

**Texas Commission on Environmental Quality**

INTEROFFICE MEMORANDUM

To: Office of Chief Clerk Date: July 5, 2023  
From: Michael Parr, Staff Attorney, Environmental Law Division  
Subject: Transmittal of Documents for Administrative Record

Applicant: Harris County Municipal Utility District No. 171  
Proposed Permit No.: WQ0015264001  
Program: Water Quality Division  
TCEQ Docket No.: 2023-0325-MWD

In a contested case hearing, the administrative record includes copies of the public notices relating to the permit application, as well as affidavits of public notices filed by the applicant directly with the Office of the Chief Clerk (OCC). In addition, the record includes the following documents provided to the OCC by the Executive Director's (ED) staff. See 30 TAC § 80.118.

This transmittal serves to also request that the OCC transmit the attached items, together with (a) the public notice documents (including notice of hearing), and (b) where available for direct referral cases only, the ED's Response to Comments to the State Office of Administrative Hearings.

Indicated below are the documents included with this transmittal:

1. The Executive Director's Response to Hearing Request.
2. The Executive Director's Technical Backup Memos (Fact Sheet, Draft Permit and the Executive Director's Preliminary Decision and the Compliance History).
3. The Executive Director's Response to Comments and Final Decision letter.

Sincerely,



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Michael Parr II  
Staff Attorney  
Environmental Law Division

**TCEQ DOCKET NO. 2023-0325-MWD**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE</b>
<b>HARRIS COUNTY MUNICIPAL</b>	<b>§</b>	<b>THE TEXAS</b>
<b>UTILITY DISTRICT NO. 171 FOR</b>	<b>§</b>	<b>COMMISSION ON</b>
<b>TPDES PERMIT NO. WQ0016052001</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

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**EXECUTIVE DIRECTOR’S RESPONSE TO HEARING REQUESTS**

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**I. INTRODUCTION**

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Hearing Requests on the application by Harris County Municipal Utility District No. 171 (Applicant) for a Major Amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015264001, authorizing an increase in the flow of treated domestic wastewater (effluent) from a daily average flow in Interim Phase I of 0.25 million gallons per day (MGD), to an annual average flow not to exceed 1.0 MGD. From a daily average flow in Interim Phase II of 0.25 MGD, to an annual average flow not to exceed 2.0 MGD. From a daily average flow in Interim Phase III of 0.50 MGD, to an annual average daily flow of 2.9 MGD, and from an annual average flow in the Final Phase of 1.0 MGD, to an annual average flow of 3.0 MGD. Christopher and Donnisha Spicer, James Donnelly, and Gregory Johnston all filed timely requests (Requests) for a Contested Case Hearing (Hearing).

**II. ATTACHMENTS FOR COMMISSION CONSIDERATION**

- Attachment A - ED's GIS Map

**III. DESCRIPTION OF THE FACILITY, DISCHARGE ROUTE, AND THE EXECUTIVE DIRECTOR’S TECHNICAL REVIEW**

The Applicant’s Wastewater Treatment Facility, the Nash FM 529 Facility (529 facility) serves the Applicant’s service area, is located approximately 3,000 feet southwest of the intersection of Beckendorf Road and Peek Road, in Harris County, Texas 77493, and is an activated sludge process plant operated in the extended aeration mode. Treatment units in Interim Phase I include a bar screen, five aeration basins, three final clarifiers, five sludge digesters, five chlorine contact basins, and a dechlorination basin. Treatment units in Interim Phase II phase includes a bar screen, seven aeration basins, three final clarifiers, six sludge digesters, five chlorine contact basins, and a dechlorination basin. Treatment units in the Interim III phase will include a bar screen, eight aeration basins, four final clarifiers, eight sludge digesters, and six chlorine contact basins, and a dechlorination basin. Treatment units in the Final phase will include a bar screen, five aeration basins, two final clarifiers, four sludge digesters, two chlorine contact basins, and a dechlorination basin. The facility is operating in the Interim I phase. The route of the proposed discharge is to a detention basin, then to Harris County Flood Control District (HCFCD) ditch U101-00-00 (South Mayde Creek), then to Buffalo Bayou Above Tidal in Segment No. 1014 of the San Jacinto River Basin.

The TCEQ has primary authority over water quality in Texas and also federal regulatory authority for the TPDES program, which controls discharges of pollutants into Texas surface waterbodies (“water in the state”). The Texas Water Code (TWC) section (§) 26.027, authorizes the TCEQ to issue permits for discharges into water in

the state, and the ED evaluates applications for discharge permits based on the information provided in the application and can recommend issuance or denial of an application based on its compliance with the TWC and TCEQ rules. Specifically, the ED's review evaluates impacts from the proposed discharge on the receiving waters in the route for the proposed discharge, starting at the discharge point (detention basin), according to 30 TAC Chapter 307, the Texas Surface Water Quality Standards (TSWQS) and the TCEQ's *Implementation Procedures for the Texas Surface Water Quality Standards-June 2010* (IPs).

The unclassified receiving water uses, the designated uses, and the dissolved oxygen criterion for the receiving waters of the discharge route, according to Appendix A of 30 TAC § 307.10 (TSWQS), is limited aquatic life use and 3.0 mg/L Dissolved Oxygen (DO) for the detention basin; minimal aquatic life use and 2.0 mg/L DO for the South Mayde Creek HCFCD ditch; and primary contact recreation, limited aquatic life use, and 3.0 mg/L DO for Buffalo Bayou Above Tidal in Segment No. 1014. Through his Technical Review, the ED provides the proper effluent limitations (limits) to protect these uses.

The Technical Review process for surface water quality is conducted by staff in the ED's Water Quality Division, (WQD staff) on the Standards Implementation Team (Standards Team), and WQD staff in the Water Quality Assessment Section (Modeling Team). With the goal of the Technical Review to maintain a level of water quality sufficient to protect the existing uses of the receiving surface waters, WQD staff reviewed the application in accordance with the TSWQS and TCEQ's IPs.

With a goal of maintaining a level of water quality sufficient to protect the existing uses of the receiving waters, during the Technical Review of the application process WQD Staff reviewed the application according to the TSWQS and TCEQ's *Implementation procedures for the Texas Surface Water Quality Standards-June 2010* (IPs). WQD staff performed multiple analyses during the Technical Review of the proposed permit, including but not limited to a review of the receiving waters of the route for the proposed discharge route by the Standards Team, and Water Quality Modeling runs by the Modeling Team using a "Continuously Stirred Tank Reactor" (CSTR) model.

The first component of the ED's Technical Review involved WQD staff on the Standards Team reviewing the classifications, designations, and descriptions of the receiving surface waters for the proposed discharge. Reviewing the receiving waters of the discharge route, along with other available information, allows the Standards Team to preliminarily determine the aquatic life uses in the area of the proposed discharge's possible impact and assign the corresponding Minimum Dissolved Oxygen (DO) criterion as stipulated at 30 TAC § 307.5 (TSWQS) and in the TCEQ's IPs. For Major Amendment applications for discharges, the Standards Team performs an antidegradation analysis of the proposed discharge per 30 TAC § 307.5 (TSWQS) and the TCEQ's IPs. As with all determinations, reviews, or analyses related to the Technical review of the proposed permit, the above and below can be reexamined and subsequently modified upon receipt of new information or information that conflicts with the bases employed in the applicable review or analysis.

Correspondingly, the Tier 1 review determined that existing water quality uses will not be impaired by the proposed discharge. The Tier 1 review also determined that within the stream reach assessed, no water bodies with exceptional, high, or intermediate aquatic life uses were present, negating the need for a Tier 2 review. Similarly, downstream of the proposed discharge, no significant degradation of water

quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses and existing uses will be maintained and protected. However, because the proposed discharge is directly to an unclassified water body, the Standards Team reviewed this permitting action in conformity with 30 TAC §§ 307.4(h) and (l) (TSWQS) and determined that for the detention basin, an unclassified waterbody, had a limited aquatic life use, with 3.0 mg/L Dissolved Oxygen (DO). The second tier of TCEQ's antidegradation policy generally applies to water bodies that have existing, designated, or presumed uses of intermediate, high, or exceptional aquatic life waters. Because the detention basin, an unclassified waterbody, has only a limited aquatic life use, a Tier 2 antidegradation review was not performed.

The second component of the ED's Technical Review involved WQD staff on the Modeling Team performing water quality modeling using CSTR model. CSTRs are widely used in WWTFs to reduce the organic matter and microorganism present in sludge by anaerobic digestion. CSTRs are used in ponds, impoundments, reservoirs, or portions of larger open water bodies when the geometry of the water body makes the use of other models questionable, because CSTRs have effective mixing and perform under steady state with uniform properties. CSTRs are most commonly used in industrial processing, primarily in homogeneous liquid-phase flow reactions where constant agitation is required and involve a reaction tank in which reagents, reactants and often solvents flow into the reactor while the product of the reaction concurrently exits the tank. In this manner, the tank reactor is considered to be a valuable tool for continuous chemical processing.

In this context, the CSTR model is a standard analytical tool used for dissolved oxygen analyses at the TCEQ for the type of receiving waters in this case, and procedures for its use in the analysis of discharge applications have been established and are readily available.

The proposed permit's water quality-related effluent limits, established by WQD staff's CSTR modeling results, will maintain and protect the existing instream uses. Similarly, conventional effluent parameters such as DO, Five-day Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>), Total Suspended Solids (TSS), and Ammonia Nitrogen (NH<sub>3</sub>-N), are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan.

Based on model results, the following effluent limits are predicted to be necessary to maintain the DO levels above the criterion stipulated by the Standards Implementation Team for the detention basin (3.0 mg/L DO):

Interim I phase	(1.0 MGD):	10 mg/L CBOD <sub>5</sub> , 2 mg/L NH <sub>3</sub> -N, and 6 mg/L DO
Interim II phase	(2.0 MGD):	10 mg/L CBOD <sub>5</sub> , 2 mg/L NH <sub>3</sub> -N, and 6 mg/L DO
Interim III phase	(2.9 MGD):	7.0 mg/L CBOD <sub>5</sub> , 2 mg/L NH <sub>3</sub> -N, and 6 mg/L DO
Final Phase	(3.0 MGD):	5.0 mg/L CBOD <sub>5</sub> , 2 mg/L NH <sub>3</sub> -N, and 4 mg/L DO

Coefficients and kinetics used in the model are a combination of site-specific, standardized default, and estimated values. The results of this evaluation can be reexamined upon receipt of information that conflicts with the assumptions employed in this analysis.

In all phases of the proposed permit, the pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored once per week by grab sample. There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

Additionally, in all phases of the proposed permit, the effluent must contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and must be monitored daily by grab sample at each chlorine contact chamber. The Applicant must dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and must monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Segment No. 1014 is not currently listed on the State's inventory of impaired and threatened waters (the 2020 Clean Water Act § 303(d) list).

*Eighteen Total Maximum Daily Loads for Bacteria in Buffalo and Whiteoak Bayous and Tributaries Segments 1013, 1013A, 1013C, 1014, 1014A, 1014B, 1014E, 1014H, 1014K, 1014L, 1014M, 1014N, 1014O, 1017, 1017A, 1017B, 1017D, and 1017E* (TMDL Project No. 22) has been approved for Segment No. 1014. The TMDL project *Fourteen Total Maximum Daily Loads for Nickel in the Houston Ship Channel System* (TMDL Project No.1) has been withdrawn and is no longer applicable.

The proposed permit's pretreatment requirements are based on TPDES regulations contained in 30 TAC Chapter 305, which references 40 Code of Federal Regulations (CFR) Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution" [rev. *Federal Register/ Vol. 70/ No. 198/ Friday, October 14, 2005/ Rules and Regulations, pages 60134-60798*]. The permit includes specific requirements that establish responsibilities of local government, industry, and the public to implement the standards to control pollutants which pass through or interfere with treatment processes in publicly owned treatment works or which may contaminate the sewage sludge. This permit has appropriate pretreatment language for a facility of this size and complexity.

The discharge from the proposed permit is not expected to impact any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. With respect to the presence of endangered or threatened species, the proposed permit does not require EPA's review.

#### IV. PROCEDURAL HISTORY

The TCEQ received the application on August 25, 2021, and declared it administratively complete on November 18, 2021. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in Harris County, Texas in English in the *Houston Chronicle* on December 4, 2021, and in Spanish in *Houston Chronicle dba La Voz* on December 8, 2021. The ED completed the technical review of the application on March 21, 2022, and prepared the proposed permit, which if approved, would establish the conditions under which the 529 facility must operate. The Applicant published the Notice of Application and Preliminary Decision (NAPD) in Chambers County, Texas in English in the *Houston Chronicle* on August 6, 2022, and in Spanish in *Houston Chronicle dba La Voz* on August 10, 2022. The public comment period ended on September 9, 2022, the ED's Response to Public Comment (RTC) was

filed on November 29, 2022, and the time for filing Requests for a Hearing or a Request for Reconsideration (RFR) ended on January 4, 2023. Because this application was received after September 1, 2015, and because it was declared administratively complete after September 1, 1999, it is subject to both the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999, and the procedural requirements and rules implementing Senate Bill 709, 84<sup>th</sup> Legislature, 2015, which are implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55.

#### V. ACCESS TO RULES, LAWS AND RECORDS

- All administrative rules: Secretary of State Website: [www.sos.state.tx.us](http://www.sos.state.tx.us)
- TCEQ rules: Title 30 of the Texas Administrative Code: [www.sos.state.tx.us/tac/](http://www.sos.state.tx.us/tac/) (select TAC Viewer on the right, then Title 30 Environmental Quality)
- Texas statutes: [www.statutes.capitol.texas.gov](http://www.statutes.capitol.texas.gov)
- TCEQ website: [www.tceq.texas.gov](http://www.tceq.texas.gov) (for downloadable rules in WordPerfect or Adobe PDF formats, select “Rules, Policy, & Legislation,” then “Current TCEQ Rules,” then “Download TCEQ Rules”);
- Federal rules: Title 40 of the Code of Federal Regulations (C.F.R.)  
[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl)
- Federal environmental laws: <http://www.epa.gov/lawsregs/>
- Environmental or citizen complaints may be filed electronically at:  
<https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html> (select “use our online form”) or by sending an email to the following address: [complaint@TCEQ.texas.gov](mailto:complaint@TCEQ.texas.gov)

Commission records for the 529 facility are available for viewing and copying at TCEQ’s main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk, for the current application until final action is taken). Some documents located at the Office of the Chief Clerk may also be located in the TCEQ Commissioners’ Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). The permit application has been available for viewing and copying at the at Navasota Public Library located at 1411 East Washington Avenue, Navasota, Texas 77868, since publication of the NORI. The final permit application, proposed permit, statement of basis/technical summary, and the ED’s preliminary decision have been available for viewing and copying at the same location since publication of the NAPD.

If you would like to file a complaint about the 529 facility concerning its compliance with the provisions of its permit or with TCEQ rules, you may contact the TCEQ Regional Office (Region 12) in Houston, TX at (713) 767-3500 or the statewide toll-free number at 1-888-777-3186 to address potential permit violations. In addition, complaints may be filed electronically by using the methods described above in the seventh bullet point in the third subsection of Background Information (Access to Rules, Laws, and Records). If an inspection by the Regional Office finds that the Applicant is not complying with all the requirements of the permit, or that the 529 facility is out of compliance with TCEQ rules, enforcement actions may arise.

#### VI. EVALUATION OF 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 (Requests). The Commission implemented HB 801 by adopting procedural rules in 30 TAC chapters 39, 50, and 55. Senate Bill 709 revised the requirements for submitting public

comment and the commission's consideration of Requests. This application was declared administratively complete on March 23, 2022; therefore, it is subject to the procedural requirements adopted pursuant to both HB 801 and SB 709

**A. LEGAL AUTHORITY TO RESPOND TO HEARING REQUESTS**

“The executive director, the public interest counsel, and applicant may submit written responses to [hearing] requests . . . .”<sup>1</sup>

1. whether the requestor is an affected person;
2. whether issues raised in the hearing request are disputed;
3. whether the dispute involves questions of fact or law;
4. whether the issues were raised during the public comment period;
5. whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter by filing a written withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment;
6. whether the issues are relevant and material to the decision on the application; and
7. a maximum expected duration for the contested case hearing.<sup>2</sup>

**B. HEARING REQUEST REQUIREMENTS**

To consider a Request, the Commission must first conclude that the requirements in 30 TAC §§ 55.201 and 55.203, are met as follows.

A request for a contested case hearing by an affected person must be in writing, filed with the chief clerk within the time provided . . . , based only on the requester's timely comments, and not based on an issue that was raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment.<sup>3</sup>

A hearing request must substantially comply with the following:

- (1) give the name, address, 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 is responsible for receiving all official communications and documents for the group;
- (2) identify the person's 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 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 facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;
- (4) for applications filed;

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<sup>1</sup> 30 TAC § 55.209(d).

<sup>2</sup> *Id.* at § 55.209(e).

<sup>3</sup> 30 TAC § 55.201(c).

(B) on or after September 1, 2015, list all relevant and material disputed issues of fact that were raised by the requestor 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 ED's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, list any disputed issues of law; and

(5) provide any other information specified in the public notice of application.<sup>4</sup>

**C. REQUIREMENT THAT REQUESTOR BE AN AFFECTED PERSON**

To grant a contested case hearing, the commission must determine, pursuant to 30 TAC § 55.203, that a requestor is an affected person.

- (a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the public does not qualify as a personal justiciable interest.
- (b) Governmental entities, including local governments and public agencies with authority under state law over issues raised by the application, may be considered affected persons.
- (c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
  - (1) whether the interest claimed is one protected by the law under which the application will be considered;
  - (2) distance restrictions or other limitations imposed by law on the affected interest;
  - (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
  - (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
  - (5) likely impact of the regulated activity on use of the impacted natural resource by the person; and
  - (6) whether the requester timely submitted comments on the application which were not withdrawn; and
  - (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.<sup>5</sup>
- (d) In making this determination, the commission may also consider, to the extent consistent with case law:
  - (1) 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;
  - (2) the analysis and opinions of the ED; and

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<sup>4</sup> *Id.* at § 55.201(d).

<sup>5</sup> 30 TAC § 55.203(a)-(c).



- (3) any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.<sup>6</sup>

**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 State Office of Administrative Hearing (SOAH) for a hearing.”<sup>7</sup> “The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue:

- (1) involves a disputed question of fact or a mixed question of law and fact;
- (2) was raised during the public comment period by an affected person; and
- (3) is relevant and material to the decision on the application.”<sup>8</sup>

**VII. ANALYSIS OF THE HEARING REQUESTS**

For this permit application the relevant public comment period ended on September 9, 2022, and the time for filing Requests for a Hearing or a Request for Reconsideration (RFR) ended on January 4, 2023. The ED’s analyses determined whether the Requests followed TCEQ rules, if the requestors qualify as affected persons, what issues may be referred for a possible hearing, and the length of that hearing.

**A. WHETHER THE REQUEST COMPLIED WITH 30 TAC §§ 55.201(C) AND (D).**

1. **Christopher and Donnisha Spicer (the Spicers)** filed timely, written Requests that provided the requisite contact information, raised issues that form the basis of their Requests in timely comments not withdrawn before the RTC was filed, and requested a hearing.

The Spicers’ Requests complied with 30 TAC §§ 55.201(c), and (d) because they effectively identified a personal justiciable interest in a written explanation plainly describing why the Spicers believe they will be affected by the application in a way not common to the public. The Spicers’ Requests stated they live in proximity to the 529 facility and raised issues related to odors, increased pests, the quality of the proposed discharge and its impacts to the Spicers’ health and safety, their water wells, their crops, and their farm animals that drink from their stock pond.

The ED recommends finding that the Requests of the Spicers substantially complied with 30 TAC §§ 55.201(c) and (d).

2. **James Donnelly** filed timely, written Requests that provided the requisite contact information, raised issues that form the basis of his Requests in timely comments not withdrawn before the RTC was filed, and requested a hearing.

Mr. Donnelly’s Requests complied with 30 TAC §§ 55.201(c), and (d) because they effectively identified a personal justiciable interest in a written explanation plainly describing why Mr. Donnelly believes he will be affected by the application

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<sup>6</sup> *Id.* at § 55.203(d).

<sup>7</sup> 30 TAC § 50.115(b).

<sup>8</sup> *Id.* at § 55.203(d).

in a way not common to the public. Mr. Donnelly's Requests stated he lives in proximity to the 529 facility and raised issues related to foul odors.

The ED recommends finding that the Requests of James Donnelly substantially complied with 30 TAC §§ 55.201(c) and (d).

3. **Gregory Johnston** filed a timely, written Request that provided the requisite contact information, raised issues that form the basis of his Request in timely comments not withdrawn before the RTC was filed, and requested a hearing.

Mr. Johnston's Request complied with 30 TAC §§ 55.201(c), and (d) because it effectively identified a personal justiciable interest in a written explanation plainly describing why Mr. Johnston believes he will be affected by the application in a way not common to the public. Mr. Johnston's Request stated he lives in proximity to the 529 facility and raised issues related to foul odors.

The ED recommends finding that the Request of Gregory Johnston substantially complied with 30 TAC §§ 55.201(c) and (d).

**B. WHETHER REQUESTOR IS AN AFFECTED PERSON UNDER 30 TAC § 55.203.**

1. **Christopher and Donnisha Spicer (the Spicers)** filed Requests that effectively identified a personal, justiciable interest affected by the application.

The Spicers' Requests stated that the 529 facility is in proximity to their home, which according to the GIS map prepared by the ED's staff is only 0.61 linear miles from the 529 facility and its discharge point. This increases the likelihood that the Spicers will be affected in a way not common to the general public. The Spicers Request raised relevant issues to a decision on the application, including whether the 529 facility and its discharge will adversely affect the Spicers' health and safety, their water wells, their crops, and their farm animals that drink from their stock pond.

The Spicers' proximity, which was explained briefly and specifically, in plain language in their Requests, and their concerns related to odors, possible adverse effects on human health, surface and groundwater quality and their animals from the 529 facility and its discharge, are issues related to the interests of the requestors, demonstrating a reasonable relationship exists between the interests claimed and the activity regulated, which increases the likelihood the Spicers may be personally affected in a way not common to the general public.

The ED recommends that the Commission find that Christopher and Donnisha Spicer are Affected Persons under 30 TAC § 55.203.

2. **James Donnelly** filed Requests that effectively identified a personal, justiciable interest affected by the application.

Mr. Donnelly's Requests stated that the 529 facility is in proximity to his home, which according to the GIS map prepared by the ED's staff is only 0.65 linear miles from the 529 facility and its discharge point. This increases the likelihood that Mr. Donnelly will be affected in a way not common to the general public. Mr. Donnelly's Requests raised relevant issues to a decision on the application, including whether the 529 facility and its discharge will continue to cause foul odors.

Mr. Donnelly's proximity, which was explained briefly and specifically, in plain language in his Requests, and his concerns related to more foul odors from the 529 facility is an issue related to the interests of the requestor, demonstrating a reasonable relationship exists between the interests claimed and the activity regulated, which increases the likelihood Mr. Donnelly will be personally affected in a way not common to the general public.

The ED recommends that the Commission find that James Donnelly is an Affected Person under 30 TAC § 55.203.

3. **Gregory Johnston** filed a Request that effectively identified a personal, justiciable interest affected by the application.

Mr. Johnston's Request stated that the 529 facility is in proximity to his home, which according to the GIS map prepared by the ED's staff is only 0.57 linear miles from the 529 facility and its discharge point. This increases the likelihood that Mr. Johnston will be affected in a way not common to the general public. Mr. Donnelly's Requests raised relevant issues to a decision on the application, including whether the 529 facility and its discharge will continue to cause foul odors.

Mr. Johnston's proximity, which was explained briefly and specifically, in plain language in his Requests, and his concerns related to more foul odors from the 529 facility is an issue related to the interests of the requestor, demonstrating a reasonable relationship exists between the interests claimed and the activity regulated, which increases the likelihood Mr. Johnston will be personally affected in a way not common to the general public.

The ED recommends that the Commission find that Gregory Johnston is an Affected Person under 30 TAC §§ 55.203.

#### VIII. ISSUES RAISED IN THE HEARING REQUEST:

The Spicers', Mr. Donnelly's, and Mr. Johnston's Requests raised the issues below.

##### 1. **Whether the draft permit will protect human health and the environment.**

(RTC Response No. 1) These are issues of fact. If it can be shown that these issues are factually accurate, that information would be relevant and material to a decision on the application.

The ED concludes these issues are relevant and material, and if this case is referred to SOAH, the ED recommends the Commission refer these issues.

##### 2. **Whether the draft permit will protect surface and groundwater quality.**

(RTC Response No. 1) This is an issue of fact. If it can be shown that this issue is factually accurate, that information would be relevant and material to a decision on the application.

The ED concludes this issue is relevant and material, and if this case is referred to SOAH, the ED recommends the Commission refer this issue.

**3. Whether the draft permit will protect animal life.**

(RTC Response No. 1) This is an issue of fact. If it can be shown that this issue is factually accurate, that information would be relevant and material to a decision on the application.

The ED concludes this issue is relevant and material, and if this case is referred to SOAH, the ED recommends the Commission refer this issue.

**4. Whether the draft permit's nuisance odor controls comply with TCEQ rules.**

(RTC Response No. 3) This is an issue of fact. If it can be shown that this issue is factually accurate, that information would be relevant and material to a decision on the application.

The ED concludes this issue is relevant and material, and if this case is referred to SOAH, the ED recommends the Commission refer this issue.

**5. Whether flooding in South Mayde Creek will worsen due to the greater volume of discharge from the 529 facility.**

(RTC Response No. 2) This is an issue of fact; however, the TCEQ has no statutory authority to consider flooding in the wastewater permitting process.

The ED concludes this issue is not relevant and material, and if this case is referred to SOAH, the ED recommends the Commission not refer this issue.

**6. Whether the draft permit will prevent noise from becoming nuisance to nearby landowners.**

(RTC Response No. 7) This is an issue of fact; however, the TCEQ has no statutory authority to consider noise in the wastewater permitting process.

The ED concludes this issue is not relevant and material, and if this case is referred to SOAH, the ED recommends the Commission not refer this issue.

**IX. CONTESTED CASE HEARING DURATION**

If the Commission grants a hearing on this application, the ED 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.

**X. REQUESTS FOR RECONSIDERATION**

The Spicers filed a timely Request for Reconsideration (RFR). However, the RFR failed to raise any new information for the ED to analyze. Therefore, the ED recommends denying the RFR.

**XI. EXECUTIVE DIRECTOR'S RECOMMENDATION**

The ED recommends the following actions by the Commission:

1. Find that Christopher and Donnisha Spicer, James Donnelly, and Gregory Johnston are affected persons under 30 TAC §§ 55.203.
2. Grant the Requests of Christopher and Donnisha Spicer, James Donnelly, and Gregory Johnston.
3. Should the Commission decide to refer this case to SOAH:

- a. refer the case to Alternative Dispute Resolution for a reasonable time; and
- b. refer the identified issues above in section VII. 1.- 4. to SOAH for a contested case hearing.

Respectfully submitted,

Texas Commission on Environmental Quality

Erin Chancellor, *Interim Executive Director*

Charmaine Backens, *Acting Director*  
Office of Legal Services

Guy Henry, *Acting Deputy Director*  
Environmental Law Division,



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Michael T. Parr II, Staff Attorney  
Environmental Law Division  
State Bar No. 24062936  
P.O. Box 13087, MC 173  
Austin, Texas 78711 3087  
Telephone No. 512-239 0611  
Facsimile No. 512-239-0626

REPRESENTING THE EXECUTIVE DIRECTOR  
OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## XII. CERTIFICATE OF SERVICE

I certify that on March 20, 2023, the Executive Director's Response to Hearing Requests for TPDES Permit No. WQ0015264001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk, and a copy was served to all persons listed on the attached mailing list via hand delivery, electronic delivery, inter-agency mail, or by deposit in the U.S. Mail.



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Michael T. Parr II, *Staff Attorney*  
State Bar No. 24062936

**MAILING LIST**  
**Harris County Municipal Utility District No. 171**  
**TCEQ Docket No. 2023-0325-MWD; TPDES Permit No. WQ0015264001**

**FOR THE APPLICANT**

Kenyon Hunt, P.E.  
Senior Project Manager, BGE, Inc.  
10777 Westheimer Road, Suite 400  
Houston, Texas 77042

Shiann Hernandez, P.E.  
BGE, Inc.  
10777 Westheimer Road, Suite 400  
Houston, Texas 77042

**FOR THE EXECUTIVE DIRECTOR**

via electronic mail:

Michael Parr, Staff Attorney  
Texas Commission on Environmental  
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Texas Commission on Environmental  
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Ryan Vise, Deputy Director  
Texas Commission on Environmental  
Quality  
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**FOR PUBLIC INTEREST COUNSEL**

via electronic mail:

Garrett T. Arthur, Attorney  
Texas Commission on Environmental  
Quality  
Public Interest Counsel, MC-103  
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Garrett.arthur@tceq.texas.gov

**FOR ALTERNATIVE DISPUTE  
RESOLUTION**

via electronic mail:

Kyle Lucas  
Texas Commission on Environmental  
Quality  
Alternative Dispute Resolution, MC-222  
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Austin, Texas 78711  
Kyle.lucas@tceq.texas.gov

**FOR THE CHIEF CLERK**

via eFilings:

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

**REQUESTER(S)/INTERESTED  
PERSON(S)**

See attached list.

**REQUESTER(S)**

James Donnelly  
23918 Stockdick School Rd  
Katy, TX 77493-6317

Gregory Johnston  
23850 Stockdick School Rd  
Katy, TX 77493-6318

Christopher & Donnisha Spicer  
23910 Stockdick School Rd  
Katy, TX 77493-6317

**INTERESTED PERSON(S)**

Philip Evan Morris  
23934 Stockdick School Rd  
Katy, TX 77493-6317

# Attachment A



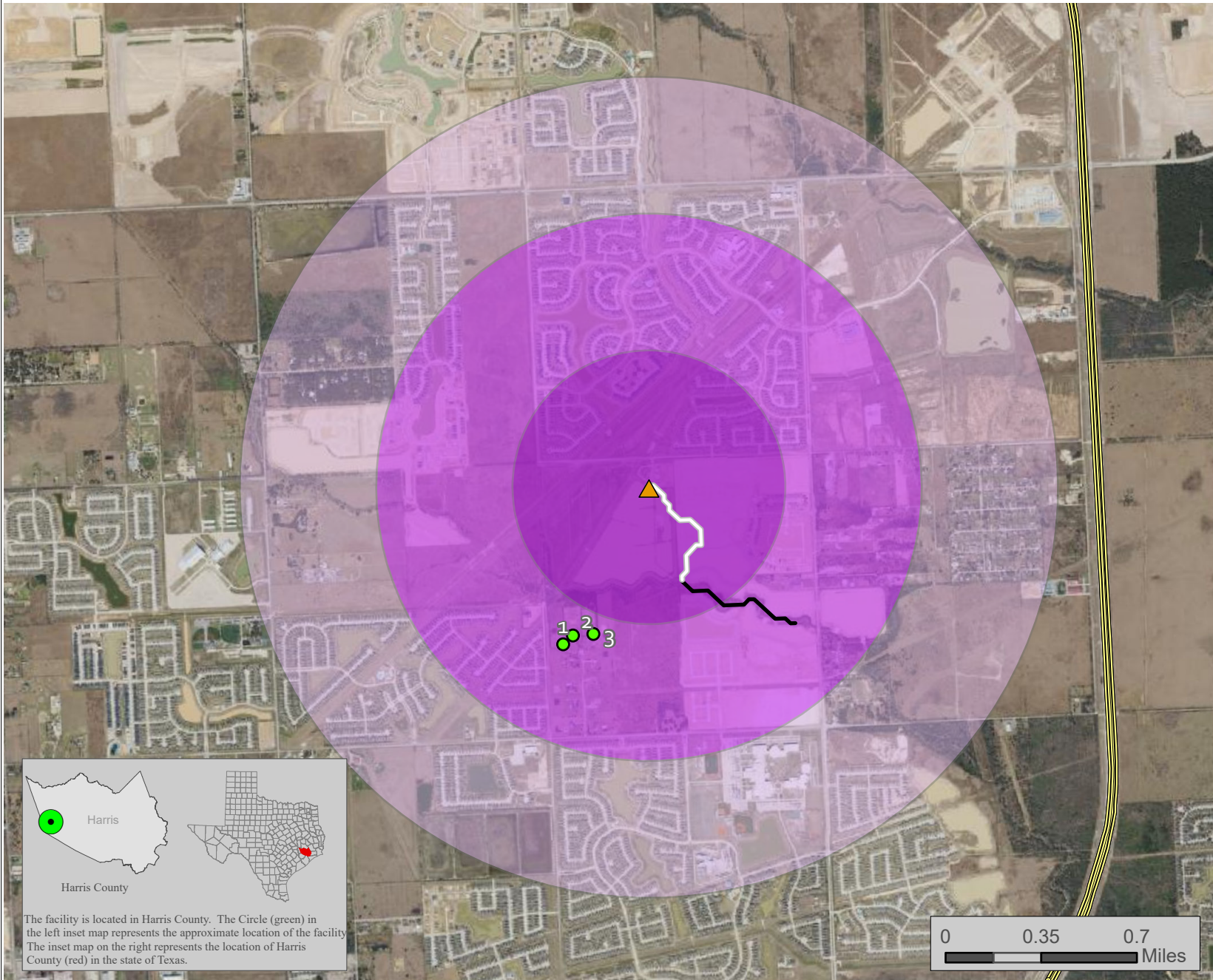
# HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 171 GIS MAP

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: 1/18/2023  
CRF 0083122  
Cartographer: jbartlin



- Facility Outfall
- Requestors
- 0.5 Mile Radius
- 1.0 Mile Radius
- 1.5 Mile Radius
- 0.5 Mile Discharge
- 1.0 Mile Discharge

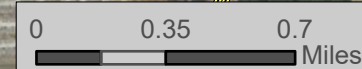
0.65 miles from outfall to  
James Donnelly (1)

0.61 miles from outfall to  
Christopher and Donnisha  
Spicer (2)

0.57 miles from outfall to  
Gregory Johnston (3)



The facility is located in Harris County. The Circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Harris 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

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## INTEROFFICE MEMORANDUM

**To:** Final Documents Team Leader  
Chief Clerk's Office

**DATE:** March 23, 2023

**From:** Michael Parr  
Staff Attorney  
Environmental Law Division

**Subject:** Backup Filed for the ED's Response to Hearing Requests

Applicant:	Harris County Municipal Utility Dist. No. 171
Proposed Permit No.:	WQ0015264001
Program:	Water
Docket No.:	2023-0325-MWD

Enclosed please find a copy of the following documents for inclusion in the background material for this permit application:

- Technical Summary & Proposed Permit
- The Compliance History Report

## FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For draft Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015264001, EPA I.D. No. TX0135461, to discharge to water in the state.

Issuing Office: Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Applicant: Harris County Municipal Utility District No. 171  
  
c/o Allen Boone Humphries Robinson L.L.P., Rachel Wooten, 3200  
Southwest Freeway, Suite 2600  
Houston, Texas 77027

Prepared By: Abdur Rahim  
Municipal Permits Team  
Wastewater Permitting Section (MC 148)  
Water Quality Division  
(512) 239-0504

Date: May 17, 2022

Permit Action: Major Amendment

### 1. 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 the current expiration date of **five years from the date of issuance**.

### 2. APPLICANT ACTIVITY

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment of the existing permit to authorize an increase in the discharge of treated domestic wastewater from an annual average flow not to exceed 1.0 million gallons per day (MGD) to an annual average flow not to exceed 3.0 MGD. The existing wastewater treatment facility serves Harris County Municipal Utility District (MUD) No. 171.

### 3. FACILITY AND DISCHARGE LOCATION

The plant site is located approximately 3,000 feet southwest of the intersection of Beckendorf Road and Peek Road, in Harris County, Texas 77493.

#### Outfall Location:

<b>Outfall Number</b>	<b>Latitude</b>	<b>Longitude</b>
001	29.859149 N	95.783697 W

The treated effluent is discharged to a detention basin, thence to Harris County Flood

Control District (HCFCD) ditch U101-00-00 (South Mayde Creek), thence to Buffalo Bayou Above Tidal in Segment No. 1014 of the San Jacinto River Basin. The unclassified receiving water uses are limited aquatic life use for the detention basin, and minimal aquatic life use for HCFCD ditch U101-00-00 (South Mayde Creek). The designated uses for Segment No. 1014 are primary contact recreation and limited aquatic life use.

#### 4. TREATMENT PROCESS DESCRIPTION AND SEWAGE SLUDGE DISPOSAL

The Harris County MUD 171 Wastewater Treatment Facility is an activated sludge process plant operated in the extended aeration mode. Treatment units in the Interim I phase include a bar screen, five aeration basins, three final clarifiers, five sludge digesters, five chlorine contact basins, and a dechlorination basin. Treatment units in the Interim II phase include a bar screen, seven aeration basins, three final clarifiers, six sludge digesters, five chlorine contact basins, and a dechlorination basin. Treatment units in the Interim III phase will include a bar screen, eight aeration basins, four final clarifiers, eight sludge digesters, and six chlorine contact basins, and a dechlorination basin. Treatment units in the Final phase will include a bar screen, five aeration basins, two final clarifiers, four sludge digesters, two chlorine contact basins, and a dechlorination basin. The facility is operating in the Interim I phase.

Sludge generated from the treatment facility is hauled by a registered transporter and disposed of at a TCEQ-authorized land application site, El Celoso Ranch, Permit No. WQ0004518000, in Waller County. The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, or wastewater treatment facility.

#### 5. INDUSTRIAL WASTE CONTRIBUTION

The draft permit includes pretreatment requirements that are appropriate for a facility of this size and complexity. The facility does not appear to receive significant industrial wastewater contributions.

#### 6. SUMMARY OF SELF-REPORTED EFFLUENT ANALYSES

The following is a summary of the applicant's effluent monitoring data for the period from November 2019 through November 2021. The average of Daily Average value is computed by the averaging of all 30-day average values for the reporting period for each parameter: flow, five-day carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>), total suspended solids (TSS), ammonia nitrogen (NH<sub>3</sub>-N), total aluminum, and total zinc. The average of Daily Average value for *Escherichia coli* (*E. coli*) in colony-forming units (CFU) or most probable number (MPN) per 100 ml is calculated via geometric mean.

<u>Parameter</u>	<u>Average of Daily Avg</u>
Flow, MGD	0.18
CBOD <sub>5</sub> , mg/l	2.5
TSS, mg/l	4.2
NH <sub>3</sub> -N, mg/l	0.48
Total Aluminum, mg/l	0.048
Total Zinc, mg/l	0.036
<i>E. coli</i> , CFU or MPN per 100 ml	2

**7. DRAFT PERMIT CONDITIONS AND MONITORING REQUIREMENTS**

The effluent limitations and monitoring requirements for those parameters that are limited in the draft permit are as follows:

**A. INTERIM I PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

The annual average flow of effluent shall not exceed 1.0 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 2,778 gallons per minute (gpm).

<u>Parameter</u>	<u>30-Day Average</u>		<u>7-Day</u>	<u>Daily</u>
	<u>mg/l</u>	<u>lbs/day</u>	<u>Average</u> <u>mg/l</u>	<u>Maximum</u> <u>mg/l</u>
CBOD <sub>5</sub>	10	83	15	25
TSS	15	125	25	40
NH <sub>3</sub> -N	2	17	5	10
Aluminum	0.776	6.5	N/A	1.643
Zinc	0.179	1.5	N/A	0.379
DO (minimum)	6.0	N/A	N/A	N/A
<i>E. coli</i> , CFU or MPN per 100 ml	63	N/A	N/A	200

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample at each chlorine contact chamber. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

<u>Parameter</u>	<u>Monitoring Requirement</u>
Flow, MGD	Continuous
CBOD <sub>5</sub>	Two/week
TSS	Two/week
NH <sub>3</sub> -N	Two/week
Aluminum	One/week
Zinc	One/week
DO	Two/week
<i>E. coli</i>	Two/month

**B. INTERIM II PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

The annual average flow of effluent shall not exceed 2.0 MGD, nor shall the

average discharge during any two-hour period (2-hour peak) exceed 5,555 gpm.

<u>Parameter</u>	<u>30-Day Average</u>		<u>7-Day</u>	<u>Daily</u>
	<u>mg/l</u>	<u>lbs/day</u>	<u>Average</u> <u>mg/l</u>	<u>Maximum</u> <u>mg/l</u>
CBOD <sub>5</sub>	10	167	15	25
TSS	15	250	25	40
NH <sub>3</sub> -N	2	33	5	10
Aluminum	0.776	13	N/A	1.643
Zinc	0.179	3.0	N/A	0.379
DO (minimum)	6.0	N/A	N/A	N/A
<i>E. coli</i> , CFU or MPN per 100 ml	63	N/A	N/A	200

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample at each chlorine contact chamber. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

<u>Parameter</u>	<u>Monitoring Requirement</u>
Flow, MGD	Continuous
CBOD <sub>5</sub>	Two/week
TSS	Two/week
NH <sub>3</sub> -N	Two/week
Aluminum	One/week
Zinc	One/week
DO	Two/week
<i>E. coli</i>	Two/month

C. INTERIM III PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The annual average flow of effluent shall not exceed 2.9 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 8,055 gallons per minute (gpm).

<u>Parameter</u>	<u>30-Day Average</u>		<u>7-Day</u>	<u>Daily</u>
	<u>mg/l</u>	<u>lbs/day</u>	<u>Average</u> <u>mg/l</u>	<u>Maximum</u> <u>mg/l</u>
CBOD <sub>5</sub>	7	169	12	22
TSS	15	363	25	40
NH <sub>3</sub> -N	2	48	5	10
Aluminum	0.776	19	N/A	1.643

Harris County Municipal Utility District No. 171 TPDES Permit No. WQ0015264001  
 Fact Sheet and Executive Director's Preliminary Decision

Zinc	0.179	4.3	N/A	0.379
DO (minimum)	6.0	N/A	N/A	N/A
<i>E. coli</i> , CFU or MPN per 100 ml	63	N/A	N/A	200

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample at each chlorine contact chamber. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

<u>Parameter</u>	<u>Monitoring Requirement</u>
Flow, MGD	Continuous
CBOD <sub>5</sub>	Two/week
TSS	Two/week
NH <sub>3</sub> -N	Two/week
Aluminum	One/week
Zinc	One/week
DO	Two/week
<i>E. coli</i>	Two/month

D. FINAL PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The annual average flow of effluent shall not exceed 3.0 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 8,333 gpm.

<u>Parameter</u>	<u>30-Day Average</u>		<u>7-Day Average</u>	<u>Daily Maximum</u>
	<u>mg/l</u>	<u>lbs/day</u>	<u>mg/l</u>	<u>mg/l</u>
CBOD <sub>5</sub>	5	125	10	20
TSS	12	300	20	40
NH <sub>3</sub> -N	2	50	5	10
Aluminum	0.776	19	N/A	1.643
Zinc	0.179	4.5	N/A	0.379
DO (minimum)	4.0	N/A	N/A	N/A
<i>E. coli</i> , CFU or MPN/100 ml	63	N/A	N/A	200

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.



The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample at each chlorine contact chamber. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

<u>Parameter</u>	<u>Monitoring Requirement</u>
Flow, MGD	Continuous
CBOD <sub>5</sub>	Two/week
TSS	Two/week
NH <sub>3</sub> -N	Two/week
Aluminum	One/week
Zinc	One/week
DO	Two/week
<i>E. coli</i>	Two/month

E. SEWAGE SLUDGE REQUIREMENTS

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 and disposed of at a TCEQ-authorized land application site, El Celoso Ranch, Permit No. WQ0004518000, in Waller County. The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, or wastewater treatment facility.

F. PRETREATMENT REQUIREMENTS

Permit requirements for pretreatment are based on TPDES regulations contained in 30 TAC Chapter 315, which references 40 Code of Federal Regulations (CFR) Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution" [*rev. Federal Register/ Vol. 70/ No. 198/ Friday, October 14, 2005/ Rules and Regulations, pages 60134-60798*]. The permit includes specific requirements that establish responsibilities of local government, industry, and the public to implement the standards to control pollutants which pass through or interfere with treatment processes in publicly owned treatment works or which may contaminate the sewage sludge. This permit has appropriate pretreatment language for a facility of this size and complexity.

G. WHOLE EFFLUENT TOXICITY (BIOMONITORING) REQUIREMENTS

- (1) The draft permit includes chronic freshwater biomonitoring requirements as follows. The permit requires five dilutions in addition to the control (0% effluent) to be used in the toxicity tests. These additional effluent concentrations shall be 6%, 8%, 11%, 15%, and 20%. The low-flow effluent concentration (critical dilution) is defined as 15% effluent. The critical dilution is in accordance with the "Aquatic Life Criteria" section of the "Water Quality Based Effluent Limitations/Conditions" section.



- (a) Chronic static renewal survival and reproduction test using the water flea (*Ceriodaphnia dubia*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.
  - (b) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.
- (2) The draft permit includes the following minimum 24-hour acute freshwater biomonitoring requirements at a frequency of once per six months:
- (a) Acute 24-hour static toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*).
  - (b) Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*).

H. SUMMARY OF CHANGES FROM APPLICATION

None.

I. SUMMARY OF CHANGES FROM EXISTING PERMIT

The Standard Permit Conditions, Sludge Provisions, Other Requirements, and Biomonitoring sections of the draft permit have been updated.

For Publicly Owned Treatment Works (POTWs), effective December 21, 2025, the permittee must submit the written report for unauthorized discharges and unanticipated bypasses that exceed any effluent limit in the permit using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

Effective December 21, 2025, the permittee must submit the annual sludge report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. The Reporting Requirements of the Sludge Provisions have also been updated.

Certain accidental discharges or spills of treated or untreated wastewater from wastewater treatment facilities or collection systems owned or operated by a local government may be reported on a monthly basis in accordance with 30 TAC § 305.132.

The discharge route in the existing permit has been updated to state: to a detention basin, thence to Harris County Flood Control District (HCFCD) ditch U101-00-00 (South Mayde Creek), thence to Buffalo Bayou Above Tidal in Segment No. 1014 of the San Jacinto River Basin.

Plans and specifications have been approved for the 2.0 MGD wastewater treatment facility, in accordance with 30 TAC § 217, Design Criteria for Domestic Wastewater Systems. A summary transmittal letter for the 2.0 MGD facility was received on December 10, 2021 and approved by the TCEQ on December 22, 2021 (Log No. 1221/067).

At permittee's request, the Interim I (0.25 MGD), II (0.25 MGD), and III (0.50 MGD) phases in the existing permit were deleted. 2.0 MGD, 2.9 MGD, 3.0 MGD have been included as Interim II, III, and Final phase in the draft permit.

Other Requirement No. 7 and No. 8 in the existing permit have been revised accordingly due to the flow change.

Other Requirement No. 9 in the existing permit has been removed since it's no longer applicable.

The draft permit includes all updates based on the 30 TAC § 312 rule change effective April 23, 2020.

## **8. DRAFT PERMIT RATIONALE**

### **A. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS**

Regulations promulgated in Title 40 of the CFR require that technology-based limitations be placed in wastewater discharge permits based on effluent limitations guidelines, where applicable, or on best professional judgment (BPJ) in the absence of guidelines.

Effluent limitations for maximum and minimum pH are in accordance with 40 CFR § 133.102(c) and 30 TAC § 309.1(b).

### **B. WATER QUALITY SUMMARY AND COASTAL MANAGEMENT PLAN**

#### **(1) WATER QUALITY SUMMARY**

The treated effluent is discharged to a detention basin, thence to Harris County Flood Control District (HCFCD) ditch U101-00-00 (South Mayde Creek), thence to Buffalo Bayou Above Tidal in Segment No. 1014 of the San Jacinto River Basin. The unclassified receiving water uses are limited aquatic life use for the detention basin, and minimal aquatic life use for HCFCD ditch U101-00-00 (South Mayde Creek). The designated uses for Segment No. 1014 are primary contact recreation and limited aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 TAC § 307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review is not required since no exceptional, high, or intermediate aquatic life use water bodies have been identified in

the discharge route. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic-dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS's) biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998, update). To make this determination for TPDES permits, TCEQ and the Environmental Protection Agency (EPA) only considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Segment No. 1014 is not currently listed on the State's inventory of impaired and threatened waters (the 2020 CWA § 303(d) list).

The total maximum daily load (TMDL) project *Fourteen Total Maximum Daily Loads for Nickel in the Houston Ship Channel System* (TMDL Project No.1) **has been withdrawn and is no longer applicable.**

TMDL Project No. 22: *Eighteen Total Maximum Daily Loads for Bacteria in Buffalo and Whiteoak Bayous and Tributaries Segments 1013, 1013A, 1013C, 1014, 1014A, 1014B, 1014E, 1014H, 1014K, 1014L, 1014M, 1014N, 1014O, 1017, 1017A, 1017B, 1017D, and 1017E* has been approved for this segment. On April 8, 2009, the TCEQ adopted *Eighteen Total Maximum Daily Loads for Bacteria in Buffalo and Whiteoak Bayous and Tributaries*. The EPA approved the TMDL on June 11, 2009. The TMDL addresses elevated levels of bacteria in multiple segments and assessment units of these bayous and their tributaries. The waste load allocation (WLA) for wastewater treatment facilities was established as the permitted flow for each facility multiplied by one-half the geometric mean criterion for bacteria. Future growth from existing or new permitted sources is not limited by these TMDLs as long as the sources do not exceed the limits of one-half the bacteria geometric mean criterion for *E. coli*. To ensure that effluent limitations for this discharge are consistent with the WLAs provided in the TMDL, a concentration based effluent limitation for *E. coli* of 63 CFU or MPN per 100 ml has been continued in the draft permit.

The pollutant analysis of treated effluent provided by the permittee in the application indicated 608 mg/l total dissolved solids (TDS), 42.3 mg/l sulfate, and 152 mg/l chloride present in the effluent. The segment criteria for Segment No. 1014 are 600 mg/l for TDS, 65 mg/l for sulfate, and 110 mg/l for chlorides. Based on dissolved solids screening, no additional limits or monitoring requirements are needed for total dissolved solids, chloride, or sulfate. See Attachment A of this Fact Sheet.

The effluent limitations and conditions in the draft permit comply with EPA-approved portions of the 2018 Texas Surface Water Quality Standards (TSWQS), 30 TAC §§ 307.1 - 307.10, effective March 1, 2018; 2014 TSWQS, effective March 6, 2014; 2010 TSWQS, effective July 22, 2010; and 2000 TSWQS, effective July 26, 2000

(2) CONVENTIONAL PARAMETERS

Effluent limitations for the conventional effluent parameters (i.e., Five-Day Biochemical Oxygen Demand or Five-Day Carbonaceous Biochemical Oxygen Demand, Ammonia Nitrogen, etc.) are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

The effluent limitations in the draft permit have been reviewed for consistency with the WQMP. The proposed effluent limitations are not contained in the approved WQMP. However, these limits will be included in the next WQMP update.

The effluent limitations in the draft permit meet the requirements for secondary treatment and the requirements for disinfection according to 30 TAC Chapter 309, Subchapter A: Effluent Limitations.

(3) COASTAL MANAGEMENT PLAN

The facility is not located in the Coastal Management Program boundary.

C. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS

(1) GENERAL COMMENTS

The Texas Surface Water Quality Standards (30 TAC Chapter 307) state that surface waters will not be toxic to man, or to terrestrial or aquatic life. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards, June 2010* is designed to ensure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater that: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation that threatens human health.

(2) AQUATIC LIFE CRITERIA

(a) SCREENING

Water quality-based effluent limitations are calculated from freshwater aquatic life criteria found in Table 1 of the Texas Surface Water Quality Standards (30 TAC Chapter 307).

Acute freshwater criteria are applied at the edge of the zone of initial dilution (ZID), and chronic freshwater criteria are applied at the edge of the aquatic life mixing zone. The ZID for this discharge is defined as radius of 25 feet from the point where the discharge enters San Jacinto River Basin. The aquatic life mixing zone for this discharge is defined as a radius of 100 feet from the point where the discharge enters the detention basin.

TCEQ practice is to establish minimum estimated effluent percentages at the edges of the ZID and aquatic life mixing zone for discharges that are 10 MGD or less into sections of lakes or reservoirs that are at least 200 feet wide. These critical effluent percentages are as follows:

Acute Effluent %:	60%	Chronic Effluent %:	15%
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Waste load allocations (WLAs) are calculated using the above estimated effluent percentages, criteria outlined in the Texas Surface Water Quality Standards, and partitioning coefficients for metals (when appropriate and designated in the implementation procedures). The WLA is the end-of-pipe effluent concentration that can be discharged when, after mixing in the receiving stream, instream numerical criteria will not be exceeded. From the WLA, a long-term average (LTA) is calculated using a log normal probability distribution, a given coefficient of variation (0.6), and a 99<sup>th</sup> percentile confidence level. The lower of the two LTAs (acute and chronic) is used to calculate a daily average and daily maximum effluent limitation for the protection of aquatic life using the same statistical considerations with the 99<sup>th</sup> percentile confidence level and a standard number of monthly effluent samples collected (12). Assumptions used in deriving the effluent limitations include segment values for hardness, chlorides, pH, and total suspended solids (TSS) according to the segment-specific values contained in the TCEQ guidance document "*Procedures to Implement the Texas Surface Water Quality Standards*, June 2010." The segment values are 40 mg/l for hardness (as calcium carbonate), 64 mg/l chlorides, 7.1 standard units for pH, and 17 mg/l for TSS. For additional details on the calculation of water quality-based effluent limitations, refer to the TCEQ guidance document.

TCEQ practice for determining significant potential is to compare the reported analytical data against percentages of the calculated daily average water quality-based effluent limitation. Permit limitations are required when analytical data reported in the application exceeds 85% of the calculated daily average water quality-based effluent limitation. Monitoring and reporting is required when analytical data reported in the application exceeds 70% of the calculated daily average water quality-based effluent limitation. **See Attachment B of this Fact Sheet.**

(b) PERMIT ACTION

Analytical data reported in the application was screened against calculated water quality-based effluent limitations for the protection of

aquatic life. Reported analytical data does not exceed 70% of the calculated daily average water quality-based effluent limitations for aquatic life protection.

(3) AQUATIC ORGANISM BIOACCUMULATION CRITERIA

(a) SCREENING

Water quality-based effluent limitations for the protection of human health are calculated using criteria for the consumption of freshwater fish tissue found in Table 2 of the Texas Surface Water Quality Standards (30 TAC Chapter 307). Freshwater fish tissue bioaccumulation criteria are applied at the edge of the human health mixing zone for discharges into lakes and reservoirs. The human health mixing zone for this discharge is defined as a 200-foot radius from the point where the discharge enters the detention basin. TCEQ practice is to establish a minimum estimated effluent percentage at the edge of the human health mixing zone for discharges that are 10 MGD or less into sections of lakes or reservoirs that are at least 200 feet wide. This critical effluent percentage is:

Human Health Effluent %:           8%

Water quality-based effluent limitations for human health protection against the consumption of fish tissue are calculated using the same procedure as outlined for calculation of water quality-based effluent limitations for aquatic life protection. A 99<sup>th</sup> percentile confidence level in the long-term average calculation is used with only one long-term average value being calculated.

Significant potential is again determined by comparing reported analytical data against 70% and 85% of the calculated daily average water quality-based effluent limitation. **See Attachment C of this Fact Sheet.**

(b) PERMIT ACTION

Reported analytical data does not exceed 70% of the calculated daily average water quality-based effluent limitation for human health protection.

(4) DRINKING WATER SUPPLY PROTECTION

(a) SCREENING

Water Quality Segment No. 1014, which receives the discharge from this facility, is not designated as a public water supply. Screening reported analytical data of the effluent against water quality-based effluent limitations calculated for the protection of a drinking water supply is not applicable.

(b) PERMIT ACTION

None.

(5) WHOLE EFFLUENT TOXICITY (BIOMONITORING) CRITERIA

(a) SCREENING

TCEQ has determined that there may be pollutants present in the effluent that may have the potential to cause toxic conditions in the receiving stream. Whole effluent biomonitoring is the most direct measure of potential toxicity that incorporates the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity.

The applicant is not currently monitoring whole effluent toxicity (WET) because this facility is operating at a phase with a design flow of less than 1.0 MGD. Therefore, there is no WET testing history to review. WET testing will commence within 90 days of initial discharge from the final 1.0 MGD facility.

A reasonable potential (RP) determination was performed in accordance with 40 CFR §122.44(d)(1)(ii) to determine whether the discharge will reasonably be expected to cause or contribute to an exceedance of a state water quality standard or criterion within that standard. Each test species is evaluated separately. The RP determination is based on representative data from the previous three years of chronic WET testing. This determination was performed in accordance with the methodology outlined in the TCEQ letter to the EPA dated December 28, 2015, and approved by the EPA in a letter dated December 28, 2015.

With no WET testing history, and therefore zero failures, a determination of no RP was made. WET limits are not required, and permittee may be eligible for testing frequency reduction.

(b) PERMIT ACTION

The test species are appropriate to measure the toxicity of the effluent consistent with the requirements of the State water quality standards. The biomonitoring frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge. This permit may be reopened to require effluent limits, additional testing, and/or other appropriate actions to address toxicity if biomonitoring data show actual or potential ambient toxicity to be the result of the permittee's discharge to the receiving stream or water body.

(6) WHOLE EFFLUENT TOXICITY CRITERIA (24-HOUR ACUTE)

(a) SCREENING

The existing permit includes 24-hour acute freshwater biomonitoring language. This facility is operating at a phase with a design flow of less than 1.0 MGD. Therefore, there is no WET testing history to review. WET testing will commence within 90 days of initial discharge from the 1.0 MGD phase facility.

(b) PERMIT ACTION

The draft permit includes 24-hour 100% acute biomonitoring tests for the life of the permit that will begin when the permittee discharge 1.0 MGD.

**9. WATER QUALITY VARIANCE REQUESTS**

No variance requests have been received.

**10. 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, the Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application.

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 Abdur Rahim at (512) 239-0504.

#### **11. ADMINISTRATIVE RECORD**

The following items were considered in developing the draft permit:

A. PERMIT(S)

TPDES Permit No. WQ0015264001 issued on August 17, 2018.

B. APPLICATION

Application received on August 25, 2021, and additional information received on November 9, 2021.

C. MEMORANDA

Interoffice Memoranda from the Water Quality Assessment Section of the TCEQ Water Quality Division. Interoffice Memorandum from the Pretreatment Team of the TCEQ Water Quality Division.

D. MISCELLANEOUS

Federal Clean Water Act § 402; Texas Water Code § 26.027; 30 TAC Chapters 30, 305, 309, 312, and 319; Commission policies; and U.S. Environmental Protection Agency guidelines.

Texas Surface Water Quality Standards, 30 TAC §§ 307.1 - 307.10.

*Procedures to Implement the Texas Surface Water Quality Standards (IP)*, Texas Commission on Environmental Quality, June 2010, as approved by the U.S. Environmental Protection Agency, and the IP, January 2003, for portions of the 2010 IP not approved by the U.S. Environmental Protection Agency.

Texas 2020 Clean Water Act Section 303(d) List, Texas Commission on Environmental Quality, March 25, 2020; approved by the U.S. Environmental Protection Agency on May 12, 2020.

Texas Natural Resource Conservation Commission, Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits, Document No. 98-001.000-OWR-WQ, May 1998.

*Eighteen Total Maximum Daily Loads for Bacteria in Buffalo and Whiteoak Bayous and Tributaries Segments 1013, 1013A, 1013C, 1014, 1014A, 1014B, 1014E, 1014H, 1014K, 1014L, 1014M, 1014N, 1014O, 1017, 1017A, 1017B, 1017D, and 1017E has been approved for this segment (TMDL Project No. 22).*

**Attachment A: Screening Calculations for Total Dissolved Solids, Chloride, and Sulfate**

Screening Calculations for Total Dissolved Solids, Chloride, and Sulfate			
Menu 4 - Discharge to a Lake			
<b>Applicant Name:</b>	Harris County MUD No. 171		
<b>Permit Number, Outfall:</b>	15264-001		
<b>Segment Number:</b>	1014-Buffalo Bayou Above Tidal		
<b>Enter values needed for screening:</b>			<b>Data Source (edit if different)</b>
EF - Effluent <u>fraction</u> at edge of human health MZ	<b>0.15</b>	decimal fraction	Critical conditions memo
CA - TDS - ambient segment concentration	<b>364</b>	mg/L	2010 IP, Appendix D
CA - chloride - ambient segment concentration	<b>64</b>	mg/L	2010 IP, Appendix D
CA - sulfate - ambient segment concentration	<b>23</b>	mg/L	2010 IP, Appendix D
CC - TDS - segment criterion	<b>600</b>	mg/L	2010 TSWQS, Appendix A
CC - chloride - segment criterion	<b>110</b>	mg/L	2010 TSWQS, Appendix A
CC - sulfate - segment criterion	<b>65</b>	mg/L	2010 TSWQS, Appendix A
CE - TDS - average effluent concentration	<b>608</b>	mg/L	Permit application
CE - chloride - average effluent concentration	<b>64</b>	mg/L	Permit application
CE - sulfate - average effluent concentration	<b>152</b>	mg/L	Permit application
<b>Screening Equation</b>			
	$CC \geq (EF)(CE) + (1-EF)(CA)$		

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Permit Limit Calculations					
<b>TDS</b>					
Calculate the WLA	WLA= [CC - (1-EF)(CA)]/EF				1937.33
Calculate the LTA	LTA = WLA * 0.93				1801.72
Calculate the daily average	Daily Avg. = LTA * 1.47				<b>2648.53</b>
Calculate the daily maximum	Daily Max. = LTA * 3.11				<b>5603.35</b>
Calculate 70% of the daily average	70% of Daily Avg. =				1853.97
Calculate 85% of the daily average	85% of Daily Avg. =				2251.25
<b>No permit limitations needed if:</b>	<b>608</b>	<b>≤</b>	<b>1853.97</b>		
<b>Reporting needed if:</b>	<b>608</b>	<b>&gt;</b>	<b>1853.97</b>	<b>but ≤</b>	<b>2251.25</b>
<b>Permit limits may be needed if:</b>	<b>608</b>	<b>&gt;</b>	<b>2251.25</b>		
<b>No permit limitations needed for TDS</b>					
<b>Chloride</b>					
Calculate the WLA	WLA= [CC - (1-EF)(CA)]/EF				370.67
Calculate the LTA	LTA = WLA * 0.93				344.72
Calculate the daily average	Daily Avg. = LTA * 1.47				<b>506.74</b>
Calculate the daily maximum	Daily Max. = LTA * 3.11				<b>1072.08</b>
Calculate 70% of the daily average	70% of Daily Avg. =				354.72
Calculate 85% of the daily average	85% of Daily Avg. =				430.73
<b>No permit limitations needed if:</b>	<b>64</b>	<b>≤</b>	<b>354.72</b>		
<b>Reporting needed if:</b>	<b>64</b>	<b>&gt;</b>	<b>354.72</b>	<b>but ≤</b>	<b>430.73</b>
<b>Permit limits may be needed if:</b>	<b>64</b>	<b>&gt;</b>	<b>430.73</b>		
<b>No permit limitations needed for chloride</b>					
<b>Sulfate</b>					
Calculate the WLA	WLA= [CC - (1-EF)(CA)]/EF				303.00
Calculate the LTA	LTA = WLA * 0.93				281.79
Calculate the daily average	Daily Avg. = LTA * 1.47				<b>414.23</b>
Calculate the daily maximum	Daily Max. = LTA * 3.11				<b>876.37</b>
Calculate 70% of the daily average	70% of Daily Avg. =				289.96
Calculate 85% of the daily average	85% of Daily Avg. =				352.10
<b>No permit limitations needed if:</b>	<b>152</b>	<b>≤</b>	<b>289.96</b>		
<b>Reporting needed if:</b>	<b>152</b>	<b>&gt;</b>	<b>289.96</b>	<b>but ≤</b>	<b>352.10</b>
<b>Permit limits may be needed if:</b>	<b>152</b>	<b>&gt;</b>	<b>352.10</b>		
<b>No permit limitations needed for sulfate</b>					

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**Attachment B: Calculated Water Quality Based Effluent Limitations**

**TEXTTOX MENU #4 - LAKE OR RESERVOIR**

The water quality-based effluent limitations developed below are calculated using:

Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life

Table 2, 2018 Texas Surface Water Quality Standards for Human Health

"Procedures to Implement the Texas Surface Water Quality Standards," TCEQ, June 2010

**PERMIT INFORMATION**

Permittee Name:	Harris County Muniipal Utility District No. 171
TPDES Permit No:	WQ0015264001
Outfall No:	001
Prepared by:	Abdur Rahim
Date:	March 21, 2022

**DISCHARGE INFORMATION**

Receiving Waterbody:	San Jacinto River Basin
Segment No.:	1014
TSS (mg/L):	17
pH (Standard Units):	7.1
Hardness (mg/L as CaCO <sub>3</sub> ):	40
Chloride (mg/L):	64
Effluent Flow for Aquatic Life (MGD):	3
% Effluent for Chronic Aquatic Life (Mixing Zone):	15
% Effluent for Acute Aquatic Life (ZID):	60
Effluent Flow for Human Health (MGD):	3
% Effluent for Human Health:	8
Human Health Criterion (select: PWS, FISH, or INC)	<b>FISH</b>

**CALCULATE DISSOLVED FRACTION (AND ENTER WATER EFFECT RATIO IF APPLICABLE):**

<i>Lake/Reservoir Metal</i>	<i>Intercept (b)</i>	<i>Slope (m)</i>	<i>Partition Coefficient (Kp)</i>	<i>Dissolved Fraction (Cd/Ct)</i>	<i>Source</i>	<i>Water Effect Ratio (WER)</i>	<i>Source</i>
Aluminum	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Arsenic	5.68	-0.73	60502.36	0.493		1.00	Assumed
Cadmium	6.55	-0.92	261810.4	0.183		1.00	Assumed
Chromium (total)	6.34	-0.27	1018072.	0.055		1.00	Assumed
Chromium (trivalent)	6.34	-0.27	1018072.	0.055		1.00	Assumed
Chromium (hexavalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	6.45	-0.90	220087.8	0.211		1.00	Assumed
Lead	6.31	-0.53	454843.5	0.115		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	6.34	-0.76	254014.6	0.188		1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed

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Silver	6.38	-1.03	129609.7 3	0.312	1.00	Assumed
Zinc	6.52	-0.68	482274.9 8	0.109	1.00	Assumed

**AQUATIC LIFE**

**CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:**

<i>Parameter</i>	<i>FW Acute Criterion (µg/L)</i>	<i>FW Chronic Criterion (µg/L)</i>	<i>WLAa (µg/L)</i>	<i>WLAc (µg/L)</i>	<i>LTAa (µg/L)</i>	<i>LTAc (µg/L)</i>	<i>Daily Avg. (µg/L)</i>	<i>Daily Max. (µg/L)</i>
Aldrin	3.0	N/A	5.00	N/A	1.60	N/A	2.35	4.97
Aluminum	991	N/A	1652	N/A	529	N/A	776	1643
Arsenic	340	150	1150	2029	368	1237	540	1143
Cadmium	3.52	0.130	32.0	4.73	10.2	2.88	4.23	8.96
Carbaryl	2.0	N/A	3.33	N/A	1.07	N/A	1.56	3.31
Chlordane	2.4	0.004	4.00	0.0267	1.28	0.0163	0.0239	0.050 5
Chlorpyrifos	0.083	0.041	0.138	0.273	0.0443	0.167	0.0650	0.137
Chromium (trivalent)	269	35.0	8208	4271	2627	2605	3829	8102
Chromium (hexavalent)	15.7	10.6	26.2	70.7	8.37	43.1	12.3	26.0
Copper	5.99	4.33	47.3	137	15.1	83.4	22.2	47.1
Cyanide (free)	45.8	10.7	76.3	71.3	24.4	43.5	35.9	75.9
4,4'-DDT	1.1	0.001	1.83	0.00667	0.587	0.00407	0.00597	0.012 6
Demeton	N/A	0.1	N/A	0.667	N/A	0.407	0.597	1.26
Diazinon	0.17	0.17	0.283	1.13	0.0907	0.691	0.133	0.281
Dicofol [Kelthane]	59.3	19.8	98.8	132	31.6	80.5	46.4	98.3
Dieldrin	0.24	0.002	0.400	0.0133	0.128	0.00813	0.0119	0.025 2
Diuron	210	70	350	467	112	285	164	348
Endosulfan I ( <i>alpha</i> )	0.22	0.056	0.367	0.373	0.117	0.228	0.172	0.364
Endosulfan II ( <i>beta</i> )	0.22	0.056	0.367	0.373	0.117	0.228	0.172	0.364
Endosulfan sulfate	0.22	0.056	0.367	0.373	0.117	0.228	0.172	0.364
Endrin	0.086	0.002	0.143	0.0133	0.0459	0.00813	0.0119	0.025 2
Guthion [Azinphos Methyl]	N/A	0.01	N/A	0.0667	N/A	0.0407	0.0597	0.126
Heptachlor	0.52	0.004	0.867	0.0267	0.277	0.0163	0.0239	0.050 5
Hexachlorocyclohexane ( <i>gamma</i> ) [Lindane]	1.126	0.08	1.88	0.533	0.601	0.325	0.478	1.01
Lead	23.5	0.92	342	53.3	109	32.5	47.8	101
Malathion	N/A	0.01	N/A	0.0667	N/A	0.0407	0.0597	0.126
Mercury	2.4	1.3	4.00	8.67	1.28	5.29	1.88	3.98
Methoxychlor	N/A	0.03	N/A	0.200	N/A	0.122	0.179	0.379
Mirex	N/A	0.001	N/A	0.00667	N/A	0.00407	0.00597	0.012 6
Nickel	216	24.0	1912	849	612	518	761	1611
Nonylphenol	28	6.6	46.7	44.0	14.9	26.8	21.9	46.4
Parathion (ethyl)	0.065	0.013	0.108	0.0867	0.0347	0.0529	0.0509	0.107
Pentachlorophenol	9.6	7.40	16.1	49.3	5.14	30.1	7.56	15.9
Phenanthrene	30	30	50.0	200	16.0	122	23.5	49.7
Polychlorinated Biphenyls [PCBs]	2.0	0.014	3.33	0.0933	1.07	0.0569	0.0836	0.177
Selenium	20	5	33.3	33.3	10.7	20.3	15.6	33.1
Silver	0.8	N/A	23.4	N/A	7.48	N/A	10.9	23.2
Toxaphene	0.78	0.0002	1.30	0.00133	0.416	0.00081	3 0.00119	0.002 52
Tributyltin [TBT]	0.13	0.024	0.217	0.160	0.0693	0.0976	0.101	0.215
2,4,5 Trichlorophenol	136	64	227	427	72.5	260	106	225

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Zinc 53.9 54.4 827 3333 264 2033 388 822

**HUMAN HEALTH**

**CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:**

<i>Parameter</i>	<i>Water and Fish Criterion (µg/L)</i>	<i>Fish Only Criterion (µg/L)</i>	<i>Incidental Fish Criterion (µg/L)</i>	<i>WLAh (µg/L)</i>	<i>LTAh (µg/L)</i>	<i>Daily Avg. (µg/L)</i>	<i>Daily Max. (µg/L)</i>
Acrylonitrile	1.0	115	1150	1438	1337	1965	4157
Aldrin	1.146E-05	1.147E-05	1.147E-04	0.000143	0.000133	0.000196	0.000416
Anthracene	1109	1317	13170	16463	15310	22505	47614
Antimony	6	1071	10710	13388	12450	18302	38720
Arsenic	10	N/A	N/A	N/A	N/A	N/A	N/A
Barium	2000	N/A	N/A	N/A	N/A	N/A	N/A
Benzene	5	581	5810	7263	6754	9928	21005
Benzidine	0.0015	0.107	1.07	1.34	1.24	1.82	3.86
Benzo(a)anthracene	0.024	0.025	0.25	0.313	0.291	0.427	0.903
Benzo(a)pyrene	0.0025	0.0025	0.025	0.0313	0.0291	0.0427	0.0903
Bis(chloromethyl)ether	0.0024	0.2745	2.745	3.43	3.19	4.69	9.92
Bis(2-chloroethyl)ether	0.60	42.83	428.3	535	498	731	1548
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	6	7.55	75.5	94.4	87.8	129	272
Bromodichloromethane [Dichlorobromomethane]	10.2	275	2750	3438	3197	4699	9942
Bromoform [Tribromomethane]	66.9	1060	10600	13250	12323	18114	38322
Cadmium	5	N/A	N/A	N/A	N/A	N/A	N/A
Carbon Tetrachloride	4.5	46	460	575	535	786	1663
Chlordane	0.0025	0.0025	0.025	0.0313	0.0291	0.0427	0.0903
Chlorobenzene	100	2737	27370	34213	31818	46771	98952
Chlorodibromomethane [Dibromochloromethane]	7.5	183	1830	2288	2127	3127	6616
Chloroform [Trichloromethane]	70	7697	76970	96213	89478	131532	278275
Chromium (hexavalent)	62	502	5020	6275	5836	8578	18149
Chrysene	2.45	2.52	25.2	31.5	29.3	43.0	91.1
Cresols [Methylphenols]	1041	9301	93010	116263	108124	158942	336266
Cyanide (free)	200	N/A	N/A	N/A	N/A	N/A	N/A
4,4'-DDD	0.002	0.002	0.02	0.0250	0.0233	0.0341	0.0723
4,4'-DDE	0.00013	0.00013	0.0013	0.00163	0.00151	0.00222	0.00469
4,4'-DDT	0.0004	0.0004	0.004	0.00500	0.00465	0.00683	0.0144
2,4'-D	70	N/A	N/A	N/A	N/A	N/A	N/A
Danitol [Fenprothrin]	262	473	4730	5913	5499	8082	17100
1,2-Dibromoethane [Ethylene Dibromide]	0.17	4.24	42.4	53.0	49.3	72.4	153
<i>m</i> -Dichlorobenzene [1,3-Dichlorobenzene]	322	595	5950	7438	6917	10167	21511
<i>o</i> -Dichlorobenzene [1,2-Dichlorobenzene]	600	3299	32990	41238	38351	56375	119271
<i>p</i> -Dichlorobenzene [1,4-Dichlorobenzene]	75	N/A	N/A	N/A	N/A	N/A	N/A
3,3'-Dichlorobenzidine	0.79	2.24	22.4	28.0	26.0	38.2	80.9
1,2-Dichloroethane	5	364	3640	4550	4232	6220	13159
1,1-Dichloroethylene [1,1-Dichloroethene]	7	55114	551140	688925	640700	941829	1992577
Dichloromethane [Methylene Chloride]	5	13333	133330	166663	154996	227844	482037
1,2-Dichloropropane	5	259	2590	3238	3011	4425	9363
1,3-Dichloropropene [1,3-Dichloropropylene]	2.8	119	1190	1488	1383	2033	4302
Dicofol [Kelthane]	0.30	0.30	3	3.75	3.49	5.12	10.8
Dieldrin	2.0E-05	2.0E-05	2.0E-04	0.00025	0.00023	0.00034	0.00072
2,4-Dimethylphenol	444	8436	84360	105450	98069	144160	304993

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Di- <i>n</i> -Butyl Phthalate	88.9	92.4	924	1155	1074	1579	3340
						0.00000	0.00000
Dioxins/Furans [TCDD Equivalents]	7.80E-08	7.97E-08	7.97E-07	9.96E-07	9.27E-07	14	29
Endrin	0.02	0.02	0.2	0.250	0.233	0.341	0.723
Epichlorohydrin	53.5	2013	20130	25163	23401	34399	72777
Ethylbenzene	700	1867	18670	23338	21704	31904	67499
		1.68E+0		2100000	1953000	2870910	6073830
Ethylene Glycol	46744	7	1.68E+08	00	00	00	00
Fluoride	4000	N/A	N/A	N/A	N/A	N/A	N/A
Heptachlor	8.0E-05	0.0001	0.001	0.00125	0.00116	0.00170	0.00361
Heptachlor Epoxide	0.00029	0.00029	0.0029	0.00363	0.00337	0.00495	0.0104
Hexachlorobenzene	0.00068	0.00068	0.0068	0.00850	0.00791	0.0116	0.0245
Hexachlorobutadiene	0.21	0.22	2.2	2.75	2.56	3.75	7.95
Hexachlorocyclohexane ( <i>alpha</i> )	0.0078	0.0084	0.084	0.105	0.0977	0.143	0.303
Hexachlorocyclohexane ( <i>beta</i> )	0.15	0.26	2.6	3.25	3.02	4.44	9.39
Hexachlorocyclohexane ( <i>gamma</i> ) [Lindane]	0.2	0.341	3.41	4.26	3.96	5.82	12.3
Hexachlorocyclopentadiene	10.7	11.6	116	145	135	198	419
Hexachloroethane	1.84	2.33	23.3	29.1	27.1	39.8	84.2
Hexachlorophene	2.05	2.90	29	36.3	33.7	49.5	104
4,4'-Isopropylidenediphenol [Bisphenol A]	1092	15982	159820	199775	185791	273112	577809
Lead	1.15	3.83	38.3	418	389	571	1209
Mercury	0.0122	0.0122	0.122	0.153	0.142	0.208	0.441
Methoxychlor	2.92	3.0	30	37.5	34.9	51.2	108
		9.92E+0		1240000	1153200	1695204	3586452
Methyl Ethyl Ketone	13865	5	9.92E+06	0	0	0	0
Methyl <i>tert</i> -butyl ether [MTBE]	15	10482	104820	131025	121853	179124	378963
Nickel	332	1140	11400	75785	70480	103605	219193
Nitrate-Nitrogen (as Total Nitrogen)	10000	N/A	N/A	N/A	N/A	N/A	N/A
Nitrobenzene	45.7	1873	18730	23413	21774	32007	67715
N-Nitrosodiethylamine	0.0037	2.1	21	26.3	24.4	35.8	75.9
N-Nitroso-di- <i>n</i> -Butylamine	0.119	4.2	42	52.5	48.8	71.7	151
Pentachlorobenzene	0.348	0.355	3.55	4.44	4.13	6.06	12.8
Pentachlorophenol	0.22	0.29	2.9	3.63	3.37	4.95	10.4
Polychlorinated Biphenyls [PCBs]	6.4E-04	6.4E-04	6.40E-03	0.00800	0.00744	0.0109	0.0231
Pyridine	23	947	9470	11838	11009	16183	34237
Selenium	50	N/A	N/A	N/A	N/A	N/A	N/A
1,2,4,5-Tetrachlorobenzene	0.23	0.24	2.4	3.00	2.79	4.10	8.67
1,1,2,2-Tetrachloroethane	1.64	26.35	263.5	329	306	450	952
Tetrachloroethylene [Tetrachloroethylene]	5	280	2800	3500	3255	4784	10123
Thallium	0.12	0.23	2.3	2.88	2.67	3.93	8.31
Toluene	1000	N/A	N/A	N/A	N/A	N/A	N/A
Toxaphene	0.011	0.011	0.11	0.138	0.128	0.187	0.397
2,4,5-TP [Silvex]	50	369	3690	4613	4290	6305	13340
						1340362	2835733
1,1,1-Trichloroethane	200	784354	7843540	9804425	9118115	9	8
1,1,2-Trichloroethane	5	166	1660	2075	1930	2836	6001
Trichloroethylene [Trichloroethene]	5	71.9	719	899	836	1228	2599
2,4,5-Trichlorophenol	1039	1867	18670	23338	21704	31904	67499
TTHM [Sum of Total Trihalomethanes]	80	N/A	N/A	N/A	N/A	N/A	N/A
Vinyl Chloride	0.23	16.5	165	206	192	281	596



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**CALCULATE 70% AND 85% OF DAILY AVERAGE EFFLUENT  
 LIMITATIONS:**

<b>Aquatic Life</b>	<b>70% of Daily Avg.</b>	<b>85% of Daily Avg.</b>
<b>Parameter</b>	<b>(µg/L)</b>	<b>(µg/L)</b>
Aldrin	1.64	1.99
Aluminum	543	660
Arsenic	378	459
Cadmium	2.96	3.60
Carbaryl	1.09	1.33
Chlordane	0.0167	0.0203
Chlorpyrifos	0.0455	0.0553
Chromium (trivalent)	2680	3255
Chromium (hexavalent)	8.61	10.4
Copper	15.5	18.9
Cyanide (free)	25.1	30.5
4,4'-DDT	0.00418	0.00508
Demeton	0.418	0.508
Diazinon	0.0932	0.113
Dicofol [Kelthane]	32.5	39.5
Dieldrin	0.00836	0.0101
Diuron	115	139
Endosulfan I ( <i>alpha</i> )	0.120	0.146
Endosulfan II ( <i>beta</i> )	0.120	0.146
Endosulfan sulfate	0.120	0.146
Endrin	0.00836	0.0101
Guthion [Azinphos Methyl]	0.0418	0.0508
Heptachlor	0.0167	0.0203
Hexachlorocyclohexane ( <i>gamma</i> ) [Lindane]	0.334	0.406
Lead	33.4	40.6
Malathion	0.0418	0.0508
Mercury	1.31	1.59
Methoxychlor	0.125	0.152
Mirex	0.00418	0.00508
Nickel	533	647
Nonylphenol	15.3	18.6
Parathion (ethyl)	0.0356	0.0433
Pentachlorophenol	5.29	6.42
Phenanthrene	16.4	19.9
Polychlorinated Biphenyls [PCBs]	0.0585	0.0711
Selenium	10.9	13.3
Silver	7.69	9.34
Toxaphene	0.00083	0.00101
Tributyltin [TBT]	0.0713	0.0866
2,4,5 Trichlorophenol	74.6	90.6
Zinc	272	330
<b>Human Health</b>	<b>70% of Daily Avg.</b>	<b>85% of Daily Avg.</b>
<b>Parameter</b>	<b>(µg/L)</b>	<b>(µg/L)</b>
Acrylonitrile	1375	1670

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	0.00013	0.00016
Aldrin	7	6
Anthracene	15754	19130
Antimony	12811	15556
Arsenic	N/A	N/A
Barium	N/A	N/A
Benzene	6949	8439
Benzidine	1.27	1.55
Benzo(a)anthracene	0.299	0.363
Benzo(a)pyrene	0.0299	0.0363
Bis(chloromethyl)ether	3.28	3.98
Bis(2-chloroethyl)ether	512	622
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	90.3	109
Bromodichloromethane [Dichlorobromomethane]	3289	3994
Bromoform [Tribromomethane]	12679	15396
Cadmium	N/A	N/A
Carbon Tetrachloride	550	668
Chlordane	0.0299	0.0363
Chlorobenzene	32740	39756
Chlorodibromomethane [Dibromochloromethane]	2189	2658
Chloroform [Trichloromethane]	92072	111802
Chromium (hexavalent)	6004	7291
Chrysene	30.1	36.6
Cresols [Methylphenols]	111259	135101
Cyanide (free)	N/A	N/A
4,4'-DDD	0.0239	0.0290
4,4'-DDE	0.00155	0.00188
4,4'-DDT	0.00478	0.00581
2,4'-D	N/A	N/A
Danitol [Fenpropathrin]	5658	6870
1,2-Dibromoethane [Ethylene Dibromide]	50.7	61.5
<i>m</i> -Dichlorobenzene [1,3-Dichlorobenzene]	7117	8642
<i>o</i> -Dichlorobenzene [1,2-Dichlorobenzene]	39463	47919
<i>p</i> -Dichlorobenzene [1,4-Dichlorobenzene]	N/A	N/A
3,3'-Dichlorobenzidine	26.7	32.5
1,2-Dichloroethane	4354	5287
1,1-Dichloroethylene [1,1-Dichloroethene]	659280	800554
Dichloromethane [Methylene Chloride]	159491	193667
1,2-Dichloropropane	3098	3762
1,3-Dichloropropene [1,3-Dichloropropylene]	1423	1728
Dicofol [Kelthane]	3.58	4.35
	0.00023	0.00029
Dieldrin	9	0
2,4-Dimethylphenol	100912	122536
Di- <i>n</i> -Butyl Phthalate	1105	1342
		0.00000
Dioxins/Furans [TCDD Equivalents]	9.53E-07	12
Endrin	0.239	0.290
Epichlorohydrin	24079	29239
Ethylbenzene	22333	27118
	2009637	2440273
Ethylene Glycol	00	50
Fluoride	N/A	N/A

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Heptachlor	0.00119	0.00145
Heptachlor Epoxide	0.00346	0.00421
Hexachlorobenzene	0.00813	0.00987
Hexachlorobutadiene	2.63	3.19
Hexachlorocyclohexane ( <i>alpha</i> )	0.100	0.122
Hexachlorocyclohexane ( <i>beta</i> )	3.11	3.77
Hexachlorocyclohexane ( <i>gamma</i> ) [Lindane]	4.07	4.95
Hexachlorocyclopentadiene	138	168
Hexachloroethane	27.8	33.8
Hexachlorophene	34.6	42.1
4,4'-Isopropylidenediphenol [Bisphenol A]	191178	232145
Lead	400	485
Mercury	0.145	0.177
Methoxychlor	35.8	43.5
	1186642	1440923
Methyl Ethyl Ketone	8	4
Methyl <i>tert</i> -butyl ether [MTBE]	125386	152255
Nickel	72524	88064
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A
Nitrobenzene	22405	27206
N-Nitrosodiethylamine	25.1	30.5
N-Nitroso-di- <i>n</i> -Butylamine	50.2	61.0
Pentachlorobenzene	4.24	5.15
Pentachlorophenol	3.46	4.21
Polychlorinated Biphenyls [PCBs]	0.00765	0.00929
Pyridine	11328	13755
Selenium	N/A	N/A
1,2,4,5-Tetrachlorobenzene	2.87	3.48
1,1,2,2-Tetrachloroethane	315	382
Tetrachloroethylene [Tetrachloroethylene]	3349	4067
Thallium	2.75	3.34
Toluene	N/A	N/A
Toxaphene	0.131	0.159
2,4,5-TP [Silvex]	4414	5359
		1139308
1,1,1-Trichloroethane	9382540	5
1,1,2-Trichloroethane	1985	2411
Trichloroethylene [Trichloroethene]	860	1044
2,4,5-Trichlorophenol	22333	27118
TTHM [Sum of Total Trihalomethanes]	N/A	N/A
Vinyl Chloride	197	239



TPDES PERMIT NO.  
WQ0015264001  
*[For TCEQ office use only - EPA I.D.  
No. TX0135461]*

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

This major amendment supersedes and replaces TPDES Permit No. WQ0015264001 issued on August 17, 2018.

PERMIT TO DISCHARGE WASTES  
under provisions of  
Section 402 of the Clean Water Act  
and Chapter 26 of the Texas Water Code

Harris County Municipal Utility District No. 171

whose mailing address is

c/o Allen Boone Humphries Robinson L.L.P. Rachel Wooten  
3200 Southwest Freeway, Suite 2600  
Houston, Texas 77027

is authorized to treat and discharge wastes from the Harris County MUD 171 Wastewater Treatment Facility, SIC Code 4952

located approximately 3,000 feet southwest of the intersection of Beckendorf Road and Peek Road, in Harris County, Texas 77493

to a detention basin, thence to Harris County Flood Control District ditch U101-00-00 (South Mayde Creek), thence to Buffalo Bayou Above Tidal in Segment No. 1014 of the San Jacinto River Basin

only according to effluent limitations, monitoring requirements, and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, **five years from the date of issuance.**

ISSUED DATE:

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For the Commission

INTERIM I EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the completion of expansion to the 2.0 million gallons per day (MGD) facility, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 1.0 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 2,778 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (83)	15	25	35	Two/week	Composite
Total Suspended Solids	15 (125)	25	40	60	Two/week	Composite
Ammonia Nitrogen	2 (17)	5	10	15	Two/week	Composite
Total Aluminum*	0.776 (6.5)	N/A	1.643	2.328	One/week	Composite
Total Zinc*	0.179 (1.5)	N/A	0.379	0.537	One/week	Composite
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	63	N/A	200	N/A	Two/month	Grab

\*See Other Requirement No. 9

2. The effluent shall contain a total chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample at each chlorine contact chamber. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l total chlorine residual and shall monitor total chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored twice per week by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

INTERIM II EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the completion of expansion to the 2.0 million gallons per day (MGD) facility and lasting through the completion of the expansion to the 2.90 MGD facility, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 2.0 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 5,555 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (167)	15	25	35	Two/week	Composite
Total Suspended Solids	15 (250)	25	40	60	Two/week	Composite
Ammonia Nitrogen	2 (33)	5	10	15	Two/week	Composite
Total Aluminum*	0.776 (13)	N/A	1.643	2.328	One/week	Composite
Total Zinc*	0.179 (3.0)	N/A	0.379	0.537	One/week	Composite
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	63	N/A	200	N/A	Two/month	Grab

\*See Other Requirement No. 9

2. The effluent shall contain a total chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample at each chlorine contact chamber. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l total chlorine residual and shall monitor total chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored twice per week by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

INTERIM III EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the completion of expansion to the 2.9 million gallons per day (MGD) facility and lasting through the completion of the expansion to the 3.0 MGD facility, the permittee is authorized to discharge subject to the following effluent limitations:  
The annual average flow of effluent shall not exceed 2.9 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 8,055 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	7 (169)	12	22	32	Two/week	Composite
Total Suspended Solids	15 (363)	25	40	60	Two/week	Composite
Ammonia Nitrogen	2 (48)	5	10	15	Two/week	Composite
Total Aluminum*	0.776 (19)	N/A	1.643	2.328	One/week	Composite
Total Zinc*	0.179 (4.3)	N/A	0.379	0.537	One/week	Composite
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	63	N/A	200	N/A	Two/month	Grab

\*See Other Requirement No. 9

2. The effluent shall contain a total chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample at each chlorine contact chamber. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l total chlorine residual and shall monitor total chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored twice per week by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the date of expansion to the 3.0 million gallons per day (MGD) facility and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 3.0 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 8,333 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (125)	10	20	30	Two/week	Composite
Total Suspended Solids	12 (300)	20	40	60	Two/week	Composite
Ammonia Nitrogen	2 (50)	5	10	15	Two/week	Composite
Total Aluminum*	0.776 (19)	N/A	1.643	2.328	One/week	Composite
Total Zinc*	0.179 (4.5)	N/A	0.379	0.537	One/week	Composite
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	63	N/A	200	N/A	One/week	Grab

\*See Other Requirement No. 9

2. The effluent shall contain a total chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample at each chlorine contact chamber. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l total chlorine residual and shall monitor total chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored twice per week by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.



## DEFINITIONS AND STANDARD PERMIT CONDITIONS

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

### 1. Flow Measurements

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

### 2. Concentration Measurements

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

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

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

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

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

## **MONITORING AND REPORTING REQUIREMENTS**

### **1. Self-Reporting**

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, effluent monitoring data shall be submitted each month, to the Compliance Monitoring Team of the Enforcement Division (MC 224), by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be submitted online using the NetDMR reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. Monitoring results must be signed and certified as required by Monitoring and Reporting Requirements No. 10.

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

### **2. Test Procedures**

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

### **3. Records of Results**

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

- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge or biosolids use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR § 264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.
- c. Records of monitoring activities shall include the following:
  - i. date, time and place of sample or measurement;
  - ii. identity of individual who collected the sample or made the measurement.
  - iii. date and time of analysis;
  - iv. identity of the individual and laboratory who performed the analysis;
  - v. the technique or method of analysis; and
  - vi. the results of the analysis or measurement and quality assurance/quality control records.

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

#### 4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in the calculation and reporting of the values submitted on the approved self-report form. Increased frequency of sampling shall be indicated on the self-report form.

#### 5. Calibration of Instruments

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

#### 6. Compliance Schedule Reports

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

Monitoring Team of the Enforcement Division (MC 224).

#### 7. Noncompliance Notification

- a. In accordance with 30 TAC § 305.125(9) any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Except as allowed by 30 TAC § 305.132, report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Compliance Monitoring Team of the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. For Publicly Owned Treatment Works (POTWs), effective December 21, 2025, the permittee must submit the written report for unauthorized discharges and unanticipated bypasses that exceed any effluent limit in the permit using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
  - b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:
    - i. Unauthorized discharges as defined in Permit Condition 2(g).
    - ii. Any unanticipated bypass that exceeds any effluent limitation in the permit.
    - iii. Violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.
  - c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Compliance Monitoring Team of the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
  - d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Compliance Monitoring Team of the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.
8. In accordance with the procedures described in 30 TAC §§ 35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.
9. Changes in Discharges of Toxic Substances

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

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
  - i. One hundred micrograms per liter (100 µg/L);
  - ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
  - iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
  - iv. The level established by the TCEQ.
- b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
  - i. Five hundred micrograms per liter (500 µg/L);
  - ii. One milligram per liter (1 mg/L) for antimony;
  - iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
  - iv. The level established by the TCEQ.

#### 10. Signatories to Reports

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

#### 11. All POTWs must provide adequate notice to the Executive Director of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to CWA § 301 or § 306 if it were directly discharging those pollutants;
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and
- c. For the purpose of this paragraph, adequate notice shall include information on:
  - i. The quality and quantity of effluent introduced into the POTW; and
  - ii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

**PERMIT CONDITIONS**

## 1. General

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

## 2. Compliance

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

with 30 TAC §§ 305.62 and 305.66 and TWC§ 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

- g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.
- h. In accordance with 30 TAC § 305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility which does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.
- i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).

### 3. Inspections and Entry

- a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC § 361.
- b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC § 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

### 4. Permit Amendment and/or Renewal



- a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:
  - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC § 305.534 (relating to New Sources and New Dischargers); or
  - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9; or
  - iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.
- c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.
- d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.
- e. In accordance with the TWC § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.
- f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA § 307(a) for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA § 307(a) for toxic pollutants within the time provided in the

regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

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

6. Relationship to Hazardous Waste Activities

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

7. Relationship to Water Rights

Disposal of treated effluent by any means other than discharge directly to water in the state must be specifically authorized in this permit and may require a permit pursuant to TWC Chapter 11.

8. Property Rights

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

9. Permit Enforceability

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

10. Relationship to Permit Application

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

11. Notice of Bankruptcy

- a. Each permittee shall notify the Executive Director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:
  - i. the permittee;
  - ii. an entity (as that term is defined in 11 USC, § 101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or
  - iii. an affiliate (as that term is defined in 11 USC, § 101(2)) of the permittee.

- b. This notification must indicate:
  - i. the name of the permittee;
  - 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 or biosolids use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.
3. Domestic wastewater treatment facilities shall comply with the following provisions:
  - a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.
  - b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.
4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.
5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.
6. The permittee shall remit an annual water quality fee to the Commission as required by 30

TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under TWC § 7.302(b)(6).

7. Documentation

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

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

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

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

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

- c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.
9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
  10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.
  11. Facilities that generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:
    - a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
    - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.
    - c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Corrective Action Section (MC 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 Registration Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.
    - e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well,

container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.

- f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC § 335 and must include the following, as it pertains to wastewater treatment and discharge:
  - i. Volume of waste and date(s) generated from treatment process;
  - ii. Volume of waste disposed of on-site or shipped off-site;
  - iii. Date(s) of disposal;
  - iv. Identity of hauler or transporter;
  - v. Location of disposal site; and
  - vi. Method of final disposal.

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

12. For industrial facilities to which the requirements of 30 TAC § 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with THSC § 361.

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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 or biosolids 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 Biosolids. This provision does not authorize the permittee to land apply biosolids on property owned, leased or under the direct control of the permittee.**

### SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE OR BIOSOLIDS LAND APPLICATION

#### A. General Requirements

1. The permittee shall handle and dispose of sewage sludge or biosolids 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 or biosolids.
2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.
3. The land application of processed or unprocessed chemical toilet waste, grease trap waste, grit trap waste, milk solids, or similar non-hazardous municipal or industrial solid wastes, or any of the wastes listed in this provision combined with biosolids, WTP residuals or domestic septage is prohibited unless the grease trap waste is added at a fats, oil and grease (FOG) receiving facility as part of an anaerobic digestion process.

#### B. Testing Requirements

1. Sewage sludge or biosolids shall be tested annually in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method that receives the prior approval of the TCEQ for the contaminants listed in 40 CFR Part 261.24, Table 1. Sewage sludge or biosolids 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 or biosolids 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 or biosolids 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 12) 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 12) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30<sup>th</sup> of each year. The permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

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

TABLE 1

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

\* Dry weight basis

3. Pathogen Control

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

- a. For sewage sludge to be classified as Class A biosolids 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 biosolids 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 biosolids may be classified a Class A biosolids 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 biosolids

criteria.

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 biosolids are land applied:

- i. Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of biosolids.
- ii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of biosolids when the biosolids remain 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 biosolids when the biosolids remain 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 biosolids.
- v. Domestic livestock shall not be allowed to graze on the land for 30 days after application of biosolids.
- vi. Turf grown on land where biosolids are applied shall not be harvested for 1 year after application of the biosolids 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 biosolids.

- viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of biosolids.
  - ix. Land application of biosolids 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. Biosolids shall be injected below the surface of the land.
  - ii. No significant amount of the biosolids shall be present on the land surface within one hour after the biosolids are 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 biosolids shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

- Alternative 10-
- i. Biosolids 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 biosolids that are incorporated into the soil is Class A or Class AB with respect to pathogens, the biosolids shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

**C. Monitoring Requirements**

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

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

<u>Amount of biosolids (*) 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 biosolids 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 or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids 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 or biosolids 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 OR BIOSOLIDS 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>	Cumulative Pollutant Loading Rate (pounds per acre)*
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>	Monthly Average Concentration (milligrams per kilogram)*
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 biosolids pathogen reduction requirements as defined above in Section I.B.3.

**C. Management Practices**

1. Bulk biosolids 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 biosolids 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 biosolids 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 Class A or AB biosolids sold or given away. The information sheet shall contain the following information:
  - a. The name and address of the person who prepared the Class A or AB biosolids that are sold or given away in a bag or other container for application to the land.
  - b. A statement that application of the biosolids 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 biosolids application rate for the biosolids 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 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 biosolids are 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 biosolids 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 biosolids.
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 biosolids disposal practice.

**E. Record Keeping Requirements**

The 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 biosolids 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 biosolids, 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 biosolids are 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 biosolids 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 biosolids are applied.
  - c. The number of acres in each site on which bulk biosolids are applied.
  - d. The date and time biosolids are 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 biosolids 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30<sup>th</sup> of each year the following information. The permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids 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 or biosolids 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 or biosolids 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 biosolids, 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 or biosolids 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 or biosolids 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 biosolids are applied.
  - c. The date and time bulk biosolids are applied to each site.
  - d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk biosolids applied to each site.
  - e. The amount of biosolids (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 OR BIOSOLIDS DISPOSED IN A MUNICIPAL SOLID WASTE LANDFILL**

- A. The permittee shall handle and dispose of sewage sludge or biosolids 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 or biosolids disposed in a municipal solid waste landfill.
- B. If the permittee generates sewage sludge and supplies that sewage sludge or biosolids 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 or biosolids disposal practice.
- D. Sewage sludge or biosolids shall be tested annually in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I (Toxicity Characteristic Leaching Procedure) or other method, which receives the prior approval of the TCEQ for contaminants listed in Table 1 of 40 CFR § 261.24. Sewage sludge or biosolids 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 or biosolids 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 or biosolids 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 12) 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 12) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

- E. Sewage sludge or biosolids 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30<sup>th</sup> of each year the following information. The permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids grinding and dewatering), 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 or biosolids production in dry tons/year.
4. Amount of sludge or biosolids disposed in a municipal solid waste landfill in dry tons/year.
5. Amount of sludge or biosolids transported interstate in dry tons/year.
6. A certification that the sewage sludge or biosolids 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 OR BIOSOLIDS TRANSPORTED TO ANOTHER FACILITY FOR FURTHER PROCESSING**

These provisions apply to sludge or biosolids that is transported to another wastewater treatment facility or facility that further processes sludge or biosolids. These provisions are intended to allow transport of sludge or biosolids to facilities that have been authorized to accept sludge or biosolids. These provisions do not limit the ability of the receiving facility to determine whether to accept the sludge or biosolids, 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 or biosolids 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 or biosolids 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 or biosolids 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 or biosolids.
2. For sludge or biosolids 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 or biosolids 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30<sup>th</sup> of each year. The permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids 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 or biosolids production;
3. the amount of sludge or biosolids 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.

## OTHER REQUIREMENTS

1. The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations, and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

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

2. The facility is not located in the Coastal Management Program boundary.
3. Chronic toxic criteria apply at the edge of the mixing zone. The mixing zone is defined as a volume within a radius of 100 feet from the point of discharge.
4. The permittee shall comply with the requirements of 30 TAC § 309.13(a) through (d). In addition, by ownership of the required buffer zone area and the right-of-way for Beckendorf Road, the permittee shall comply with the requirements of 30 TAC § 309.13(e). (See Attachment A)
5. The permittee shall provide facilities for the protection of its wastewater treatment facility from a 100-year flood.
6. In accordance with 30 TAC § 319.9, a permittee that has at least twelve months of uninterrupted compliance with its bacteria limit may notify the commission in writing of its compliance and request a less frequent measurement schedule. To request a less frequent schedule, the permittee shall submit a written request to the TCEQ Wastewater Permitting Section (MC 148) for each phase that includes a different monitoring frequency. The request must contain all of the reported bacteria values (Daily Avg. and Daily Max/Single Grab) for the twelve consecutive months immediately prior to the request. If the Executive Director finds that a less frequent measurement schedule is protective of human health and the environment, the permittee may be given a less frequent measurement schedule. For this permit, 2/month may be reduced to 1/month in the Interim I, II, and III phases and 1/week may be reduced to daily in the Final phase. **A violation of any bacteria limit by a facility that has been granted a less frequent measurement schedule will require the permittee to return to the standard frequency schedule and submit written notice to the TCEQ Wastewater Permitting Section (MC 148).** The permittee may not apply for another reduction in measurement frequency for at least 24 months from the date of the last violation. The Executive Director may establish a more frequent measurement schedule if necessary to protect human health or the environment.
7. Prior to construction of the Interim III and the Final phases wastewater treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). If requested by



the Wastewater Permitting Section, the permittee shall submit plans, specifications, and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The permittee shall clearly show how the treatment system will meet the effluent limitations required on Page 2b and 2c of this permit. A copy of the summary transmittal letter shall be available at the plant site for inspection by authorized representatives of the TCEQ.

Plans and specifications have been approved for the 2.0 MGD wastewater treatment facility, in accordance with 30 TAC § 217, Design Criteria for Domestic Wastewater Systems. A summary transmittal letter for the 2.0 MGD facility was received on December 10, 2021 and approved by the TCEQ on December 22, 2021 (Log No. 1221/067). A copy of the summary transmittal letter shall be available at the plant site for inspection by authorized representatives of the TCEQ.

8. The permittee shall notify the TCEQ Regional Office (MC Region 12) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, as well as the Harris County Pollution Control Services Department, in writing at least forty-five (45) days prior to the completion of the new facilities on Notification of Completion Form 20007.
9. Violations of daily maximum limitations for the following pollutants shall be reported orally or by facsimile to TCEQ Region 12 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 12 and the Enforcement Division (MC 224).

<u>POLLUTANT</u>	<u>MAL (mg/l)</u>
Total aluminum	0.0025
Total zinc	0.0050

Test methods utilized shall be sensitive enough to demonstrate compliance with the permit effluent limitations. Permit compliance/noncompliance determinations will be based on the effluent limitations contained in this permit with consideration given to the minimum analytical level (MAL) for the parameters specified above.

When an analysis of an effluent sample for any of the parameters listed above indicates no detectable levels above the MAL and the test method detection level is as sensitive as the specified MAL, a value of zero (o) shall be used for that measurement when making calculations for the self-reporting form. This applies to determinations of daily maximum concentration, calculations of loading and daily averages, and other reportable results.

When a reported value is zero (o) based on this MAL provision, the permittee shall submit the following statement with the self-reporting form either as a separate attachment to the form or as a statement in the comments section of the form.

"The reported value(s) of zero (o) for [list parameter(s)] on the self-reporting form for [monitoring period date range] is based on the following conditions: 1) the analytical method used had a method detection level as sensitive as the MAL specified in the permit, and 2) the analytical results contained no detectable levels above the specified MAL."

When an analysis of an effluent sample for a parameter indicates no detectable levels and the test method detection level is not as sensitive as the MAL specified in the permit, or an MAL is not specified in the permit for that parameter, the level of detection achieved shall be

used for that measurement when making calculations for the self-reporting form. A zero (0) may not be used.

**CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS**

1. The following pollutants may not be introduced into the treatment facility:
  - a. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, waste streams with a closed-cup flash point of less than 140° Fahrenheit (60° Celsius) using the test methods specified in 40 CFR § 261.21;
  - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case shall there be discharges with a pH lower than 5.0 standard units, unless the works are specifically designed to accommodate such discharges;
  - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference;
  - d. Any pollutant, including oxygen-demanding pollutants (e.g., biochemical oxygen demand), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
  - e. Heat in amounts which will inhibit biological activity in the POTW, resulting in Interference, but in no case shall there be heat in such quantities that the temperature at the POTW treatment plant exceeds 104° Fahrenheit (40° Celsius) unless the Executive Director, upon request of the POTW, approves alternate temperature limits;
  - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
  - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and
  - h. Any trucked or hauled pollutants except at discharge points designated by the POTW.
2. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Clean Water Act, including any requirements established under 40 CFR Part 403 [*rev. Federal Register/ Vol. 70/ No. 198/ Friday, October 14, 2005/ Rules and Regulations, pages 60134-60798*].
3. The permittee shall provide adequate notification to the Executive Director, care of the Wastewater Permitting Section (MC 148) of the Water Quality Division, within 30 days subsequent to the permittee's knowledge of either of the following:
  - a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 and 306 of the Clean Water Act if it were directly discharging those pollutants; and
  - b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.

Any notice shall include information on the quality and quantity of effluent to be introduced into the treatment works and any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.

Revised July 2007

**BIOMONITORING REQUIREMENTS****CHRONIC BIOMONITORING REQUIREMENTS: FRESHWATER**

The provisions of this section apply to Outfall 001 for whole effluent toxicity (WET) testing.

**1. Scope, Frequency, and Methodology**

- a. The permittee shall test the effluent for toxicity in accordance with the provisions below. Such testing will determine if an appropriately dilute effluent sample adversely affects the survival, reproduction, or growth of the test organisms.
- b. Within 90 days of initial discharge of the 3.0 MGD facility, the permittee shall conduct the following toxicity tests using the test organisms, procedures, and quality assurance requirements specified in this part of this permit and in accordance with "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms," fourth edition (EPA-821-R-02-013) or its most recent update:
  - 1) Chronic static renewal survival and reproduction test using the water flea (*Ceriodaphnia dubia*) (Method 1002.0). This test should be terminated when 60% of the surviving adults in the control produce three broods or at the end of eight days, whichever occurs first. This test shall be conducted once per quarter.
  - 2) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*) (Method 1000.0). A minimum of five replicates with eight organisms per replicate shall be used in the control and in each dilution. This test shall be conducted occurs per quarter.

The permittee must perform and report a valid test for each test species during the prescribed reporting period. An invalid test must be repeated during the same reporting period. An invalid test is defined as any test failing to satisfy the test acceptability criteria, procedures, and quality assurance requirements specified in the test methods and permit.

- c. The permittee shall use five effluent dilution concentrations and a control in each toxicity test. These effluent dilution concentrations are 6%, 8%, 11%, 15%, and 20% effluent. The critical dilution, defined as 15% effluent, is the effluent concentration representative of the proportion of effluent in the receiving water during critical low flow or critical mixing conditions.
- d. This permit may be amended to require a WET limit, chemical-specific effluent limits, a best management practice, or other appropriate actions to address toxicity. The permittee may be required to conduct a toxicity reduction evaluation (TRE) after multiple toxic events.
- e. Testing Frequency Reduction
  - 1) If none of the first four consecutive quarterly tests demonstrates

significant toxicity, the permittee may submit this information in writing and, upon approval, reduce the testing frequency to once per six months for the invertebrate test species and once per year for the vertebrate test species.

- 2) If one or more of the first four consecutive quarterly tests demonstrates significant toxicity, the permittee shall continue quarterly testing for that species until this permit is reissued. If a testing frequency reduction had been previously granted and a subsequent test demonstrates significant toxicity, the permittee will resume a quarterly testing frequency for that species until this permit is reissued.

## 2. Required Toxicity Testing Conditions

- a. Test Acceptance - The permittee shall repeat any toxicity test, including the control and all effluent dilutions, which fail to meet the following criteria:
  - 1) a control mean survival of 80% or greater;
  - 2) a control mean number of water flea neonates per surviving adult of 15 or greater;
  - 3) a control mean dry weight of surviving fathead minnow larvae of 0.25 mg or greater;
  - 4) a control coefficient of variation percent (CV%) of 40 or less between replicates for the young of surviving females in the water flea test; and the growth and survival endpoints in the fathead minnow test;
  - 5) a critical dilution CV% of 40 or less for the young of surviving females in the water flea test; and the growth and survival endpoints for the fathead minnow test. However, if statistically significant lethal or nonlethal effects are exhibited at the critical dilution, a CV% greater than 40 shall not invalidate the test;
  - 6) a percent minimum significant difference of 47 or less for water flea reproduction; and
  - 7) a percent minimum significant difference of 30 or less for fathead minnow growth.
- b. Statistical Interpretation
  - 1) For the water flea survival test, the statistical analyses used to determine if there is a significant difference between the control and an effluent dilution shall be the Fisher's exact test as described in the manual referenced in Part 1.b.
  - 2) For the water flea reproduction test and the fathead minnow larval survival and growth tests, the statistical analyses used to determine if there is a significant difference between the control and an effluent

dilution shall be in accordance with the manual referenced in Part 1.b.

- 3) The permittee is responsible for reviewing test concentration-response relationships to ensure that calculated test-results are interpreted and reported correctly. The document entitled "Method Guidance and Recommendation for Whole Effluent Toxicity (WET) Testing (40 CFR Part 136)" (EPA 821-B-00-004) provides guidance on determining the validity of test results.
- 4) If significant lethality is demonstrated (that is, there is a statistically significant difference in survival at the critical dilution when compared to the survival in the control), the conditions of test acceptability are met, and the survival of the test organisms are equal to or greater than 80% in the critical dilution and all dilutions below that, then the permittee shall report a survival No Observed Effect Concentration (NOEC) of not less than the critical dilution for the reporting requirements.
- 5) The NOEC is defined as the greatest effluent dilution at which no significant effect is demonstrated. The Lowest Observed Effect Concentration (LOEC) is defined as the lowest effluent dilution at which a significant effect is demonstrated. A significant effect is defined as a statistically significant difference between the survival, reproduction, or growth of the test organism in a specified effluent dilution compared to the survival, reproduction, or growth of the test organism in the control.
- 6) The use of NOECs and LOECs assumes either a monotonic (continuous) concentration-response relationship or a threshold model of the concentration-response relationship. For any test result that demonstrates a non-monotonic (non-continuous) response, the NOEC should be determined based on the guidance manual referenced in Item 3.
- 7) Pursuant to the responsibility assigned to the permittee in Part 2.b.3), test results that demonstrate a non-monotonic (non-continuous) concentration-response relationship may be submitted, prior to the due date, for technical review. The guidance manual referenced in Item 3 will be used when making a determination of test acceptability.
- 8) TCEQ staff will review test results for consistency with rules, procedures, and permit requirements.

c. Dilution Water

- 1) Dilution water used in the toxicity tests must be the receiving water collected as close to the point of discharge as possible but unaffected by the discharge.
- 2) Where the receiving water proves unsatisfactory as a result of pre-existing instream toxicity (i.e. fails to fulfill the test acceptance criteria of Part 2.a.), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

- a) a synthetic lab water control was performed (in addition to the receiving water control) which fulfilled the test acceptance requirements of Part 2.a;
  - b) the test indicating receiving water toxicity was carried out to completion (i.e., 7 days); and
  - c) the permittee submitted all test results indicating receiving water toxicity with the reports and information required in Part 3.
- 3) The synthetic dilution water shall consist of standard, moderately hard, reconstituted water. Upon approval, the permittee may substitute other appropriate dilution water with chemical and physical characteristics similar to that of the receiving water.
- d. Samples and Composites
- 1) The permittee shall collect a minimum of three composite samples from Outfall 001. The second and third composite samples will be used for the renewal of the dilution concentrations for each toxicity test.
  - 2) The permittee shall collect the composite samples such that the samples are representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance being discharged on an intermittent basis.
  - 3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the first composite sample. The holding time for any subsequent composite sample shall not exceed 72 hours. Samples shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.
  - 4) If Outfall 001 ceases discharging during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions, and the sample holding time are waived during that sampling period. However, the permittee must have collected an effluent composite sample volume sufficient to complete the required toxicity tests with renewal of the effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report.
  - 5) The effluent samples shall not be dechlorinated after sample collection.

### 3. Reporting

All reports, tables, plans, summaries, and related correspondence required in this section shall be submitted to the attention of the Standards Implementation Team (MC 150) of the Water Quality Division.

- a. The permittee shall prepare a full report of the results of all tests conducted in accordance with the manual referenced in Part 1.b. for every valid and invalid toxicity test initiated whether carried to completion or not.
- b. The permittee shall routinely report the results of each biomonitoring test on the Table 1 forms provided with this permit.
  - 1) Annual biomonitoring test results are due on or before January 20th for biomonitoring conducted during the previous 12-month period.
  - 2) Semiannual biomonitoring test results are due on or before July 20th and January 20th for biomonitoring conducted during the previous 6-month period.
  - 3) Quarterly biomonitoring test results are due on or before April 20th, July 20th, October 20th, and January 20th for biomonitoring conducted during the previous calendar quarter.
  - 4) Monthly biomonitoring test results are due on or before the 20th day of the month following sampling.
- c. Enter the following codes for the appropriate parameters for valid tests only:
  - 1) For the water flea, Parameter TLP3B, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."
  - 2) For the water flea, Parameter TOP3B, report the NOEC for survival.
  - 3) For the water flea, Parameter TXP3B, report the LOEC for survival.
  - 4) For the water flea, Parameter TWP3B, enter a "1" if the NOEC for reproduction is less than the critical dilution; otherwise, enter a "0."
  - 5) For the water flea, Parameter TPP3B, report the NOEC for reproduction.
  - 6) For the water flea, Parameter TYP3B, report the LOEC for reproduction.
  - 7) For the fathead minnow, Parameter TLP6C, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."
  - 8) For the fathead minnow, Parameter TOP6C, report the NOEC for survival.
  - 9) For the fathead minnow, Parameter TXP6C, report the LOEC for survival.
  - 10) For the fathead minnow, Parameter TWP6C, enter a "1" if the NOEC for growth is less than the critical dilution; otherwise, enter a "0."
  - 11) For the fathead minnow, Parameter TPP6C, report the NOEC for growth.
  - 12) For the fathead minnow, Parameter TYP6C, report the LOEC for growth.



- d. Enter the following codes for retests only:
- 1) For retest number 1, Parameter 22415, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."
  - 2) For retest number 2, Parameter 22416, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

4. Persistent Toxicity

The requirements of this part apply only when a test demonstrates a significant effect at the critical dilution. Significant effect and significant lethality were defined in Part 2.b. Significant sublethality is defined as a statistically significant difference in growth/reproduction at the critical dilution when compared to the growth/reproduction of the test organism in the control.

- a. The permittee shall conduct a total of 2 additional tests (retests) for any species that demonstrates a significant effect (lethal or sublethal) at the critical dilution. The two retests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two retests in lieu of routine toxicity testing. All reports shall be submitted within 20 days of test completion. Test completion is defined as the last day of the test.
- b. If the retests are performed due to a demonstration of significant lethality, and one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5. The provisions of Part 4.a. are suspended upon completion of the two retests and submittal of the TRE action plan and schedule defined in Part 5.

If neither test demonstrates significant lethality and the permittee is testing under the reduced testing frequency provision of Part 1.e., the permittee shall return to a quarterly testing frequency for that species.

- c. If the two retests are performed due to a demonstration of significant sublethality, and one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall again perform two retests as stipulated in Part 4.a.
- d. If the two retests are performed due to a demonstration of significant sublethality, and neither test demonstrates significant lethality, the permittee shall continue testing at the quarterly frequency.
- e. Regardless of whether retesting for lethal or sublethal effects, or a combination of the two, no more than one retest per month is required for a species.

5. Toxicity Reduction Evaluation

- a. Within 45 days of the retest that demonstrates significant lethality, or within 45 days of being so instructed due to multiple toxic events, the permittee shall submit a general outline for initiating a TRE. The outline shall include, but not be

limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.

- b. Within 90 days of the retest that demonstrates significant lethality, or within 90 days of being so instructed due to multiple toxic events, the permittee shall submit a TRE action plan and schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical analysis to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE action plan shall describe an approach for the reduction or elimination of lethality for both test species defined in Part 1.b. At a minimum, the TRE action plan shall include the following:
- 1) Specific Activities - The TRE action plan shall specify the approach the permittee intends to utilize in conducting the TRE, including toxicity characterizations, identifications, confirmations, source evaluations, treatability studies, and alternative approaches. When conducting characterization analyses, the permittee shall perform multiple characterizations and follow the procedures specified in the document entitled "Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I" (EPA/600/6-91/005F) or alternate procedures. The permittee shall perform multiple identifications and follow the methods specified in the documents entitled "Methods for Aquatic Toxicity Identification Evaluations: Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations: Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081). All characterization, identification, and confirmation tests shall be conducted in an orderly and logical progression;
  - 2) Sampling Plan - The TRE action plan should describe sampling locations, methods, holding times, chain of custody, and preservation techniques. The effluent sample volume collected for all tests shall be adequate to perform the toxicity characterization/identification/confirmation procedures and chemical-specific analyses when the toxicity tests show significant lethality. Where the permittee has identified or suspects a specific pollutant and source of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and suspected pollutant and source of effluent toxicity;
  - 3) Quality Assurance Plan - The TRE action plan should address record keeping and data evaluation, calibration and standardization, baseline tests, system blanks, controls, duplicates, spikes, toxicity persistence in the samples, randomization, reference toxicant control charts, and mechanisms to detect artifactual toxicity; and
  - 4) Project Organization - The TRE action plan should describe the project staff, project manager, consulting engineering services (where applicable),

consulting analytical and toxicological services, etc.

- c. Within 30 days of submittal of the TRE action plan and schedule, the permittee shall implement the TRE.
- d. The permittee shall submit quarterly TRE activities reports concerning the progress of the TRE. The quarterly reports are due on or before April 20th, July 20th, October 20th, and January 20th. The report shall detail information regarding the TRE activities including:
  - 1) results and interpretation of any chemical-specific analyses for the identified and suspected pollutant performed during the quarter;
  - 2) results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;
  - 3) any data and substantiating documentation which identifies the pollutant(s) and source of effluent toxicity;
  - 4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;
  - 5) any data that identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant lethality at the critical dilution; and
  - 6) any changes to the initial TRE plan and schedule that are believed necessary as a result of the TRE findings.
- e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species. Testing for the less sensitive species shall continue at the frequency specified in Part 1.b.
- f. If the effluent ceases to effect significant lethality, i.e., there is a cessation of lethality, the permittee may end the TRE. A cessation of lethality is defined as no significant lethality for a period of 12 consecutive months with at least monthly testing. At the end of the 12 months, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b.

This provision accommodates situations where operational errors and upsets, spills, or sampling errors triggered the TRE, in contrast to a situation where a single toxicant or group of toxicants cause lethality. This provision does not apply as a result of corrective actions taken by the permittee. Corrective actions are defined as proactive efforts that eliminate or reduce effluent toxicity. These include, but are not limited to, source reduction or elimination, improved housekeeping, changes in chemical usage, and modifications of influent streams and effluent treatment.

The permittee may only apply this cessation of lethality provision once. If the effluent again demonstrates significant lethality to the same species, the permit

will be amended to add a WET limit with a compliance period, if appropriate. However, prior to the effective date of the WET limit, the permittee may apply for a permit amendment removing and replacing the WET limit with an alternate toxicity control measure by identifying and confirming the toxicant and an appropriate control measure.

- g. The permittee shall complete the TRE and submit a final report on the TRE activities no later than 28 months from the last test day of the retest that confirmed significant lethal effects at the critical dilution. The permittee may petition the Executive Director (in writing) for an extension of the 28-month limit. However, to warrant an extension the permittee must have demonstrated due diligence in its pursuit of the toxicity identification evaluation/TRE and must prove that circumstances beyond its control stalled the toxicity identification evaluation/TRE. The report shall provide information pertaining to the specific control mechanism selected that will, when implemented, result in the reduction of effluent toxicity to no significant lethality at the critical dilution. The report shall also provide a specific corrective action schedule for implementing the selected control mechanism.
- h. Based on the results of the TRE and proposed corrective actions, this permit may be amended to modify the biomonitoring requirements, where necessary, to require a compliance schedule for implementation of corrective actions, specify a WET limit, specify a best management practice, and specify a chemical-specific limit.
- i. Copies of any and all required TRE plans and reports shall also be submitted to the U.S. EPA Region 6 office, 6WQ-PO.

TABLE 1 (SHEET 1 OF 4)

BIOMONITORING REPORTING

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION

Dates and Times Composites Collected

No. 1 FROM: \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ TO: \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

No. 2 FROM: \_\_\_\_\_ TO: \_\_\_\_\_

No. 3 FROM: \_\_\_\_\_ TO: \_\_\_\_\_

Test initiated: \_\_\_\_\_ am/pm \_\_\_\_\_ date

Dilution water used: \_\_\_\_\_ Receiving Water \_\_\_\_\_ Synthetic Dilution Water

NUMBER OF YOUNG PRODUCED PER ADULT AT END OF TEST

REP	Percent effluent (%)					
	0%	6%	8%	11%	15%	20%
A						
B						
C						
D						
E						
F						
G						
H						
I						
J						
Survival Mean						
Total Mean						
CV%*						
PMSD						

\*Coefficient of Variation = standard deviation x 100/mean (calculation based on young of the surviving adults) Designate males (M), and dead females (D), along with number of neonates (x) released prior to death.

TABLE 1 (SHEET 2 OF 4)

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION TEST

1. Dunnett’s Procedure or Steel’s Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

Is the mean number of young produced per adult significantly less than the number of young per adult in the control for the % effluent corresponding to significant nonlethal effects?

CRITICAL DILUTION (15%): \_\_\_\_\_ YES \_\_\_\_\_ NO

PERCENT SURVIVAL

Time of Reading	Percent effluent					
	0%	6%	8%	11%	15%	20%
24h						
48h						
End of Test						

2. Fisher’s Exact Test:

Is the mean survival at test end significantly less than the control survival for the % effluent corresponding to lethality?

CRITICAL DILUTION (15%): \_\_\_\_\_ YES \_\_\_\_\_ NO

3. Enter percent effluent corresponding to each NOEC/LOEC below:

a.) NOEC survival = \_\_\_\_\_% effluent

b.) LOEC survival = \_\_\_\_\_% effluent

c.) NOEC reproduction = \_\_\_\_\_% effluent

d.) LOEC reproduction = \_\_\_\_\_% effluent

TABLE 1 (SHEET 3 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW LARVAE GROWTH AND SURVIVAL

Dates and Times Composites Collected

No. 1 FROM: \_\_\_\_\_ Date Time TO: \_\_\_\_\_ Date Time

No. 2 FROM: \_\_\_\_\_ TO: \_\_\_\_\_

No. 3 FROM: \_\_\_\_\_ TO: \_\_\_\_\_

Test initiated: \_\_\_\_\_ am/pm \_\_\_\_\_ date

Dilution water used: \_\_\_\_\_ Receiving Water \_\_\_\_\_ Synthetic Dilution Water

FATHEAD MINNOW GROWTH DATA

Effluent Concentration	Average Dry Weight in milligrams in replicate chambers					Mean Dry Weight	CV%*
	A	B	C	D	E		
0%							
6%							
8%							
11%							
15%							
20%							
PMSD							

\* Coefficient of Variation = standard deviation x 100/mean

- Dunnett's Procedure or Steel's Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

Is the mean dry weight (growth) at 7 days significantly less than the control's dry weight (growth) for the % effluent corresponding to significant nonlethal effects?

CRITICAL DILUTION (15%): \_\_\_\_\_ YES \_\_\_\_\_ NO

TABLE 1 (SHEET 4 OF 4)  
 BIOMONITORING REPORTING  
 FATHEAD MINNOW GROWTH AND SURVIVAL TEST  
 FATHEAD MINNOW SURVIVAL DATA

Effluent Concentration	Percent Survival in replicate chambers					Mean percent survival			CV%*
	A	B	C	D	E	24h	48h	7 day	
0%									
6%									
8%									
11%									
15%									
20%									

\* Coefficient of Variation = standard deviation x 100/mean

2. Dunnett’s Procedure or Steel’s Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

Is the mean survival at 7 days significantly less (p=0.05) than the control survival for the % effluent corresponding to lethality?

CRITICAL DILUTION (15%): \_\_\_\_\_ YES \_\_\_\_\_ NO

3. Enter percent effluent corresponding to each NOEC/LOEC below:

a.) NOEC survival = \_\_\_\_\_% effluent

b.) LOEC survival = \_\_\_\_\_% effluent

c.) NOEC growth = \_\_\_\_\_% effluent

d.) LOEC growth = \_\_\_\_\_% effluent



24-HOUR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

The provisions of this section apply to Outfall 001 for WET testing.

1. Scope, Frequency, and Methodology

- a. The permittee shall test the effluent for lethality in accordance with the provisions in this section. Such testing will determine compliance with Texas Surface Water Quality Standard 30 TAC § 307.6(e)(2)(B), which requires greater than 50% survival of the appropriate test organisms in 100% effluent for a 24-hour period.
- b. Within 90 days of initial discharge of the 3.0 MGD facility, the toxicity tests specified shall be conducted once per six months. The permittee shall conduct the following toxicity tests using the test organisms, procedures, and quality assurance requirements specified in this section of the permit and in accordance with “Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms,” fifth edition (EPA-821-R-02-012) or its most recent update:
  - 1) Acute 24-hour static toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*). A minimum of five replicates with eight organisms per replicate shall be used in the control and each dilution.
  - 2) Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*). A minimum of five replicates with eight organisms per replicate shall be used in the control and each dilution.

The permittee must perform and report a valid test for each test species during the prescribed reporting period. An invalid test must be repeated during the same reporting period. An invalid test is defined as any test failing to satisfy the test acceptability criteria, procedures, and quality assurance requirements specified in the test methods and permit.

- c. In addition to an appropriate control, a 100% effluent concentration shall be used in the toxicity tests. The control and dilution water shall consist of standard, synthetic, moderately hard, reconstituted water.
  - d. This permit may be amended to require a WET limit, a best management practice, a chemical-specific limit, or other appropriate actions to address toxicity. The permittee may be required to conduct a toxicity reduction evaluation (TRE) after multiple toxic events.
2. Required Toxicity Testing Conditions
- a. Test Acceptance – The permittee shall repeat any toxicity test, including the control, if the control fails to meet a mean survival equal to or greater than 90%.
  - b. Dilution Water - In accordance with Part 1.c., the control and dilution water shall consist of standard, synthetic, moderately hard, reconstituted water.

- c. Samples and Composites
- 1) The permittee shall collect one composite sample from Outfall 001.
  - 2) The permittee shall collect the composite sample such that the sample is representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance being discharged on an intermittent basis.
  - 3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the composite sample. Samples shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.
  - 4) If Outfall 001 ceases discharging during the collection of the effluent composite sample, the requirements for the minimum number of effluent portions are waived. However, the permittee must have collected a composite sample volume sufficient for completion of the required test. The abbreviated sample collection, duration, and methodology must be documented in the full report.
  - 5) The effluent sample shall not be dechlorinated after sample collection.

3. Reporting

All reports, tables, plans, summaries, and related correspondence required in this section shall be submitted to the attention of the Standards Implementation Team (MC 150) of the Water Quality Division.

- a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this permit in accordance with the manual referenced in Part 1.b. for every valid and invalid toxicity test initiated.
- b. The permittee shall routinely report the results of each biomonitoring test on the Table 2 forms provided with this permit.
  - 1) Semiannual biomonitoring test results are due on or before July 20th and January 20th for biomonitoring conducted during the previous 6-month period.
  - 2) Quarterly biomonitoring test results are due on or before April 20th, July 20th, and October 20th, and January 20th for biomonitoring conducted during the previous calendar quarter.
- c. Enter the following codes for the appropriate parameters for valid tests only:
  - 1) For the water flea, Parameter TIE3D, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter "1."
  - 2) For the fathead minnow, Parameter TIE6C, enter a "0" if the mean

survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter "1."

- d. Enter the following codes for retests only:
- 1) For retest number 1, Parameter 22415, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter "1."
  - 2) For retest number 2, Parameter 22416, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter "1."

4. Persistent Mortality

The requirements of this part apply when a toxicity test demonstrates significant lethality, which is defined as a mean mortality of 50% or greater of organisms exposed to the 100% effluent concentration after 24 hours.

- a. The permittee shall conduct 2 additional tests (retests) for each species that demonstrates significant lethality. The two retests shall be conducted once per week for 2 weeks. Five effluent dilution concentrations in addition to an appropriate control shall be used in the retests. These effluent concentrations are 6%, 13%, 25%, 50% and 100% effluent. The first retest shall be conducted within 15 days of the laboratory determination of significant lethality. All test results shall be submitted within 20 days of test completion of the second retest. Test completion is defined as the 24th hour.
- b. If one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5.

5. Toxicity Reduction Evaluation

- a. Within 45 days of the retest that demonstrates significant lethality, the permittee shall submit a general outline for initiating a TRE. The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.
- b. Within 90 days of the retest that demonstrates significant lethality, the permittee shall submit a TRE action plan and schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical analyses to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE action plan shall lead to the successful elimination of significant lethality for both test species defined in item 1.b. As a minimum, the TRE action plan shall include the following:
  - 1) Specific Activities - The TRE action plan shall specify the approach the permittee intends to utilize in conducting the TRE, including toxicity

characterizations, identifications, confirmations, source evaluations, treatability studies, and alternative approaches. When conducting characterization analyses, the permittee shall perform multiple characterizations and follow the procedures specified in the document entitled "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA/600/6-91/003) or alternate procedures. The permittee shall perform multiple identifications and follow the methods specified in the documents entitled "Methods for Aquatic Toxicity Identification Evaluations: Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations: Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081). All characterization, identification, and confirmation tests shall be conducted in an orderly and logical progression;

- 2) Sampling Plan - The TRE action plan should describe sampling locations, methods, holding times, chain of custody, and preservation techniques. The effluent sample volume collected for all tests shall be adequate to perform the toxicity characterization/identification/confirmation procedures, and chemical-specific analyses when the toxicity tests show significant lethality. Where the permittee has identified or suspects specific pollutant and source of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and suspected pollutant and source of effluent toxicity;
  - 3) Quality Assurance Plan - The TRE action plan should address record keeping and data evaluation, calibration and standardization, baseline tests, system blanks, controls, duplicates, spikes, toxicity persistence in the samples, randomization, reference toxicant control charts, and mechanisms to detect artifactual toxicity; and
  - 4) Project Organization - The TRE action plan should describe the project staff, manager, consulting engineering services (where applicable), consulting analytical and toxicological services, etc.
- c. Within 30 days of submittal of the TRE action plan and schedule, the permittee shall implement the TRE.
- d. The permittee shall submit quarterly TRE activities reports concerning the progress of the TRE. The quarterly TRE Activities Reports are due on or before April 20th, July 20th, October 20th, and January 20th. The report shall detail information regarding the TRE activities including:
- 1) results and interpretation of any chemical-specific analyses for the identified and suspected pollutant performed during the quarter;
  - 2) results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;
  - 3) any data and substantiating documentation that identifies the pollutant

- and source of effluent toxicity;
- 4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;
  - 5) any data that identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to eliminate significant lethality; and
  - 6) any changes to the initial TRE plan and schedule that are believed necessary as a result of the TRE findings.
- e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species. Testing for the less sensitive species shall continue at the frequency specified in Part 1.b.
- f. If the effluent ceases to effect significant lethality, i.e., there is a cessation of lethality, the permittee may end the TRE. A cessation of lethality is defined as no significant lethality for a period of 12 consecutive weeks with at least weekly testing. At the end of the 12 weeks, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b.

This provision accommodates situations where operational errors and upsets, spills, or sampling errors triggered the TRE, in contrast to a situation where a single toxicant or group of toxicants cause lethality. This provision does not apply as a result of corrective actions taken by the permittee. Corrective actions are defined as proactive efforts that eliminate or reduce effluent toxicity. These include, but are not limited to, source reduction or elimination, improved housekeeping, changes in chemical usage, and modifications of influent streams and effluent treatment.

The permittee may only apply this cessation of lethality provision once. If the effluent again demonstrates significant lethality to the same species, the permit will be amended to add a WET limit with a compliance period, if appropriate. However, prior to the effective date of the WET limit, the permittee may apply for a permit amendment removing and replacing the WET limit with an alternate toxicity control measure by identifying and confirming the toxicant and an appropriate control measure.

- g. The permittee shall complete the TRE and submit a final report on the TRE activities no later than 18 months from the last test day of the retest that demonstrates significant lethality. The permittee may petition the Executive Director (in writing) for an extension of the 18-month limit. However, to warrant an extension the permittee must have demonstrated due diligence in its pursuit of the toxicity identification evaluation/TRE and must prove that circumstances beyond its control stalled the toxicity identification evaluation/TRE. The report shall specify the control mechanism that will, when implemented, reduce effluent toxicity as specified in Part 5.h. The report shall also specify a corrective action schedule for implementing the selected control mechanism.

- h. Within 3 years of the last day of the test confirming toxicity, the permittee shall comply with 30 TAC § 307.6(e)(2)(B), which requires greater than 50% survival of the test organism in 100% effluent at the end of 24-hours. The permittee may petition the Executive Director (in writing) for an extension of the 3-year limit. However, to warrant an extension the permittee must have demonstrated due diligence in its pursuit of the toxicity identification evaluation/TRE and must prove that circumstances beyond its control stalled the toxicity identification evaluation/TRE.

The permittee may be exempted from complying with 30 TAC § 307.6(e)(2)(B) upon proving that toxicity is caused by an excess, imbalance, or deficiency of dissolved salts. This exemption excludes instances where individually toxic components (e.g., metals) form a salt compound. Following the exemption, this permit may be amended to include an ion-adjustment protocol, alternate species testing, or single species testing.

- i. Based upon the results of the TRE and proposed corrective actions, this permit may be amended to modify the biomonitoring requirements where necessary, require a compliance schedule for implementing corrective actions, specify a WET limit, specify a best management practice, and specify a chemical-specific limit.
- j. Copies of any and all required TRE plans and reports shall also be submitted to the U.S. EPA Region 6 office, 6WQ-PO.

TABLE 2 (SHEET 1 OF 2)

WATER FLEA SURVIVAL

GENERAL INFORMATION

	Time	Date
Composite Sample Collected		
Test Initiated		

PERCENT SURVIVAL

Time	Rep	Percent effluent					
		0%	6%	13%	25%	50%	100%
24h	A						
	B						
	C						
	D						
	E						
	MEAN*						

Enter percent effluent corresponding to the LC50 below:

24 hour LC50 = \_\_\_\_\_% effluent

TABLE 2 (SHEET 2 OF 2)  
 FATHEAD MINNOW SURVIVAL

GENERAL INFORMATION

	Time	Date
Composite Sample Collected		
Test Initiated		

PERCENT SURVIVAL

Time	Rep	Percent effluent					
		0%	6%	13%	25%	50%	100%
24h	A						
	B						
	C						
	D						
	E						
	MEAN						

Enter percent effluent corresponding to the LC50 below:

24 hour LC50 = \_\_\_\_\_% effluent







# Compliance History Report

Compliance History Report for CN600740674, RN107309437, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600740674, Harris County Municipal Utility District 171	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Regulated Entity:</b>	RN107309437, NASH FM 529 WWTP	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Complexity Points:</b>	5	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	14 - Other		
<b>Location:</b>	LOCATED APPROX 2000 FT SE FROM THE INTERSECTION OF BECKENDORFF RD AND PORTER RD HARRIS, TX, HARRIS COUNTY		
<b>TCEQ Region:</b>	REGION 12 - HOUSTON		
<b>ID Number(s):</b>			
<b>WASTEWATER PERMIT</b> WQ0015264001		<b>WASTEWATER EPA ID</b> TX0135461	
<b>Compliance History Period:</b>	September 01, 2016 to August 31, 2021	<b>Rating Year:</b> 2021	<b>Rating Date:</b> 09/01/2021
<b>Date Compliance History Report Prepared:</b>	December 20, 2021		
<b>Agency Decision Requiring Compliance History:</b>	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.		
<b>Component Period Selected:</b>	August 25, 2016 to December 20, 2021		
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>			
<b>Name:</b> WH		<b>Phone:</b> (512) 239-3581	

### 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? YES
- 3) Who is the current owner/operator? Harris County Municipal Utility District 171 OWNER since 12/21/2017
- 4) Who was/were the prior owner(s)/operator(s)? NASH FM 529, LLC, OWNER, 5/30/2014 to 12/20/2017

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

- A. Final Orders, court judgments, and consent decrees:**  
N/A
- B. Criminal convictions:**  
N/A
- C. Chronic excessive emissions events:**  
N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	December 19, 2017	(1470211)
Item 2	January 19, 2018	(1476923)
Item 3	February 20, 2018	(1489054)
Item 4	March 20, 2018	(1492700)
Item 5	April 20, 2018	(1496017)
Item 6	May 20, 2018	(1502996)
Item 7	June 19, 2018	(1510078)
Item 8	July 18, 2018	(1516402)
Item 9	September 20, 2018	(1529661)

Item 10	September 28, 2018	(1522444)
Item 11	October 18, 2018	(1535946)
Item 12	November 16, 2018	(1543822)
Item 13	December 20, 2018	(1547518)
Item 14	January 19, 2019	(1566779)
Item 15	February 18, 2019	(1566777)
Item 16	March 20, 2019	(1566778)
Item 17	April 18, 2019	(1574190)
Item 18	May 20, 2019	(1587933)
Item 19	June 17, 2019	(1587934)
Item 20	July 19, 2019	(1595608)
Item 21	August 16, 2019	(1601821)
Item 22	September 18, 2019	(1608722)
Item 23	October 17, 2019	(1615596)
Item 24	November 19, 2019	(1621399)
Item 25	December 18, 2019	(1628738)
Item 26	January 20, 2020	(1636354)
Item 27	February 20, 2020	(1642972)
Item 28	March 20, 2020	(1649477)
Item 29	April 14, 2020	(1655843)
Item 30	May 19, 2020	(1662384)
Item 31	June 18, 2020	(1668937)
Item 32	July 17, 2020	(1675881)
Item 33	September 16, 2020	(1682673)
Item 34	September 18, 2020	(1689219)
Item 35	October 19, 2020	(1695583)
Item 36	November 18, 2020	(1719343)
Item 37	December 18, 2020	(1719344)
Item 38	January 15, 2021	(1719345)
Item 39	February 20, 2021	(1732424)
Item 40	March 19, 2021	(1732425)
Item 41	April 20, 2021	(1732426)
Item 42	May 21, 2021	(1743502)
Item 43	June 16, 2021	(1743503)
Item 44	July 15, 2021	(1753986)
Item 45	August 19, 2021	(1759339)
Item 46	September 17, 2021	(1768741)
Item 47	October 20, 2021	(1779928)

**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

*Compliance History Report for CN600740674, RN107309437, Rating Year 2021 which includes Compliance History (CH) components from August 25, 2016, through December 20, 2021.*

TPDES PERMIT NO. WQ0015264001

APPLICATION BY	§	BEFORE
HARRIS COUNTY MUNICIPAL	§	THE TEXAS
UTILITY DISTRICT NO. 171 FOR	§	COMMISSION ON
TPDES PERMIT NO. WQ0015264001	§	ENVIRONMENTAL QUALITY

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EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

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The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment on the application by Harris County Municipal Utility District No. 171 (**Applicant**) for a Major Amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015264001, and on the ED's preliminary decision on the application. As required by Title 30 of the Texas Administrative Code (**30 TAC**) Section (§) 55.156, before a permit is issued, the ED prepares a response to all timely, relevant, and material, or significant comments. The Office of the Chief Clerk received timely comments from, James Donnelly, Gregory Johnston, Philip Morris, and Christopher and Donnisha Spicer (**the Spicers**). This response addresses all timely public comments received, whether withdrawn or not. For more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800 -687-4040. General information about the TCEQ can be found on the TCEQ web site at <http://www.tceq.texas.gov>.

**BACKGROUND**

The Applicant applied for a Major Amendment to its existing TPDES permit No. WQ0015264001 to authorize an increase in the flow of treated domestic wastewater (**effluent**) from a daily average flow in Interim Phase I of 0.25 million gallons per day (MGD), to an annual average flow not to exceed 1.0 MGD. From a daily average flow in Interim Phase II of 0.25 MGD, to an annual average flow not to exceed 2.0 MGD. From a daily average flow in Interim Phase III of 0.50 MGD, to an annual average daily flow of 2.9 MGD, and from an annual average flow in the Final Phase of 1.0 MGD, to an annual average flow of 3.0 MGD (**proposed discharge**).

DESCRIPTION OF FACILITY/DISCHARGE ROUTE

The Applicant's Wastewater Treatment Facility (WWTF), the Nash FM 529 WWTF (**529 facility**) serves the Applicant's service area, is located approximately 3,000 feet southwest of the intersection of Beckendorf Road and Peek Road, in Harris County, Texas 77493, and is an activated sludge process plant operated in the extended aeration mode. Treatment units in Interim Phase I include a bar screen, five aeration basins, three final clarifiers, five sludge digesters, five chlorine contact basins, and a dechlorination basin. Treatment units in Interim Phase II phase includes a bar screen, seven aeration basins, three final clarifiers, six sludge digesters, five chlorine contact basins, and a dechlorination basin. Treatment units in the Interim III phase will include a bar screen, eight aeration basins, four final clarifiers, eight sludge digesters, and six chlorine contact basins, and a dechlorination basin. Treatment units in the Final phase will include a bar screen, five aeration basins, two final clarifiers, four sludge digesters, two chlorine contact basins, and a dechlorination basin. The facility is operating in the Interim I phase. The discharge route for the proposed discharge is to a detention basin, then to

Harris County Flood Control District (**HCFC**D) ditch U101-00-00 (South Mayde Creek), then to Buffalo Bayou Above Tidal in Segment No. 1014 of the San Jacinto River Basin.

Sludge generated at the 529 facility is hauled by a registered transporter and disposed of at a TCEQ-authorized land application site, El Celoso Ranch, Permit No. WQ0004518000, in Waller County. The proposed permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, or wastewater treatment facility.

#### TECHNICAL REVIEW

The TCEQ has primary authority over water quality in Texas and also federal regulatory authority for the TPDES program, which controls discharges of pollutants into Texas surface waterbodies ("**water in the state**"). The Texas Water Code (TWC) § 26.027, authorizes the TCEQ to issue permits for discharges into water in the state, and the ED evaluates applications for discharge permits based on the information provided in the application and can recommend issuance or denial of an application based on its compliance with the TWC and TCEQ rules. Specifically, the ED's Technical Review evaluates impacts from the proposed discharge on the receiving waters, starting at the discharge point (detention basin), according to 30 TAC Chapter 307, the Texas Surface Water Quality Standards (TSWQS), and the TCEQ's *Implementation Procedures for the Texas Surface Water Quality Standards-June 2010 (IPs)*.

The unclassified receiving water uses, the designated uses, and the dissolved oxygen criterion for the receiving waters of the discharge route, according to Appendix A of 30 TAC § 307.10 (TSWQS), is limited aquatic life use and 3.0 mg/L Dissolved Oxygen (**DO**) for the detention basin; minimal aquatic life use and 2.0 mg/L DO for the South Mayde Creek HCFC D ditch; and primary contact recreation, limited aquatic life use, and 3.0 mg/L DO for Buffalo Bayou Above Tidal in Segment No. 1014. Through his Technical Review, the ED provides the proper effluent limitations (**limits**) to protect these uses.

The Technical Review process for surface water quality is conducted by staff in the ED's Water Quality Division (**WQD staff**) on the Standards Implementation Team (**Standards Team**), and WQD staff in the Water Quality Assessment Section (**Modeling Team**). With the goal of the Technical Review to maintain a level of water quality sufficient to protect the existing uses of the receiving surface waters, WQD staff reviewed the application in accordance with the TSWQS and TCEQ's IPs.

The first component of the ED's Technical Review involved WQD staff on the Standards Team reviewing the classifications, designations, and descriptions of the receiving surface waters for the proposed discharge. Along with other available information, reviewing the receiving waters for the proposed discharge allows the Standards Team to preliminarily determine the aquatic life uses in the area of the proposed discharge's possible impact and assign the corresponding Minimum DO criterion as stipulated at 30 TAC § 307.5 (TSWQS) and in the TCEQ's IPs. For Major Amendment applications for discharges, the Standards Team performs an antidegradation analysis of the proposed discharge, and per 30 TAC § 307.5 (TSWQS) and the TCEQ's IPs, an antidegradation review of the receiving waters was performed.

Correspondingly, the Tier 1 review determined that existing water quality uses will not be impaired by the proposed discharge. The Tier 1 review also determined that within the stream reach assessed, no water bodies with exceptional, high, or intermediate aquatic life uses were present, negating the need for a Tier 2 review.

Similarly, downstream of the proposed discharge, no significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses and existing uses will be maintained and protected. However, because the proposed discharge is directly to an unclassified water body, the Standards Team reviewed this permitting action in conformity with 30 TAC §§ 307.4(h) and (l) (TSWQS) and determined that for the detention basin, an unclassified waterbody, had a limited aquatic life use, with 3.0 mg/L Dissolved Oxygen (DO). The second tier of TCEQ's antidegradation policy generally applies to water bodies that have existing, designated, or presumed uses of intermediate, high, or exceptional aquatic life waters. Because the detention basin, an unclassified waterbody, has only a limited aquatic life use, a Tier 2 antidegradation review was not performed.

As with all determinations, reviews, or analyses related to the Technical review of the proposed permit, the above and below can be reexamined and subsequently modified upon receipt of new information or information that conflicts with the bases employed in the applicable review or analysis.

The second component of the ED's Technical Review involved WQD staff on the Modeling Team performing water quality modeling using a "Continuously Stirred Tank Reactor" (CSTR) model. CSTRs are widely used in WWTFs to reduce the organic matter and microorganism present in sludge by anaerobic digestion. CSTRs are used in ponds, impoundments, reservoirs, or portions of larger open water bodies when the geometry of the water body makes the use of other models questionable, because CSTRs have effective mixing and perform under steady-state with uniform properties. CSTRs are most commonly used in industrial processing, primarily in homogeneous liquid-phase flow reactions where constant agitation is required and involve a reaction tank in which reagents, reactants and often solvents flow into the reactor while the product of the reaction concurrently exits the tank. In this manner, the tank reactor is considered to be a valuable tool for continuous chemical processing.

In this context, the CSTR model is a standard analytical tool used for dissolved oxygen analyses at the TCEQ for the type of receiving waters in this case, and procedures for its use in the analysis of discharge applications have been established and are readily available.

The proposed permit's water quality-related effluent limits, established by WQD staff's CSTR modeling results, will maintain and protect the existing instream uses. Similarly, conventional effluent parameters such as DO, Five-day Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>), Total Suspended Solids (TSS), and Ammonia Nitrogen (NH<sub>3</sub>-N), are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan.

Based on model results, the following effluent limits are predicted to be necessary to maintain the DO levels above the criterion stipulated by the Standards Implementation Team for the detention basin (3.0 mg/L DO):

<b>Interim I phase</b>	<b>(1.0 MGD):</b>	<b>10 mg/L CBOD<sub>5</sub>, 2 mg/L NH<sub>3</sub>-N, and 6 mg/L DO</b>
<b>Interim II phase</b>	<b>(2.0 MGD):</b>	<b>10 mg/L CBOD<sub>5</sub>, 2 mg/L NH<sub>3</sub>-N, and 6 mg/L DO</b>
<b>Interim III phase</b>	<b>(2.9 MGD):</b>	<b>7.0 mg/L CBOD<sub>5</sub>, 2 mg/L NH<sub>3</sub>-N, and 6 mg/L DO</b>
<b>Final Phase</b>	<b>(3.0 MGD):</b>	<b>5.0 mg/L CBOD<sub>5</sub>, 2 mg/L NH<sub>3</sub>-N, and 4 mg/L DO</b>

Coefficients and kinetics used in the model are a combination of site-specific, standardized default, and estimated values. The results of this evaluation can be

reexamined upon receipt of information that conflicts with the assumptions employed in this analysis.

In all phases of the proposed permit, the pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored once per week by grab sample. There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

Additionally, in all phases of the proposed permit, the effluent must contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and must be monitored daily by grab sample at each chlorine contact chamber. The Applicant must dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and must monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the ED.

The proposed permit's pretreatment requirements are based on TPDES regulations contained in 30 TAC Chapter 305, which references 40 Code of Federal Regulations (CFR) Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution" [rev. Federal Register/ Vol. 70/ No. 198/ Friday, October 14, 2005/ Rules and Regulations, pages 60134-60798]. The permit includes specific requirements that establish responsibilities of local government, industry, and the public to implement the standards to control pollutants which pass through or interfere with treatment processes in publicly owned treatment works or which may contaminate the sewage sludge. This permit has appropriate pretreatment language for a facility of this size and complexity.

The discharge from the proposed permit is not expected to impact any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. With respect to the presence of endangered or threatened species, the proposed permit does not require EPA's review.

### **Procedural Background**

The TCEQ received the application on August 25, 2021, and declared it administratively complete on November 18, 2021. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in Harris County, Texas in English in the *Houston Chronicle* on December 4, 2021, and in Spanish in *Houston Chronicle dba La Voz* on December 8, 2021. The ED completed the technical review of the application on March 21, 2022, and prepared the proposed permit, which if approved, would establish the conditions under which the 529 facility must operate. The Applicant published the Notice of Application and Preliminary Decision (NAPD) in Chambers County, Texas in English in the *Houston Chronicle* on August 6, 2022, and in Spanish in *Houston Chronicle dba La Voz* on August 10, 2022. The public comment period ended on September 9, 2022. Because this application was received after September 1, 2015, and because it was declared administratively complete after September 1, 1999, it is subject to both the procedural requirements adopted pursuant



to House Bill 801, 76th Legislature, 1999, and the procedural requirements and rules implementing Senate Bill 709, 84<sup>th</sup> Legislature, 2015, which are implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55.

The ED has determined that the proposed permit, if issued, meets all statutory and regulatory requirements and is protective of the environment, water quality, and human health. However, if you would like to file a complaint about the 529 facility concerning its compliance with the provisions of its permit or with TCEQ rules, you may contact the TCEQ Regional Office (Region 12) in Houston, TX at (713) 767-3500 or the statewide toll-free number at 1-888-777-3186 to address potential permit violations. In addition, complaints may be filed electronically by using the methods described above in the third subsection of Background Information (Access to Rules, Laws, and Records). If an inspection by the Regional Office finds that the Applicant is not complying with all the requirements of the permit, or that the 529 facility is out of compliance with TCEQ rules, enforcement actions may arise.

### Access to Rules, Laws and Records

- All administrative rules: Secretary of State Website: [www.sos.state.tx.us](http://www.sos.state.tx.us)
- TCEQ rules: Title 30 of the Texas Administrative Code: [www.sos.state.tx.us/tac/](http://www.sos.state.tx.us/tac/) (select TAC Viewer on the right, then Title 30 Environmental Quality)
- Texas statutes: [www.statutes.capitol.texas.gov](http://www.statutes.capitol.texas.gov)
- TCEQ website: [www.tceq.texas.gov](http://www.tceq.texas.gov) (for downloadable rules in WordPerfect or Adobe PDF formats, select “Rules, Policy, & Legislation,” then “Current TCEQ Rules,” then “Download TCEQ Rules”);
- Federal rules: Title 40 of the Code of Federal Regulations (C.F.R.)  
[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl)
- Federal environmental laws: <http://www.epa.gov/lawsregs/>
- **Environmental or citizen complaints may be filed electronically at:**  
<https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html> (select “use our online form”) or by sending an email to the following address: [complaint@TCEO.texas.gov](mailto:complaint@TCEO.texas.gov)

Commission records for the 529 facility are available for viewing and copying at TCEQ’s main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk, for the current application until final action is taken). Some documents located at the Office of the Chief Clerk may also be located in the TCEQ Commissioners’ Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). The permit application has been available for viewing and copying at the at Navasota Public Library located at 1411 East Washington Avenue, Navasota, Texas 77868, since publication of the NORI. The final permit application, proposed permit, statement of basis/technical summary, and the ED’s preliminary decision are now available for viewing and copying at the same location since publication of the NAPD.

## COMMENTS AND RESPONSES

### COMMENT 1:

The Spicers commented, expressing concerns about protecting the health and safety of their family from the greater risks from the increased discharge, which may attract pests and insects. The Spicers also commented, expressing concerns about well-water system protection and concerns about their farmed vegetation, which is a natural resource of food for their family.



## RESPONSE 1:

The health concerns of area residents, as well as those of the public, are considered in reviewing amendment applications for domestic wastewater discharge permits. The TCEQ takes the concerns and comments expressed by the public, relating to human health, water quality, and protecting the State's rivers and lakes, into consideration in deciding whether to issue a wastewater discharge permit.

Chapter 26 of the TWC and TCEQ's water quality are written for the protection of public health, aquatic life, and the environment. Accordingly, the stated policy of both the Water Code and the TSWQS is:

*to maintain the quality of water in the state consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, and the operation of existing industries, taking into consideration the economic development of the state; to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state; and to require the use of all reasonable methods to implement this policy.<sup>1</sup>*

The proposed permit also requires the Applicant to "take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health."

WQD staff evaluated the application as an authorization to discharge treated wastewater into water in the State. Thus, the quality of the discharge and method of achieving that quality must follow the Federal Clean Water Act, TWC, and the TSWQS.

The TSWQS is a primary mechanism for the TCEQ to protect human health, surface and groundwater quality, aquatic life, the environment, and specifically, the designated uses of the receiving waters. The TSWQS require that discharges not cause surface waters to be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals, not degrade receiving waters, and not result in situations that impair existing, attainable, or designated uses. Likewise, the TPDES program mandates that discharges of treated effluent into water in the state from facilities regulated by TPDES permits meet the requirements of the TSWQS.

As specified in the methodologies from the TCEQ IPs, TPDES permits issued by the TCEQ must maintain water in the state to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, consumption of drinking water, or any combination of the three. Relatedly, municipal facilities typically do not have industrial contributors, and therefore, do not have toxins in their effluent. In addition, permits must prevent adverse toxic effects on aquatic life, terrestrial life, livestock, and domestic animals resulting from contact, consumption of aquatic organisms, consumption of water, or any combination of the three. The design of the proposed permit ensures these water quality standards will be supported.

WQD Staff drafted the proposed permit with provisions to ensure that the TSWQS will be maintained, ensuring the proposed discharge is protective of human health, aquatic life, livestock, domestic animals, and the environment. Likewise, the proposed permit's effluent limits will protect the uses and quality of the waterbodies in the route of the proposed discharge for the benefit of the aquatic life and terrestrial wildlife that

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<sup>1</sup> Texas Water Code § 26.003 and 30 TAC § 307.1.

depend on it. WQD Staff determined that the proposed permit complies with the TSWQS, ensuring that the effluent discharged is protective of human health.

This is because the methodology outlined in the TCEQ IPs is designed to ensure that no source will be allowed to discharge any wastewater that: 1) results in instream aquatic toxicity; 2) causes a violation of an applicable narrative or numerical state water quality standard; 3) results in the endangerment of a drinking water supply; or 4) results in aquatic bioaccumulation that threatens human health.

WQD Staff drafted the proposed permit to preclude significant degradation of water quality in the waterbodies in the route of the proposed discharge by including effluent limits and monitoring requirements designed to ensure protection of the waterbodies according to the TCEQ rules and procedures.

To achieve the goal of supporting a level of water quality sufficient to protect existing uses of waterbodies, the proposed permit contains several water quality-specific parameters or requirements that limit the potential impact of the discharge on the receiving waters of the discharge route.

The proposed permit requires the Applicant to “take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health.”

According to the TCEQ rules, the plans and specifications of the plant design must comply with 30 TAC Chapter 217, relating to “Design Criteria for Domestic Wastewater Systems.” The Applicant is required at all times to ensure that the 529 facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Consequently, health impacts from pests should not occur. Nearby residents’ quality of life is protected by the fact that the Applicant is only authorized to discharge according to the limitations, monitoring requirements, and other conditions listed in the proposed permit.

Additional protection of human health comes from the rule in 30 TAC § 309.3(g)(1) (Disinfection), which requires disinfection of domestic wastewater into water in the state in a manner conducive to the protection of both public health and aquatic life. The rules do not mandate a specific method of disinfection, as a permittee may disinfect domestic wastewater through use of 1) chlorination, 2) ultra-violet light, or 3) an equivalent method of disinfection with prior approval from the ED. Whichever form is used, the design criteria for chemical disinfection by chlorine, including safety requirements, in 30 TAC Chapter 217, Subchapter K must be observed. Therefore, in accordance with the TCEQ rules (30 TAC § 309.3(g)(1)), the proposed permit requires the treated effluent to be disinfected prior to discharge in a manner conducive to protect both the public health and aquatic life.

For this facility, the Applicant has chosen chlorine disinfection. Chlorination may be via gaseous, liquid, or tablet forms. Chlorine is one of the most practical and effective means of disinfection because it can kill disease-causing bacteria and nuisance organisms and can eliminate certain noxious odors during disinfection.<sup>2</sup> The effluent from the 529 facility, disinfected with chlorine, must contain a chlorine residual of at least 1.0 mg/L. The permit limit for maximum total chlorine residual is 4.0 mg/L after a

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<sup>2</sup> U.S. EPA *Wastewater Technology Fact Sheet- Chlorine Disinfection* (EPA 832-F-99-062)

detention time of at least 20 minutes (based on peak flow), which must be monitored five times per week by grab sample.<sup>3</sup>

The ED's review of an application for a TPDES permit focuses on controlling the discharge of pollutants into water in the state, which includes both navigable and non-navigable water bodies. The Texas Water Code defines "water" or "water in the state" to mean groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.<sup>4</sup>

The legislature has determined that "the goal of groundwater policy in this state is that the existing quality of groundwater is not degraded. This goal of non-degradation does not mean zero-contaminant discharge."<sup>5</sup> Chapter 26 of the Texas Water Code further states, "discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies must be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard (TWC § 26.401(c)(2)).

WQD staff determined that the proposed permit fully complies with the TSWQS, ensuring that the proposed discharge is protective of human health, water quality, aquatic life, and the environment. Further, the WQD has made the determination that if the surface water quality is protected, groundwater quality in the vicinity will not be impacted by the discharge. Thus, the limits of the proposed permit intended to maintain the existing uses and preclude degradation of the surface waters, protect against degradation of groundwater.

Further, 30 TAC § 309.13(c) states that a treatment unit at the 529 facility may not be located closer than 500 feet from a public water well nor 250 feet from a private water well. For public water sources, the provisions of § 309.13(c) bolster the safeguards from TCEQ's Groundwater Rule (GWR) that protect drinking water quality against disease-causing microorganisms.

However, the Ground Water Rule does not address private wells because they are not under the jurisdiction of the Safe Drinking Water Act and thus are not subject to TCEQ regulation. TCEQ does recommend that well owners periodically test their water for microbial and chemical contaminants and properly maintain their well. It is the responsibility of the private well owner to take steps to have his or her water quality tested at least annually for possible constituents of concern, or more often if the well is thought to have a surface water connection.

For further details about the information discussed in this paragraph, please see the Ground Water Links section below. For more information on total coliform and *E.coli* compliance related to the Revised Total Coliform Rule and the GWR, please see TCEQ's guidance, *Coliform Monitoring, Analyzing, and Reporting Guide* (RG-421). If your well tests positive for fecal coliform bacteria, please see Texas A&M AgriLife Extension's guidance, *What to Do About Coliform Bacteria in Well Water*, or TCEQ's guidance, *Disinfecting Your Private Well*. For more information about testing private water wells,

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<sup>3</sup> Harris County Municipal Utility District No. 171 Draft Permit, Effluent Limitations and Monitoring Requirements, p.2; *see also* 30 TEX. ADMIN. CODE § 309.3(g)(2)

<sup>4</sup> Texas Water Code § 26.001(5).

<sup>5</sup> Texas Water Code § 26.401(b)

please see the National Ground Water Association's *Water Testing*. For more information on groundwater contamination or reporting groundwater contamination, please see the Texas Groundwater Protection Committee's (TGPC) webpages, *Ground Water Contamination* and *Reporting Contamination*.

The TGPC may be contacted through email at [tgpc@tceq.texas.gov](mailto:tgpc@tceq.texas.gov), through the TGPC website, or at (512) 239-4600. However, for groundwater emergencies, please contact the TCEQ Regional Office (Region 12) in Houston, Tx at (713) 767-3500 or the statewide toll-free number at 1-888-777-3186.

Related to vegetation, the TSWQS (30 TAC § 307.6(b)(4)) specifically state that water in the state shall be maintained to preclude adverse toxic effects on aquatic and terrestrial life, which also includes protection of vegetation. The effluent limits and conditions in the proposed permit were derived from a rigorous technical review to ensure compliance with the TSWQS.

The proposed permit was developed to protect human health, aquatic and terrestrial life, including vegetation, according to the TSWQS, provided the Applicant operates and maintains the 529 facility according to TCEQ rules and the requirements in the proposed permit.

### **Ground Water Links**

*Coliform Monitoring, Analyzing, and Reporting Guide* (RG-421)

<https://www.tceq.texas.gov/downloads/drinking-water/microbial/rg-421.pdf>

National Ground Water Association's webpage *Water Testing*

<http://wellowner.org/water-quality/water-testing/>

*What to Do About Coliform Bacteria in Well Water*

<https://twon.tamu.edu/wp-content/uploads/sites/3/2021/06/what-to-do-about-coliform-in-well-water.pdf>

*Disinfecting Your Private Well*

<https://www.tceq.texas.gov/publications/gi/gi-432.html>

Texas Groundwater Protection Committee (TGPC)

<https://tgpc.texas.gov/>

TGPC's *Groundwater Contamination and Reporting Contamination* webpages

<https://tgpc.texas.gov/groundwater-contamination/>

<https://tgpc.texas.gov/groundwater-contamination/#3>

### **COMMENT 2:**

James Donnelly, Gregory Johnston, and Philip Morris commented, expressing concerns that the flooding in South Mayde Creek will worsen due to the greater volume of discharge from the 529 facility. The Spicers commented that they are concerned about the increased flooding risks for their home and protecting livestock and domestic animals in the adjacent neighborhood when floodwaters containing wastewater flow over the creek's banks.

### **RESPONSE 2:**

The ED encourages the participation of all individuals in the environmental permitting process. However, there are certain concerns of individuals that the TCEQ

cannot address in the review of a wastewater discharge permit, as the scope of the ED's jurisdiction in a TPDES application is limited to the issues set out by statute.

While the Texas Legislature has given the TCEQ the responsibility to protect water quality, and section 26.027 of the Texas Water Code (TWC) authorizes the TCEQ to issue permits to control the discharge of wastes or pollutants into state waters and to protect the water quality of the state's rivers, lakes and coastal waters, and the proposed permit establishes terms and conditions that are intended to provide water quality pollution control, which focuses on controlling the discharge of pollutants into water in the state, the ED through his Water Quality Division (WQD) has no jurisdiction to address flooding or erosion issues in the wastewater permitting process, which is limited to controlling the discharge of pollutants into waters in the state and protecting the water quality of the state's waterbodies.

While the TCEQ does not have jurisdiction to regulate flooding in the context of a wastewater discharge permit to the extent that a concern over flooding also involves water quality, the Applicant is always required to comply with all the numeric and narrative effluent limitations and other conditions in the proposed permit, including during flooding conditions. Likewise, the proposed permit includes effluent limits and other requirements that the Applicant must meet even during rainfall events and periods of flooding. According to the application, the 529 facility will be located above the 100-year flood plain. For additional protection, the proposed permit includes Other Requirement No. 4, which requires the Applicant to provide protection for the facility against a 100-year flood event.

Similarly, the TSWQS require that discharges not cause surface waters to be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals. WQD Staff drafted the proposed permit with provisions to ensure that the TSWQS will be maintained, ensuring the proposed discharge is protective of human health, aquatic life, livestock, domestic animals, and the environment. Likewise, the proposed permit's effluent limits will protect the uses and quality of the waterbodies in the route of the proposed discharge for the benefit of the animals that interact with those waterbodies.

For flooding concerns, members of the public may contact the Harris County Floodplain Administrator's office, run out of the Harris County Engineering Department at (713) 274-3842 8:00 a.m. - 5:00 p.m., Monday through Friday, or by sending an email to [permitsinfo@hcpid.org](mailto:permitsinfo@hcpid.org). The TCEQ Resource Protection Team can be contacted for aid in identifying and contacting the appropriate county officials or offices, by calling (512) 239-4600, or by email at: [wcp@tceq.texas.gov](mailto:wcp@tceq.texas.gov). Additionally, the Federal Emergency Management Agency has programs designed to mitigate damage caused by flooding, that can be found at the following website: <https://www.fema.gov/floodplain-management>.

Finally, the issuance of a permit by the TCEQ does not authorize any injury to persons or property or an invasion of others property rights. In addition, the scope of TCEQ's regulatory jurisdiction does not, nor does the proposed permit, limit the ability of nearby landowners to seek relief from a court or use common law remedies in response to trespass, nuisance, other causes of action in response to activities that may or do interfere with the use and enjoyment of their property, or that may or do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property. If the Applicant's activities create any nuisance conditions, the TCEQ may be contacted to investigate whether a permit violation has occurred.

**COMMENT 3:**

James Donnelly, Gregory Johnston, and the Spicers all commented, expressing concern about foul odors from the 529 facility.

**RESPONSE 3:**

Instances of foul odors from a discharge of treated wastewater can exist when there are insufficient levels of dissolved oxygen (DO) present in the effluent, and therefore, all wastewater treatment facilities (WWTF) have the potential to generate odors. To prevent odors from occurring, the number of oxygen-demanding constituents must be controlled. The proposed effluent limitations, specifically the minimum dissolved oxygen limit, restrict the amount of oxygen-demanding constituents and are set at levels to significantly reduce the odors in the effluent being discharged and prevent degradation of the receiving waters. Additionally, nuisance-odor controls have been incorporated into the proposed permit.

To control and abate odors, the TCEQ rules require domestic WWTFs to meet buffer zone requirements for the abatement and control of nuisance odor according to 30 TAC § 309.13(e), which provides options for applicants to satisfy the nuisance odor abatement and control requirements. The options are: 1) ownership of the buffer zone area; 2) restrictive easement from the adjacent property owners for any part of the buffer zone not owned by the Applicant; or 3) providing nuisance odor control.

According to the application, the 529 facility intends to comply with the requirement to abate and control nuisance odors by locating the treatment units at least 150 feet from the nearest property line and by legal restrictions prohibiting residences within the buffer zone. These requirements and legal restrictions are incorporated in the proposed permit. Therefore, nuisance odors are not expected to occur because of the permitted activities at the facility if the Applicant operates the 529 facility in compliance with TCEQ's rules and the terms and conditions of the proposed permit.

The proposed permit does not limit a landowner's ability to seek private action against the Applicant, and if anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may reported to the TCEQ by calling the toll-free number, 1-888-777-3186, or the TCEQ Regional Office (Region 12) in Houston, TX at (512) 339-2929. Complaints may be filed electronically by using the methods described in the third subsection of Background Information (Access to Rules, Laws, and Records). If an inspection by the Regional Office finds that the Applicant is not complying with all the requirements of the permit, or that the 529 facility is out of compliance with TCEQ rules, enforcement actions may arise.

**COMMENT 4:**

The Spicers commented, expressing concern that the wind studies are outdated, and more recent and closer wind studies need to be performed.

**RESPONSE 4:**

TCEQ's instructions for the Municipal Wastewater Permit application, form number TCEQ-10053-inst, provides a link to the National Weather and Climate Center where applicants can download datasets of wind rose plot images. The period of records is Jan 1970 - Sept 2022. This application included the wind rose available from the National Weather and Climate Center for the Houston/Intercontinental Airport area from

station number 12960. The information provided complied with TCEQ's rules and TPDES application requirements.

**COMMENT 5:**

The Spicers commented, expressing concern about an independent environmental impact study must be performed which studies the concerns of the higher wastewater discharge in the environment.

**RESPONSE 5:**

The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into their decision-making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. To meet this requirement, federal agencies must prepare detailed statements which include an Environmental Assessment and either a Finding of No Significant Impact or Environmental Impact Statement. However, these requirements pertain to a proposed federal action. An environmental impact statement and compliance with NEPA are not required as part of the TPDES permitting process.

**COMMENT 6:**

The Spicers commented, expressing concern that the existing permit was approved for 1,000,000 gallons per day, and if allowed to exceed this capacity, the existing permit was not approved in good faith.

**RESPONSE 6:**

The Applicant applied for a major amendment to TPDES Permit No. WQ0015264001, to authorize an increase in the discharge of treated domestic wastewater from an annual average flow not to exceed 1,000,000 gallons per day to an annual average flow not to exceed 3,000,000 gallons per day. According to TCEQ regulations, an application for a major amendment to a TPDES permit is required when an applicant seeks to change a substantive term, provision, requirement, or limiting parameter of a permit. A request to increase the flow of a discharge of treated wastewater is a change in a term, condition, or provision of a permit that requires a major amendment. If the TCEQ ultimately issues the proposed permit and the Applicant needs to once again increase the flow of the discharge authorized in its permit, it would have to apply for another major amendment, just as it has done with the proposed permit. When applicants seek a major amendment, the application is subject to the same processing, technical review, and public notice regulations as the original and current application. Accordingly, the public would have an opportunity to comment on the proposed permit, request reconsideration of the ED's preliminary decision, and request a contested case hearing.

Individuals may request to be placed on a mailing list to receive notices of future applications filed in their area. For information and instructions on how to be added to a particular mailing list, please call the TCEQ's Office of the Chief Clerk at (512) 239-3300.

**COMMENT 7:**

Gregory Johnston and the Spicers commented, expressing concerns about property devaluation and violations of Texas property owner's bill of rights.

Additionally, James Donnelly, Gregory Johnston, and the Spicers all commented, expressing concerns about noise, and lights, from the 529 facility.

**RESPONSE 7:**

The ED acknowledges the significance of these concerns; however, while the ED encourages the participation of all citizens in the environmental permitting process, there are certain concerns of citizens that the TCEQ cannot address in the review of a wastewater discharge permit, as the scope of the ED's jurisdiction in a TPDES application is limited to the issues set out by statute. The ED, through his Water Quality Division, has no jurisdiction to address property values, or matters related to the Texas Property Owner's Bill of Rights. The ED's jurisdiction is limited to controlling the discharge of pollutants into waters in the state and protecting the water quality of the state's waterbodies.

Noise and light pollution are also outside of TCEQ's jurisdiction. The TCEQ does not have the authority to address these types of issues as part of the wastewater permitting process. While the Texas Legislature has given the TCEQ the responsibility to protect water quality, the water quality permitting process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters.

The issuance of a permit by the TCEQ does not authorize any injury to persons or property or an invasion of others property rights. Alternatively, nothing in the proposed permit limits the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property.

Nor does the proposed permit limit the ability of a nearby landowner to seek relief from a court in response to activities that may or do interfere with the use and enjoyment of their property. If the Applicant's activities create any nuisance conditions, the TCEQ may be contacted to investigate whether a permit violation has occurred. Potential permit violations may be reported to the TCEQ Regional Office (Region 12) in Houston, TX at (713) 767-3500 or the statewide toll-free number at 1-888-777-3186 to address potential permit violations. In addition, complaints may be filed electronically by using the methods described above in the third subsection of Background Information (Access to Rules, Laws, and Records).

**CHANGES MADE TO THE PERMIT IN RESPONSE TO COMMENT**

No changes to the proposed permit were made in response to public comment.



Respectfully submitted,

Texas Commission on Environmental Quality

Toby Baker, Executive Director

Charmaine Backens, Deputy Director  
Environmental Law Division



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Michael T. Parr II, Staff Attorney  
Environmental Law Division  
State Bar No. 24062936  
P.O. Box 13087, MC 173  
Austin, Texas 78711 3087  
Telephone No. 512-239 0611  
REPRESENTING THE EXECUTIVE DIRECTOR  
OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**CERTIFICATE OF SERVICE**

I certify that on November 29, 2022, the Executive Director's Response to Public Comment for Permit No. WQ0015264001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



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Michael T. Parr II, *Staff Attorney*  
State Bar No. 24062936

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 5, 2022

TO: All interested persons.

RE: Harris County Municipal Utility District No. 171  
TPDES Permit No. WQ0015264001

### **Decision of the Executive Director.**

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Katy Branch Library, 5414 Franz Road, Katy, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two requests follows.

### **How to Request a Contested Case Hearing.**

It is important that your request include all the information that supports your right to a contested case hearing. Your hearing request must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: “I request a contested case hearing.”
- (4) If the request is made by a group or association, the request must identify:
  - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
  - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
  - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization’s purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

Additionally, your request must demonstrate that you are an **“affected person.”** 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. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission’s decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the commission’s determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director’s responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

### **How to Request Reconsideration of the Executive Director’s Decision.**

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

### **Deadline for Submitting Requests.**

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at [www.tceq.texas.gov/agency/decisions/cc/comments.html](http://www.tceq.texas.gov/agency/decisions/cc/comments.html) or by mail to the following address:

Laurie Gharis, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

### **Processing of Requests.**

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

### **How to Obtain Additional Information.**

If you have any questions or need additional information about the procedures described in this letter, please call the Public Education Program, toll free, at 1-800-687-4040.

Sincerely,



Laurie Gharis  
Chief Clerk

LG/erg

Enclosure

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**  
**for**  
**Harris County Municipal Utility District No. 171**  
**TPDES Permit No. WQ0015264001**

The Executive Director has made the Response to Public Comment (RTC) for the application by Harris County Municipal Utility District No. 171 for TPDES Permit No. WQ0015264001 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:  
<https://www.tceq.texas.gov/goto/cid>

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (WQ0015264001) and click the "Search" button. The search results will display a link to the RTC.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov).

**Additional Information**

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Katy Branch Library, 5414 Franz Road, Katy, Texas.

MAILING LIST  
for  
Harris County Municipal Utility District No. 171  
TPDES Permit No. WQ0015264001

FOR THE APPLICANT:

Kenyon Hunt, P.E., Senior Project Manager  
BGE, Inc.  
10777 Westheimer Road, Suite 400  
Houston, Texas 77042

Shiann Hernandez, P.E.  
BGE, Inc.  
10777 Westheimer Road, Suite 400  
Houston, Texas 77042

INTERESTED PERSONS:

James Donnelly  
23918 Stockdick School Road  
Katy, Texas 77493

Gregory Johnston  
23850 Stockdick School Road  
Katy, Texas 77493

Philip Evan Morris  
23934 Stockdick School Road  
Katy, Texas 77493

Christopher & Donnisha Spicer  
23910 Stockdick School Road  
Katy, Texas 77493

FOR THE EXECUTIVE DIRECTOR  
via electronic mail:

Ryan Vise, Deputy Director  
Texas Commission on Environmental  
Quality  
External Relations Division  
Public Education Program MC-108  
P.O. Box 13087  
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Adbur Rahim, Technical Staff  
Texas Commission on Environmental  
Quality  
Water Quality Division MC-148  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL  
via electronic mail:

Garrett T. Arthur, Attorney  
Texas Commission on Environmental  
Quality  
Public Interest Counsel MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR THE CHIEF CLERK  
via electronic mail:

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

TPDES PERMIT NO. WQ0015264001

APPLICATION BY	§	BEFORE
HARRIS COUNTY MUNICIPAL	§	THE TEXAS
UTILITY DISTRICT NO. 171 FOR	§	COMMISSION ON
TPDES PERMIT NO. WQ0015264001	§	ENVIRONMENTAL QUALITY

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EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

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The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment on the application by Harris County Municipal Utility District No. 171 (**Applicant**) for a Major Amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015264001, and on the ED's preliminary decision on the application. As required by Title 30 of the Texas Administrative Code (**30 TAC**) Section (§) 55.156, before a permit is issued, the ED prepares a response to all timely, relevant, and material, or significant comments. The Office of the Chief Clerk received timely comments from, James Donnelly, Gregory Johnston, Philip Morris, and Christopher and Donnisha Spicer (**the Spicers**). This response addresses all timely public comments received, whether withdrawn or not. For more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800 -687-4040. General information about the TCEQ can be found on the TCEQ web site at <http://www.tceq.texas.gov>.

**BACKGROUND**

The Applicant applied for a Major Amendment to its existing TPDES permit No. WQ0015264001 to authorize an increase in the flow of treated domestic wastewater (**effluent**) from a daily average flow in Interim Phase I of 0.25 million gallons per day (MGD), to an annual average flow not to exceed 1.0 MGD. From a daily average flow in Interim Phase II of 0.25 MGD, to an annual average flow not to exceed 2.0 MGD. From a daily average flow in Interim Phase III of 0.50 MGD, to an annual average daily flow of 2.9 MGD, and from an annual average flow in the Final Phase of 1.0 MGD, to an annual average flow of 3.0 MGD (**proposed discharge**).

DESCRIPTION OF FACILITY/DISCHARGE ROUTE

The Applicant's Wastewater Treatment Facility (WWTF), the Nash FM 529 WWTF (**529 facility**) serves the Applicant's service area, is located approximately 3,000 feet southwest of the intersection of Beckendorf Road and Peek Road, in Harris County, Texas 77493, and is an activated sludge process plant operated in the extended aeration mode. Treatment units in Interim Phase I include a bar screen, five aeration basins, three final clarifiers, five sludge digesters, five chlorine contact basins, and a dechlorination basin. Treatment units in Interim Phase II phase includes a bar screen, seven aeration basins, three final clarifiers, six sludge digesters, five chlorine contact basins, and a dechlorination basin. Treatment units in the Interim III phase will include a bar screen, eight aeration basins, four final clarifiers, eight sludge digesters, and six chlorine contact basins, and a dechlorination basin. Treatment units in the Final phase will include a bar screen, five aeration basins, two final clarifiers, four sludge digesters, two chlorine contact basins, and a dechlorination basin. The facility is operating in the Interim I phase. The discharge route for the proposed discharge is to a detention basin, then to

Harris County Flood Control District (**HCFC**D) ditch U101-00-00 (South Mayde Creek), then to Buffalo Bayou Above Tidal in Segment No. 1014 of the San Jacinto River Basin.

Sludge generated at the 529 facility is hauled by a registered transporter and disposed of at a TCEQ-authorized land application site, El Celoso Ranch, Permit No. WQ0004518000, in Waller County. The proposed permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, or wastewater treatment facility.

#### TECHNICAL REVIEW

The TCEQ has primary authority over water quality in Texas and also federal regulatory authority for the TPDES program, which controls discharges of pollutants into Texas surface waterbodies ("**water in the state**"). The Texas Water Code (TWC) § 26.027, authorizes the TCEQ to issue permits for discharges into water in the state, and the ED evaluates applications for discharge permits based on the information provided in the application and can recommend issuance or denial of an application based on its compliance with the TWC and TCEQ rules. Specifically, the ED's Technical Review evaluates impacts from the proposed discharge on the receiving waters, starting at the discharge point (detention basin), according to 30 TAC Chapter 307, the Texas Surface Water Quality Standards (TSWQS), and the TCEQ's *Implementation Procedures for the Texas Surface Water Quality Standards-June 2010 (IPs)*.

The unclassified receiving water uses, the designated uses, and the dissolved oxygen criterion for the receiving waters of the discharge route, according to Appendix A of 30 TAC § 307.10 (TSWQS), is limited aquatic life use and 3.0 mg/L Dissolved Oxygen (**DO**) for the detention basin; minimal aquatic life use and 2.0 mg/L DO for the South Mayde Creek HCFC D ditch; and primary contact recreation, limited aquatic life use, and 3.0 mg/L DO for Buffalo Bayou Above Tidal in Segment No. 1014. Through his Technical Review, the ED provides the proper effluent limitations (**limits**) to protect these uses.

The Technical Review process for surface water quality is conducted by staff in the ED's Water Quality Division (**WQD staff**) on the Standards Implementation Team (**Standards Team**), and WQD staff in the Water Quality Assessment Section (**Modeling Team**). With the goal of the Technical Review to maintain a level of water quality sufficient to protect the existing uses of the receiving surface waters, WQD staff reviewed the application in accordance with the TSWQS and TCEQ's IPs.

The first component of the ED's Technical Review involved WQD staff on the Standards Team reviewing the classifications, designations, and descriptions of the receiving surface waters for the proposed discharge. Along with other available information, reviewing the receiving waters for the proposed discharge allows the Standards Team to preliminarily determine the aquatic life uses in the area of the proposed discharge's possible impact and assign the corresponding Minimum DO criterion as stipulated at 30 TAC § 307.5 (TSWQS) and in the TCEQ's IPs. For Major Amendment applications for discharges, the Standards Team performs an antidegradation analysis of the proposed discharge, and per 30 TAC § 307.5 (TSWQS) and the TCEQ's IPs, an antidegradation review of the receiving waters was performed.

Correspondingly, the Tier 1 review determined that existing water quality uses will not be impaired by the proposed discharge. The Tier 1 review also determined that within the stream reach assessed, no water bodies with exceptional, high, or intermediate aquatic life uses were present, negating the need for a Tier 2 review.



Similarly, downstream of the proposed discharge, no significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses and existing uses will be maintained and protected. However, because the proposed discharge is directly to an unclassified water body, the Standards Team reviewed this permitting action in conformity with 30 TAC §§ 307.4(h) and (l) (TSWQS) and determined that for the detention basin, an unclassified waterbody, had a limited aquatic life use, with 3.0 mg/L Dissolved Oxygen (DO). The second tier of TCEQ's antidegradation policy generally applies to water bodies that have existing, designated, or presumed uses of intermediate, high, or exceptional aquatic life waters. Because the detention basin, an unclassified waterbody, has only a limited aquatic life use, a Tier 2 antidegradation review was not performed.

As with all determinations, reviews, or analyses related to the Technical review of the proposed permit, the above and below can be reexamined and subsequently modified upon receipt of new information or information that conflicts with the bases employed in the applicable review or analysis.

The second component of the ED's Technical Review involved WQD staff on the Modeling Team performing water quality modeling using a "Continuously Stirred Tank Reactor" (CSTR) model. CSTRs are widely used in WWTFs to reduce the organic matter and microorganism present in sludge by anaerobic digestion. CSTRs are used in ponds, impoundments, reservoirs, or portions of larger open water bodies when the geometry of the water body makes the use of other models questionable, because CSTRs have effective mixing and perform under steady-state with uniform properties. CSTRs are most commonly used in industrial processing, primarily in homogeneous liquid-phase flow reactions where constant agitation is required and involve a reaction tank in which reagents, reactants and often solvents flow into the reactor while the product of the reaction concurrently exits the tank. In this manner, the tank reactor is considered to be a valuable tool for continuous chemical processing.

In this context, the CSTR model is a standard analytical tool used for dissolved oxygen analyses at the TCEQ for the type of receiving waters in this case, and procedures for its use in the analysis of discharge applications have been established and are readily available.

The proposed permit's water quality-related effluent limits, established by WQD staff's CSTR modeling results, will maintain and protect the existing instream uses. Similarly, conventional effluent parameters such as DO, Five-day Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>), Total Suspended Solids (TSS), and Ammonia Nitrogen (NH<sub>3</sub>-N), are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan.

Based on model results, the following effluent limits are predicted to be necessary to maintain the DO levels above the criterion stipulated by the Standards Implementation Team for the detention basin (3.0 mg/L DO):

<b>Interim I phase</b>	<b>(1.0 MGD):</b>	<b>10 mg/L CBOD<sub>5</sub>, 2 mg/L NH<sub>3</sub>-N, and 6 mg/L DO</b>
<b>Interim II phase</b>	<b>(2.0 MGD):</b>	<b>10 mg/L CBOD<sub>5</sub>, 2 mg/L NH<sub>3</sub>-N, and 6 mg/L DO</b>
<b>Interim III phase</b>	<b>(2.9 MGD):</b>	<b>7.0 mg/L CBOD<sub>5</sub>, 2 mg/L NH<sub>3</sub>-N, and 6 mg/L DO</b>
<b>Final Phase</b>	<b>(3.0 MGD):</b>	<b>5.0 mg/L CBOD<sub>5</sub>, 2 mg/L NH<sub>3</sub>-N, and 4 mg/L DO</b>

Coefficients and kinetics used in the model are a combination of site-specific, standardized default, and estimated values. The results of this evaluation can be

reexamined upon receipt of information that conflicts with the assumptions employed in this analysis.

In all phases of the proposed permit, the pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored once per week by grab sample. There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

Additionally, in all phases of the proposed permit, the effluent must contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and must be monitored daily by grab sample at each chlorine contact chamber. The Applicant must dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and must monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the ED.

The proposed permit's pretreatment requirements are based on TPDES regulations contained in 30 TAC Chapter 305, which references 40 Code of Federal Regulations (CFR) Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution" [rev. Federal Register/ Vol. 70/ No. 198/ Friday, October 14, 2005/ Rules and Regulations, pages 60134-60798]. The permit includes specific requirements that establish responsibilities of local government, industry, and the public to implement the standards to control pollutants which pass through or interfere with treatment processes in publicly owned treatment works or which may contaminate the sewage sludge. This permit has appropriate pretreatment language for a facility of this size and complexity.

The discharge from the proposed permit is not expected to impact any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. With respect to the presence of endangered or threatened species, the proposed permit does not require EPA's review.

### **Procedural Background**

The TCEQ received the application on August 25, 2021, and declared it administratively complete on November 18, 2021. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in Harris County, Texas in English in the *Houston Chronicle* on December 4, 2021, and in Spanish in *Houston Chronicle dba La Voz* on December 8, 2021. The ED completed the technical review of the application on March 21, 2022, and prepared the proposed permit, which if approved, would establish the conditions under which the 529 facility must operate. The Applicant published the Notice of Application and Preliminary Decision (NAPD) in Chambers County, Texas in English in the *Houston Chronicle* on August 6, 2022, and in Spanish in *Houston Chronicle dba La Voz* on August 10, 2022. The public comment period ended on September 9, 2022. Because this application was received after September 1, 2015, and because it was declared administratively complete after September 1, 1999, it is subject to both the procedural requirements adopted pursuant

to House Bill 801, 76th Legislature, 1999, and the procedural requirements and rules implementing Senate Bill 709, 84<sup>th</sup> Legislature, 2015, which are implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55.

The ED has determined that the proposed permit, if issued, meets all statutory and regulatory requirements and is protective of the environment, water quality, and human health. However, if you would like to file a complaint about the 529 facility concerning its compliance with the provisions of its permit or with TCEQ rules, you may contact the TCEQ Regional Office (Region 12) in Houston, TX at (713) 767-3500 or the statewide toll-free number at 1-888-777-3186 to address potential permit violations. In addition, complaints may be filed electronically by using the methods described above in the third subsection of Background Information (Access to Rules, Laws, and Records). If an inspection by the Regional Office finds that the Applicant is not complying with all the requirements of the permit, or that the 529 facility is out of compliance with TCEQ rules, enforcement actions may arise.

### Access to Rules, Laws and Records

- All administrative rules: Secretary of State Website: [www.sos.state.tx.us](http://www.sos.state.tx.us)
- TCEQ rules: Title 30 of the Texas Administrative Code: [www.sos.state.tx.us/tac/](http://www.sos.state.tx.us/tac/) (select TAC Viewer on the right, then Title 30 Environmental Quality)
- Texas statutes: [www.statutes.capitol.texas.gov](http://www.statutes.capitol.texas.gov)
- TCEQ website: [www.tceq.texas.gov](http://www.tceq.texas.gov) (for downloadable rules in WordPerfect or Adobe PDF formats, select “Rules, Policy, & Legislation,” then “Current TCEQ Rules,” then “Download TCEQ Rules”);
- Federal rules: Title 40 of the Code of Federal Regulations (C.F.R.)  
[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl)
- Federal environmental laws: <http://www.epa.gov/lawsregs/>
- **Environmental or citizen complaints may be filed electronically at:**  
<https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html> (select “use our online form”) or by sending an email to the following address: [complaint@TCEO.texas.gov](mailto:complaint@TCEO.texas.gov)

Commission records for the 529 facility are available for viewing and copying at TCEQ’s main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk, for the current application until final action is taken). Some documents located at the Office of the Chief Clerk may also be located in the TCEQ Commissioners’ Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). The permit application has been available for viewing and copying at the at Navasota Public Library located at 1411 East Washington Avenue, Navasota, Texas 77868, since publication of the NORI. The final permit application, proposed permit, statement of basis/technical summary, and the ED’s preliminary decision are now available for viewing and copying at the same location since publication of the NAPD.

## COMMENTS AND RESPONSES

### COMMENT 1:

The Spicers commented, expressing concerns about protecting the health and safety of their family from the greater risks from the increased discharge, which may attract pests and insects. The Spicers also commented, expressing concerns about well-water system protection and concerns about their farmed vegetation, which is a natural resource of food for their family.

## RESPONSE 1:

The health concerns of area residents, as well as those of the public, are considered in reviewing amendment applications for domestic wastewater discharge permits. The TCEQ takes the concerns and comments expressed by the public, relating to human health, water quality, and protecting the State's rivers and lakes, into consideration in deciding whether to issue a wastewater discharge permit.

Chapter 26 of the TWC and TCEQ's water quality are written for the protection of public health, aquatic life, and the environment. Accordingly, the stated policy of both the Water Code and the TSWQS is:

*to maintain the quality of water in the state consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, and the operation of existing industries, taking into consideration the economic development of the state; to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state; and to require the use of all reasonable methods to implement this policy.<sup>1</sup>*

The proposed permit also requires the Applicant to "take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health."

WQD staff evaluated the application as an authorization to discharge treated wastewater into water in the State. Thus, the quality of the discharge and method of achieving that quality must follow the Federal Clean Water Act, TWC, and the TSWQS.

The TSWQS is a primary mechanism for the TCEQ to protect human health, surface and groundwater quality, aquatic life, the environment, and specifically, the designated uses of the receiving waters. The TSWQS require that discharges not cause surface waters to be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals, not degrade receiving waters, and not result in situations that impair existing, attainable, or designated uses. Likewise, the TPDES program mandates that discharges of treated effluent into water in the state from facilities regulated by TPDES permits meet the requirements of the TSWQS.

As specified in the methodologies from the TCEQ IPs, TPDES permits issued by the TCEQ must maintain water in the state to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, consumption of drinking water, or any combination of the three. Relatedly, municipal facilities typically do not have industrial contributors, and therefore, do not have toxins in their effluent. In addition, permits must prevent adverse toxic effects on aquatic life, terrestrial life, livestock, and domestic animals resulting from contact, consumption of aquatic organisms, consumption of water, or any combination of the three. The design of the proposed permit ensures these water quality standards will be supported.

WQD Staff drafted the proposed permit with provisions to ensure that the TSWQS will be maintained, ensuring the proposed discharge is protective of human health, aquatic life, livestock, domestic animals, and the environment. Likewise, the proposed permit's effluent limits will protect the uses and quality of the waterbodies in the route of the proposed discharge for the benefit of the aquatic life and terrestrial wildlife that

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<sup>1</sup> Texas Water Code § 26.003 and 30 TAC § 307.1.

depend on it. WQD Staff determined that the proposed permit complies with the TSWQS, ensuring that the effluent discharged is protective of human health.

This is because the methodology outlined in the TCEQ IPs is designed to ensure that no source will be allowed to discharge any wastewater that: 1) results in instream aquatic toxicity; 2) causes a violation of an applicable narrative or numerical state water quality standard; 3) results in the endangerment of a drinking water supply; or 4) results in aquatic bioaccumulation that threatens human health.

WQD Staff drafted the proposed permit to preclude significant degradation of water quality in the waterbodies in the route of the proposed discharge by including effluent limits and monitoring requirements designed to ensure protection of the waterbodies according to the TCEQ rules and procedures.

To achieve the goal of supporting a level of water quality sufficient to protect existing uses of waterbodies, the proposed permit contains several water quality-specific parameters or requirements that limit the potential impact of the discharge on the receiving waters of the discharge route.

The proposed permit requires the Applicant to “take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health.”

According to the TCEQ rules, the plans and specifications of the plant design must comply with 30 TAC Chapter 217, relating to “Design Criteria for Domestic Wastewater Systems.” The Applicant is required at all times to ensure that the 529 facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Consequently, health impacts from pests should not occur. Nearby residents’ quality of life is protected by the fact that the Applicant is only authorized to discharge according to the limitations, monitoring requirements, and other conditions listed in the proposed permit.

Additional protection of human health comes from the rule in 30 TAC § 309.3(g)(1) (Disinfection), which requires disinfection of domestic wastewater into water in the state in a manner conducive to the protection of both public health and aquatic life. The rules do not mandate a specific method of disinfection, as a permittee may disinfect domestic wastewater through use of 1) chlorination, 2) ultra-violet light, or 3) an equivalent method of disinfection with prior approval from the ED. Whichever form is used, the design criteria for chemical disinfection by chlorine, including safety requirements, in 30 TAC Chapter 217, Subchapter K must be observed. Therefore, in accordance with the TCEQ rules (30 TAC § 309.3(g)(1)), the proposed permit requires the treated effluent to be disinfected prior to discharge in a manner conducive to protect both the public health and aquatic life.

For this facility, the Applicant has chosen chlorine disinfection. Chlorination may be via gaseous, liquid, or tablet forms. Chlorine is one of the most practical and effective means of disinfection because it can kill disease-causing bacteria and nuisance organisms and can eliminate certain noxious odors during disinfection.<sup>2</sup> The effluent from the 529 facility, disinfected with chlorine, must contain a chlorine residual of at least 1.0 mg/L. The permit limit for maximum total chlorine residual is 4.0 mg/L after a

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<sup>2</sup> U.S. EPA *Wastewater Technology Fact Sheet- Chlorine Disinfection* (EPA 832-F-99-062)

detention time of at least 20 minutes (based on peak flow), which must be monitored five times per week by grab sample.<sup>3</sup>

The ED's review of an application for a TPDES permit focuses on controlling the discharge of pollutants into water in the state, which includes both navigable and non-navigable water bodies. The Texas Water Code defines "water" or "water in the state" to mean groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.<sup>4</sup>

The legislature has determined that "the goal of groundwater policy in this state is that the existing quality of groundwater is not degraded. This goal of non-degradation does not mean zero-contaminant discharge."<sup>5</sup> Chapter 26 of the Texas Water Code further states, "discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies must be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard (TWC § 26.401(c)(2)).

WQD staff determined that the proposed permit fully complies with the TSWQS, ensuring that the proposed discharge is protective of human health, water quality, aquatic life, and the environment. Further, the WQD has made the determination that if the surface water quality is protected, groundwater quality in the vicinity will not be impacted by the discharge. Thus, the limits of the proposed permit intended to maintain the existing uses and preclude degradation of the surface waters, protect against degradation of groundwater.

Further, 30 TAC § 309.13(c) states that a treatment unit at the 529 facility may not be located closer than 500 feet from a public water well nor 250 feet from a private water well. For public water sources, the provisions of § 309.13(c) bolster the safeguards from TCEQ's Groundwater Rule (GWR) that protect drinking water quality against disease-causing microorganisms.

However, the Ground Water Rule does not address private wells because they are not under the jurisdiction of the Safe Drinking Water Act and thus are not subject to TCEQ regulation. TCEQ does recommend that well owners periodically test their water for microbial and chemical contaminants and properly maintain their well. It is the responsibility of the private well owner to take steps to have his or her water quality tested at least annually for possible constituents of concern, or more often if the well is thought to have a surface water connection.

For further details about the information discussed in this paragraph, please see the Ground Water Links section below. For more information on total coliform and *E.coli* compliance related to the Revised Total Coliform Rule and the GWR, please see TCEQ's guidance, *Coliform Monitoring, Analyzing, and Reporting Guide* (RG-421). If your well tests positive for fecal coliform bacteria, please see Texas A&M AgriLife Extension's guidance, *What to Do About Coliform Bacteria in Well Water*, or TCEQ's guidance, *Disinfecting Your Private Well*. For more information about testing private water wells,

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<sup>3</sup> Harris County Municipal Utility District No. 171 Draft Permit, Effluent Limitations and Monitoring Requirements, p.2; *see also* 30 TEX. ADMIN. CODE § 309.3(g)(2)

<sup>4</sup> Texas Water Code § 26.001(5).

<sup>5</sup> Texas Water Code § 26.401(b)

please see the National Ground Water Association's *Water Testing*. For more information on groundwater contamination or reporting groundwater contamination, please see the Texas Groundwater Protection Committee's (TGPC) webpages, *Ground Water Contamination* and *Reporting Contamination*.

The TGPC may be contacted through email at [tgpc@tceq.texas.gov](mailto:tgpc@tceq.texas.gov), through the TGPC website, or at (512) 239-4600. However, for groundwater emergencies, please contact the TCEQ Regional Office (Region 12) in Houston, Tx at (713) 767-3500 or the statewide toll-free number at 1-888-777-3186.

Related to vegetation, the TSWQS (30 TAC § 307.6(b)(4)) specifically state that water in the state shall be maintained to preclude adverse toxic effects on aquatic and terrestrial life, which also includes protection of vegetation. The effluent limits and conditions in the proposed permit were derived from a rigorous technical review to ensure compliance with the TSWQS.

The proposed permit was developed to protect human health, aquatic and terrestrial life, including vegetation, according to the TSWQS, provided the Applicant operates and maintains the 529 facility according to TCEQ rules and the requirements in the proposed permit.

### **Ground Water Links**

*Coliform Monitoring, Analyzing, and Reporting Guide* (RG-421)

<https://www.tceq.texas.gov/downloads/drinking-water/microbial/rg-421.pdf>

National Ground Water Association's webpage *Water Testing*

<http://wellowner.org/water-quality/water-testing/>

*What to Do About Coliform Bacteria in Well Water*

<https://twon.tamu.edu/wp-content/uploads/sites/3/2021/06/what-to-do-about-coliform-in-well-water.pdf>

*Disinfecting Your Private Well*

<https://www.tceq.texas.gov/publications/gi/gi-432.html>

Texas Groundwater Protection Committee (TGPC)

<https://tgpc.texas.gov/>

TGPC's *Groundwater Contamination and Reporting Contamination* webpages

<https://tgpc.texas.gov/groundwater-contamination/>

<https://tgpc.texas.gov/groundwater-contamination/#3>

### **COMMENT 2:**

James Donnelly, Gregory Johnston, and Philip Morris commented, expressing concerns that the flooding in South Mayde Creek will worsen due to the greater volume of discharge from the 529 facility. The Spicers commented that they are concerned about the increased flooding risks for their home and protecting livestock and domestic animals in the adjacent neighborhood when floodwaters containing wastewater flow over the creek's banks.

### **RESPONSE 2:**

The ED encourages the participation of all individuals in the environmental permitting process. However, there are certain concerns of individuals that the TCEQ

cannot address in the review of a wastewater discharge permit, as the scope of the ED's jurisdiction in a TPDES application is limited to the issues set out by statute.

While the Texas Legislature has given the TCEQ the responsibility to protect water quality, and section 26.027 of the Texas Water Code (TWC) authorizes the TCEQ to issue permits to control the discharge of wastes or pollutants into state waters and to protect the water quality of the state's rivers, lakes and coastal waters, and the proposed permit establishes terms and conditions that are intended to provide water quality pollution control, which focuses on controlling the discharge of pollutants into water in the state, the ED through his Water Quality Division (WQD) has no jurisdiction to address flooding or erosion issues in the wastewater permitting process, which is limited to controlling the discharge of pollutants into waters in the state and protecting the water quality of the state's waterbodies.

While the TCEQ does not have jurisdiction to regulate flooding in the context of a wastewater discharge permit to the extent that a concern over flooding also involves water quality, the Applicant is always required to comply with all the numeric and narrative effluent limitations and other conditions in the proposed permit, including during flooding conditions. Likewise, the proposed permit includes effluent limits and other requirements that the Applicant must meet even during rainfall events and periods of flooding. According to the application, the 529 facility will be located above the 100-year flood plain. For additional protection, the proposed permit includes Other Requirement No. 4, which requires the Applicant to provide protection for the facility against a 100-year flood event.

Similarly, the TSWQS require that discharges not cause surface waters to be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals. WQD Staff drafted the proposed permit with provisions to ensure that the TSWQS will be maintained, ensuring the proposed discharge is protective of human health, aquatic life, livestock, domestic animals, and the environment. Likewise, the proposed permit's effluent limits will protect the uses and quality of the waterbodies in the route of the proposed discharge for the benefit of the animals that interact with those waterbodies.

For flooding concerns, members of the public may contact the Harris County Floodplain Administrator's office, run out of the Harris County Engineering Department at (713) 274-3842 8:00 a.m. - 5:00 p.m., Monday through Friday, or by sending an email to [permitsinfo@hcpid.org](mailto:permitsinfo@hcpid.org). The TCEQ Resource Protection Team can be contacted for aid in identifying and contacting the appropriate county officials or offices, by calling (512) 239-4600, or by email at: [wcp@tceq.texas.gov](mailto:wcp@tceq.texas.gov). Additionally, the Federal Emergency Management Agency has programs designed to mitigate damage caused by flooding, that can be found at the following website: <https://www.fema.gov/floodplain-management>.

Finally, the issuance of a permit by the TCEQ does not authorize any injury to persons or property or an invasion of others property rights. In addition, the scope of TCEQ's regulatory jurisdiction does not, nor does the proposed permit, limit the ability of nearby landowners to seek relief from a court or use common law remedies in response to trespass, nuisance, other causes of action in response to activities that may or do interfere with the use and enjoyment of their property, or that may or do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property. If the Applicant's activities create any nuisance conditions, the TCEQ may be contacted to investigate whether a permit violation has occurred.



**COMMENT 3:**

James Donnelly, Gregory Johnston, and the Spicers all commented, expressing concern about foul odors from the 529 facility.

**RESPONSE 3:**

Instances of foul odors from a discharge of treated wastewater can exist when there are insufficient levels of dissolved oxygen (DO) present in the effluent, and therefore, all wastewater treatment facilities (WWTF) have the potential to generate odors. To prevent odors from occurring, the number of oxygen-demanding constituents must be controlled. The proposed effluent limitations, specifically the minimum dissolved oxygen limit, restrict the amount of oxygen-demanding constituents and are set at levels to significantly reduce the odors in the effluent being discharged and prevent degradation of the receiving waters. Additionally, nuisance-odor controls have been incorporated into the proposed permit.

To control and abate odors, the TCEQ rules require domestic WWTFs to meet buffer zone requirements for the abatement and control of nuisance odor according to 30 TAC § 309.13(e), which provides options for applicants to satisfy the nuisance odor abatement and control requirements. The options are: 1) ownership of the buffer zone area; 2) restrictive easement from the adjacent property owners for any part of the buffer zone not owned by the Applicant; or 3) providing nuisance odor control.

According to the application, the 529 facility intends to comply with the requirement to abate and control nuisance odors by locating the treatment units at least 150 feet from the nearest property line and by legal restrictions prohibiting residences within the buffer zone. These requirements and legal restrictions are incorporated in the proposed permit. Therefore, nuisance odors are not expected to occur because of the permitted activities at the facility if the Applicant operates the 529 facility in compliance with TCEQ's rules and the terms and conditions of the proposed permit.

The proposed permit does not limit a landowner's ability to seek private action against the Applicant, and if anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may reported to the TCEQ by calling the toll-free number, 1-888-777-3186, or the TCEQ Regional Office (Region 12) in Houston, TX at (512) 339-2929. Complaints may be filed electronically by using the methods described in the third subsection of Background Information (Access to Rules, Laws, and Records). If an inspection by the Regional Office finds that the Applicant is not complying with all the requirements of the permit, or that the 529 facility is out of compliance with TCEQ rules, enforcement actions may arise.

**COMMENT 4:**

The Spicers commented, expressing concern that the wind studies are outdated, and more recent and closer wind studies need to be performed.

**RESPONSE 4:**

TCEQ's instructions for the Municipal Wastewater Permit application, form number TCEQ-10053-inst, provides a link to the National Weather and Climate Center where applicants can download datasets of wind rose plot images. The period of records is Jan 1970 - Sept 2022. This application included the wind rose available from the National Weather and Climate Center for the Houston/Intercontinental Airport area from

station number 12960. The information provided complied with TCEQ's rules and TPDES application requirements.

**COMMENT 5:**

The Spicers commented, expressing concern about an independent environmental impact study must be performed which studies the concerns of the higher wastewater discharge in the environment.

**RESPONSE 5:**

The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into their decision-making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. To meet this requirement, federal agencies must prepare detailed statements which include an Environmental Assessment and either a Finding of No Significant Impact or Environmental Impact Statement. However, these requirements pertain to a proposed federal action. An environmental impact statement and compliance with NEPA are not required as part of the TPDES permitting process.

**COMMENT 6:**

The Spicers commented, expressing concern that the existing permit was approved for 1,000,000 gallons per day, and if allowed to exceed this capacity, the existing permit was not approved in good faith.

**RESPONSE 6:**

The Applicant applied for a major amendment to TPDES Permit No. WQ0015264001, to authorize an increase in the discharge of treated domestic wastewater from an annual average flow not to exceed 1,000,000 gallons per day to an annual average flow not to exceed 3,000,000 gallons per day. According to TCEQ regulations, an application for a major amendment to a TPDES permit is required when an applicant seeks to change a substantive term, provision, requirement, or limiting parameter of a permit. A request to increase the flow of a discharge of treated wastewater is a change in a term, condition, or provision of a permit that requires a major amendment. If the TCEQ ultimately issues the proposed permit and the Applicant needs to once again increase the flow of the discharge authorized in its permit, it would have to apply for another major amendment, just as it has done with the proposed permit. When applicants seek a major amendment, the application is subject to the same processing, technical review, and public notice regulations as the original and current application. Accordingly, the public would have an opportunity to comment on the proposed permit, request reconsideration of the ED's preliminary decision, and request a contested case hearing.

Individuals may request to be placed on a mailing list to receive notices of future applications filed in their area. For information and instructions on how to be added to a particular mailing list, please call the TCEQ's Office of the Chief Clerk at (512) 239-3300.

**COMMENT 7:**

Gregory Johnston and the Spicers commented, expressing concerns about property devaluation and violations of Texas property owner's bill of rights.

Additionally, James Donnelly, Gregory Johnston, and the Spicers all commented, expressing concerns about noise, and lights, from the 529 facility.

**RESPONSE 7:**

The ED acknowledges the significance of these concerns; however, while the ED encourages the participation of all citizens in the environmental permitting process, there are certain concerns of citizens that the TCEQ cannot address in the review of a wastewater discharge permit, as the scope of the ED's jurisdiction in a TPDES application is limited to the issues set out by statute. The ED, through his Water Quality Division, has no jurisdiction to address property values, or matters related to the Texas Property Owner's Bill of Rights. The ED's jurisdiction is limited to controlling the discharge of pollutants into waters in the state and protecting the water quality of the state's waterbodies.

Noise and light pollution are also outside of TCEQ's jurisdiction. The TCEQ does not have the authority to address these types of issues as part of the wastewater permitting process. While the Texas Legislature has given the TCEQ the responsibility to protect water quality, the water quality permitting process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters.

The issuance of a permit by the TCEQ does not authorize any injury to persons or property or an invasion of others property rights. Alternatively, nothing in the proposed permit limits the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property.

Nor does the proposed permit limit the ability of a nearby landowner to seek relief from a court in response to activities that may or do interfere with the use and enjoyment of their property. If the Applicant's activities create any nuisance conditions, the TCEQ may be contacted to investigate whether a permit violation has occurred. Potential permit violations may be reported to the TCEQ Regional Office (Region 12) in Houston, TX at (713) 767-3500 or the statewide toll-free number at 1-888-777-3186 to address potential permit violations. In addition, complaints may be filed electronically by using the methods described above in the third subsection of Background Information (Access to Rules, Laws, and Records).

**CHANGES MADE TO THE PERMIT IN RESPONSE TO COMMENT**

No changes to the proposed permit were made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Toby Baker, Executive Director

Charmaine Backens, Deputy Director  
Environmental Law Division



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REPRESENTING THE EXECUTIVE DIRECTOR  
OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**CERTIFICATE OF SERVICE**

I certify that on November 29, 2022, the Executive Director's Response to Public Comment for Permit No. WQ0015264001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



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Michael T. Parr II, *Staff Attorney*  
State Bar No. 24062936