TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 3, 2024

VIA ELECTRONIC FILING

Ms. Laurie Gharis
Office of the Chief Clerk
Texas Commission on Environmental Quality
Post Office Box 13087, MC-105
Austin, Texas 78711-3087

Re: Executive Director's Backup Documents Filed for Consideration of Hearing Requests at Agenda for the Application by Schreiber Foods, Inc. for TCEQ Permit No. WQ0003074000; TCEQ Docket No. 2024-0133-IWD

Dear Ms. Gharis:

Enclosed please find a copy of the following documents for inclusion in the background material for this permit application. If you have any questions or comments, please call me at 512-239-6033 or email me at allie.soileau@tceq.texas.gov.

- Statement of Basis and ED's Preliminary Decision/ Draft Permit
- Compliance History Report

Thank you for your attention to this matter.

Sincerely,

Allie Soileau, *Staff Attorney*
Environmental Law Division

TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TCEQ Permit No. WQ0003074000

DESCRIPTION OF APPLICATION

Applicant:	Schreiber Foods, Inc.; Permit No. WQ0003074000
Regulated Activity:	Industrial Wastewater Permit
Type of Application:	Major amendment with renewal
Request:	Major amendment with renewal to authorize the increase of application acres from 50 acres to 61 acres, increase the permitted daily average flow from 132,000 gallons per day (gpd) to 192,000 gpd, and update the organic loading rate measured as biochemical oxygen demand (5-day) and the nitrogen loading rate measured as total nitrogen. Soybean hay, forage sorghum, and small grain crops have been included as alternative crops to the grasses (i.e., coastal Bermuda and ryegrass).
Authority:	Texas Water Code § 26.027; 30 Texas Administrative Code (30 TAC) Chapter 305, Subchapters C-F, Chapters 307, 309, and 319; Commission policies; and Environmental Protection Agency (EPA) guidelines.

EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The draft permit will expire at midnight, ten years from date of permit issuance, according to the requirements of 30 TAC §305.127(1)(C)(ii)(III).

REASON FOR PROJECT PROPOSED

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment of its existing permit. The proposed amendment would authorize the increase of application acres from 50 acres to 61 acres, increase the permitted daily average flow from 132,000 gpd to 192,000 gpd, and update the organic loading rate measured as biochemical oxygen demand (5-day)and the nitrogen loading rate measured as total nitrogen. Soybean hay, forage sorghum, and small grain crops have been included as alternative crops to the grasses (i.e., coastal Bermuda and ryegrass).

All amendment requests are proposed to be granted. Special Provisions B and F have been updated based on the agronomy recommendation received from the Water Quality Assessment Team with interoffice memorandum dated June 20, 2023.

PROJECT DESCRIPTION AND LOCATION

The applicant currently operates Schreiber Foods, a specialty dairy food products manufacturer.

Raw milk is brought to the plant in tankers. In the process of converting milk into finished products (such as cream cheese) much of the water is extracted. This water (a.k.a. cow water) is captured and used, together with clean water, for truck and equipment washwater. Process wastewater, consisting of captured washwater along with milk minerals, organics, and cleaning compounds, is collected and routed through a monitoring station which includes bar screen for solids removal and is then pumped to a dissolved air floatation tank for additional solids removal. Domestic wastewater is treated by a chlorination system prior to being commingled with the process wastewater at the lift station. From the lift station, the commingled effluent is pumped to a storage/treatment system consisting of a 3 million-gallon (MG) aeration lagoon

equipped with 200 horsepower (hp) of aeration equipment and two 3 MG aeration lagoons (Aerated Storage Basins No. 1 and 2) equipped with 60 hp of aeration equipment each. Effluent from the lagoons is routed to a center-pivot irrigation system consisting of a 61-acre tract for irrigating crops consisting of Coastal Bermuda Grass, Soybean hay, forage sorghum (primary crops) and Ryegrass and small grain crops (supplemental cool-weather crops

The plant and land application site are located at 923 County Road 176, near the City of Stephenville, Erath County, Texas.

The facility and disposal site are located in the drainage area of Paluxy River/North Paluxy River in Segment No. 1229 of the Brazos River Basin. The designated uses for Segment No. 1229 are primary contact recreation, public water supply, and high aquatic life use. All determinations are preliminary and subject to additional review and revisions.

SUMMARY OF EFFLUENT DATA

The following is a quantitative description of the discharge described in the monthly effluent report data for the period August 2020 through August 2022. The "Avg of Daily Avg" values presented in the following table are the average of all daily average values for the reporting period for each parameter. The "Max of Daily Max" values presented in the following table are the individual maximum values for the reporting period for each parameter. Flows are expressed in gallons per day (gpd). All pH values are expressed in standard units (SU).

Effluent Characteristics:

Parameter	Average of Daily Avg, mg/L	Maximum of Daily Max, mg/L
Flow	92,892 gpd	N/A
Chloride	800	N/A
Sodium	893	N/A
Sodium Adsorption Ratio (SAR)	21.95 meq/L	N/A
Total Phosphorus	6.3	N/A
Total Dissolved Solids (TDS)	2,858	N/A
Total Suspended Solids (TSS)	91.68	N/A
Biochemical Oxygen Demand, 5-day (BOD_5)	33.3	N/A
Oil and Grease	N/A	1.04
Total Nitrogen	21.75	38.1
pH	8.08 SU (min.)	8.64 SU (max.)

No violations occurred during the report period reviewed.

DRAFT PERMIT CONDITIONS

The draft permit authorizes the disposal of treated wastewater (process and domestic) from a specialty dairy foods manufacturing facility at a daily average flow not to exceed 0.132 MGD via irrigation of 61 acres of Coastal Bermuda, Soybean hay, forage sorghum (primary crops) and Ryegrass and Small Grains (supplemental cool-weather crops).

Final effluent limitations are established in the draft permit as follows:

Pollutant	Daily Average, mg/L	Daily Maximum, mg/L
Flow	192,000 GPD	Report, GPD
Chloride	Record	N/A
Sodium	Record	N/A
Total Phosphorus	Record	N/A
TDS	4000	N/A
TSS	650	N/A
BOD_5	Record	N/A
Oil and Grease	N/A	15
Total Nitrogen	Record	N/A
pH	6.0 SU (min.)	9.0 SU (max.)

The permittee requested to increase the permitted daily average flow from 132,000 gallons per day to 192,000 gallons per day, which has been granted.

The existing daily average limits for total dissolved solids and total suspended solids, daily maximum limit for oil and grease, and minimum and maximum limits for pH are still protective and have been carried forward in the draft permit. The existing daily average monitoring and reporting requirements for chloride, sodium, total phosphorus, biochemical oxygen demand (5-day), and total nitrogen are still adequate and have been carried forward in the draft permit.

The hydraulic loading rate has been recalculated based on the major amendment request to increase the daily average flow. The recalculated limit has been included in the draft permit.

The existing organic loading rate was originally included to prevent the occurrence of anaerobic and/or nuisance conditions on the basis of BPJ. The existing rate is generally accepted for land application sites and is still adequate. The existing nitrogen loading rate was originally included based on crop requirements. The existing organic and nitrogen loading rates are still adequate and have been carried forward in the draft permit.

SUMMARY OF CHANGES FROM APPLICATION

No changes were made from the permit application.

SUMMARY OF CHANGES FROM EXISTING PERMIT

The permittee requested the following changes in their amendment request that the Executive Director has recommended granting:

1. Authorize the increase of land application area from 50 acres to 61 acres.
2. Authorize the increase of the permitted daily average flow from 132,000 gallons per day to 192,000 gallons per day.
3. Update the organic loading rate measured as biochemical oxygen demand (5-day) and the nitrogen loading rate measured as total nitrogen.
4. Include Soybean hay and forage sorghum (primary crops) and small grains (supplemental cool-weather crops) as additional crops.

The following additional changes have been made to the draft permit.

1. The facility description on the cover page of the draft permit was updated to reflect the request to increase the application acres from 50 to 60 acres.

2. The mailing address has been updated from 400 North Washington Street, Green Bay, Wisconsin 54301 to P.O. Box 19010, Green Bay, Wisconsin 54307, based on information submitted in the major amendment applciation dated February 6, 2023.

3. The facility and land application site address has been updated based on information submitted in the major amendment application received on February 6, 2023.

4. The hydraulic loading rate has been increased from 2.84 acre-feet/acre/year to 3.53 acre-feet/acre/year based on the recommendation received from the Water Quality Assessment Team with an interoffice memorandum dated June 20, 2023.

5. Special Provision B and F have been updated based on the recommendation provided in the agronomy recommendation received from the Water Quality Assessment Team with interoffice memorandum dated June 20, 2023.

6. Special Provision E has been revised to clarify the treated domestic wastewater authorization better.

7. Special Provision H.1. has been revised for clarification purposes.

8. Special Provision S has been updated based on the results of the water balance calculation.

BASIS FOR DRAFT PERMIT

The following items were considered in developing the draft permit:

1. Application received on February 6, 2023 and additional information received on March 24, 2023 and March 30, 2023.

2. Existing permits: TCEQ Permit No. WQ0003074000 issued June 15, 2019.

3. TCEQ Rules.

4. *Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits*, TCEQ Document No. 98-001.000-OWR-WQ, May 1998.

5. TCEQ Groundwater Impact Evaluation dated March 27, 2023.

6. TCEQ Agronomy Evaluation dated June 20, 2023.

7. 30 TAC Chapter 309.

8. Consistency with the Coastal Management Plan: N/A

9. *Bulletin 6019 – Consumptive Use of Water By Major Crops in Texas*, Texas Water Development Board, November 1960.

10. *Urban Hydrology for Small Watersheds – Technical Release No. 55*, U.S. Department of Agriculture, January 1975.

11. *SCS National Engineering Handbook*, Section 4, Hydrology, Chapter 9, U.S. Department of Agriculture, August 1972.

12. *Process Design Manual, Land Treatment of Municipal Wastewater*, U.S. Environmental Protection Agency, EPA *625/1-81-013,* October 1981.

13. *Handbook of Land Treatment Systems for Industrial and Municipal Wastes,* Reed and Crites, Noyes Publications, copyright 1984.

PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the Chief Clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for reviewing and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The Chief Clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, the Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application. This notice sets a deadline for public comment.

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

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

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

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

For additional information about this application, contact Alyssa Loveday at (512) 239-4524.

Alyssa Loveday — *May 31, 2023*

Alyssa Loveday — Date

Appendix A
Water Balance Calculations

WATER BALANCE CALCULATIONS, all units in inches (unless otherwise specified)

Permittee: **Schreiber Foods, Inc.**
Permit No.: **WQ0003074000**
TWDB Data Quadrangle: **509**

The water balance calculations are designed to evaluate the maximum application rate (hydraulic loading rate) for the land area where irrigation is to occur. The applicant's proposed application rate must not must not exceed the maximum calculated application rate or the maximum application rate based on agronomic analyis.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9a)	(9b)	(10)	(11)
Month	Avg Rain	Avg Runoff	Avg Infilt Rainfall	Evapo-trans.	Required Leach	Total Water Needs	Effluent Needed in Root Zone	Raw Net Evap. from Reservoir	Reservoir Net Evap. (as inches on plot acres)	Effluent Needed Based on Irrigation Efficiency	Reservoir Consumtion (as inches on plot acres)
Units →	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*
January	1.59	0.12	1.46	1.50	0.11	1.61	0.15	0.93	0.08	0.18	0.25
February	1.87	0.22	1.65	2.70	3.33	6.03	4.37	0.81	0.07	5.15	5.21
March	2.75	0.62	2.13	6.80	14.86	21.66	19.53	1.40	0.11	22.97	23.09
April	2.66	0.57	2.09	8.50	20.40	28.90	26.82	2.54	0.21	31.55	31.76
May	4.10	1.46	2.64	6.50	12.29	18.79	16.16	1.24	0.10	19.01	19.11
June	3.53	1.08	2.45	5.90	10.99	16.89	14.44	3.44	0.28	16.99	17.27
July	1.96	0.25	1.71	8.70	22.25	30.95	29.24	6.01	0.49	34.40	34.89
August	2.22	0.36	1.86	5.70	12.21	17.91	16.05	5.55	0.46	18.88	19.34
September	2.89	0.70	2.19	1.40	0.00	1.40	0.00	3.00	0.25	0.00	0.25
October	3.13	0.83	2.29	1.40	0.00	1.40	0.00	1.79	0.15	0.00	0.15
November	1.92	0.23	1.69	1.50	0.00	1.50	0.00	1.44	0.12	0.00	0.12
December	1.38	0.07	1.31	1.10	0.00	1.10	0.00	1.09	0.09	0.00	0.09
Totals	29.99	6.52	23.47	51.70	96.45	148.15	126.76	29.24	2.40	149.13	151.52

Crop is	soybean & small grain					
CN	71.00	*dimensionless*	Maximum calculated application rate =	12.43	*ac-in/ac/month* **OR**	*ac-ft/ac/year*
Ce	5.25	*mm/hr/cm*	Applicant's proposed application rate =	3.53	*ac-in/ac/month* **OR**	*ac-ft/ac/year*
Ci	6.90	*mm/hr/cm*	Maximum rate from agronomic analysis =	3.53	*ac-in/ac/month* **OR**	*ac-ft/ac/year*
Pond area	5.00	*acres*				
Irrigation area	61.00	*acres*				
Irrigation Efficiency, *K*	0.85	*dimensionless*	**Recommended rate for permit =**	**3.53**	*ac-in/ac/month* **OR**	*ac-ft/ac/year*
Design Flow	0.192	*MGD*	**Limiting factor =**	Click this cell to choose from list.		
			Gross rate check (from flow, acres) =	3.53	**OK**	

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Water Balance Calculations

WATER BALANCE CALCULATIONS, all units in inches (unless otherwise specified)

Permittee:	Schreiber Foods, Inc.	TWDB Data Quadrangle:	
Permit No.:	WQ0003074000	509	

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9a)	(9b)	(10)	(11)
Month	Avg Rain	Avg Runoff	Avg Infilt Rainfall	Evapo-trans.	Required Leach	Total Water Needs	Effluent Needed in Root Zone	Raw Net Evap. from Reservoir	Reservoir Net Evap. (as inches on plot acres)	Effluent Needed Based on Irrigation Efficiency	Reservoir Consumtion (as inches on plot acres)
Units →	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*
January	1.59	0.12	1.46	1.50	0.11	1.61	0.15	0.93	0.08	0.18	0.25
February	1.87	0.22	1.65	2.70	3.33	6.03	4.37	0.81	0.07	5.15	5.21
March	2.75	0.62	2.13	6.80	14.86	21.66	19.53	1.40	0.11	22.97	23.09
April	2.66	0.57	2.09	8.50	20.40	28.90	26.82	2.54	0.21	31.55	31.76
May	4.10	1.46	2.64	6.50	12.29	18.79	16.16	1.24	0.10	19.01	19.11
June	3.53	1.08	2.45	7.60	16.40	24.00	21.55	3.44	0.28	25.35	25.63
July	1.96	0.25	1.71	9.10	23.52	32.62	30.91	6.01	0.49	36.37	36.86
August	2.22	0.36	1.86	5.00	9.99	14.99	13.12	5.55	0.46	15.44	15.90
September	2.89	0.70	2.19	0.00	0.00	0.00	0.00	3.00	0.25	0.00	0.25
October	3.13	0.83	2.29	1.40	0.00	1.40	0.00	1.79	0.15	0.00	0.15
November	1.92	0.23	1.69	1.50	0.00	1.50	0.00	1.44	0.12	0.00	0.12
December	1.38	0.07	1.31	1.10	0.00	1.10	0.00	1.09	0.09	0.00	0.09
Totals	29.99	6.52	23.47	51.70	100.90	152.60	132.61	29.24	2.40	156.01	158.41

Crop is	sorghum & small grain					
CN	71.00	*dimensionless*	Maximum calculated application rate =	13.00	*ac-in/ac/month* **OR**	*ac-ft/ac/year*
Ce	5.25	*mmhos/cm*	Applicant's proposed application rate =	3.53	*ac-in/ac/month* **OR**	*ac-ft/ac/year*
Ci	6.90	*mmhos/cm*	Maximum rate from agronomic analysis =	3.53	*ac-in/ac/month* **OR**	*ac-ft/ac/year*
Pond area	5.00	*acres*				
Irrigation area	61.00	*acres*				
Irrigation Efficiency, *K*	0.85	*dimensionless*	**Recommended rate for permit =**	**3.53**	*ac-in/ac/month* **OR**	*ac-ft/ac/year*
Design Flow	0.192	*MGD*	**Limiting factor =**	Click this cell to choose from list.		
			Gross rate check (from flow, acres) =	3.53	**OK**	

Appendix A
Water Balance Calculations

WATER BALANCE CALCULATIONS, all units in inches (unless otherwise specified)

Permittee:	Screiber Foods, Inc.	TWDB Data Quadrangle:	
Permit No.:	WQ0003074000	509	

The water balance calculations are designed to evaluate the maximum application rate (hydraulic loading rate) for the land area where irrigation is to occur. The applicant's proposed application rate must not must not exceed the maximum calculated application rate or the maximum application rate based on agronomic analysis.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9a)	(9b)	(10)	(11)
Month	Avg Rain	Avg Runoff	Avg Infilt Rainfall	Evapo-trans.	Required Leach	Total Water Needs	Effluent Needed in Root Zone	Raw Net Evap. from Reservoir	Reservoir Net Evap. (as inches on plot acres)	Effluent Needed Based on Irrigation Efficiency	Reservoir Consumtion (as inches on plot acres)
Units →	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*
January	1.59	0.12	1.46	0.99	0.00	0.99	0.00	0.93	0.08	0.00	0.08
February	1.87	0.22	1.65	1.35	0.00	1.35	0.00	0.81	0.07	0.00	0.07
March	2.75	0.62	2.13	3.33	3.82	7.15	5.02	1.40	0.11	5.90	6.02
April	2.66	0.57	2.09	4.05	6.24	10.29	8.21	2.54	0.21	9.66	9.86
May	4.10	1.46	2.64	7.20	14.52	21.72	19.09	1.24	0.10	22.45	22.56
June	3.53	1.08	2.45	8.10	17.99	26.09	23.64	3.44	0.28	27.81	28.09
July	1.96	0.25	1.71	8.37	21.20	29.57	27.86	6.01	0.49	32.77	33.27
August	2.22	0.36	1.86	5.31	10.97	16.28	14.42	5.55	0.46	16.97	17.42
September	2.89	0.70	2.19	6.03	12.21	18.24	16.05	3.00	0.25	18.88	19.13
October	3.13	0.83	2.29	4.68	7.60	12.28	9.99	1.79	0.15	11.75	11.90
November	1.92	0.23	1.69	1.89	0.65	2.54	0.85	1.44	0.12	1.00	1.12
December	1.38	0.07	1.31	0.81	0.00	0.81	0.00	1.09	0.09	0.00	0.09
Totals	29.99	6.52	23.47	52.11	95.20	147.31	125.12	29.24	2.40	147.20	149.60

Crop is	Bermuda & ryegrass					
CN	71.00	*dimensionless*	Maximum calculated application rate =	12.27	*ac-in/ac/month* **OR**	*ac-ft/ac/year*
Ce	5.25	*mmhos/cm*	Applicant's proposed application rate =	3.53	*ac-in/ac/month* **OR**	*ac-ft/ac/year*
CI	6.90	*mmhos/cm*	Maximum rate from agronomic analysis =	3.53	*ac-in/ac/month* **OR**	*ac-ft/ac/year*
Pond area	5.00	*acres*				
Irrigation area	61.00	*acres*				
Irrigation Efficiency, *K*	0.85	*dimensionless*	**Recommended rate for permit =**	**3.53**	*ac-in/ac/month* **OR**	*ac-ft/ac/year*
Design Flow	0.192	*MGD*	**Limiting factor =**	Click this cell to choose from list.		
			Gross rate check (from flow, acres) =	3.53	**OK**	

Appendix B
Storage Calculations

STORAGE CALCULATIONS, all units in inches (unless otherwise specified)

Permittee: Schreiber Foods, Inc.
Permit No.: WQ0003074000

storage calculations are designed to evaluate the

(12) Month	(13) Effluent Available (as inches on plot acres)	(14a) Average Rainfall Distrib. (%)	(14b) Rain Worst Year	(15) Field Runoff Worst Year	(16) Infiltrated Rain	(17) Avail Water	(18a) Average Net Evap. Distrib. (%)	(18b) Low Net Evap. from Reservoir Surface	(19) Effluent to Storage (as inches on plot acres)	(20) Accum Storage (as inches on plot acres)
Units →	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*
January	3.53	5.29%	2.42	0.45	1.97	5.49	3.20%	0.01	3.52	17.58
February	3.53	6.24%	2.85	0.68	2.18	5.70	2.76%	0.01	-1.01	0
March	3.53	9.18%	4.20	1.53	2.67	6.19	4.79%	0.01	-18.82	0
April	3.53	8.87%	4.06	1.44	2.63	6.15	8.67%	0.02	-27.41	0
May	3.53	13.66%	6.25	3.10	3.15	6.68	4.24%	0.01	-14.89	0
June	3.53	11.77%	5.39	2.41	2.97	6.50	11.75%	0.02	-12.86	0
July	3.53	6.53%	2.99	0.75	2.23	5.76	20.54%	0.04	-30.29	0
August	3.53	7.41%	3.39	0.99	2.40	5.92	18.99%	0.04	-14.77	0
September	3.53	9.64%	4.41	1.68	2.73	6.25	10.27%	0.02	3.51	3.51
October	3.53	10.42%	4.77	1.94	2.83	6.35	6.12%	0.01	3.51	7.02
November	3.53	6.41%	2.93	0.72	2.21	5.74	4.93%	0.01	3.52	10.54
December	3.53	4.59%	2.10	0.31	1.79	5.32	3.74%	0.01	3.52	14.06
Totals	42.31	100%	45.77	16.02	29.75	72.06	100%	0.19	—	17.58

Worst (low) net evap. =	2.27	inches	Storage required =	89.35	*ac-ft*
Corresponding rain =	45.77	inches	Actual storage =	70.55	*ac-ft*
Worst-case net year =	2007		Additional storage required =	18.80	*ac-ft*
			Storage days =	152	*days*

(13) Effluent available for irrigation (assumes design flow is applied to entire acerage unless different flow values are justified).
(14a) Average rainfall distribution – Data source: Texas Water Development Board (see Quadrangle in Water Balance Calculations above)
(14b) Rainfall worst year = (*rainfall distribution* as fraction or %/100,) * *maximum annual rainfall*
(15) Field runoff worst year = [(*rainfall worst year* – (0.2*((1000/*CN*) – 10)))]^2/((*rainfall worst year* + (0.8*((1000/*CN*) – 10))))
(16) Infiltrated rainfall = (rainfall worst year– field runoff worst year)
(17) Available water = (effluent available for land application + infiltrated rainfall check)
(18a) Average net evaporation distribution – Data source: Texas Water Development Board (see Quadrangle in Water Balance Calculations above)
(18b) Net low evaporation from reservoir surface = [(*low net evaporation*/)*(*net low evaporation avg. dist*)]*[(*pond area*)/(*irrigation area*)]
(19) Storage =
If: (*total water needs – infiltrated rainfall*) < 0, (*effluent available for land application* – *net low evaporation from reservoir surface*);
If: (*total water needs – infiltrated rainfall*) ≥ 0,
(effluent available for land application – net low evaporation from reservoir surface) * [(total water needs – infiltrated rainfall)/(irrigation efficiency)]
(20) Accumulated storage =
If: *net low evaporation from reservoir surface* + *storage* ≤ 0, 0
If: *net low evaporation from reservoir surface* + *storage* > 0, enter value

Appendix B
Storage Calculations

STORAGE CALCULATIONS, all units in inches (unless otherwise specified)

Permittee: Schreiber Foods, Inc.
Permit No.: WQ0003074000

The storage calculations are designed to evaluate the

(12) Month	(13) Effluent Available (as inches on plot acres)	(14a) Average Rainfall Distrib. (%)	(14b) Rain Worst Year	(15) Field Runoff Worst Year	(16) Infiltrated Rain	(17) Avail Water	(18a) Average Net Evap. Distrib. (%)	(18b) Low Net Evap. from Reservoir Surface	(19) Effluent to Storage (as inches on plot acres)	(20) Accum Storage (as inches on plot acres)
Units →	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*
January	3.53	5.29%	2.42	0.45	1.97	5.49	3.20%	0.01	3.52	17.58
February	3.53	6.24%	2.85	0.68	2.18	5.70	2.76%	0.01	-1.01	0
March	3.53	9.18%	4.20	1.53	2.67	6.19	4.79%	0.01	-18.82	0
April	3.53	8.87%	4.06	1.44	2.63	6.15	8.67%	0.02	-27.41	0
May	3.53	13.66%	6.25	3.10	3.15	6.68	4.24%	0.01	-14.89	0
June	3.53	11.77%	5.39	2.41	2.97	6.50	11.75%	0.02	-21.23	0
July	3.53	6.53%	2.99	0.75	2.23	5.76	20.54%	0.04	-32.26	0
August	3.53	7.41%	3.39	0.99	2.40	5.92	18.99%	0.04	-11.32	0
September	3.53	9.64%	4.41	1.68	2.73	6.25	10.27%	0.02	3.51	3.51
October	3.53	10.42%	4.77	1.94	2.83	6.35	6.12%	0.01	3.51	7.02
November	3.53	6.41%	2.93	0.72	2.21	5.74	4.93%	0.01	3.52	10.54
December	3.53	4.59%	2.10	0.31	1.79	5.32	3.74%	0.01	3.52	14.06
Totals	42.31	100%	45.77	16.02	29.75	72.06	100%	0.19	—	17.58

Worst (low) net evap. =	2.27	inches	Storage required =	89.35	*ac-ft*
Corresponding rain =	45.77	inches	Actual storage =	70.55	*ac-ft*
Worst-case net year =	2007		Additional storage required =	18.80	*ac-ft*
			Storage days =	152	*days*

(13) Effluent available for irrigation (assumes design flow is applied to entire acerage unless different flow values are justified).
(14a) Average rainfall distribution - Data source: Texas Water Development Board (see Quadrangle in Water Balance Calculations above)
(14b) Rainfall worst year = (*rainfall distribution* as fraction or %/100) * *maximum annual rainfall*
(15) Field runoff worst year = [(*rainfall worst year* – (0.2*((1000/ *CN*) – 10)))]^2/((*rainfall worst year* + (0.8*((1000/ *CN*) – 10))))
(16) Infiltrated rainfall = (rainfall worst year- field runoff worst year)
(17) Available water = (effluent available for land application + infiltrated rainfall check)
(18a) Average net evaporation distribution - Data source: Texas Water Development Board (see Quadrangle in Water Balance Calculations above)
(18b) Net low evaporation from reservoir surface = [((*low net evaporation*/)*(*net low evaporation avg. dist*)]*[(*pond area*)/(*irrigation area*)]
(19) Storage =
If: (*total water needs – infiltrated rainfall*) < 0, (*effluent available for land application – net low evaporation from reservoir surface*);
If: (*total water needs – infiltrated rainfall*) ≥ 0,
(effluent available for land application – net low evaporation from reservoir surface) * [(total water needs – infiltrated rainfall)/(irrigation efficiency)]
(20) Accumulated storage =
If: *net low evaporation from reservoir surface + storage* ≤ 0, 0
If: *net low evaporation from reservoir surface + storage* > 0, enter value

Appendix B
Storage Calculations

STORAGE CALCULATIONS, all units in inches (unless otherwise specified)

Permittee: Screiber Foods, Inc.
Permit No.: WQ0003074000

The storage calculations are designed to evaluate the storage capacity

(12)	(13)	(14a)	(14b)	(15)	(16)	(17)	(18a)	(18b)	(19)	(20)
Month	Effluent Available (as inches on plot acres)	Average Rainfall Distrib. (%)	Rain Worst Year	Field Runoff Worst Year	Infiltrated Rain	Avail Water	Average Net Evap. Distrib. (%)	Low Net Evap. from Reservoir Surface	Effluent to Storage (as inches on plot acres)	Accum Storage (as inches on plot acres)
Units →	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*	*inches*
January	3.53	5.29%	2.42	0.45	1.97	5.49	3.20%	0.01	3.52	10.17
February	3.53	6.24%	2.85	0.68	2.18	5.70	2.76%	0.01	3.52	13.69
March	3.53	9.18%	4.20	1.53	2.67	6.19	4.79%	0.01	-1.75	0
April	3.53	8.87%	4.06	1.44	2.63	6.15	8.67%	0.02	-5.51	0
May	3.53	13.66%	6.25	3.10	3.15	6.68	4.24%	0.01	-18.33	0
June	3.53	11.77%	5.39	2.41	2.97	6.50	11.75%	0.02	-23.69	0
July	3.53	6.53%	2.99	0.75	2.23	5.76	20.54%	0.04	-28.67	0
August	3.53	7.41%	3.39	0.99	2.40	5.92	18.99%	0.04	-12.85	0
September	3.53	9.64%	4.41	1.68	2.73	6.25	10.27%	0.02	-14.74	0
October	3.53	10.42%	4.77	1.94	2.83	6.35	6.12%	0.01	-7.61	0
November	3.53	6.41%	2.93	0.72	2.21	5.74	4.93%	0.01	3.13	3.13
December	3.53	4.59%	2.10	0.31	1.79	5.32	3.74%	0.01	3.52	6.65
Totals	42.31	100%	45.77	16.02	29.75	72.06	100%	0.19	—	13.69

Worst (low) net evap. =	2.27	inches	Storage required =	69.59	*ac-ft*
Corresponding rain =	45.77	inches	Actual storage =	70.55	*ac-ft*
Worst-case net year =	2007		Additional storage required =	None	*ac-ft*
			Storage days =	118	*days*

(13) Effluent available for irrigation (assumes design flow is applied to entire acerage unless different flow values are justified).
(14a) Average rainfall distribution - Data source: Texas Water Development Board (see Quadrangle in Water Balance Calculations above)
(14b) Rainfall worst year = (*rainfall distribution* as fraction or %/100,)* *maximum annual rainfall*
(15) Field runoff worst year = [(*rainfall worst year* - (0.2*((1000/*CN*) - 10)))]^2/((*rainfall worst year* + (0.8*((1000/*CN*) - 10))))
(16) Infiltrated rainfall = (rainfall worst year- field runoff worst year)
(17) Available water = (effluent available for land application + infiltrated rainfall check)
(18a) Average net evaporation distribution - Data source: Texas Water Development Board (see Quadrangle in Water Balance Calculations above)
(18b) Net low evaporation from reservoir surface = [(*low net evaporation*)*(*net low evaporation avg. dist*)]*[(*pond area*)/(*irrigation area*)]
(19) Storage =
If: (*total water needs - infiltrated rainfall*) < 0, (*effluent available for land application - net low evaporation from reservoir surface*);
If: (*total water needs - infiltrated rainfall*) ≥ 0,
(effluent available for land application - net low evaporation from reservoir surface) * [(total water needs - infiltrated rainfall)/(irrigation efficiency)]
(20) Accumulated storage =
If: *net low evaporation from reservoir surface* + *storage* ≤ 0, 0
If: *net low evaporation from reservoir surface* + *storage* > 0, enter value

PERMIT NO. WQ0003074000

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

This major amendment replaces TCEQ Permit No. WQ0003074000 issued on, June 25, 2019.

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

I. NAME OF PERMITTEE

A. Name: Schreiber Foods, Inc.

B. Address: P.O. Box 19010
Green Bay, Wisconsin 54307

II. NATURE OF BUSINESS PRODUCING WASTE

A specialty dairy food products manufacturer (SIC 2022 and 2023)

III. GENERAL DESCRIPTION AND LOCATION OF WASTE DISPOSAL SYSTEM

Description: Process wastewater, consisting of captured washwater along with milk minerals, organics, and cleaning compounds, is collected and routed through a monitoring station which includes a bar screen for solids removal. The process wastewater is then pumped to a dissolved air floatation tank for additional solids removal. Domestic wastewater is treated by a chlorination system prior to being commingled with the process wastewater at the lift station. From the lift station, the effluent is pumped to a storage/treatment system consisting of a three-million-gallon aeration lagoon equipped with 200 horsepower (hp) of aeration equipment and two, three million-gallon aeration lagoons (Aerated Storage Basins No. 1 and 2) equipped with 60 hp of aeration equipment each. Effluent from the lagoons is routed to a center-pivot irrigation system consisting of a 61-acre tract for irrigating crops of Coastal Bermuda, soybean Hay, or Forage Sorghum (primary crops) and Ryegrass or Small Grains (supplemental cool-weather crops).

Location: The facility and land application site are located at 923 County Road 176, near the City of Stephenville, Erath County, Texas 76401.

Drainage Basin: The facility and disposal site are located in the drainage area of Paluxy River/North Paluxy River in Segment No. 1229 of the Brazos River Basin. No discharge of pollutants into water in the state is authorized by this permit.

This permit shall expire at midnight ten years from the date of permit issuance.

ISSUED DATE:

_____
For the Commission

IV. CONDITIONS OF THE PERMIT

Character: Treated wastewater (process and domestic) from a specialty dairy foods manufacturing facility.

Volume: Daily average flow not to exceed 192,000 gallons per day (gpd) of treated wastewater from the facility to the effluent treatment/storage lagoons

Quality: Effluent routed from the effluent treatment/storage lagoons shall be monitored for the following parameters:

Parameter	Daily Average, mg/L	Daily Maximum, mg/L	Frequency	Sample Type
Flow	192,000 gpd	Report, gpd	1/day [1]	Flow Meter
Chloride	Record	N/A	1/6 months	Grab
Sodium	Record	N/A	1/6 months	Grab
Total Phosphorus	Record	N/A	1/6 months	Grab
Total Dissolved Solids	4000	N/A	1/6 months	Grab
Total Suspended Solids	650	N/A	1/6 months	Grab
Biochemical Oxygen Demand (5-day)	Record	N/A	1/week	Grab
Oil and Grease	N/A	15	1/week	Grab
Total Nitrogen	Record	N/A	1/week	Grab
pH, Standard Units (SU)	6.0 SU, min	9.0 SU	1/day	Grab

Wastewater quality samples shall be obtained during periods of irrigation from sample ports near the pump(s) which pump the treated wastewater into the irrigation system. Unless allowed by approved analytical method, the analysis of all pollutant parameters for compliance purposes shall be performed as a homogenous sample.

Results from the analyses must be retained on site for five years and available for inspection by authorized representatives of the Texas Commission on Environmental Quality (TCEQ). This data must be submitted to the TCEQ Enforcement Division (MC 224), Industrial Permits Team (MC 148), and Region 4 Office during the month of September of each calendar year.

Application Rate: The following application rates shell be calculated using readings from the flow meter(s) for the irrigation systems:

Hydraulic Loading Rate: 3.53 acre-feet/acre/year

Nitrogen Loading Rate: 360 lbs/acre/year [2]

Organic Loading Rate: 100 lbs/acre/day [3]

[1] Flow shall be monitored after all wastewaters are commingled and prior to entering the effluent treatment/storage lagoons.
[2] Measured as total nitrogen. See Special Provision A.5.
[3] Measured as biochemical oxygen demand, 5-day.

V. SPECIAL PROVISIONS:

A. For the purpose of Part IV of this permit, the following definitions shall apply:

1. Grab sample – an individual sample collected in less than 15 minutes.
2. Grab sample quality – the quality determined by measuring the concentration in milligrams per liter, parts per million, or other appropriate units of measurement in a single grab sample of the defined waste.
3. Daily average flow volume – the arithmetic average of all determinations of the daily flow measurement 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 discharge, the determination shall be the arithmetic average of all instantaneous measurements taken during that month.
4. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.
5. Total nitrogen shall mean the combination of analytical results for ammonia (as N), nitrate-nitrogen, and total organic nitrogen.

B. The permittee shall provide a minimum irrigation field area of 61 acres, exclusive of buffer zones, roadways, ponds, and embankment areas, and other disposal area accessories. The permittee shall maintain a minimum buffer zone of 150 feet from any existing or proposed water supply wells located at or adjacent to this facility. Additional land may be added provided that the permittee submits a map which updates the location of the land tracts used for industrial waste irrigation and obtains approval from the Executive Director of the TCEQ prior to initiating irrigation of the added acreage.

C. This permit does not authorize the discharge of any pollutant from the irrigation site. All wastewater generated at the facility shall be used for irrigation of fields on company owned or leased land as described in the application. The wastewater disposal system shall be designed and operated to prevent:

1. Discharge from the irrigated property.
2. Recharge of groundwater resources which supply or may potentially supply domestic raw water.
3. The occurrence of nuisance conditions.

D. This permit does not authorize the discharge or disposal of whey or any other cheese-manufacturing by-products. The disposal of untreated wastewater generated from the washing of tanker trucks, cheese tables, and any other clean-up operation is also prohibited.

E. This permit does not authorize the discharge of domestic wastewater. All domestic wastewater must be disposed of in an approved manner, such as routing to an approved on-site septic tank and drainfield system or to an authorized third party for treatment and disposal.

In addition, this permit authorizes the disposal of treated domestic wastewater from the on-site domestic wastewater treatment system located at this facility, before commingling with the process wastewater for further treatment and final disposal on the facility's irrigation tract.

The sanitary solids separator effluent shall be chlorinated sufficiently to maintain a minimum of 1.0 mg/l chlorine residual after at least 20 minutes contact time prior to commingling with any other waste stream.

F. The land utilized for wastewater irrigation shall be defined on appropriate maps and updated as necessary. The map(s) shall be available for inspection by authorized representatives of the TCEQ. The permittee shall maintain a permanent crop of Bermuda grass, soybean hay, or forage sorghum (primary crops) and Ryegrass or small grains (cool season) over the irrigated area. The irrigated fields shall be mowed at least twice each year, and all resulting hay shall be removed from the fields. Fertilizers shall be used if required to maintain healthy crops on the irrigated fields.

G. By ownership or deed recorded easement, the permittee shall maintain a minimum buffer zone of 500 feet from lagoons with zones of anaerobic activity (e.g. facultative lagoons) and 50 feet from the perimeter of all irrigated land areas to the nearest property line. The easement must clearly establish the buffer zone boundaries and must set forth any specific activities which are restricted within the buffer zone.

H. POND REQUIREMENTS

A wastewater pond must comply with the following requirements. A wastewater pond (or lagoon) is an earthen structure used to evaporate, hold, store, or treat water that contains a *waste* or *pollutant* or that would cause *pollution* upon *discharge* as those terms are defined in Texas Water Code §26.001, but does not include a pond that contains only stormwater.

1. This subheading is intentionally left blank.

2. An **existing** wastewater pond must be maintained to meet or exceed the original approved design and liner requirements; or, in the absence of original approved requirements, must be maintained to prevent unauthorized discharges of wastewater into or adjacent to water in the state. The permittee shall maintain copies of all liner construction and testing documents at the facility or in a reasonably accessible location and make the information available to the executive director upon request.

3. A **new** wastewater pond constructed after the issuance date of this permit must be lined in compliance with one of the following requirements if it will contain process wastewater as defined in 40 CFR §122.2. The executive director will review ponds that will contain only non-process wastewater on a case-by-case basis to determine whether the pond must be lined. If a pond will contain only non-process wastewater, the owner shall notify the Industrial Permits Team (MC-148) to obtain a written determination at least 90 days before the pond is placed into service and copy the TCEQ Compliance Monitoring Team (MC-224). The permittee must submit all information about the proposed pond contents that is reasonably necessary for the executive director to make a determination. If the executive director determines that a pond does not need to be lined, then the pond is exempt from Items 3(a) through 3(c) and 4 through 7 of POND REQUIREMENTS.

   A wastewater pond that only contains domestic wastewater must comply with the design requirements in 30 TAC Chapter 217 and 30 TAC §309.13(d) in lieu of Items 3(a) through 3(c) of this subparagraph.

   a) Soil liner: The soil liner must contain clay-rich soil material (at least 30% of the liner material passing through a #200 mesh sieve, liquid limit greater than or equal to 30, and plasticity index greater than or equal to 15) that completely covers the sides and bottom of the pond. The liner must be at least 3.0 feet thick. The liner material must be compacted in lifts of no more than 8 inches to 95% standard proctor density at the optimum moisture content in accordance with ASTM D698 to achieve a permeability less than or equal to 1×10^{-7} (≤ 0.0000001) cm/sec. For in-situ soil material that meets the permeability requirement, the material must be scarified at least 8 inches deep and then re-compacted to finished grade.

b) Synthetic membrane: The liner must be a synthetic membrane liner at least 40 mils in thickness that completely covers the sides and the bottom of the pond. The liner material used must be compatible with the wastewater and be resistant to degradation (e.g., from ultraviolet light, chemical reactions, wave action, erosion, etc.). The liner material must be installed and maintained in accordance with the manufacturer's guidelines. A wastewater pond with a synthetic membrane liner must include an underdrain with a leak detection and collection system.

c) Alternate liner: The permittee shall submit plans signed and sealed by a Texas-licensed professional engineer for any other equivalently protective pond lining method to the Industrial Permits Team (MC-148) and copy the Compliance Monitoring Team (MC-224).

4. For a pond that must be lined according to Item 3 (including ponds with in-situ soil liners), the permittee shall provide certification, signed and sealed by a Texas-licensed professional engineer, stating that the completed pond lining and any required underdrain with leak detection and collection system for the pond meet the requirements in Items 3(a) – 3(c) before using the pond. The certification shall include the following minimum details about the pond lining system:

   a) pond liner type (in-situ soil, amended in-situ soil, imported soil, synthetic membrane, or alternative),

   b) materials used,

   c) thickness of materials, and

   d) either permeability test results or a leak detection and collection system description, as applicable.

   The certification must be provided to the TCEQ Water Quality Assessment Team (MC-150), Industrial Permits Team (MC-148), Compliance Monitoring Team (MC-224) and regional office. A copy of the liner certification and construction details (i.e., as-built drawings, construction QA/QC documentation, and post construction testing) must be kept on-site or in a reasonably accessible location (in either hardcopy or digital format) until the pond is closed.

5. Protection and maintenance requirements for a pond subject to subparagraph B or C (including ponds with in-situ soil liners).

   a) The permittee shall maintain a liner to prevent the unauthorized discharge of wastewater into or adjacent to water in the state.

   b) A liner must be protected from damage caused by animals. Fences or other protective devices or measures may be used to satisfy this requirement.

   c) The permittee shall maintain the structural integrity of the liner and shall keep the liner and embankment free of woody vegetation, animal burrows, and excessive erosion.

   d) The permittee shall inspect each pond liner and each leak detection system at least once per month. Evidence of damage or unauthorized discharge must be evaluated by a Texas-licensed professional engineer or Texas-licensed professional geoscientist within 30 days. The permittee is not required to drain an operating pond or to inspect below the waterline during these routine inspections.

      i. A Texas-licensed professional engineer or Texas-licensed professional geoscientist must evaluate damage to a pond liner, including evidence of an unauthorized discharge without visible damage.

ii. Pond liner damage must be repaired at the recommendation of a Texas-licensed professional engineer or Texas-licensed professional geoscientist. If the damage is significant or could result in an unauthorized discharge, then the repair must be documented and certified by a Texas-licensed professional engineer. Within 60 days after a repair is completed, the liner certification must be provided to the TCEQ Water Quality Assessment Team (MC-150), Compliance Monitoring Section (MC-224), and Regional office. A copy of the liner certification must be maintained at the facility or in a reasonably accessible location and made available to the executive director upon request.

iii. A release determination and subsequent corrective action will be based on 40 CFR Part 257 or the Texas Risk Reduction Program (30 TAC Chapter 350), as applicable. If evidence indicates that an unauthorized discharge occurred, including evidence that the actual permeability exceeds the design permeability, the matter may also be referred to the TCEQ Enforcement Division to ensure the protection of the public and the environment.

6. For a pond subject to Items 2 or 3 (including ponds with in-situ soil liners), the permittee shall have a Texas-licensed professional engineer perform an evaluation of each pond that requires a liner at least once every five years. The evaluation must include:

   a) a physical inspection of the pond liner to check for structural integrity, damage, and evidence of leaking;

   b) a review of the liner documentation for the pond; and

   c) a review of all documentation related to liner repair and maintenance performed since the last evaluation.

   For the purposes of this evaluation, evidence of leaking also includes evidence that the actual permeability exceeds the design permeability. The permittee is not required to drain an operating pond or to inspect below the waterline during the evaluation. A copy of the engineer's evaluation report must be maintained at the facility or in a reasonably accessible location and made available to the executive director upon request.

7. For a pond subject to Items 2 or 3 (including ponds with in-situ soil liners), the permittee shall maintain at least 2.0 feet of freeboard in the pond except when:

   a) the freeboard requirement temporarily cannot be maintained due to a large storm event that requires the additional retention capacity to be used for a limited period of time;

   b) the freeboard requirement temporarily cannot be maintained due to upset plant conditions that require the additional retention capacity to be used for treatment for a limited period of time; or

   c) the pond was not required to have at least 2.0 feet of freeboard according to the requirements at the time of construction.

I. The permittee shall maintain an operating log which records the volume of wastewater used for irrigation each day, the hours the wastewater is applied each day, the actual surface area wetted each day, and the soil sampling results from the previous year. This data shall be tabulated on a monthly basis. Results from the analysis of biochemical oxygen demand (5-day) and total nitrogen required in Part IV shall be tabulated as a loading rate measured in pounds per acre on a monthly basis. The tabulated data shall be submitted to the TCEQ's Industrial Permits team (MC-148) and Region 4 Office during the month of September of each calendar year. Results from the analyses required in Part IV and the operating log shall be retained on site for five years and available for inspection by authorized representatives of the TCEQ.

J. There shall be no overlapping land irrigated by each pivot of the center pivot irrigation system.

K. The permittee shall determine on an annual basis the infiltration rates for representative soil zones of the irrigation tracts. These test results including the number of infiltration tests and their locations shall be submitted to the TCEQ's Industrial Permits Team (MC-148), Water Quality Assessment Team (MC-150), and Region 4 Office during the month of September of each calendar year.

L. The permittee shall obtain representative soil samples from the root zones of the land-application area receiving wastewater. Composite sampling techniques shall be used. Each composite sample shall represent no more than 50 acres with no less than 15 subsamples representing each composite sample. Subsamples shall be composited by like sampling depth, type of crop, and soil type for analysis and reporting. Soil types are soils that have like topsoil or plow layer textures. These soils shall be sampled individually from 0 to 6 inches, 6 to 18 inches, and 18 to 30 inches below ground level. The permittee shall sample soils in December to February of each year. Soil samples shall be analyzed within 30 days of sample collection.

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

Parameter	Method	MAL [4]	Reporting units
pH	2:1 (v/v) water to soil mixture		Reported to 0.1 pH units after calibration of pH meter
Electrical Conductivity	Obtained from the SAR water-saturated paste extract	0.01	dS/m (same as mmho/cm)
Nitrate-nitrogen, ammonium-nitrogen	From a 1 N KCl soil extract	1	mg/kg (dry weight basis)
Total Kjeldahl Nitrogen (TKN)	For determination of Organic plus Ammonium Nitrogen. Procedures that use Mercury (Hg) are not acceptable.	20	mg/kg (dry weight basis)
Total Nitrogen	= TKN plus Nitrate-nitrogen		mg/kg (dry weight basis)
Plant-available: Phosphorus	Mehlich III with inductively coupled plasma	1 (P)	mg/kg (dry weight basis)
Plant-available: Potassium (K) Calcium (Ca) Magnesium (Mg) Sodium (Na) Sulfur (S)	May be determined in the same Mehlich III extract with inductively coupled plasma	5 (K) 10 (Ca) 5 (Mg) 10 (Na) 1 (S)	mg/kg (dry weight basis)

[4] Minimum analytical level.

Parameter	Method	MAL [4]	Reporting units
Water-soluble: **Sodium (Na)** **Calcium (Ca)** **Magnesium (Mg)**	Obtained from the SAR water saturated paste extract	 1 (Na) 1 (Ca) 1 (Mg)	Water soluble constituents are *reported* in mg/L
Sodium Adsorption Ratio (SAR)	$SAR = \frac{Na}{\sqrt{\frac{(Ca+Mg)}{2}}}$		Express *concentrations* of Na, Ca and Mg in the water-saturated paste extract in milliequivalents/liter (meq/L) to calculate the SAR. The SAR value is unit less. If the SAR is greater than 10, amendments (e.g., gypsum) shall be added to the soil to adjust the SAR to less than 10.
Amendment addition, e.g., gypsum			Report in *short tons/acre* in the year effected

A copy of this soil testing plan shall be provided to the analytical laboratory prior to sample analysis. The permittee shall submit the results of the annual soil sample analyses with copies of the laboratory reports and a map depicting the areas that have received wastewater within the permanent land application fields to the TCEQ's Region 4 Office, Water Quality Assessment Team (MC 150), and Enforcement Division (MC 224) no later than the end of September of each sampling year. If wastewater is not applied in a particular year, the permittee shall notify the same TCEQ offices and indicate that wastewater has not been applied on the approved land irrigation site(s) during that year.

M. Irrigation practices shall be designed and managed to prevent contamination of ground or surface waters and to prevent the occurrence of nuisance conditions. Tail water control facilities shall be provided, where necessary, to prevent the discharge of any wastewater which might drain from irrigated lands to water in the state. Procedures and protocols to prevent unauthorized discharges should be set up by the permittee and should include the following.

1. Development of an inspection schedule for berms and other wastewater control structures. The schedule shall include the frequency of inspection and the methods or procedures of inspection;
2. Maintenance of records of all information resulting from the monitoring of the berms or wastewater control structures and activities, including all records of inspection dates. These records shall be retained at the plant site and shall be available for inspection by personnel from the TCEQ Region 4 Office;
3. Development of a cut-off device for the irrigation sprinkler system such that irrigation water is not sprayed unto unauthorized land areas;
4. Rerouting of any runoff water collected in sumps, collection ponds or similar tailwater control facilities for reapplication on the irrigation site, as soon as possible following

accumulation of the runoff water, or by rerouting the runoff water back to the wastewater treatment unit; and

5. Refraining from irrigating when the tailwater control facilities, including the berms, are not in working order. Irrigation may be resumed only after repairs have been completed.

N. Storm water drainage shall be prevented from entering all ponds and from running onto the irrigation tract.

O. No wastewater may be applied within twenty-four hours after a measured rainfall of 0.5 inches or greater, or to any zone containing standing water. A properly functioning rain gauge shall be maintained on site. Records of daily rainfall shall be maintained at the plant site for inspection by personnel from the TCEQ Region 4 Office.

P. Adequate signs shall be erected stating that the irrigation water is from a non-potable water supply. Said signs shall consist of a red slash superimposed over the international symbol for drinking water accompanied by the message "Do not drink the water", in both English and Spanish.

Q. The permittee shall provide adequate maintenance of the treatment and irrigation facilities to ensure that the facilities are in working condition. No treatment or irrigation facilities shall be removed from service without prior notification of the Executive Director of the TCEQ.

R. On an annual basis, groundwater shall be sampled and analyzed from Site One (1): monitoring wells MW-1, MW-2, MW-3, MW-4, MW-5, and Site Two (2): monitoring wells MW-1, MW-2, MW-3, MW-4, MW-5 to evaluate groundwater quality beneath the facility. The groundwater samples should be analyzed by an accredited laboratory for ammonia (measured as nitrogen), nitrate (measured as nitrogen), nitrite (measured as nitrogen), total kjeldahl nitrogen (TKN), and chloride. Prior to sampling, monitoring wells shall be evacuated of three well bore volumes to ensure a representative sample of groundwater. Static water levels shall be measured and recorded at the same time the monitoring wells are sampled.

The permittee shall submit the results, a potentiometric surface map, and a summary report to the TCEQ's Water Quality Assessment Team (MC-150), TCEQ Region 4 Office, and Compliance Monitoring Team (MC-224) no later than September 30th of each sampling year.

The groundwater monitoring requirements of this permit shall remain in effect until such time as written authorization from the executive director of the TCEQ to discontinue the required monitoring is obtained. Written authorization may be provided based on conclusions and recommendations provided by the TCEQ Water Quality Assessment Team's technical review of the submitted analytical results.

S. The permittee shall implement measures or provide additional storage to store/dispose of a minimum of 89.35 acre-feet of wastewater. This shall be demonstrated by the following:

1. Construction of an additional irrigation holding pond(s) in compliance with Item H of Special Provisions; or

2. Provision of adequate alternate source of storage/disposal of sufficient capacity; or

3. The development of a contingency plan which identifies that the permittee is capable of managing an additional 18.80 acre-feet of effluent. The plan shall be put into effect when the irrigation holding pond exceeds storage capacity prior to an unauthorized discharge and may include, but is not limited to, the following:

   a) Contracting a third party to haul the additional effluent offsite.

   b) Connecting to a Publicly Owned Treatment Works (POTW).

c) Modifying the facility processes or wastewater/stormwater management; or

d) Implementing evaporation enhancing measures.

4. Any combination of S.1., S.2., and S.3.

The permittee shall submit a proposal, which demonstrates the capability to sufficiently satisfy the above requirements to the TCEQ's Industrial Permits Team (MC 148) and Compliance Monitoring Team (MC-224) within 180 days of permit issuance. Based upon this proposal this permit may be reopened to require additional effluent storage capacity or other conditions.

T. The wastewater ponds and effluent application areas must be located a minimum of 150 feet away from any private well and a minimum of 500 feet away from any public water supply well and springs, per 30 TAC § 309.13(c).

U. Wastewater shall not be land-applied on the permittee-owned properties located to the east of the railroad tracks and adjacent to the land application areas authorized by this permit.

V. This permit does not authorize the discharge of any pollutant from the irrigation site. The wastewater disposal system shall be designed and operated to prevent:

1. Discharge from the irrigated property;

2. Recharge of groundwater resources which supply or may potentially supply domestic raw water; and

3. The occurrence of nuisance conditions.

VI. STANDARD PERMIT CONDITIONS

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

DEFINITIONS

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

1. Flow Measurements
    a. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.
    b. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with a 1 million gallons per day or greater permitted flow.
    c. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.
2. Concentration Measurements
    a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.
        i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.
        ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.
    b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.
    c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.
3. Sample Type
    a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9(a). For industrial wastewater, a composite sample is a sample made up of a

minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9(c).

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 or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.

5. The term “sewage sludge” is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids which have not been classified as hazardous waste separated from wastewater by unit processes.

6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING REQUIREMENTS

1. Monitoring Requirements

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

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

2. Test Procedures

a. Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§319.11 - 319.12. Measurements, tests and calculations shall be accurately accomplished in a representative manner.

b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

3. Records of Results

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

b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, and records of all data used to complete the application for this permit-shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample

measurement, report, or application. This period shall be extended at the request of the Executive Director.

c. Records of monitoring activities shall include the following:

i. date, time and place of sample or measurement;
ii. identity of individual who collected the sample or made the measurement.
iii. date and time of analysis;
iv. identity of the individual and laboratory who performed the analysis;
v. the technique or method of analysis; and
vi. the results of the analysis or measurement and quality assurance/quality control records.

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

4. Additional Monitoring by Permittee

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

5. Calibration of Instruments

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

6. Compliance Schedule Reports

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

7. Noncompliance Notification

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

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

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

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

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

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

9. Changes in Discharges of Toxic Substances

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

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. one hundred micrograms per liter (100 µg/L);
ii. two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
iii. five (5) times the maximum concentration value reported for that pollutant in the permit application; or
iv. the level established by the TCEQ.

b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. five hundred micrograms per liter (500 µg/L);
ii. one milligram per liter (1 mg/L) for antimony;
iii. ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
iv. the level established by the TCEQ.

10. Signatories to Reports

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

PERMIT CONDITIONS

1. General
    a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.
    b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:
        i. violation of any terms or conditions of this permit;
        ii. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
        iii. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
    c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.
2. Compliance
    a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
    b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or an application for a permit for another facility.
    c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
    d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment.
    e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.
    f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§305.62 and 305.66 and Texas Water Code Section 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Special Provisions section of this permit.

h. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §§7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties).

3. Inspections and Entry

a. Inspection and entry shall be allowed as prescribed in the Texas Water Code Chapters 26, 27, and 28, and Texas Health and Safety Code Chapter 361.

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

4. Permit Amendment with or without Renewal

a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:

i. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring Requirements No. 9;

ii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.

c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.

d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.

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

5. Permit Transfer

a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.

b. A permit may be transferred only according to the provisions of 30 TAC §305.64 (relating to Transfer of Permits) and 30 TAC §50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

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

7. Property Rights

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

8. Permit Enforceability

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

9. Relationship to Permit Application

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

10. Notice of Bankruptcy.

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

        i. the permittee;
        ii. an entity (as that term is defined in 11 USC, §101(15)) controlling the permittee or listing the permit or permittee as property of the estate; or
        iii. an affiliate (as that term is defined in 11 USC, §101(2)) of the permittee.

    b. This notification must indicate:

        i. the name of the permittee;
        ii. the permit number(s);
        iii. the bankruptcy court in which the petition for bankruptcy was filed; and
        iv. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

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

2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§319.21 - 319.29 concerning the discharge of certain hazardous metals.

3. Domestic wastewater treatment facilities shall comply with the following provisions:

    a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.

    b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment 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, or retention of inadequately treated wastewater.

5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.

6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under Texas Water Code §7.302(b)(6).

7. Documentation

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

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

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

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

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

   c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to

be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

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

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

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

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

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

    d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC §335.5.

    e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.

    f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:

        i. volume of waste and date(s) generated from treatment process;
        iii. volume of waste disposed of on-site or shipped off-site;
        iv. date(s) of disposal;
        v. identity of hauler or transporter;
        vi. location of disposal site; and
        vii. method of final disposal.

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

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

TCEQ Revision 06/2008

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Compliance History Report

Compliance History Report for CN602630972, RN102780665, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN602630972, Schreiber Foods, Inc. **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN102780665, SCHREIBER FOODS **Classification:** HIGH **Rating:** 0.00

Complexity Points: 6 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 923 COUNTY ROAD 176 STEPHENVILLE, TX 76401-6802, ERATH COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0720026

AIR NEW SOURCE PERMITS REGISTRATION 77437

STORMWATER PERMIT TXR05R880

WASTEWATER PERMIT WQ0003074000

POLLUTION PREVENTION PLANNING ID NUMBER P06883

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: February 07, 2023

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

Component Period Selected: February 07, 2017 to February 07, 2023

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

Name: Alyssa Loveday **Phone:** (512) 239-4524

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 15, 2019	(1538738)
Item 2	March 11, 2020	(1618294)
Item 3	April 23, 2020	(1644538)
Item 4	October 06, 2021	(1763114)

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

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

N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:
N/A

I. Participation in a voluntary pollution reduction program:
N/A

J. Early compliance:
N/A

Sites Outside of Texas:
N/A

Component Appendices

Appendix A
All NOVs Issued During Component Period 2/7/2017 and 2/7/2023

1 Date: 07/24/2019 (1569501)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 319, SubChapter A 319.11(c)

Description: Failed to properly analyze effluent samples.

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Operational Requirements, No. 1 PERMIT

Description: Failed to properly operate and maintain the facility.

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
Conditions of the Permit, Page 2 PERMIT

Description: Failed to maintain compliance with the permitted effluent limits.

* NOVs applicable for the Compliance History rating period 9/1/2017 to 8/31/2022

Appendix B
All Investigations Conducted During Component Period February 07, 2017 and February 07, 2023

Item 1*	January [illegible], 2019**	(1538738)
Item 2	July 19, 2019**	(1569501)
Item 3*	March 11, 2020**	(1618294)
Item 4*	April 23, 2020**	(1644538)
Item 5*	October 06, 2021**	(1763114)

* No violations documented during this investigation

**Investigation applicable for the Compliance History rating period between 09/01/2017 and 08/31/2022.