

Jon Niermann, *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 30, 2023

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

Re: Application by City of Dripping Springs
TPDES No. WQ0014488001
TCEQ Docket No. 2022-0940-MWD

Dear Ms. Gharis:

I have enclosed the following copies of documents to be included in the Administrative Record for the above-referenced case as required by 30 Tex. Admin Code § 80.118. The documents included are as follows:

- The ED's Response to Hearing Request
- Draft Permit No. WQ0014488001
- The ED's Technical Memos, including the fact sheet, statement of basis, ED's Preliminary decision, and Compliance History Report.

Sincerely,

A handwritten signature in cursive script that reads "Aubrey Pawelka".

Aubrey Pawelka
Staff Attorney
Environmental Law Division

DOCKET NO. 2022-0940-MWD

APPLICATION BY	§	BEFORE THE
CITY OF DRIPPING SPRINGS	§	
FOR MAJOR AMENDMENT TO TEXAS	§	TEXAS COMMISSION ON
LAND APPLICATION PERMIT	§	
NO. WQ0014488001	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUEST

I. Introduction

The Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to Hearing Request (Response) on the application by City of Dripping Springs (Applicant) seeking a major amendment to Texas Land Application Permit (TLAP) Permit Number WQ0014488001 and the Executive Director's preliminary decision. The Office of the Chief Clerk received contested case hearing requests from Hays Trinity Groundwater Conservation District (HTGCD), Protect Our Water (POW), Save Our Springs (SOS), Jennifer Schaeffer, Scott Emerson, and Cynthia J. Wesson.

Attached for Commission consideration is a satellite map of the area.

II. Description of Facility

The City of Dripping Springs has applied for a major amendment to Texas Land Application Permit No. WQ0014488001 to authorize the addition of a subsurface drip irrigation site of 13.8 acres with a flow volume not to exceed a daily average flow of 60,000 gallons per day in the final phase and the addition of a surface irrigation site of 17 acres with a flow volume not to exceed a daily average flow of 50,000 gallons per day in the final phase, an increase in the total land application acreage from 113.53 acres to 144.33 acres, and an increase in the total wastewater treatment facility flow volume in the final phase to a volume not to exceed a daily average flow from 319,000 gallons per day to 429,000 gallons per day. The existing permit authorizes the disposal of treated wastewater at a volume not to exceed a daily average flow of 133,000 gallons per day via subsurface area drip irrigation of 30.53 acres of public access land and the disposal of treated wastewater at a volume not to exceed a daily average flow not to exceed 186,000 gallons via surface irrigation of 83 acres of public access land. This permit will not authorize a discharge of pollutants into water in the state. TCEQ received this application on February 22, 2019.

The wastewater treatment facility and on-site subsurface disposal site (identified in the permit as Outfall 001) are located approximately 0.55 miles east of the intersection of Ranch Road 12 and Farm-to-Market Road 150, as measured along Farm-to-Market Road 150, and from that point, approximately 1,110 feet south of Farm-to-Market Road 150, in Hays County. An existing offsite subsurface disposal area (also identified in the permit as Outfall 001) is located approximately 0.44 miles south of the intersection of U.S. Highway 290 and Ranch Road 12, as measured along Ranch Road 12, and from that point, approximately 1,280 feet east of Ranch Road 12, in Hays County. Another existing offsite surface disposal area (identified in the permit as

Outfall 002) is located approximately 1.5 miles south of the intersection of U.S. Highway 290 and Ranch Road 12, and from that point approximately 1,000 feet west of Ranch Road 12 in Hays County. The proposed subsurface disposal area (identified in the permit as Outfall 003) will be located approximately 0.31 mile north of the intersection of U.S. Highway 290 and Ranch Road 12, along Ranch Road 12, and, from that point, approximately 0.26 mile west of Ranch Road 12, in Hays County. The proposed surface disposal site (identified in the permit as Outfall 004) will be located approximately 1.65 miles west and 0.65 miles south of the intersection of U.S. Highway 290 and Ranch Road 12, in Hays County. The wastewater treatment facility and on-site subsurface disposal site are located in Hays County, Texas 78619. All other disposal sites are located in Hays County, Texas 78620. The wastewater treatment facility and the disposal sites are located in the drainage basin of Onion Creek in Segment No. 1427 of the Colorado River Basin.

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

III. Procedural Background

TCEQ received the application for a major amendment on February 16, 2018, and declared it administratively complete on May 25, 2018. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in English on February 3, 2022 in the *Austin American Statesman* and in Spanish on February 3, 2022, in *El Mundo*. The application was determined to be technically complete on June 22, 2021. The Applicant published the Notice of Application and Preliminary Decision (NAPD) in English on February 3, 2022, in the *Austin American Statesman*, and in Spanish on February 3, 2022 in *El Mundo*. A public meeting was held on March 28, 2022. The public comment period ended at the close of the public meeting on March 28, 2022.

This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55. The Texas Legislature enacted Senate Bill 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in the law.

IV. The Evaluation Process for Hearing Requests

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission's consideration of hearing requests. Senate Bill 709 revised the requirements for submitting public comment and the Commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

A. Response to Requests

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to hearing requests. 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

- whether the requestor is an affected person;
- which issues raised in the hearing request are disputed;
- whether the dispute involves questions of fact or of law;
- whether the issues were raised during the public comment period;
- whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;
- whether the issues are relevant and material to the decision on the application; and
- a maximum expected duration for the contested case hearing.

30 TAC § 55.209(c).

B. Hearing Request Requirements

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

Affected persons may request a contested case hearing. The request must be made in writing and timely filed with the chief clerk. The request must be based only on the requestor's timely comments and may not be based on an issue that was raised solely in a public comment that was withdrawn by the requestor prior to the filing of the Executive Director's Response to Comment.

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

give the name, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;

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

request a contested case hearing; and

list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the Executive Director's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

C. Requirement that Requestor be an Affected Person/"Affected Person" Status

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected" person. 30 TAC § 55.203 sets out who may be considered an affected person. For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest. Except as provided by 30 TAC § 55.103, governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.

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

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

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

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

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

likely impact of the regulated activity on use of the impacted natural resource by the person;

whether the requestor timely submitted comments on the application which were not withdrawn; and

for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203.

In making affected person determinations, the commission may also consider, to the extent consistent with case law:

the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;

the analysis and opinions of the Executive Director; and
any other expert reports, affidavits, opinions, or data submitted by the Executive Director, the applicant, or hearing requestor.

30 TAC § 55.203(d).

D. Referral to the State Office of Administrative Hearings

“When the Commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing.” 30 TAC § 50.115(b). The Commission may not refer an issue to SOAH for a contested case hearing unless the Commission determines that the issue:

involves a disputed question of fact or a mixed question of law and fact;
was raised during the public comment period by an affected person whose hearing request is granted; and
is relevant and material to the decision on the application.

30 TAC § 50.115(c).

V. Analysis of Hearing Requests

The Executive Director has analyzed the hearing requests to determine whether they comply with Commission rules, if the requestors qualify as an affected person, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

A. Whether the Hearing Requests Complied with Section 55.201(c) and (d).

Hays Trinity Groundwater Conservation District (HTGCD), Protect Our Water (POW), Save Our Springs (SOS), Jennifer Schaeffer, Scott Emerson, and Cynthia J. Wesson submitted hearing requests. While the hearing requests were timely in compliance with section 55.201(c), they did not demonstrate how they were affected by identifying personal justiciable interests affected by the application, discussed in more detail below. The Executive Director concludes that the hearing requests of Hays Trinity Groundwater Conservation District (HTGCD), Protect Our Water (POW), Save Our Springs (SOS), Scott Emerson, Jennifer Schaeffer, and Cynthia J. Wesson fail to comply with the section 55.201(d) requirements.

1. Hays Trinity Groundwater Conservation District (HTGCD)

Hays Trinity Groundwater Conservation District (HTGCD) submitted a timely comment and hearing request in which they articulated several concerns they had with the permit. 30 TAC § 55.203(b) provides that governmental authorities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons. Additionally, 30 TAC § 55.203(c)(7) provides that in determining whether a person is affected, factors considered for governmental entities includes their statutory authority over or interest in the issues relevant to the application.

In their hearing request, HTGCD states that their organization “is a state agency authorized by Chapter 8843 Special District Local Laws Code (SB 1147), and Chapter 36 of the Texas Water Code to protect and manage the quality and quantity of the Trinity Aquifer within the boundaries of its jurisdiction, which include all of the proposed new irrigation sites.” HTGCD requested a hearing on specific issues related to contamination of groundwater, soil suitability, sufficient conditions and monitoring requirements, necessity of a karst field study, the need for a clear delineation of creek-bed setbacks and buffers, and an accurate assessment of groundwater.

However, HTGCD did not demonstrate their authority over the issues raised in the application, and their hearing request failed to comply with the requirements in 30 TAC § 55.203. It is not apparent from HTGCD’s enabling legislation and rules that they are authorized to manage groundwater quality within their jurisdiction. Section 8843.101, Special District Local Laws Code, states that the district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. HTGCD’s hearing request does not cite to any specific statutory authority in Chapter 36 or general law of the state that grants the district authority over issues raised in the City’s application. Thus, the Executive Director recommends that the Commission find HTGCD is not an affected person.

The Executive Director recommends the Commission find that the Hays Trinity Groundwater Conservation District is not an affected person.

2. Protect Our Water (POW)

Protect Our Water (POW) submitted timely comments on the City of Dripping Spring’s application in which they stated that their organization, “is supportive of the City’s plans to extend its land application permit... [and] believe a public hearing would provide greater transparency and allow our public community and potentially impacted residents to better understand the City’s plan.” In their hearing request, they requested a hearing on specific issues related to the City’s management plan, due diligence, capacity, and increased visibility. Based off the comments received, the ED determined that the interests POW seeks to protect are germane to the organization’s purpose and the relief they requested would not require the participation of the individual members in the case.

In addition to the requirements in 30 TAC § 55.201 and 30 TAC § 55.203, a request for a contested case hearing by a group or association on an application filed on or after September 1, 2015 must meet the requirements in 30 TAC § 55.205(b).

30 TAC § 55.205(b) requires that the organization identify one or more members of the group or association who would otherwise have standing to request a hearing in their own right. In their hearing request, POW failed to identify any member of the organization who had a justiciable interest that could be affected by this application. The only address the hearing request provided is 1.9 miles away from the facility. Furthermore, it appears to be the organization’s office address rather than any one particular member.

Therefore, as POW failed to identify any members of the association who would otherwise have standing to request a hearing in their own right, the ED has determined

that POW has not met this this requirement for associational standing and should not be considered an affected person.

The Executive Director recommends the Commission find that Protect Our Water is not an affected person.

3. Save Our Springs (SOS)

Save Our Springs (SOS) submitted timely comments on the City of Dripping Spring's application in which they stated that their organization, "is a Texas non-profit that works to protect the Edward's Aquifer, its springs and contributing streams, and the natural and cultural heritage of the Hill Country region and its watersheds, with special emphasis on Barton Springs. SOS has members who own property adjacent to and near the irrigation fields and/or have drinking-water wells downgradient from the proposed irrigation fields, who would be adversely affected by the Draft Permit Amendment." In their hearing request, they requested a hearing on specific issues related to water quality protection including degradation of creeks and streams, lax enforcement of permit standards, adequate storage, and nuisance conditions. Based off the comments received, the ED determined that the interests SOS seeks to protect are germane to the organization's purpose, and the relief they requested would not require the participation of the individual members in the case.

In addition to the requirements in 30 TAC § 55.201 and 30 TAC § 55.203, a request for a contested case hearing by a group or association on an application filed on or after September 1, 2015, must meet the requirements in 30 TAC § 55.205(b).

30 TAC § 55.205(b) requires that the organization identify one or more members of the group or association who would otherwise have standing to request a hearing in their own right. In their hearing request, SOS identified three of their members who they believe would have standing in their own right to request a hearing. They identified their Executive Director, Bill Bunch, and Chris and Karen Hill. SOS states that Bill Bunch has swam in Onion Creek near the irrigation site and will continue to do so. SOS claims that the likelihood of contamination in these areas by wastewater irrigation at the Carter Ranch site as allowed under the draft permit will cause a direct harm to Mr. Bunch and, thus, to SOS's recreation, conservation, scientific, aesthetic, and personal health safety interests. Mr. Bunch lives in Austin, approximately 20 miles from the irrigation area. SOS also identified Chris and Karen Hill, who live about two miles from the facility. SOS states that the Hills' recreation, conservation, aesthetic, and personal health and safety interests will be harmed by the amended draft permit because the Hills receive their drinking water from the Dripping Springs Water Supply Corporation. Some of the drinking water provided to the Hills comes from groundwater wells near Onion Creek that could be contaminated by irrigated wastewater recharging into the Trinity Aquifer. The Hills are not listed on the affected landowner's map. The Hills also enjoy walking in the area near the irrigation sites.

Due to the distance that the individual members of SOS live from the irrigation site, they have not demonstrated how they are affected in a manner not common to the public. Therefore, as SOS failed to identify any members of the association who would otherwise have standing to request a hearing in their own right, the ED has determined that SOS has not met the requirement for associational standing and

should not be considered an affected person.

The Executive Director recommends the Commission find that Save Our Springs is not an affected person.

4. Jennifer Schaeffer

According to the information provided by Ms. Schaefer, her property could be impacted by the proposed facility. Ms. Schaefer's property is about 1.5 miles from the application areas, and it is not listed on the affected landowner's map. Jennifer Schaeffer submitted a hearing request that raises concerns about human health and safety, water quality, fish, wildlife and their habitats, and TCEQ's transparency. Jennifer Schaeffer's concerns are common to the general public, and she failed to prove that she has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application not common to members of the general public and is not an affected person.¹ Ms. Schaefer has not demonstrated that she is affected based on her location or the issues she raises. Thus, the ED recommends denial of her hearing request.

The Executive Director recommends the Commission find that Jennifer Schaeffer is not an affected person.

5. Scott Emerson

Scott Emerson has not shown how he is affected based on his location or issues presented. He does not raise any issues that are affected by the laws under which the application will be considered. Scott Emerson is not listed on the affected landowner's map, and the address he provides is approximately 8.5 miles from the facility. His concerns are common to the general public, and he failed to prove he has a personal justiciable interest. Thus, his issues are not referrable, and the ED recommends denial of his hearing request.

The Executive Director recommends the Commission find that Scott Emerson is not an affected person.

6. Cynthia J. Wesson

Cynthia Wesson has not shown how she is affected based on her location or the issues she raises. She does not raise any issues that are affected by the laws under which the application will be considered. Cynthia Wesson is not listed on the affected landowners map, and the address she provides is approximately 7.5 miles from the facility. Her concerns are common to the general public, and she failed to prove she has a personal justiciable interest. She has not shown how she is individually affected by the issues she raises or the distance from the proposed application areas. Thus, the ED recommends denial of her hearing request.

The Executive Director recommends the Commission find that Cynthia J. Wesson is not an affected person.

¹ § 55.203(a); *see also* § 55.211(c)(2).

B. Whether Issues Raised Are Referable to SOAH for a Contested Case.

The ED does not recommend referring any issues to SOAH.

VI. Analysis of Request for Reconsideration

The Chief Clerk received two timely requests for reconsideration (RFR) from Hays Trinity groundwater Conservation District (HTGCD) and Scott Emerson. As required by 30 Texas Administrative Code § 55.201(d), HTGCD and Scott Emerson gave their request in writing and provided their name, address, and daytime telephone number. HTGCD and Mr. Emerson specifically requested reconsideration of the ED's decision on the Dripping Springs application

The issues brought up by HTGCD included contamination of groundwater, soil suitability, sufficient conditions and monitoring requirements, necessity of a karst field study, the need for a clear delineation of creek-bed setbacks and buffers, and an accurate assessment of groundwater. Mr. Emerson did not show how he was affected based on his location and brought up issues common to the general public. The RFRs did not present any new information not already considered by the ED during the permitting process. Therefore, the ED recommends denial of the RFRs.

VII. Contested Case Hearing Duration

If there is a contested case hearing on this application, the Executive Director recommends that the duration of the hearing be 180 days from the preliminary hearing to the presentation of a Proposal for Decision to the Commission.

VIII. Conclusion

The Executive Director recommends the following actions by the Commission:

Find Hays Trinity Groundwater Conservation District (HTGCD), Protect Our Water (POW), Save Our Springs (SOS), Jennifer Schaeffer, Scott Emerson, and Cynthia J. Wesson not affected persons and deny their hearing requests.

Respectfully submitted,

Texas Commission on Environmental Quality

Toby Baker
Executive Director

Erin. E. Chancellor, Director
Environmental Law Division

Charmaine Backens, Deputy Director
Environmental Law Division



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REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

IX. CERTIFICATE OF SERVICE

I certify that on August 15, 2022, the “Executive Director’s Response to Hearing Request” for major amendment to Texas Land Application Permit (TLAP) No. WQ0014488001 by City of Dripping Springs was filed with the TCEQ’s Office of the Chief Clerk, and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.



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DOCKET NO. 2022-0940-MWD; PERMIT NO. WQ0014488001**

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REQUESTER(S) / INTERESTED PERSON(S):

See attached list.

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Cynthia J Wesson
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PUBLIC OFFICIALS - INTERESTED
PERSON(S)

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INTERESTED PERSON(S)

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Karen S Hill
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Driftwood, TX 78619-9713

Terry J Shaw
7 Crystal Creek Trl
Austin, TX 78737-9067

Hunter Given Smith
251 Little Barton Dr
Dripping Springs, TX 78620-3877

Anne Taylor
18 Concord Cir
Austin, TX 78737-9060

Ray Don Tilley
125 Augusta Dr
Woodcreek, TX 78676-2515

Carlos Torres-Verdin
24 Concord Cir
Austin, TX 78737-9060

Laurel Treviño Murphy
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John Arthur Worrall
509 Camino Barranca
Round Mountain, TX 78663-8514

Laura Wydler
322 Climbing Rock Loop
Dripping Springs, TX 78620-2287

Brian Zabcik
Save Barton Creek Association
15241 State Highway 53
Unit 670
Temple, TX 76501-3489

Jimmy Allen Zuehlke
PO Box 1240
Kyle, TX 78640-1240

City of Dripping Springs

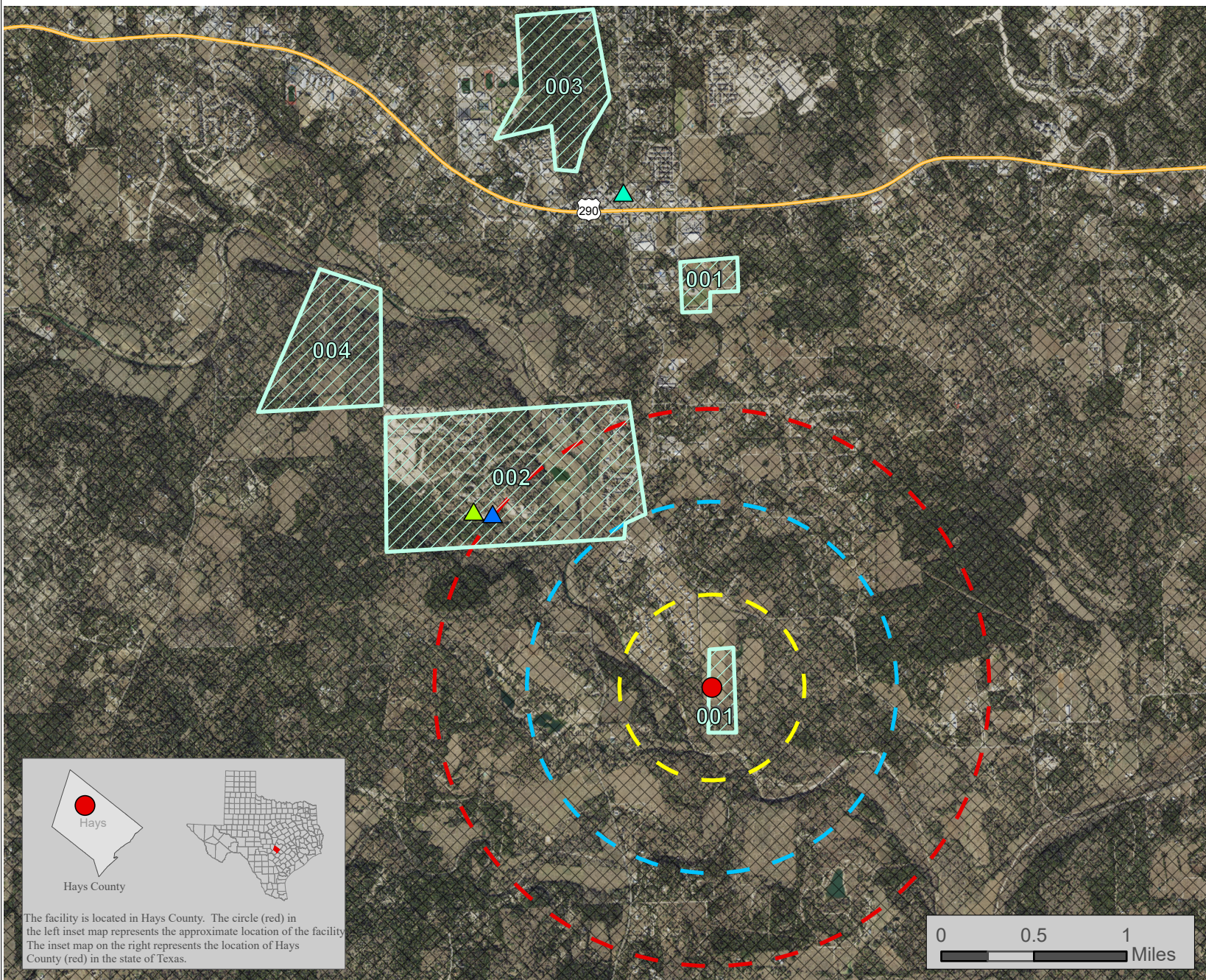
WQ0014488001

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

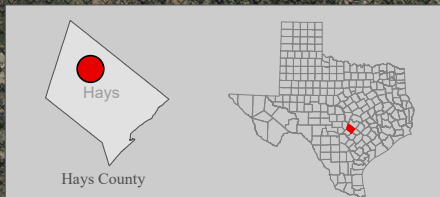


*Protecting Texas by
Reducing and
Preventing Pollution*

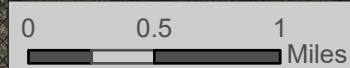
Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 8/11/2022
CRF 0073606
Cartographer: cschrade



- Save Our Springs office
- Chris and Karen Hill (Save Our Springs)
- Jennifer Schaeffer
- Facility
- 0.5 Mile from Facility
- 1 Mile from Facility
- 1.5 Mile from Facility
- Disposal Sites
- Colorado River Basin

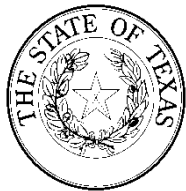


The facility is located in Hays County. The circle (red) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Hays County (red) in the state of Texas.



Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.



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

This amendment supersedes and
replaces Permit No.
WQ0014488001 issued on
March 8, 2021.

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

City of Dripping Springs

whose mailing address is

P.O. Box 384
Dripping Springs, Texas 78620

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

General Description and Location of Waste Disposal System:

Description: The City of Dripping Springs South Regional Wastewater Treatment Facility consists of an activated sludge process plant using the conventional mode. Treatment units include a bar screen, aeration basins, a final clarifier, aerobic sludge digesters, effluent disk filters (starting with the Interim II phase), and a chlorine contact chamber.

Outfall 001 (Subsurface Area Drip Irrigation)

The permittee is authorized to dispose of treated domestic wastewater effluent at a daily average flow of not to exceed 127,500 gallons per day via subsurface drip irrigation of 29.35 acres of public access pastureland during the Interim I Phase, a daily average flow of not to exceed 98,000 gallons per day via subsurface drip irrigation of 22.53 acres of public access pastureland during the Interim II phase, a daily average flow of not to exceed 133,000 gallons per day via subsurface drip irrigation of 30.53 acres of public access pastureland and public access athletic fields during the Final phase. The facility includes one effluent holding tank with a total capacity of 333,000 gallons providing 2.5 days of storage for the 133,000 gallons per day flow. Application rates shall not exceed 0.1 gallons per square foot per day. The irrigated crops include native/bermuda/rye grass mix.

Outfall 002 (Surface Irrigation)

The permittee is also authorized to dispose of treated domestic wastewater effluent at a daily average flow not to exceed 62,000 gallons per day via surface irrigation of 18 acres of public access (open spaces, parks, greenbelts, and right of ways) land during the Interim I phase, 124,000 gallons per day via surface irrigation of 37 acres of public access (open spaces, parks, greenbelts, and right of ways) land during the Interim II phase, and 186,000 gallons per day via surface irrigation of 83 acres of public access (open spaces, parks, greenbelts, and right of ways) land during the Final phase. The facility will include one storage pond with a total surface area of 3 acres and total capacity of 35.9 acre-feet for storage of treated effluent prior to irrigation. Application rates to the irrigated land shall not exceed 3.86 acre-feet per year per acre irrigated

during the Interim I phase, 3.75 acre-feet per year per acre irrigated during the Interim II phase, and 2.51 acre-feet per year per acre irrigated during the Final phase. The irrigated crops include native/bermuda/rye grass mix.

Outfall 003 (Subsurface Area Drip Irrigation)

The permittee is authorized to dispose of treated domestic wastewater effluent at a daily average flow of not to exceed 30,000 gallons per day in the Interim phase and 60,000 gallons per day in the Final phase via subsurface drip irrigation of 13.8 acres of public access land. The proposed disposal facility at Outfall 003 will include one effluent tank with a total capacity of 180,000 gallons providing 3 days for storage for the 60,000 gallons per day flow. Application rates to the irrigated land shall not exceed 0.1 gallons per square foot per day. The irrigated crops include native/bermuda/rye grass mix.

Outfall 004 (Surface Irrigation)

The draft permit also authorizes the disposal of treated domestic wastewater effluent at Outfall 004 at a daily average flow not to exceed 0.025 MGD via surface irrigation of 8 acres of public access land in the Interim phase and at a daily average flow not to exceed 0.050 MGD via surface irrigation of 17 acres of public access land in the Final phase. The proposed facility at Outfall 002 will include one storage pond an effluent storage pond with a total surface area of 1 acre and total capacity of 11.56 acre-feet for storage of treated effluent prior to irrigation. Application rates to the irrigated land shall not exceed 1.65 acre-feet per year per acre irrigated in the Interim I phase and 3.29 acre-feet per year per acre irrigated in the Final phase. The irrigated crops include native/bermuda/rye grass mix.

Location: The wastewater treatment facility and on-site subsurface disposal site are located approximately 0.55 miles east of the intersection of Ranch Road 12 and Farm-to-Market Road 150, as measured along Farm-to-Market Road 150, and from that point, approximately 1,110 feet south of Farm-to-Market Road 150, in Hays County. An existing offsite subsurface disposal area is located approximately 0.44 mile south of the intersection of U.S. Highway 290 and Ranch Road 12, as measured along Ranch Road 12, and from that point, approximately 1,280 feet east of Ranch Road 12, in Hays County. Another existing offsite surface disposal area is located approximately 1.5 miles south of the intersection of U.S. Highway 290 and Ranch Road 12, and from that point approximately 1,000 feet west of Ranch Road 12 in Hays County. The proposed subsurface disposal area will be located approximately 0.31 mile north of the intersection of U.S. Highway 290 and Ranch Road 12, along Ranch Road 12, and, from that point, approximately 0.26 mile west of Ranch Road 12, in Hays County. The proposed surface disposal site will be located approximately 1.65 miles west and 0.65 mile south of the intersection of U.S. Highway 290 and Ranch Road 12, in Hays County. The wastewater treatment facility and on-site subsurface disposal site are located in Hays County, Texas 78619. All other disposal sites are located in Hays County, Texas 78620. (See Attachments A and B.)

Drainage Area: The wastewater treatment facility and disposal sites are located in the drainage basin of Onion Creek in Segment No. 1427 of the Colorado River Basin. No discharge of pollutants into water in the state is authorized by this permit.

This permit and the authorization contained herein shall expire at midnight, **March 8 2031**.

ISSUED DATE:

For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall 001

During the period beginning upon the date of issuance lasting until the commencement of discharging 0.098 million gallons per day (MGD), then lasting until the completion of expansion to the 0.133 MGD facility, and lasting through the date of expiration, the permittee is authorized to dispose of effluent via subsurface irrigation subject to the following effluent limitations:

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

A. Effluent Limitations

Character: Treated Domestic Sewage Effluent

Volume: Daily Average Flow - 0.1275 MGD Interim I phase.
 Daily Average Flow - 0.098 MGD Interim II phase.
 Daily Average Flow - 0.133 MGD Final phase.

Quality: The following effluent limitations shall be required:

Parameter	Effluent Concentrations (Not to Exceed)			
	Daily Average mg/l	7-Day Average mg/l	Daily Maximum mg/l	Single Grab mg/l
Biochemical Oxygen Demand (5-day)	20	30	45	65
Total Suspended Solids	20	30	45	65

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

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

B. Monitoring Requirements:

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

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

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall 002

During the period beginning upon the date of issuance, lasting until the completion of expansion to the 0.124 million gallons per day (MGD) facility, then lasting until the completion of expansion to the 0.186 MGD facility and lasting through the date of expiration, the permittee is authorized to dispose of effluent via surface irrigation subject to the following effluent limitations:

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

A. Effluent Limitations

Character: Treated Domestic Sewage Effluent

Volume: Daily Average Flow – 0.062 MGD Interim I phase.
 Daily Average Flow – 0.124 MGD Interim II phase.
 Daily Average Flow – 0.186 MGD Final phase.

Quality: The following effluent limitations shall be required:

Parameter	Effluent Concentrations			
	(Not to Exceed)			
	Daily Average	7-Day Average	Daily Maximum	Single Grab
	mg/l	mg/l	mg/	mg/l
Biochemical Oxygen Demand (5-day)	5	10	20	30
Total Suspended Solids	5	10	20	30

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

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

B. Monitoring Requirements:

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

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

Outfall 003

During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to dispose of effluent via subsurface irrigation subject to the following effluent limitations:

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

A. Effluent Limitations

Character: Treated Domestic Sewage Effluent

Volume: Daily Average Flow - 0.030 MGD Interim phase.
Daily Average Flow - 0.060 MGD Final phase.

Quality: The following effluent limitations shall be required:

Parameter	Effluent Concentrations			
	(Not to Exceed)			
	Daily Average	7-Day Average	Daily Maximum	Single Grab
	mg/l	mg/l	mg/	mg/l
Biochemical Oxygen Demand (5-day)	20	30	45	65
Total Suspended Solids	20	30	45	65

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

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

B. Monitoring Requirements:

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

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

Outfall 004

During the period beginning upon the date of issuance, lasting until the completion of the expansion to 0.050 million gallons per day (MGD) facility and lasting through the date of expiration, the permittee is authorized to dispose of effluent via surface irrigation subject to the following effluent limitations:

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

A. Effluent Limitations

Character: Treated Domestic Sewage Effluent

Volume: Daily Average Flow – 0.025 MGD Interim phase.
Daily Average Flow – 0.050 MGD Final phase.

Quality: The following effluent limitations shall be required:

Parameter	Effluent Concentrations (Not to Exceed)			
	Daily Average mg/l	7-Day Average mg/l	Daily Maximum mg/l	Single Grab mg/l
Biochemical Oxygen Demand (5-day)	5	10	20	30
Total Suspended Solids	5	10	20	30

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

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

B. Monitoring Requirements:

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

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

STANDARD PERMIT CONDITIONS

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

DEFINITIONS

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

1. Flow Measurements

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

2. Concentration Measurements

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

3. Sample Type

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

MONITORING REQUIREMENTS

1. Monitoring Requirements

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

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

2. Test Procedures

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

3. Records of Results

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

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

4. Additional Monitoring by Permittee

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

5. Calibration of Instruments

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

6. Compliance Schedule Reports

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

7. Noncompliance Notification

- a. In accordance with 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Except as allowed by 30 TAC § 305.132, report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Compliance Monitoring Team of the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. 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 Compliance Monitoring Team of the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
- d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Compliance Monitoring Team of the Enforcement Division (MC 224) as promptly as possible.

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

9. Changes in Discharges of Toxic Substances

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

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
 - i. One hundred micrograms per liter (100 µg/L);

- ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. The level established by the TCEQ.
- b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
- i. Five hundred micrograms per liter (500 µg/L);
 - ii. One milligram per liter (1 mg/L) for antimony;
 - iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. The level established by the TCEQ.

10. Signatories to Reports

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

PERMIT CONDITIONS

1. General

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

2. Compliance

- a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
- b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or an application for a permit for another facility.
- c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment.
- e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.
- f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and Texas Water Code Section 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Special Provisions section of this permit.
- h. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §§ 7.051 – 7.075 (relating to Administrative Penalties), 7.101 – 7.111 (relating to Civil Penalties), and 7.141 – 7.202 (relating to Criminal Offenses and Penalties).

3. Inspections and Entry

- a. Inspection and entry shall be allowed as prescribed in the Texas Water Code Chapters 26, 27, and 28, and Texas Health and Safety Code Chapter 361.
- b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or

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

4. Permit Amendment and/or Renewal

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

conditions, including effluent limitations for pollutants not identified and limited by this permit.

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

5. Permit Transfer

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

6. Relationship to Hazardous Waste Activities

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

7. Property Rights

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

8. Permit Enforceability

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

9. Relationship to Permit Application

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

10. Notice of Bankruptcy.

- a. Each permittee shall notify the Executive Director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:
 - i. the permittee;
 - ii. an entity (as that term is defined in 11 USC, § 101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or

- iii. an affiliate (as that term is defined in 11 USC, § 101(2)) of the permittee.
- b. This notification must indicate:
 - i. the name of the permittee;
 - ii. the permit number(s);
 - iii. the bankruptcy court in which the petition for bankruptcy was filed; and
 - iv. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

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

7. Documentation

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

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

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

If in the judgement of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 219) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

- b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.
- c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or

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

9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
10. 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 Corrective Action Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.
 - d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.
 - e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.
 - f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:
 - i. Volume of waste and date(s) generated from treatment process;
 - ii. Volume of waste disposed of on-site or shipped off-site;

- iii. Date(s) of disposal;
- iv. Identity of hauler or transporter;
- v. Location of disposal site; and
- vi. Method of final disposal.

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

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

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SLUDGE PROVISIONS

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

SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE LAND APPLICATION

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC § 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge.
2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.

B. Testing Requirements

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

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

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

TABLE 1

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

* Dry weight basis

3. Pathogen Control

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

- a. For sewage sludge to be classified as Class A with respect to pathogens, the density of fecal coliform in the sewage sludge must be less than 1,000 most probable number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge must be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. In addition, one of the alternatives listed below must be met:

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

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

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

- b. For sewage sludge to be classified as Class AB with respect to pathogens, the density of fecal coliform in the sewage sludge must be less than 1,000 MPN per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. In addition, one of the alternatives listed below must be met:

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

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

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

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

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

- c. Sewage sludge that meets the requirements of Class AB sewage sludge may be classified a Class A sewage sludge if a variance request is submitted in writing that is supported by substantial documentation demonstrating equivalent methods for reducing odors and written approval is granted by the executive director. The executive director may deny the variance request or revoke that approved variance if it is determined that the variance may potentially endanger human health or the environment, or create nuisance odor conditions.
- d. Three alternatives are available to demonstrate compliance with Class B criteria for sewage sludge.

Alternative 1

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

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

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

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

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

- ii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;
- iii. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review;
- iv. The Executive Director will accept from the U.S. Environmental Protection Agency a finding of equivalency to the defined PSRP; and
- v. If the sewage sludge is generated from a mixture of sources resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the Processes to Significantly Reduce Pathogens, and shall meet the certification, operation, and record keeping requirements of this paragraph.

In addition to the Alternatives 1 – 3, the following site restrictions must be met if Class B sludge is land applied:

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

- viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge.
 - ix. Land application of sludge shall be in accordance with the buffer zone requirements found in 30 TAC § 312.44.
4. Vector Attraction Reduction Requirements

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

- Alternative 1 - The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38%.
- Alternative 2 - If Alternative 1 cannot be met for an anaerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30° and 37° Celsius. Volatile solids must be reduced by less than 17% to demonstrate compliance.
- Alternative 3 - If Alternative 1 cannot be met for an aerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge with percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20° Celsius. Volatile solids must be reduced by less than 15% to demonstrate compliance.
- Alternative 4 - The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20° Celsius.
- Alternative 5 - Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40° Celsius and the average temperature of the sewage sludge shall be higher than 45° Celsius.
- Alternative 6 - The Ph of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali shall remain at 12 or higher for two hours and then remain at a Ph of 11.5 or higher for an additional 22 hours at the time the sewage sludge is prepared for sale or given away in a bag or other container.
- Alternative 7 - The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75% based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

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

- Alternative 9 -
- i. Sewage sludge shall be injected below the surface of the land.
 - ii. No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.
 - iii. When sewage sludge that is injected below the surface of the land is Class A or Class AB with respect to pathogens, the sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

- Alternative 10-
- i. Sewage sludge applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.
 - ii. When sewage sludge that is incorporated into the soil is Class A or Class AB with respect to pathogens, the sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

C. Monitoring Requirements

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

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

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

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

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

Identify each of the analytic methods used by the facility to analyze enteric viruses, fecal coliforms, helminth ova, *Salmonella* sp., and other regulated parameters.

Identify in the following categories (as applicable) the sewage sludge treatment process or processes at the facility: preliminary operations (e.g., sludge grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.

Identify the nature of material generated by the facility (such as a biosolid for beneficial use or land-farming, or sewage sludge for disposal at a monofill) and whether the material is ultimately conveyed off-site in bulk or in bags.

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

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

A. Pollutant Limits

Table 2

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

Table 3

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

*Dry weight basis

B. Pathogen Control

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

C. Management Practices

1. Bulk sewage sludge shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters in the State.
2. Bulk sewage sludge not meeting Class A requirements shall be land applied in a manner which complies with Applicability in accordance with 30 TAC §312.41 and the Management Requirements in accordance with 30 TAC § 312.44.
3. Bulk sewage sludge shall be applied at or below the agronomic rate of the cover crop.
4. An information sheet shall be provided to the person who receives bulk sewage sludge sold or given away. The information sheet shall contain the following information:
 - a. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.
 - b. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instruction on the label or information sheet.
 - c. The annual whole sludge application rate for the sewage sludge application rate for the sewage sludge that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

D. Notification Requirements

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

E. Record keeping Requirements

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

the facility site and/or shall be readily available for review by a TCEQ representative for a period of five years. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply.

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

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

6. The recommended agronomic loading rate from the references listed in Section II.C.3. above, as well as the actual agronomic loading rate shall be retained. The person who applies bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative indefinitely. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply:
 - a. A certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii), as applicable, and to the permittee’s specific sludge treatment activities.
 - b. The location, by street address, and specific latitude and longitude, of each site on which sludge is applied.
 - c. The number of acres in each site on which bulk sludge is applied.
 - d. The date and time sludge is applied to each site.

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

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

F. Reporting Requirements

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

1. Identify in the following categories (as applicable) the sewage sludge treatment process or processes at the facility: preliminary operations (e.g., sludge grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. Identify the nature of material generated by the facility (such as a biosolid for beneficial use or land-farming, or sewage sludge for disposal at a monofill) and whether the material is ultimately conveyed off-site in bulk or in bags.
3. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.
4. The frequency of monitoring listed in Section I.C. that applies to the permittee.
5. Toxicity Characteristic Leaching Procedure (TCLP) results.
6. PCB concentration in sludge in mg/kg.
7. Identity of hauler(s) and TCEQ transporter number.
8. Date(s) of transport.
9. Texas Commission on Environmental Quality registration number, if applicable.
10. Amount of sludge disposal dry weight (lbs/acre) at each disposal site.
11. The concentration (mg/kg) in the sludge of each pollutant listed in Table 1 (defined as a monthly average) as well as the applicable pollutant concentration criteria (mg/kg) listed in Table 3 above, or the applicable pollutant loading rate limit (lbs/acre) listed in Table 2 above if it exceeds 90% of the limit.
12. Level of pathogen reduction achieved (Class A, Class AB or Class B).
13. Alternative used as listed in Section I.B.3.(a. or b.). Alternatives describe how the pathogen reduction requirements are met. If Class B sludge, include information on how site restrictions were met.
14. Identify each of the analytic methods used by the facility to analyze enteric viruses, fecal coliforms, helminth ova, *Salmonella* sp., and other regulated parameters.

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

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

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

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

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

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

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

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

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

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

G. Reporting Requirements

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

1. Identify in the following categories (as applicable) the sewage sludge treatment process or processes at the facility: preliminary operations (e.g., sludge grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. Toxicity Characteristic Leaching Procedure (TCLP) results.
3. Annual sludge production in dry tons/year.
4. Amount of sludge disposed in a municipal solid waste landfill in dry tons/year.
5. Amount of sludge transported interstate in dry tons/year.
6. A certification that the sewage sludge meets the requirements of 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
7. Identity of hauler(s) and transporter registration number.
8. Owner of disposal site(s).
9. Location of disposal site(s).
10. Date(s) of disposal.

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

SECTION IV. REQUIREMENTS APPLYING TO SLUDGE TRANSPORTED TO ANOTHER FACILITY FOR FURTHER PROCESSING

These provisions apply to sludge that is transported to another wastewater treatment facility or facility that further processes sludge. These provisions are intended to allow transport of sludge to facilities that have been authorized to accept sludge. These provisions do not limit the ability of the receiving facility to determine whether to accept the sludge, nor do they limit the ability of the receiving facility to request additional testing or documentation.

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC Chapter 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge.
2. Sludge may only be transported using a registered transporter or using an approved pipeline.

B. Record Keeping Requirements

1. For sludge transported by an approved pipeline, the permittee must maintain records of the following:
 - a. the amount of sludge transported;
 - b. the date of transport;
 - c. the name and TCEQ permit number of the receiving facility or facilities;
 - d. the location of the receiving facility or facilities;
 - e. the name and TCEQ permit number of the facility that generated the waste; and
 - f. copy of the written agreement between the permittee and the receiving facility to accept sludge.
2. For sludge transported by a registered transporter, the permittee must maintain records of the completed trip tickets in accordance with 30 TAC § 312.145(a)(1)-(7) and amount of sludge transported.
3. The above records shall be maintained on-site on a monthly basis and shall be made available to the TCEQ upon request. These records shall be retained for at least five years.

C. Reporting Requirements

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

1. Identify in the following categories (as applicable) the sewage sludge treatment process or processes at the facility: preliminary operations (e.g., sludge grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. the annual sludge production;
3. the amount of sludge transported;
4. the owner of each receiving facility;
5. the location of each receiving facility; and
6. the date(s) of disposal at each receiving facility.

SPECIAL PROVISIONS

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

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

3. The permittee shall maintain and operate the treatment facility in order to achieve optimum efficiency of treatment capability. This shall include required monitoring of effluent flow and quality as well as appropriate grounds and building maintenance.
4. The permittee shall comply with the requirements of 30 TAC Section 309.13 (a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC Section 309.13(e).
5. The permittee shall secure written approval from the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division before accepting for treatment in this facility any wastes significantly different from normal domestic wastewater. Before providing such approval, the Executive Director may require additional information regarding the nature, quantity, and treatability of the wastes.
6. Monitoring and reporting requirements according to 30 TAC Sections 319.1-319.11 and any additional effluent reporting requirements and monitoring requirements contained in this permit for Outfall 002, Outfall 003, or Outfall 004, as described by this permit, are suspended from the effective date of the permit until disposal via one or more of those outfalls have commenced. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 11) and the Applications Review and Processing Team (MC 148) of the Water Quality Division at least forty-five (45) days prior to plant startup or anticipated discharge, whichever occurs first and prior to completion of each additional phase on Notification of Completion Form 20007.

7. Prior to construction of the Outfall 002 Interim II and Final phases, Outfall 003 Interim and Final phases, and Outfall 004 Interim and Final phases wastewater treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) of the Water Quality Division, a summary transmittal letter according to the requirements in 30 TAC Section 217.6(c). If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications, and a final engineering design report which comply with the requirements of 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The permittee shall clearly show how the treatment system will meet the permitted effluent limitations required on Page 2a, 2b, and 2c of this permit.

SPECIAL PROVISIONS FOR SUBSURFACE DRIP IRRIGATION (Outfall 001):

8. Land application practices shall be designed and managed so as to prevent ponding of effluent or contamination of ground and surface waters and to prevent the occurrence of nuisance conditions in the area. Crops, turf grass, native grasses, or other ground cover shall be established and well maintained in the irrigation area throughout the year for effluent and nutrient uptake by the crop and to prevent pathways for effluent surfacing.
9. The permittee shall obtain representative soil samples from the root zones of each dispersal zone. Composite sampling techniques shall be used. Each composite sample shall represent no more than 22.53 acres with no less than 10 to 15 subsamples representing each composite sample. Subsamples shall be composited by like sampling depth, type of crop and soil type for analysis and reporting. Soil types are soils that have like topsoil or plow layer textures. These soils shall be sampled individually from 0 to 12 inches and 12 to 24 inches below ground level. The permittee shall sample and analyze soils in December to February of each year. Soil samples shall be analyzed within 30 days of collection.

Samples shall be analyzed according to the following table:

Parameter	Method	Minimum Analytical Level (MAL)	Reporting units
Ph	2:1 (v/v) water to soil mixture		Reported to 0.1 Ph units after calibration of Ph meter
Electrical Conductivity	Obtained from the SAR water saturated paste extract	0.01	Ds/m (same as mmho/cm)
Nitrate-nitrogen	From a 1 N KCl soil extract	1	mg/kg (dry weight basis)
Total Kjeldahl Nitrogen (TKN)	For determination of Organic plus Ammonium Nitrogen. Procedures that use Mercury (Hg) are not acceptable.	20	mg/kg (dry weight basis)

Parameter	Method	Minimum Analytical Level (MAL)	Reporting units
Parameter	Method	Minimum Analytical Level (MAL)	Reporting units
Total Nitrogen	= TKN plus Nitrate-nitrogen		mg/kg (dry weight basis)
Plant-available: Phosphorus (P)	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)
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 <i>reported</i> in mg/L
Sodium Adsorption Ratio (SAR)	$SAR = \frac{Na}{\sqrt{\frac{(Ca + Mg)}{2}}}$		Express <i>concentrations</i> 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 <i>short tons/acre</i> in the year effected

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

10. The permittee will maintain the native/bermuda/rye grass vegetative mix, a mixture of native herbaceous vegetation, and/or high performance turf vegetation (that will include warm season and cool season vegetation) to enable year-round uptake of water and nutrients associated with treated effluent on the disposal site. Application rates shall not exceed 0.1 gallons per square foot per day. The permittee is responsible for providing equipment to determine application rates and maintaining accurate records of the volume of effluent applied. These records shall be made available for review by the Texas Commission on Environmental Quality and shall be maintained for at least three years.
11. Effluent shall not be applied in subsurface drip dispersal system during rainfall events or under flooded soil conditions.
12. Treatment preceding subsurface irrigation shall remove sufficient total suspended solids from the wastewater to preclude plugging of the drip-emitters.
13. Pressure reducing devices (drip-emitters) shall be spaced at 24-inch minimum intervals along the drainfield distribution lines. Distribution line spacing shall be two feet.
14. The permittee shall erect adequate signs stating that the irrigation water is from a non-potable water supply for any area where treated effluent is stored or where there exist hose bibs or faucets. Signs shall consist of a red slash super-imposed over the international symbol for drinking water accompanied by the message "DO NOT DRINK THE WATER" in both English and Spanish. All piping transporting the effluent shall be clearly marked with these same signs.
15. The permittee shall maintain a long-term contract with the owner(s) of the land application site which is authorized for use in this permit, or own the land authorized for land application of treated effluent.
16. Drip irrigation lines shall be placed between 6 and 12 inches of the rooting zone of surface soils. There shall be at least 12 inches of soil suitable for wastewater absorption and root penetration beneath the drip lines.
17. The permittee shall maintain the following separation distances:

System	Process Units (ft)	Soil Absorptive (ft)
Private Water Wells	250	150
Public Water Wells*	500	500
Water Supply Lines	10	10
Surface Water Bodies	75	75
Slopes Where Seeps May Occur	50	10
Swimming Pools	150	50

* Used as sources of public drinking water

18. At least 60 days prior to commencing the closure of this on-site wastewater management system, the permittee shall provide notice to the TCEQ Region 11 Office of the expected closure schedule.

19. Vehicle traffic, except for mowers, crop fertilizing and harvesting vehicles, shall be prohibited from the subsurface drip-emitter drainfield area.
20. An audio-visual alarm shall be provided for the system to monitor pump tank high water levels, power failure and pump failure. The alarm system shall be capable of notifying the treatment system operator during all hours of operation, including drainfield dosing and backwash.
21. Permanent transmission lines shall be installed from the pump tank to each tract of land to be irrigated utilizing effluent from that tank.
22. If complete shutdown of the facility becomes necessary or if the storage capacity is exceeded, the permittee shall employ pump and haul method to prevent the discharge of treated or untreated wastewater. The permittee shall obtain the necessary authorization from the TCEQ Region 11 before undertaking the pump and haul activity.
23. In irrigating the athletic fields, irrigation with effluent shall be accomplished only when the area specified is not in use.
24. The physical condition of the drip irrigation fields will be monitored on a weekly basis when irrigation is being effected. Any areas with problems such as surface runoff, surficial erosion, stressed or damaged vegetation will be recorded in the field log kept onsite and corrective measures will be initiated within 24 hours of discovery.

SPECIAL PROVISIONS FOR SURFACE IRRIGATION (Outfall 002):

25. Irrigation practices shall be designed and managed so as to prevent ponding of effluent or contamination of ground and surface waters and to prevent the occurrence of nuisance conditions in the area. Turf grass or other ground cover shall be established and well maintained in the irrigation area throughout the year for effluent and nutrient uptake by the crop and to prevent pathways for effluent surfacing. Tailwater control facilities shall be provided as necessary to prevent the discharge of any effluent from the irrigated land.
26. Effluent shall not be applied for irrigation during rainfall events or when the ground is frozen or saturated.
27. The irrigated crops include bermuda grass and rye grass. Application rates to the irrigated land shall not exceed 3.86 acre-feet per year per acre irrigated in the Interim I phase, 3.75 acre-feet per year per acre irrigated in the Interim II phase, and 2.51 acre-feet per year per acre irrigated in the Final phase. The permittee is responsible for providing equipment to determine application rates and maintaining accurate records of the volume of effluent applied. These records shall be made available for review by the Texas Commission on Environmental Quality and shall be maintained for at least three years.
28. The permittee shall obtain representative soil samples from the root zones of each dispersal zone. Composite sampling techniques shall be used. Each composite sample shall represent no more than one zone with no less than 10 to 15 subsamples representing each composite sample. Subsamples shall be composited by like sampling depth, type of crop and soil type for analysis and reporting. Soil types are soils that have like topsoil or plow layer textures. These soils shall be sampled individually from 0 to 6 inches, 6 to 18 inches, and 18 to 30

inches below ground level. The permittee shall sample and analyze soils in December to February of each year. Soil samples shall be analyzed within 30 days of collection.

Samples shall be analyzed according to the following table:

Parameter	Method	Minimum Analytical Level (MAL)	Reporting units
pH	2:1 (v/v) water to soil mixture		Reported to 0.1 Ph units after calibration of Ph meter
Electrical Conductivity	Obtained from the SAR water saturated paste extract	0.01	Ds/m (same as mmho/cm)
Nitrate-nitrogen	From a 1 <u>N</u> 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 (P)	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)
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 <i>reported</i> in mg/L
Sodium Adsorption Ratio (SAR)	$SAR = \frac{Na}{\sqrt{\frac{(Ca + Mg)}{2}}}$		Express <i>concentrations</i> 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

Parameter	Method	Minimum Analytical Level (MAL)	Reporting units
			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 <i>short tons/acre</i> in the year effected

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

29. The physical condition of the drip irrigation fields will be monitored on a weekly basis when irrigation is being effected. Any areas with problems such as surface runoff, surficial erosion, stressed or damaged vegetation will be recorded in the field log kept onsite and corrective measures will be initiated within 24 hours of discovery.
30. The permittee shall maintain a minimum 100-foot surface water buffer between land application areas and all surface water features, including Onion Creek (and its tributaries), Walnut Springs, and Turkey Hollow Creek (and its tributaries).
31. Facilities for the retention of treated or untreated wastewater shall be adequately lined and managed to control seepage in accordance with 30 TAC §309.13(d) and 30 TAC §217.203 (c) and (d). Upon completion of construction, the permittee shall submit a liner certification signed and sealed by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria above prior to use of the facilities. The certifications must be submitted to the TCEQ Regional Office (MC Region 11), the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, the Wastewater Permitting Section (MC-148), and the Water Quality Assessment Team (MC-150).
32. The liner certification for the effluent pond at the Caliterra site was signed and sealed by a Texas-licensed professional engineer and provided in a letter dated September 25, 2017.
33. Wells located on the Caliterra property must meet the applicable minimum buffers of 150-feet (for domestic wells) or 500 feet (for public supply wells) from effluent irrigation areas or be plugged per 16 TAC §76.104 prior to land application of wastewater effluent. If a well is plugged, a copy of the plugging report must be submitted to the Water Quality Assessment Team (MC-150) within 30 days of plugging.
34. The permittee shall notify the TCEQ Region 11 Office (Austin) upon completion of construction of any pond and at least a week prior to its use.
35. At least once per month, the permittee shall inspect the pond sides and bottoms (if visible)

for signs of damage and leakage, and any pond leak detection systems that are in service. These inspections shall be recorded in a log book maintained onsite. Leaking ponds shall be removed from service, or operated in a manner to prevent discharge, until repairs are made or replacement ponds are constructed. Within 180 days of completion of repair or cleaning, liner certifications shall be provided to the TCEQ Water Quality Assessment Team (MC 150) and to the TCEQ Regional Office (MC Region 11).

36. The liner shall be recertified by a Texas Licensed Professional Engineer ensuring that the liner for each pond meets the requirements noted in Special Provision No. 31 each time the liner undergoes repair or each time sediments are cleaned from the pond. Within 180 days of completion of repair or cleaning, liner certifications shall be provided to the TCEQ Water Quality Assessment Team (MC 150) and to the TCEQ Regional Office (MC Region 11).
37. Holding or storage ponds shall conform to the design criteria for stabilization ponds with regard to construction and levee design and shall maintain a minimum freeboard of two feet according to 30 TAC Chapter 217, Design Criteria for Wastewater Treatment Systems.
38. The permittee shall maintain a long-term contract with the owner(s) of the land application sites which are authorized for use in this permit, or own the land authorized for land application of treated effluent.
39. The permittee shall erect adequate signs stating that the irrigation water is from a non-potable water supply for any area where treated effluent is stored or where there exist hose bibs or faucets. Signs shall consist of a red slash super-imposed over the international symbol for drinking water accompanied by the message "DO NOT DRINK THE WATER" in both English and Spanish. All piping transporting the effluent shall be clearly marked with these same signs.
40. Spray fixtures for the irrigation system shall be of such design that they cannot be operated by unauthorized personnel.
41. Irrigation with effluent shall be accomplished only when the area specified is not in use.
42. Permanent transmission lines shall be installed from the treatment system to each irrigation area.
43. The permittee shall provide facilities for the protection of its wastewater treatment facilities from a 100-year flood.
44. The permittee shall comply with buffer zone requirements of 30 TAC Section § 309.13(c). A wastewater treatment plant unit, defined by 30 TAC Section § 309.11(9), must be located a minimum horizontal distance of 250 feet from a private well and a minimum horizontal distance of 500 feet from a public water well site, spring, or other similar sources of public drinking water, as provided by §290.41(c)(1)(C) of this title. A land application field must be located a minimum horizontal distance of 150 feet from a private well and a minimum horizontal distance of 500 feet from a public water well site, spring, or other similar sources of public drinking water.

SPECIAL PROVISIONS FOR SUBSURFACE DRIP IRRIGATION (Outfall 003):

45. The site is located on the Contributing Zone of the Edwards Aquifer, as mapped by the

TCEQ, and therefore is subject to 30 TAC 213 Subchapter B.

- 46. According to the requirements of 30 TAC §222.81(a), the permittee shall locate the SADDs a minimum horizontal distance of 100 feet from surface waters in the state. The permittee shall locate the SADDs a minimum horizontal distance of 500 feet from public water wells, springs, or other similar sources of public drinking water and a minimum horizontal distance of 150 feet from private wells as described in 30 TAC §309.13(c)(1). The permittee shall not locate a SADDs within a floodway per 30 TAC §222.81(d).
- 47. Irrigation practices shall be designed and managed as to prevent ponding of effluent or contamination of ground and surface waters and to prevent the occurrence of nuisance conditions in the area. The approved groundcover shall be established and well maintained in the irrigation area throughout the year for effluent and nutrient uptake by the crop and to prevent pathways for effluent surfacing. Tailwater control facilities shall be provided as necessary to prevent the discharge of any effluent from the irrigated land.
- 48. The permittee shall use cultural practices to promote and maintain the health and propagation of the native/Bermuda/Rye grass vegetative mix crops and avoid plant lodging. The permittee shall harvest the crops (cut and remove it from the field) at least once during the year. Harvesting and mowing dates shall be recorded in a log book kept on site to be made available to TCEQ personnel upon request.
- 49. 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 13.8 acres with no less than two (2) cores per dosing bed (zone) 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 12 inches and 12 to 24 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.

Samples shall be analyzed according to the following table:

Parameter	Method	Minimum Analytical Level (MAL)	Reporting units
pH	2:1 (v/v) water to soil mixture		Reported to 0.1 pH units after calibration of pH meter
Electrical Conductivity	2:1 (v/v) water to soil mixture	0.01	dS/m (same as mmho/cm)
Nitrate-nitrogen	From a 1 <u>N</u> KCl soil extract	1	mg/kg (dry weight basis)
Total Kjeldahl Nitrogen (TKN)	For determination of Organic plus Ammonium Nitrogen.	20	mg/kg (dry weight basis)

Procedures that use Mercury (Hg) are not acceptable.

Parameter	Method	Minimum Analytical Level (MAL)	Reporting units
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)	May be determined in the same Mehlich III extract with inductively coupled plasma	5 (K)	mg/kg (dry weight basis)
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 Regional Office (MC Region 11) and the Enforcement Division (MC 224), no later than September 1st 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.

50. The permittee shall analyze the irrigation effluent a minimum of once per year for Total Kjeldahl nitrogen (TKN), nitrate-nitrogen, total P and electrical conductivity. The permittee shall submit annually results for these parameters with copies of the laboratory report to the TCEQ Water Quality Assessment Team (MC 150), TCEQ Region Office (R 11) and the Enforcement Division (MC 224) of TCEQ by the end of September of each monitoring year. The permittee may request removal of this provision if for three consecutive years the land application of total nitrogen does not exceed 80 lb/ac/year. This request with an assessment of the data shall be submitted to the Water Quality Assessment Team (MC 150) for review/revision and approval with copies to the TCEQ Region Office (R 11) and the TCEQ Enforcement Division (MC 224).
51. The permittee will maintain the native/bermuda/rye grass vegetative mix, a mixture of native herbaceous vegetation, and/or high performance turf vegetation (that will include warm season and cool season vegetation). The irrigated crops shall be established and well maintained to provide year-round vegetative growth for effluent and nutrient uptake by the crop and to prevent pathways for effluent surfacing.

52. Application rates shall not exceed 0.1 gallons per square foot per day. The permittee is responsible for providing equipment to determine application rates and maintaining accurate records of the volume of effluent applied. These records shall be made available for review by the Texas Commission on Environmental Quality and shall be maintained for at least three years.
53. Effluent shall not be applied in subsurface drip dispersal system during rainfall events or under flooded soil conditions.
54. Irrigation with effluent shall be accomplished only when the area specified is not in use.
55. Drip irrigation lines shall be installed on the contour and lateral slopes of the tubing shall not exceed 1 percent. The permittee shall install at least one moisture sensing device located at 12 inches below the drip lines in the topographic low of each drip zone that will automatically shut off treated effluent to the dosing bed (zone) when the soil becomes saturated.
56. The permittee shall ensure that the velocity of the flush water shall be at least two feet per second at the end of each dispersal zone or return line during the flushing operation.
57. The permittee shall erect adequate signs stating that the irrigation water is from a non-potable water supply for any area where treated effluent is stored or where there exist hose bibs or faucets. Signs shall consist of a red slash super-imposed over the international symbol for drinking water accompanied by the message "DO NOT DRINK THE WATER" in both English and Spanish. All piping transporting the effluent shall be clearly marked with these same signs.
58. The permittee shall maintain a long-term contract with the owner(s) of the land application site which is authorized for use in this permit, or own the land authorized for land application of treated effluent.
59. The permittee shall install the drip lines over a minimum of one foot of soil and the drip lines shall be installed at least six inches below the terrain surface. If imported soils are utilized, the permittee shall submit a plan within 90 days of permit issuance to the TCEQ Water Quality Assessment Team (MC 150) for review, revision and approval with a copy to the Wastewater Permitting Section (MC148) of the Water Quality Division describing how the imported soils will be incorporated into the native soils.
60. Permanent transmission lines shall be installed from the treatment system to each drip irrigation zone of the subsurface drip irrigation system. According to 30 TAC § 222.153, the permittee shall flush the subsurface area drip dispersal system from the dispersal zone and return the flush water to a point preceding the treatment system at least once every two months.
61. The permittee shall design and install temporary storage that equals at least three days of the design flow of the facility for times when the subsurface area drip dispersal system is out of service due to an emergency or scheduled maintenance. In addition, the permittee shall pump and haul wastewater from the facility to prevent the discharge of treated or untreated wastewater if complete shutdown of the wastewater treatment facility becomes necessary or if the storage capacity is exceeded.

62. The applicant shall develop a Springs/Seeps Monitoring Plan and submit the plan to the TCEQ Water Quality Assessment Team (MC-150) for review and approval within 30 days of permit issuance. At a minimum, the plan shall include:
- a) A procedure to conduct quarterly field checks at the drip irrigation fields and down-gradient of the fields to identify emerging springs or seeps.
 - b) A procedure to sample springs or seeps in the event that springs/seeps develop after drip irrigation of effluent commences.
 - c) Quarterly field checks and sampling (if applicable) of the springs/seeps shall occur after a minimum rainfall event of 0.5-inch, if possible.
 - d) Analysis of springs/seeps water for nutrients, including, but not limited to, a complete nitrogen series [(Nitrate (as N), Nitrite (as N), Total Kjeldahl Nitrogen, ammonia as N)], total phosphorus, ortho-phosphate, chlorides, fecal coliform, and specific conductivity.
 - e) A record of the quarterly checks and sampling of the springs and seeps shall be maintained in a field log and kept onsite for TCEQ inspection.
 - f) Monitoring of emerging and existing springs/seeps shall continue for the life of the system.
 - g) The applicant shall submit the data from the Seeps/Springs Monitoring Plan to the Water Quality Assessment Team (MC-150) of the Water Quality Division, the TCEQ Region 11 (Austin) Office, and the Compliance Monitoring Section (MC-224) during the month of September of each year for review.
 - h) A procedure for the implementation of corrective measures to remedy the discharge if laboratory analysis indicates that wastewater is emerging as a seep or spring.
 - i) The permittee shall implement the plan upon approval by the Water Quality Assessment Team. The executive director may request modification of the approved plan if future information indicates that it would be necessary for the protection of the environment.
63. Any recharge features uncovered by construction and operational activities shall be addressed in an updated and certified Recharge Feature Plan (RFP). The RFP will include the best management practices implemented that will prevent impact to recharge features from wastewater application and prevent groundwater contamination. The updated certified RFP shall be submitted to the TCEQ Water Quality Assessment Team (MC-150) and the TCEQ Region 11 (Austin) Office.
64. The applicant shall construct berms or swales that will prevent, or divert, stormwater from entering all subsurface wastewater application areas.
65. The physical condition of the drip irrigation fields will be monitored on a weekly basis when irrigation is being effected. Any areas with problems such as surface runoff, surficial erosion, stressed or damaged vegetation will be recorded in the field log kept onsite and corrective measures will be initiated within 24 hours of discovery.
66. Prior to construction of the subsurface area drip dispersal system, the permittee shall submit, to the TCEQ Wastewater Permitting Section (MC148) of the Water Quality Division, an engineering report, including plans and specifications, that meets the requirements in 30 TAC Chapter 222, Subsurface Drip Dispersal Systems, Subchapter D: Design Criteria.

SPECIAL PROVISIONS FOR SURFACE IRRIGATION (Outfall 004):

67. The site is located on the Contributing Zone of the Edwards Aquifer, as mapped by the TCEQ, and therefore is subject to 30 TAC 213 Subchapter B.

- 68. Irrigation practices shall be designed and managed so as to prevent ponding of effluent or contamination of ground and surface waters and to prevent the occurrence of nuisance conditions in the area. Turf grass or other ground cover shall be established and well maintained in the irrigation area throughout the year for effluent and nutrient uptake by the crop and to prevent pathways for effluent surfacing. Tailwater control facilities shall be provided as necessary to prevent the discharge of any effluent from the irrigated land.
- 69. The permittee shall use cultural practices to promote and maintain the health and propagation of the native/Bermuda/Rye grass vegetative mix crops and avoid plant lodging. The permittee shall harvest the crops (cut and remove it from the field) at least once during the year. Harvesting and mowing dates shall be recorded in a log book kept on site to be made available to TCEQ personnel upon request.
- 70. Effluent shall not be applied for irrigation during rainfall events or when the ground is frozen or saturated.
- 71. The irrigated crops include bermuda grass and rye grass. Application rates to the irrigated land shall not exceed 3.50 acre-feet per year per acre irrigated in the Interim phase and 3.29 acre-feet per year per acre irrigated in the Final phase. The permittee is responsible for providing equipment to determine application rates and maintaining accurate records of the volume of effluent applied. These records shall be made available for review by the Texas Commission on Environmental Quality and shall be maintained for at least three years.
- 72. 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 17 acres with no less than 10 to 15 subsamples representing each composite sample. Subsamples shall be composited by like sampling depth, type of crop and soil type for analysis and reporting. Soil types are soils that have like topsoil or plow layer textures. These soils shall be sampled individually from 0 to 6 inches, 6 to 18 inches, and 18 to 30 inches below ground level. The permittee shall sample 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 analyses of the land application area according to the following table:

Parameter	Method	Minimum Analytical Level (MAL)	Reporting units
pH	2:1 (v/v) water to soil mixture		Reported to 0.1 pH units after calibration of pH meter
Electrical Conductivity	Obtained from the SAR water saturated paste extract	0.01	dS/m (same as mmho/cm)

Parameter	Method	Minimum Analytical Level (MAL)	Reporting units
Nitrate-nitrogen	From a 1 N KCl soil extract	1	mg/kg (dry weight basis)
Parameter	Method	Minimum Analytical Level (MAL)	Reporting units
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)
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 <i>reported</i> in mg/L
Sodium Adsorption Ratio (SAR)	$SAR = \frac{Na}{\sqrt{\frac{(Ca + Mg)}{2}}}$		Express <i>concentrations</i> of Na, Ca and Mg in the water saturated paste extract in milliequivalents/liter

Parameter	Method	Minimum Analytical Level (MAL)	Reporting units
			(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.
Parameter	Method	Minimum Analytical Level (MAL)	Reporting units

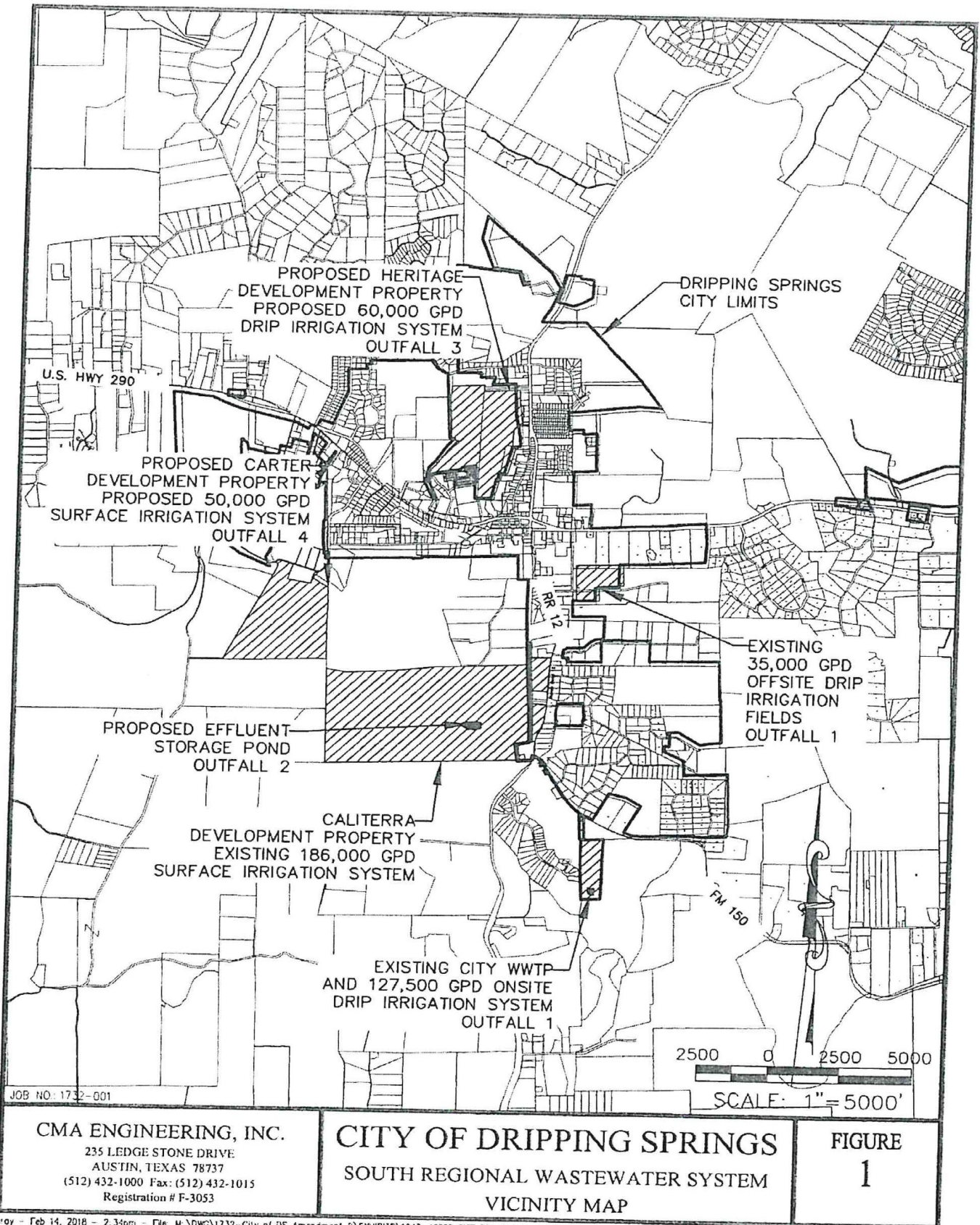
Amendment addition, e.g., gypsum			Report in short tons/acre in the year effected
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A copy of this soil testing plan shall be provided to the analytical laboratory prior to sample analysis. The permittee shall submit the results of the annual soil sample analyses with copies of the laboratory reports with a map depicting the areas that have received wastewater within the permanent sampling fields to the TCEQ Regional Office (MC Region 11), the Water Quality Assessment Team (MC 150), and the 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.

73. The permittee shall analyze the irrigation effluent a minimum of once per year for Total Kjeldahl nitrogen (TKN), nitrate-nitrogen, total P and electrical conductivity. The permittee shall submit annually results for these parameters with copies of the laboratory report to the TCEQ Water Quality Assessment Team (MC 150), TCEQ Region Office (R 11) and the Enforcement Division (MC 224) of TCEQ by the end of September of each monitoring year. The permittee may request removal of this provision if for three consecutive years the land application of total nitrogen does not exceed 80 lb/ac/year. This request with an assessment of the data shall be submitted to the Water Quality Assessment Team (MC 150) for review/revision and approval with copies to the TCEQ Region Office (R 11) and the TCEQ Enforcement Division (MC 224).
74. The physical condition of the irrigation fields will be monitored on a weekly basis when irrigation is being affected. Any area that has been affected with problems such as surface runoff, surficial erosion, stressed or damaged vegetation will be recorded in the field log kept onsite, and corrective measures will be implemented within 24 hours of discovery.
75. The permittee shall maintain a minimum 100-foot horizontal buffer between land application areas and all surface water features, including Onion Creek and its tributaries, into which no wastewater application will occur.

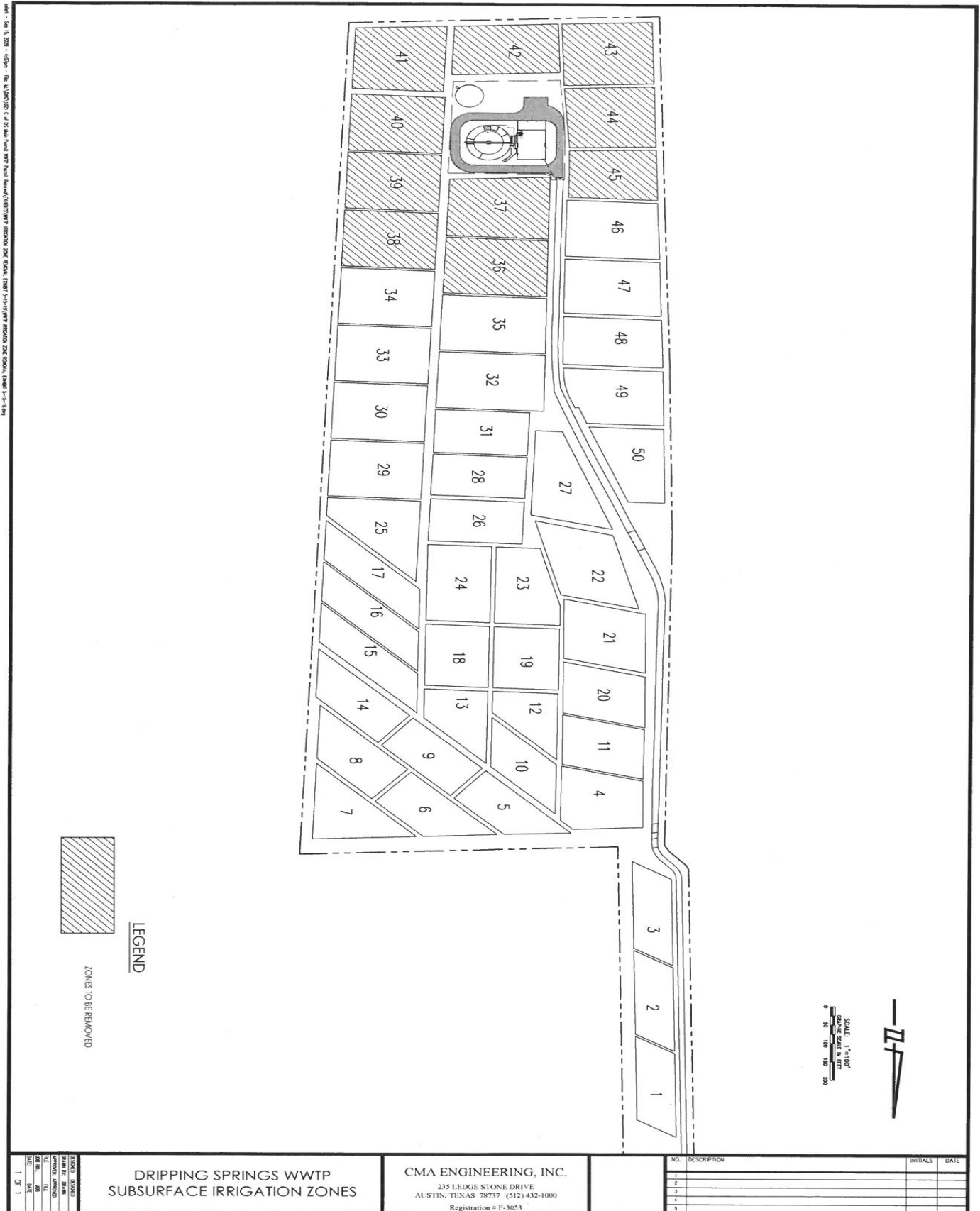
76. Facilities for the retention of treated or untreated wastewater shall be adequately lined and managed to control seepage in accordance with 30 TAC §309.13 (d) **and** 30 TAC §217.203 (d). Within 30 days of construction completion and prior to use of the facility, the permittee shall submit a liner certification signed and sealed by a Texas-Licensed Professional Engineer that the completed pond lining meets the appropriate criteria above. The certifications shall include a description of how the liner meets the requirements of 30 TAC §217.203 **and** 30 TAC §309.13(d) and shall be submitted to the TCEQ Regional Office (MC Region 11) Office, the Compliance Monitoring Team (MC 224) of the Enforcement Division, the Wastewater Permitting Section (MC-148), and the Water Quality Assessment Team (MC 150).
77. At least once per month, the permittee shall inspect the pond sides and bottoms (if visible) for signs of damage and leakage, and any pond leak detection systems that are in service. These inspections shall be recorded in a log book maintained onsite. Leaking ponds shall be removed from service, or operated in a manner to prevent discharge, until repairs are made or replacement ponds are constructed.
78. The liner shall be recertified by a Texas-Licensed Professional Engineer ensuring that the liner for each pond meets the requirements noted in Special Provision No. 76 each time the liner undergoes repair or each time sediments are cleaned from the pond. Within 180 days of completion of repair or cleaning, liner certifications shall be provided to the TCEQ Water Quality Assessment Team (MC 150) and to the TCEQ Regional Office (MC Region 11). A copy of the liner certification shall be kept on-site for future reference.
79. The permittee shall maintain a long-term contract with the owner(s) of the land application sites which are authorized for use in this permit, or own the land authorized for land application of treated effluent.
80. The permittee shall erect adequate signs stating that the irrigation water is from a non-potable water supply for any area where treated effluent is stored or where there exist hose bibs or faucets. Signs shall consist of a red slash super-imposed over the international symbol for drinking water accompanied by the message "DO NOT DRINK THE WATER" in both English and Spanish. All piping transporting the effluent shall be clearly marked with these same signs.
81. Spray fixtures for the irrigation system shall be of such design that they cannot be operated by unauthorized personnel.
82. Irrigation with effluent shall be accomplished only when the area specified is not in use.
83. Permanent transmission lines shall be installed from the treatment system to each irrigation area.
84. The permittee shall provide facilities for the protection of its wastewater treatment facilities from a 100-year flood.

ATTACHMENT A



gray - Feb 14, 2018 - 2:34pm - File: M:\DWG\1732 - City of DS Amendment 2\EXHIBIT5\1643 - A1109 SITE DRAWING.dwg

ATTACHMENT B



DATE: 04/13/2021 11:52:00 AM
 FILE: WQ0014488001.dwg
 USER: JEFFREY
 PLOT: 1 OF 1
 PLOT DATE: 04/13/2021 11:52:00 AM
 PLOT SCALE: 1"=100'
 PLOT SIZE: 11.00" X 17.00"

**TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**

DESCRIPTION OF APPLICATION

Applicant: City of Dripping Springs
TCEQ Permit No. WQ0014488001

Regulated Activity: Domestic Wastewater Permit

Type of Application: Major Amendment

Request: Major Amendment without Renewal

Authority: Texas Water Code (TWC) § 26.027; 30 Texas Administrative Code (TAC) Chapters 305, 309, 312, 319, and 30; and Commission policies.

EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The draft permit includes an expiration date of **March 8, 2031**, according to 30 TAC Section 305.127(1)(C)(ii)(III), Conditions to be Determined for Individual Permits.

REASON FOR PROJECT PROPOSED

City of Dripping Springs has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment of TCEQ Permit No. WQ0014488001, to authorize the addition of a subsurface drip irrigation site of 13.8 acres with a flow volume not to exceed a daily average flow of 60,000 gallons per day in the final phase and the addition of a surface irrigation site of 17 acres with a flow volume not to exceed a daily average flow of 50,000 gallons per day in the final phase, an increase in the total land application acreage from 113.53 acres to 144.33 acres, and an increase in the total wastewater treatment facility flow volume in the final phase to a volume not to exceed a daily average flow of 319,000 gallons per day to 429,000 gallons per day. The existing permit authorizes the disposal of treated wastewater at a volume not to exceed a daily average flow of 133,000 gallons per day via subsurface area drip irrigation of 30.53 acres of public access land and the disposal of treated wastewater at a volume not to exceed a daily average flow not to exceed 186,000 gallons via surface irrigation of 83 acres of public access land. This permit will not authorize the discharge of pollutants into water in the state.

For the purpose of distinguishing disposal areas authorized in the permit, the following areas are designated as follows:

- Outfall 001 - disposal of treated effluent via (existing) subsurface area drip irrigation of public access land areas (on-site pasture land and off-site Dripping Springs Sports and Recreational Park) in the City of Dripping Springs at a daily average flow not to exceed 0.133 MGD on 30.53 acres;
- Outfall 002 - disposal of treated effluent via (existing) surface irrigation of public access land for the Caliterra Residential Development at a daily average flow not to exceed 0.186 MGD on 83 acres;
- Outfall 003 - disposal via (proposed) subsurface drip irrigation of public access land for the Heritage Residential Development at a daily average flow not to exceed 0.060 MGD on 13.8 acres; and

- Outfall 004 - disposal via (proposed) surface irrigation on public access land for the Carter Residential Development at a daily average flow not to exceed 0.025 MGD on 8 acres in the Interim phase and 0.050 MGD on 17 acres in the Final phase.

Outfalls 001 and 002 each include an Interim I phase, Interim II phase, and Final phase in the draft permit. Outfall 003 includes an Interim phase and a Final phase. Outfall 004 includes an Interim phase and a Final phase in the draft permit.

The proposed effluent daily average flow rates at each of the outfalls are as follows:

- Outfall 001 – 0.127 MGD in the Interim I phase, 0.098 MGD gpd in the Interim II phase, and 0.133 MGD on the Final phase;
- Outfall 002 – 0.062 MGD in the Interim I phase, 0.124 MGD in the Interim II phase, and 0.186 MGD in the Final phase;
- Outfall 003 – 0.030 MGD gpd in the Interim phase and 0.060 MGD on the Final phase; and
- Outfall 004 – 0.025 MGD in the Interim phase and 0.050 in the Final phase.

The facility includes the following effluent holding facilities:

- one effluent tank with a total capacity of 333,000 gallons providing 2.5 days of storage of treated effluent prior to disposal via disposal subsurface area drip irrigation at a daily average flow not to exceed 0.133 MGD daily average flow via Outfall 001;
- one storage pond with a total surface area of 3 acres and total capacity of 35.9 acre-feet for storage of treated effluent prior to disposal via surface irrigation at a daily average flow not to exceed 0.186 MGD at Outfall 002;
- one effluent tank with a total capacity of 180,000 gallons providing 3 days of storage prior to disposal via subsurface area drip irrigation of 0.060 MGD daily average flow via Outfall 003; and
- an effluent storage pond with a total surface area of 1 acre and total capacity of 11.56 acre-feet for storage of treated effluent prior to disposal via surface irrigation of 0.050 MGD daily average flow via Outfall 004

The existing wastewater treatment facility serves the City of Dripping Springs and the Greater City of Dripping Springs area.

PROJECT DESCRIPTION AND LOCATION

The City of Dripping Springs South Regional Wastewater Treatment Facility consists of an activated sludge process plant using the conventional mode. Treatment units include a bar screen, aeration basins, a final clarifier, aerobic sludge digesters, effluent disk filters (starting with the Interim II phase for surface irrigation), and a chlorine contact chamber. The facility is currently operating in the Interim I phase at Outfall 001 and Outfall 002.

Sludge generated from the treatment facility is hauled by a registered transporter to SWWC Utilities, Inc. (Windermere) Wastewater Treatment Facility, Permit No. WQ0011931001 to be digested, dewatered, and then disposed of with the bulk of the sludge from the plant accepting the sludge. The draft permit also authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

The wastewater treatment facility and on-site subsurface disposal site (Outfall 001) are located approximately 0.55 miles east of the intersection of Ranch Road 12 and Farm-to-Market Road 150, as measured along Farm-to-Market Road 150, and from that point, approximately 1,110 feet south of Farm-to-Market Road 150, in Hays County. An existing offsite subsurface disposal area (Outfall 001) is located approximately 0.44 mile south of the intersection of U.S. Highway 290 and Ranch Road 12, as measured along Ranch Road 12, and from that point, approximately 1,280 feet east of Ranch Road 12, in Hays County. Another existing offsite surface disposal area (Outfall 002) is located approximately 1.5 miles south of the intersection of U.S. Highway 290 and Ranch Road 12, and from that point approximately 1,000 feet west of Ranch Road 12 in Hays County. The proposed subsurface disposal area (Outfall 003) will be located approximately 0.31 mile north of the intersection of U.S. Highway 290 and Ranch Road 12, along Ranch Road 12, and, from that point, approximately 0.26 mile west of Ranch Road 12, in Hays County. The proposed surface disposal site (Outfall 004) will be located approximately 1.65 miles west and 0.65 mile south of the intersection of U.S. Highway 290 and Ranch Road 12, in Hays County. The wastewater treatment facility and on-site subsurface disposal site are located in Hays County, Texas 78619. All other disposal sites are located in Hays County, Texas 78620.

The wastewater treatment facility and disposal sites are located in the drainage basin of Onion Creek in Segment No. 1427 of the Colorado River Basin. No discharge of pollutants into water in the state is authorized by this permit.

SUMMARY OF EFFLUENT DATA

The following is a summary of the applicant's Monthly Effluent Report data for the period August 2019 through May 2021. The average of Daily Average value is computed by averaging of all 30-day average values for the reporting period for each parameter.

<u>Parameter</u>	<u>Average of Daily Average</u>
Flow, MGD	0.121
BOD ₅ , mg/l	2.2
TSS, mg/l	1.3

DRAFT PERMIT CONDITIONS

The draft permit authorizes the disposal of treated domestic wastewater effluent, as follows: at Outfall 001 at a daily average flow not to exceed 0.1275 MGD in the Interim I phase, 0.098 MGD in the Interim II phase, and 0.133 MGD on the Final phase; at Outfall 002 at a daily average flow of not to exceed 0.062 MGD in the Interim I phase, 0.124 MGD in the Interim II phase, and 0.186 MGD in the Final phase; at Outfall 003 at a daily average flow of not to exceed 0.030 MGD in the Interim phase and 0.060 MGD in the Final phase; and at Outfall 004 at a daily average flow of not to exceed 0.025 MGD in the Interim phase and 0.050 MGD in the Final phase.

Outfall 001

The draft permit authorizes the disposal of treated domestic wastewater effluent at Outfall 001 at a daily average flow of not to exceed 0.1275 MGD via subsurface drip irrigation of 29.35 acres of public access pastureland in the Interim I phase, a daily average flow of not to exceed 0.098 MGD via subsurface drip irrigation of 22.53 acres of public access pastureland in the Interim II phase, a daily average flow of not to exceed 0.133 MGD via subsurface drip irrigation of 30.53 acres of public access pastureland and public access athletic fields in the Final phase. The existing facility at Outfall 001 includes one effluent tank with a total capacity of 333,000 gallons.

Application rates shall not exceed 0.1 gallons per square foot per day. The irrigated crops include native/bermuda/rye grass mix.

The effluent limitations at Outfall 001 in the draft permit, based on a daily average, are 20 mg/l biochemical oxygen demand (BOD₅) and 20 mg/l total suspended solids (TSS). The effluent shall be chlorinated in a chlorine contact chamber to a residual of 1.0 mg/l with a minimum detention time of 20 minutes. If the effluent is to be transferred to a holding pond or tank, re-chlorination prior to the effluent being delivered into the irrigation system will be required. A trace chlorine residual shall be maintained in the effluent at the point of irrigation application.

Outfall 002 (Caliterra Residential Development)

The draft permit also authorizes the disposal of treated domestic wastewater effluent at Outfall 002 at a daily average flow not to exceed 0.062 MGD via surface irrigation of 18 acres of public access land (open spaces, parks, greenbelts, and right of ways) in the Interim I phase, a daily average flow of not to exceed 0.124 MGD via surface irrigation of 37 acres of public access land (open spaces, parks, greenbelts, and right of ways) in the Interim II phase, and a daily average flow of not to exceed 0.186 MGD via surface irrigation of 83 acres of public access land (open spaces, parks, greenbelts, and right of ways) in the Final phase. The existing facility at Outfall 002 includes one storage pond with a total surface area of 3.0 acres and total capacity of 35.9 acre-feet for storage of treated effluent prior to irrigation. Application rates to the irrigated land shall not exceed 3.86 acre-feet per year per acre irrigated in the Interim I phase, 3.75 acre-feet per year per acre irrigated in the Interim II phase, and 2.51 acre-feet per year per acre irrigated in the Final phase. The irrigated crops include native/bermuda/rye grass mix.

The effluent limitations at Outfall 002 in the draft permit, based on a daily average, are 5 mg/l biochemical oxygen demand (BOD₅) and 5 mg/l total suspended solids (TSS). The effluent shall be chlorinated in a chlorine contact chamber to a residual of 1.0 mg/l with a minimum detention time of 20 minutes. If the effluent is to be transferred to a holding pond or tank, re-chlorination prior to the effluent being delivered into the irrigation system will be required. A trace chlorine residual shall be maintained in the effluent at the point of irrigation application.

Outfall 003 (Heritage Residential Development)

The draft permit also authorizes the disposal of treated domestic wastewater effluent at Outfall 003 at a daily average flow not to exceed 0.030 MGD in the Interim phase and a daily average flow not to exceed 0.060 MGD in the Final phase via subsurface drip irrigation of 13.8 acres of public access land. The proposed disposal facility at Outfall 003 will include one effluent tank with a total capacity of 180,000 gallons providing 3 days for storage of treated effluent prior to irrigation. Application rates to the irrigated land shall not exceed 0.1 gallons per square foot per day. The irrigated crops include native/bermuda/rye grass mix.

The effluent limitations at Outfall 003 in the draft permit, based on a daily average, are 5 mg/l biochemical oxygen demand (BOD₅) and 5 mg/l total suspended solids (TSS). The effluent shall be chlorinated in a chlorine contact chamber to a residual of 1.0 mg/l with a minimum detention time of 20 minutes. If the effluent is to be transferred to a holding pond or tank, re-chlorination prior to the effluent being delivered into the irrigation system will be required. A trace chlorine residual shall be maintained in the effluent at the point of irrigation application.

Outfall 004 (Carter Residential Development)

The draft permit also authorizes the disposal of treated domestic wastewater effluent at Outfall

004 at a daily average flow not to exceed 0.025 MGD via surface irrigation of 8 acres of public access land in the Interim phase and at a daily average flow not to exceed 0.050 MGD via surface irrigation of 17 acres of public access land in the Final phase. The proposed facility at Outfall 002 will include one storage pond and an effluent storage pond with a total surface area of 1 acre and total capacity of 11.56 acre-feet for storage of treated effluent prior to irrigation. Application rates to the irrigated land shall not exceed 1.65 acre-feet per year per acre irrigated in the Interim I phase and 3.29 acre-feet per year per acre irrigated in the Final phase. The irrigated crops include native/bermuda/rye grass mix.

The effluent limitations at Outfall 004 in the draft permit, based on a daily average, are 5 mg/l biochemical oxygen demand (BOD₅) and 5 mg/l total suspended solids (TSS). The effluent shall be chlorinated in a chlorine contact chamber to a residual of 1.0 mg/l with a minimum detention time of 20 minutes. If the effluent is to be transferred to a holding pond or tank, re-chlorination prior to the effluent being delivered into the irrigation system will be required. A trace chlorine residual shall be maintained in the effluent at the point of irrigation application.

The permittee shall comply with the requirements of 30 TAC Section 309.13 (a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC Section 309.13(e).

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. Sludge generated from the treatment facility is hauled by a registered transporter to SWWC Utilities, Inc. (Windermere) Wastewater Treatment Facility, Permit No. WQ0011931001 to be digested, dewatered, and then disposed of with the bulk of the sludge from the plant accepting the sludge. The draft permit also authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

SUMMARY OF CHANGES FROM APPLICATION

None.

SUMMARY OF CHANGES FROM EXISTING PERMIT

Outfall 003 and Outfall 004 have been added to the draft permit, based on a major amendment request from the permittee.

The draft permit authorizes the disposal of treated domestic wastewater effluent at Outfall 003 at a daily average flow not to exceed 0.030 MGD in the Interim phase and a daily average flow not to exceed 0.060 MGD in the Final phase via subsurface drip irrigation of 13.8 acres of public access land.

The draft permit also authorizes the disposal of treated domestic wastewater effluent at Outfall 004 at a daily average flow not to exceed 0.025 MGD via surface irrigation of 8 acres of public access land in the Interim phase and at a daily average flow not to exceed 0.050 MGD via surface irrigation of 17 acres of public access land in the Final phase.

Descriptions of the disposal areas on Page 1a and effluent limits have been included on Pages 2b and 2c of the draft permit for Outfalls 003 and 004.

The Special Provisions section has been reformatted and revised to include special provisions that apply to Outfalls 003 and 004.

Special Provision No. 31 in the draft permit (No. 9 for Outfall 002 the current permit) has been revised based on recommendations from the geology review of the application by the Water Quality Assessment Team.

Special Provision No 32 has been included in the draft permit as a separate requirement from Special Provision No. 31, based on recommendations for changes to Special Provision No. 9 for Outfall 002 of the current permit from the geology review of the application by the Water Quality Assessment Team.

Special Provision No. 33 in the draft permit has been revised based on recommendations for changes to Special Provision No. 10 for Outfall 002 of the current permit from the geology review of the application by the Water Quality Assessment Team.

Special Provision No. 35 in the draft permit (No.13 for Outfall 002 of the current permit) has been revised and additional requirement language included, based on recommendations from the geology review of the application by the Water Quality Assessment Team.

Descriptions of the disposal areas on Page 1a and effluent limits have been included on Pages 2b and 2c of the draft permit for Outfalls 003 and 004.

The location map for the disposal areas authorized in the permit (Attachment A) has been replaced with an updated map.

BASIS FOR DRAFT PERMIT

The following items were considered in developing the permit draft:

1. Application submitted with letter dated February 16, 2019, and additional information submitted February 23, 2018, May 2, 2018, May 21, 2018, December 3, 2020, May 24, 2021, June 9, 2021, and .
2. Existing TCEQ permit: Permit No. WQ0014488001 issued on March 8, 2021.
3. Interoffice Memoranda from the Water Quality Assessment Team, Water Quality Assessment & Standards Section, Water Quality Division.

PROCEDURES FOR FINAL DECISION

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

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

City of Dripping Springs
Permit No. WQ0014488001
Statement of Basis/Technical Summary and Executive Director's Preliminary Decision

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 Gordon R. Cooper at (512) 239-1963.

Gordon R. Cooper

Gordon R. Cooper
Municipal Permits Team
Wastewater Permitting Section (MC 148)

June 22, 2021

Date



Compliance History Report

Compliance History Report for CN602491284, RN104005434, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator:	CN602491284, City of Dripping Springs	Classification: SATISFACTORY	Rating: 2.05
Regulated Entity:	RN104005434, CITY OF DRIPPING SPRINGS	Classification: SATISFACTORY	Rating: 2.05
Complexity Points:	10	Repeat Violator: NO	
CH Group:	08 - Sewage Treatment Facilities		
Location:	0.5 MI E OF RR 12 ON FM 150 HAYS, TX, HAYS COUNTY		
TCEQ Region:	REGION 11 - AUSTIN		

ID Number(s):

UNDERGROUND INJECTION CONTROL PERMIT 5W1200012 **EDWARDS AQUIFER PERMIT** 11-07061501

WASTEWATER PERMIT WQ0014488001 **WASTEWATER PERMIT** WQ0014488003

WASTEWATER EPA ID TX0136778 **WASTEWATER AUTHORIZATION** R14488003

WASTEWATER AUTHORIZATION R14488001

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: June 04, 2021

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

Component Period Selected: September 01, 2015 to August 31, 2020

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

Name: GCooper

Phone: (512) 239-1963

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:

- 1 Effective Date: 08/22/2017 ADMINORDER 2017-0125-MWD-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: 2g, Page 13 PERMIT
 No. 1, Page 16 PERMIT
 Description: Failed to properly operate and maintain the facility in a manne to prevent an unauthorized discharge of wastewater into or adjacent to water of the state.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

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