completed **Application for Permit for Beneficial Land Use of Sewage Sludge** (TCEQ Form No. 10451) attached to this permit application (see the instructions for details)?

Yes ☐ No ☐

B. Sludge processing authorization

Does the existing permit include authorization for any of the following sludge processing, storage or disposal options?

Sludge Composting Yes ☐ No ☒

Marketing and Distribution of sludge Yes ☐ No ☒

Sludge Surface Disposal or Sludge Monofill Yes ☐ No ☒

Temporary storage in sludge lagoons Yes ☐ No ☒

If yes to any of the above sludge options and the applicant is requesting to continue this authorization, is the completed **Domestic Wastewater Permit Application: Sewage Sludge Technical Report** (TCEQ Form No. 10056) attached to this permit application?

Yes ☐ No ☐

Section 11. Sewage Sludge Lagoons (Instructions Page 61)

Does this facility include sewage sludge lagoons?

Yes ☐ No ☒

If yes, complete the remainder of this section. If no, proceed to Section 12.

A. Location information

The following maps are required to be submitted as part of the application. For each map, provide the Attachment Number.

- Original General Highway (County) Map:

Attachment:

- USDA Natural Resources Conservation Service Soil Map:

Attachment:

- Federal Emergency Management Map:

Attachment:

- Site map:

Attachment:

Discuss in a description if any of the following exist within the lagoon area.

Check all that apply.

- ☐ Overlap a designated 100-year frequency flood plain
- ☐ Soils with flooding classification
- ☐ Overlap an unstable area
- ☐ Wetlands
- ☐ Located less than 60 meters from a fault
- ☐ None of the above

Attachment:

If a portion of the lagoon(s) is located within the 100-year frequency flood plain, provide the protective measures to be utilized including type and size of protective structures:

--

B. Temporary storage information

Provide the results for the pollutant screening of sludge lagoons. These results are in addition to pollutant results in Section 7 of Technical Report 1.0.

Nitrate Nitrogen, mg/kg:

Total Kjeldahl Nitrogen, mg/kg:

Total Nitrogen (=nitrate nitrogen + TKN), mg/kg:

Phosphorus, mg/kg:

Potassium, mg/kg:

pH, standard units:

Ammonia Nitrogen mg/kg:

Arsenic:

Cadmium:

Chromium:

Copper:

Lead:

Mercury:

Molybdenum:

Nickel:

Selenium:

Zinc:

Total PCBs:

Provide the following information:

Volume and frequency of sludge to the lagoon(s):

Total dry tons stored in the lagoons(s) per 365-day period:

Total dry tons stored in the lagoons(s) over the life of the unit:

C. Liner information

Does the active/proposed sludge lagoon(s) have a liner with a maximum hydraulic conductivity of 1×10^{-7} cm/sec?

Yes ☐ No ☐

If yes, describe the liner below. Please note that a liner is required.

D. Site development plan

Provide a detailed description of the methods used to deposit sludge in the lagoon(s):

Attach the following documents to the application.

- Plan view and cross-section of the sludge lagoon(s)

Attachment:

- Copy of the closure plan

Attachment:

- Copy of deed recordation for the site

Attachment:

- Size of the sludge lagoon(s) in surface acres and capacity in cubic feet and gallons

Attachment:

- Description of the method of controlling infiltration of groundwater and surface water from entering the site

Attachment:

- Procedures to prevent the occurrence of nuisance conditions

Attachment:

E. Groundwater monitoring

Is groundwater monitoring currently conducted at this site, or are any wells

available for groundwater monitoring, or are groundwater monitoring data otherwise available for the sludge lagoon(s)?

Yes ☐ No ☐

If groundwater monitoring data are available, provide a copy. Provide a profile of soil types encountered down to the groundwater table and the depth to the shallowest groundwater as a separate attachment.

Attachment:

Section 12. Authorizations/Compliance/Enforcement (Instructions Page 63)

A. Additional authorizations

Does the permittee have additional authorizations for this facility, such as reuse authorization, sludge permit, etc?

Yes ☐ No ☒

If yes, provide the TCEQ authorization number and description of the authorization:

--

B. Permittee enforcement status

Is the permittee currently under enforcement for this facility?

Yes ☐ No ☒

Is the permittee required to meet an implementation schedule for compliance or enforcement?

Yes ☐ No ☒

If yes to either question, provide a brief summary of the enforcement, the implementation schedule, and the current status:

--

Section 13. RCRA/CERCLA Wastes (Instructions Page 63)

A. RCRA hazardous wastes

Has the facility received in the past three years, does it currently receive, or will it receive RCRA hazardous waste?

Yes ☐ No ☒

B. Remediation activity wastewater

Has the facility received in the past three years, does it currently receive, or will it receive CERCLA wastewater, RCRA remediation/corrective action wastewater or other remediation activity wastewater?

Yes ☐ No ☒

C. Details about wastes received

If yes to either Subsection A or B above, provide detailed information concerning these wastes with the application.

Attachment:

Section 14. Laboratory Accreditation (Instructions Page 64)

All laboratory tests performed must meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification*, which includes the following general exemptions from National Environmental Laboratory Accreditation Program (NELAP) certification requirements:

- The laboratory is an in-house laboratory and is:
 - periodically inspected by the TCEQ; or
 - located in another state and is accredited or inspected by that state; or
 - performing work for another company with a unit located in the same site; or
 - performing pro bono work for a governmental agency or charitable organization.
- The laboratory is accredited under federal law.
- The data are needed for emergency-response activities, and a laboratory accredited under the Texas Laboratory Accreditation Program is not available.
- The laboratory supplies data for which the TCEQ does not offer accreditation.

The applicant should review *30 TAC Chapter 25* for specific requirements.

The following certification statement shall be signed and submitted with every application. See the *Signature Page* section in the Instructions, for a list of designated representatives who may sign the certification.

CERTIFICATION:

I certify that all laboratory tests submitted with this application meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification*.

Printed Name: Joshua Majors

Title: Manager

Signature: _____

Date: 3/4/2023

DOMESTIC TECHNICAL REPORT 1.1

The following is required for new and amendment applications

Section 1. Justification for Permit (Instructions Page 66)

A. Justification of permit need

Provide a detailed discussion regarding the need for any phase(s) not currently permitted. Failure to provide sufficient justification may result in the Executive Director recommending denial of the proposed phase(s) or permit.

The existing permit is insufficient to serve the ultimate flow proposed for the development. The wastewater treatment plant will serve the proposed residential development. There are two separate WWTF within a 3-mile radius of the proposed plant, however, neither facility has the capacity to accept additional waste and it is not economical to transport to or scale the existing facilities. Design flows are based on Living Unit Equivalents (LUEs) or connections associated with the service area. A basis of 245 gallons of wastewater per day per connection (maximum 30-day wet weather average) was assumed for flow projections. The ultimate flow is based on the total number of houses to be built (2,448 units). The total flow needed at full build out would be 2,448 connections x 245 gal/day/connection = 600,000 gal/day assumed.

B. Regionalization of facilities

Provide the following information concerning the potential for regionalization of domestic wastewater treatment facilities:

1. Municipally incorporated areas

If the applicant is a city, then Item 1 is not applicable. Proceed to Item 2 Utility CCN areas.

Is any portion of the proposed service area located in an incorporated city?

Yes ☐ No ☒ Not Applicable ☐

If yes, within the city limits of:

If yes, attach correspondence from the city.

Attachment:

If consent to provide service is available from the city, attach a justification for the proposed facility and a cost analysis of expenditures that includes the cost of connecting to the city versus the cost of the

proposed facility or expansion attached.

Attachment:

2. Utility CCN areas

Is any portion of the proposed service area located inside another utility's CCN area?

Yes ☐ No ☒

If yes, attach a justification for the proposed facility and a cost analysis of expenditures that includes the cost of connecting to the CCN facilities versus the cost of the proposed facility or expansion.

Attachment:

3. Nearby WWTPs or collection systems

Are there any domestic permitted wastewater treatment facilities or collection systems located within a three-mile radius of the proposed facility?

Yes ☒ No ☐

If yes, attach a list of these facilities that includes the permittee's name and permit number, and an area map showing the location of these facilities.

Attachment: APPENDIX I

If yes, attach copies of your certified letters to these facilities and their response letters concerning connection with their system.

Attachment: N/A – WQ0015843001 permit is already issued and demonstrates the need for this facility.

Does a permitted domestic wastewater treatment facility or a collection system located within three (3) miles of the proposed facility currently have the capacity to accept or is willing to expand to accept the volume of wastewater proposed in this application?

Yes ☐ No ☒

If yes, attach an analysis of expenditures required to connect to a permitted wastewater treatment facility or collection system located within 3 miles versus the cost of the proposed facility or expansion.

Attachment:

Section 2. Organic Loading (Instructions Page 67)

Is this facility in operation?

Yes ☐

No ☒

If no, proceed to Item B, Proposed Organic Loading.

If yes, provide organic loading information in Item A, Current Organic Loading

A. Current organic loading

Facility Design Flow (flow being requested in application):

Average Influent Organic Strength or BOD₅ Concentration in mg/l:

Average Influent Loading (lbs/day = total average flow X average BOD₅ conc. X 8.34):

Provide the source of the average organic strength or BOD₅ concentration.

--

B. Proposed organic loading

This table must be completed if this application is for a facility that is not in operation or if this application is to request an increased flow that will impact organic loading.

Table 1.1(1) - Design Organic Loading

Source	Total Average Flow (MGD)	Influent BOD ₅ Concentration (mg/l)
Municipality		
Subdivision	0.600	400
Trailer park - transient		

Source	Total Average Flow (MGD)	Influent BOD ₅ Concentration (mg/l)
Mobile home park		
School with cafeteria and showers		
School with cafeteria, no showers		
Recreational park, overnight use		
Recreational park, day use		
Office building or factory		
Motel		
Restaurant		
Hospital		
Nursing home		
Other		
TOTAL FLOW from all sources	0.600	
AVERAGE BOD ₅ from all sources		400

Section 3. Proposed Effluent Quality and Disinfection (Instructions Page 68)

A. Existing/Interim I Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l: 5

Total Suspended Solids, mg/l: 5

Ammonia Nitrogen, mg/l: 2

Total Phosphorus, mg/l: 1

Dissolved Oxygen, mg/l:

Other:

B. Interim II Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l: 5

Total Suspended Solids, mg/l: 5

Ammonia Nitrogen, mg/l: 2

Total Phosphorus, mg/l: 1

Dissolved Oxygen, mg/l:

Other:

C. Final Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l: 5

Total Suspended Solids, mg/l: 5

Ammonia Nitrogen, mg/l: 2

Total Phosphorus, mg/l: 1

Dissolved Oxygen, mg/l:

Other:

D. Disinfection Method

Identify the proposed method of disinfection.

☒ Chlorine: 1 mg/l after 20 minutes detention time at peak flow

Dechlorination process:

☐ Ultraviolet Light: _____ seconds contact time at peak flow

☐ Other:

Section 4. Design Calculations (Instructions Page 68)

Attach design calculations and plant features for each proposed phase. Example 4 of the instructions includes sample design calculations and plant features.

Attachment: APPENDIX J

Section 5. Facility Site (Instructions Page 68)

A. 100-year floodplain

Will the proposed facilities be located above the 100-year frequency flood level?

Yes ☒ No ☐

If **no**, describe measures used to protect the facility during a flood event. Include a site map showing the location of the treatment plant within the 100-year frequency flood level. If applicable, provide the size and types of protective structures.

Provide the source(s) used to determine 100-year frequency flood plain.

FIRMETTE PANNEL 48091C0295F (APPENDIX K)

For a new or expansion of a facility, will a wetland or part of a wetland be filled?

Yes ☐ No ☒

If **yes**, has the applicant applied for a US Corps of Engineers 404 Dredge and Fill Permit?

Yes ☐ No ☐

If **yes**, provide the permit number:

If **no**, provide the approximate date you anticipate submitting your application to the Corps:

B. Wind rose

Attach a wind rose. Attachment: APPENDIX L

Section 6. Permit Authorization for Sewage Sludge Disposal (Instructions Page 69)

A. Beneficial use authorization

Are you requesting to include authorization to land apply sewage sludge for beneficial use on property located adjacent to the wastewater treatment facility under the wastewater permit?

Yes ☐ No ☒

If yes, attach the completed Application for Permit for Beneficial Land Use of Sewage Sludge (TCEQ Form No. 10451)

Attachment:

B. Sludge processing authorization

Identify the sludge processing, storage or disposal options that will be conducted at the wastewater treatment facility:

- ☐ Sludge Composting
- ☐ Marketing and Distribution of sludge
- ☐ Sludge Surface Disposal or Sludge Monofill

If any of the above sludge options are selected, attach a completed DOMESTIC WASTEWATER PERMIT APPLICATION: SEWAGE SLUDGE TECHNICAL REPORT (TCEQ Form No. 10056).

Attachment:

Section 7. Sewage Sludge Solids Management Plan (Instructions Page 69)

Attach a solids management plan to the application.

Attachment: APPENDIX M

The sewage sludge solids management plan must contain the following information:

- Treatment units and processes dimensions and capacities
- Solids generated at 100, 75, 50, and 25 percent of design flow
- Mixed liquor suspended solids operating range at design and projected actual flow
- Quantity of solids to be removed and a schedule for solids removal
- Identification and ownership of the ultimate sludge disposal site
- For facultative lagoons, design life calculations, monitoring well locations and depths, and the ultimate disposal method for the sludge from the facultative lagoon

An example of a sewage sludge solids management plan has been included as Example 5 of the instructions.

DOMESTIC TECHNICAL REPORT WORKSHEET 2.0

RECEIVING WATERS

The following is required for all TPDES permit applications

Section 1. Domestic Drinking Water Supply (Instructions Page 73)

Is there a surface water intake for domestic drinking water supply located within 5 miles downstream from the point or proposed point of discharge?

Yes ☐ No ☒

If yes, provide the following:

Owner of the drinking water supply:

Distance and direction to the intake:

Attach a USGS map that identifies the location of the intake.

Attachment:

**Section 2. Discharge into Tidally Affected Waters (Instructions
Page 73)**

Does the facility discharge into tidally affected waters?

Yes ☐ No ☒

If yes, complete the remainder of this section. If no, proceed to Section 3.

A. Receiving water outfall

Width of the receiving water at the outfall, in feet:

B. Oyster waters

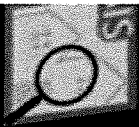
Are there oyster waters in the vicinity of the discharge?

Yes ☐ No ☒

If yes, provide the distance and direction from outfall(s).

--

ATTACHMENT 7



Comal CAD

Property Search

Aguiles

Q Search

Page 0 of 0 - Total: 0 (0.004 seconds)

Filter By: None

Customize View

Year: 2023

Page Size: 25

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Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified with the appraisal district. Please contact the Appraisal District to verify all information for accuracy.



Maple Creek Appraisal District
10000 Highway 100, Suite 100
Maple Creek, CO 80040



Comal CAD

Property Search



Aguilles Robles

Q Search

Page 0 of 0 - Total: 0 (0.003 seconds)

Filter By: None

Customize View

Year: 2023

Page Size: 25

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DISCLAIMER

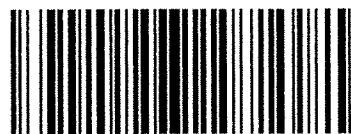
Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified. Please contact the Appraisal District to verify all information for accuracy.



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Bill of Lading

CORPORATE COURIERS AUSTIN



089-01210552

Control Number: 1210552

Submitter Information	Shipping Information
Account: 544 Name: ENOCH KEVER Requested By: LYNN NEEDLES Phone: 512-615-1200 Notes:	Service Type: 2 HOUR Pieces: 1 Weight: 3 lbs Charges: \$0.00 Quote: \$19.31 Reference: 14025 Entered: 07/17/2023 1:27pm
Pick Up From ENOCH KEVER PLLC COURTNEY 7600 N. CAPITAL OF TEXAS HWY BUILDING B, SUITE AUSTIN, TX 78731 Phone: 512-615-1200 Ext: 1200	Deliver To OFFICE OF THE CHIEF CLERK - TCEQ CHIEF CLERK 12100 PARK 35 CIRCLE, BLDG F AUSTIN, TX 78753 Phone: 512-239-3300
Pick Up Details Requested Date: 07/17/2023 Ready Time: NOW Pickup Instructions: PHONE: 512 615-1200 Pick up at receptionist desk from Courtney Actual Date: Arrival Time: Departure Time:	Delivery Details Requested Date: 07/17/2023 Deliver By: 3:27pm Delivery Instructions: Hand-deliver to Office of Chief Clerk <i>RETURN TO ENOCH KEVER w/ SIGNED, STAMPED COPY OR RECEIPT</i> Actual Date: Arrival Time: Departure Time:
Driver: Date: Time:	Received By: X <i>A. Khan</i> Print Name: AAKEFA KHAN

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2023 JUL 17 PM 2:24

CHIEF CLERKS OFFICE

Marielle Bascon

From: PUBCOMMENT-OCC
Sent: Monday, July 17, 2023 10:45 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0015843001

H

From: psarahan@enochkever.com <psarahan@enochkever.com>
Sent: Monday, July 17, 2023 9:16 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0015843001

REGULATED ENTY NAME WESTRIDGE OAKS WWTP

RN NUMBER: RN110910254

PERMIT NUMBER: WQ0015843001

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: AGUILAS ROBLES LLC

CN NUMBER: CN606104941

NAME: Paul Sarahan

EMAIL: psarahan@enochkever.com

COMPANY: Enoch Kever PLLC

ADDRESS: 7600 N CAPITAL OF TEXAS HWY Building B, Suite 200
AUSTIN TX 78731-1184

PHONE: 5126151200

FAX:

COMMENTS: I am submitting these comments and request for a contested case hearing on behalf of our client, Catalaunian LLC. Catalaunian LLC is the owner of the land, located at 6281 FM 1102, New Braunfels, TX 78132 (the "Property") on which the Westridge Oaks WWTP (the "WWTP") is proposed to be constructed. Catalaunian LLC acquired the Property from Highbridge Consulting LLC. It is our belief that Agulies Robles, as well as the prior permittee, has no valid property interest in the site on which the WWTP is proposed to be located. I am submitting further documentation regarding our comment by fax and by mail this morning. I respectfully request that the Executive Director: (1) require Agulies to provide proof of property ownership, interest or right in the site on which it proposes to locate the WWTP

that is the subject of its pending Major Amendment Application. (2) deny and return the Major Amendment Application to Aguiles; and (3) transfer the Permit to Catalaunian LLC, the rightful owner of the Property, or, in the alternative, void the Permit based on the failure of either Kali Kate or Aguiles to have property ownership, interest or right in the site on which the WWTP is proposed to be located. Finally, in the event that the Major Amendment Application is allowed to proceed, I respectfully request that the Commission hold a contested case hearing regarding the Major Amendment so these issues may be fully litigated before the State Office of Administrative Hearings and, ultimately, the Commission.