EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
Indie Catch LLC
TPDES Permit No. WQ0016213001

The Executive Director has made the Response to Public Comment (RTC) for the application by Indie Catch LLC for TPDES Permit No. WQ0016213001 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 (WQ0016213001) 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.

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 Alvarado Public Library, 210 North Baugh Street, Alvarado, Texas.

RESPUESTA DEL DIRECTOR EJECUTIVO A LOS COMENTARIOS DEL PÚBLICO
para
Indie Catch LLC
TPDES Permiso No. WQ0016213001

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Indie Catch LLC del permiso de TPDES No. WQ0016213001. Puede ver e imprimir el documento visitando la Base de Datos Integrada de los Comisionados de TCEQ en el siguiente enlace:
https://www.tceq.texas.gov/goto/cid

Para ver el RTC en el enlace anterior, ingrese el número de identificación TCEQ para esta solicitud (WQ0016213001) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov.

Información adicional

Para obtener más información sobre el proceso de participación pública, puede comunicarse con la Oficina del Asesor de Interés Público al (512) 239-6363 o llamar al Programa de Educación Pública, al número gratuito, (800) 687-4040.

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Biblioteca Pública de Alvarado, 210 North Baugh Street, Alvarado, Texas.

MAILING LIST / LISTA DE CORREO
for / para
Indie Catch LLC
TPDES Permit No. WQ0016213001 / TPDES Permiso No. WQ0016213001

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INTERESTED PERSONS /
PERSONAS INTERESADAS:

See attached list.
Ver lista adjunta.

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NEW TPDES PERMIT NO. WQ0016213001

APPLICATION	**§**	**BEFORE THE**
BY INDIE CATCH LLC,	**§**	**TEXAS COMMISSION**
FOR NEW TPDES PERMIT NO.	**§**	**ON ENVIRONMENTAL**
WQ0016213001	**§**	**QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

I. INTRODUCTION

The Executive Director of the Texas Commission on Environmental Quality, or "TCEQ," files this Response to Public Comment on the application by Indie Catch LLC, for new Texas Pollutant Discharge Elimination System Permit No. WQ0016213001, and on the Executive Director's preliminary decision on the application. As required by Title 30 of the Texas Administrative Code Section 55.156, before a permit is issued, the Executive Director prepares a response to all timely, relevant, and material or significant comments. The Office of the Chief Clerk received timely comments from the cities of Alvarado, Grand Prairie, Mansfield, the Trinity River Authority, Johnston County Judge Christopher Boedeker, Joe Bean, Joel Bean, Dana Collier, Gladys Dike, Audria Gunn-Burgess, Martha Franklin, Nancy Rios, and Gerald and Laura Williams. This response addresses all timely public comments received, whether withdrawn or not. If you need 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.

A. Terms, Acronyms, or Abbreviations Used in this Response to Comments

- **§**: Section
- **ED**: TCEQ's Executive Director
- **DO**: Dissolved Oxygen
- **WQ**: Water Quality
- **CCI**: Comprehensive Compliance Investigation
- **TSS**: Total Suspended Solids
- **SNC**: Significant Noncompliance
- **CFU**: Colony Forming Units
- **OCE**: TCEQ's Office of Compliance and Enforcement
- **EPA**: United States Environmental Protection Agency
- **ALU**: Aquatic Life Use
- **TRA**: Trinity River Authority
- **WPP**: Watershed Protection Plan
- **OCC**: TCEQ's Office of the Chief Clerk
- **MPN**: Most Probable Number
- **TWC**: Texas Water Code
- **CWA**: Clean Water Act
- **MGD**: Million Gallons per Day
- **GWR**: TCEQ's Groundwater Rule
- **WQD**: TCEQ's Water Quality Division
- **USGS**: The United States' Geological Survey agency
- **NORI**: Notice of Receipt & Intent to Obtain a Water Quality Permit

- **THSC**: Texas Health and Safety Code
- **NAPD**: Notice of Application & Preliminary Decision
- ***E. coli***: Escherichia coli-bacteria
- **NH_3-N**: Ammonia Nitrogen
- **$CBOD_5$**: Five-day Carbonaceous Biochemical Oxygen Demand
- **Limits**: Effluent Limitations/discharge limits
- **WWTF**: Wastewater Treatment Facility
- **WQMP**: State of Texas Water Quality Management Plan
- **TPDES**: Texas Pollutant Discharge Elimination System
- **USFWS**: United States' Fish and Wildlife Service
- **Outfall**: Discharge point/location
- **TSWQS**: Texas Surface Water Quality Standards – 30 TAC Chapter 307
- **30 TAC**: Title 30 of the Texas Administrative Code
- **Influent:** Untreated wastewater flowing into the proposed facility
- **Effluent:** Treated wastewater discharging out of the proposed facility
- **DO limit**: Minimum Dissolved Oxygen Criterion
- **Alvarado**: The City of Alvarado
- **Applicant**: Indie Catch LLC
- **PSR Team**: WQD's Plans and Specifications Review Team
- **Mansfield**: City of Mansfield
- **217 Rules**: 30 TAC Chapter 217-Design Criteria for Domestic WWTFs
- **WQD staff**: TCEQ Staff from the Water Quality Division
- **TCEQ Rules**: Title 30 of the Texas Administrative Code
- **Commission**: Texas Commission on Environmental Quality
- **Grand Prairie**: The City of Grand Prairie
- **Tier I Review**: The TSWQS Tier I Antidegradation Review
- **Tier II Review**: The TSWQS Tier II Antidegradation Review
- **Modeling Team**: WQD's Water Quality Assessment Team
- **Standards Team**: WQD's Water Quality Standards Implementation Team
- **Proposed permit**: Draft-TPDES permit No. WQ0016213001
- **Proposed facility**: The Indie Catch Wastewater Treatment Facility
- **TCEQ's IPs**: TCEQ's Implementation Procedures for the Texas Surface Water Quality Standards-June 2010

II. BACKGROUND

A. Application Request

The Applicant applied for new TPDES Permit No. WQ0016213001, which authorizes the discharge of treated domestic wastewater at a daily average flow limit of 75,000 or 0.075 MGD, 0.20 MGD, and 0.975 MGD in the Interim I, Interim II, and the Final phases (respectively) from the proposed facility.

A registered transporter will haul the sludge generated from the proposed facility and dispose of it at the TCEQ-authorized land application site, Paul Harrison Sloan Farm (Permit No. WQ0004989000) in Navarro County, to be digested, dewatered, and then disposed of with the bulk of the sludge from the plant accepting the sludge. The proposed permit authorizes the disposal of sludge at any TCEQ-authorized land application site, co-disposal landfill, WWTF, or facility that further processes sludge.

B. Description of Facility and Discharge Route

If the proposed permit is ultimately issued, the proposed facility will be located at 7601 County Road 508, in the City of Alvarado, Johnson County, Texas 76009. When constructed, the proposed facility will be an activated sludge process plant operated in the extended aeration mode with single stage nitrification. Treatment units in the Interim I and Interim II phases include a bar screen, an aeration basin, a final clarifier, a sludge digester and a chlorine contact chamber. Treatment units in the Final phase include a bar screen, three aeration basins, three final clarifiers, three sludge digesters and a chlorine contact chamber. The route of the proposed discharge is to Mountain Creek, then to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin.

C. ED's Technical Review

The basis for the ED's Technical Review of a TPDES permit application comes from the Texas Legislature's passage into law of Chapter 26 (Water Quality Control) of the TWC, which gives the TCEQ primary authority over WQ in Texas. Chapter 26 combines the TCEQ's authority over Texas' WQ with federally delegated CWA regulatory authority for the TPDES program, which controls discharges of pollutants into Texas' surface waterbodies, otherwise defined by the TWC as "Water in the State." To implement the State's WQ control regime, Chapter 26 allows TCEQ to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to Water in the State, so long as the discharge parameters comply with the TWC, TCEQ rules, and the TSWQS. To ensure compliance with the TSWQS, the ED follows the methodology for drafting permits, their effluent limits, requirements, and conditions, as outlined in the TCEQ's IPs. Accordingly, the ED's Technical Review evaluates impacts from the proposed discharge on the receiving waters of the proposed discharge route and their designated WQ quality uses, starting at the outfall (Mountain Creek), and must provide the proper limits to protect these uses. However, the TCEQ may refuse to issue a permit when it finds that issuing the permit would violate the provisions of any state or federal law or rules or regulations derived from those laws, or when it finds that issuing the permit would interfere with the State's WQ control regime.

WQD staff on the Standards Team and the Modeling Team collectively conduct the ED's Technical Review of a TPDES permit application by reviewing the application according to the TSWQS and the TCEQ's IPs and performing multiple WQ-specific analyses with the goal of maintaining a level of WQ sufficient to protect the existing uses of the receiving surface waters.

The first component of the ED's Technical Review involves the Standards Team reviewing the classifications, designations, and descriptions of the receiving surface waters in the state within the route of the proposed discharge. Other available information and a receiving water assessment allowed the Standards Team to preliminarily determine the ALUs in the proposed discharge's area of anticipated impacts and assign the corresponding DO limit as stipulated in the TSWQS (30 TAC § 307.5) and the TCEQ's IPs.

For every new discharge, the Standards Team performs an Antidegradation Analysis of the proposed discharge into its receiving waters, in this case, Mountain Creek and then to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. The designated uses for Segment No. 0838, as stated in the 2018 TSWQS-Appendix A (30 TAC § 307.10) are primary contact recreation, public water supply, and "high" ALU, with a corresponding DO criterion of 5.0 mg/L.

The Standards Team performed a Tier I Review of the receiving waters according to the TSWQS and the TCEQ's IPs, and preliminarily determined that there is no expectation of impairment of existing WQ uses because the proposed discharge will maintain numerical and narrative criteria to protect the existing uses.

Because the proposed discharge is directly to an unclassified water body (Mountain Creek), the Standards Team reviewed this permitting action in conformity with the TSWQS (30 TAC §§ 307.4 (h) and (l)) and determined that Mountain Creek's ALU is "limited" with a corresponding DO criterion of 3.0 mg/L DO, and that because the preliminary review determined that no water bodies with "exceptional," "high," or "intermediate" ALUs are present within the stream reach assessed, no Tier II Review was required, nor performed. However, no significant degradation of WQ is expected in water bodies with "exceptional," "high," or "intermediate" ALUs downstream of the proposed facility because the proposed permit's WQ-related effluent limitations, or discharge limits, established by WQ Modeling Team's modeling results will maintain and protect the existing instream uses.

The second component of the ED's Technical Review involves the Modeling Team performing WQ modeling runs, or DO analyses, using a mathematical model; in this case, an "uncalibrated QUAL-TX model." Conventional effluent limitations such as DO, $CBOD_5$, and NH_3-N are based on stream standards and waste load allocations for WQ-limited streams as established in the TSWQS and the WQMP.

Based on the WQ Modeling Team's modeling results, limits in all phases of the proposed permit of 10.0 mg/L $CBOD_5$, 3.0 mg/L NH_3-N, and 4.0 mg/L DO, based on a 30-day average, are predicted to be necessary to ensure that DO will be maintained above the criterion established by the Standards Team for Mountain Creek (3.0 mg/L DO). Coefficients and kinetics used in the model are a combination of site specific, standardized default, and estimated values. The proposed permit requires that the discharge's pH must be in the range of 6.0 to 9.0 standard units and includes limits of 15 mg/l TSS and 126 CFU/MPN/100 ml, based on a 30-day average. During the Interim I and II phases, the discharge must contain a total chlorine residual of at least 1.0 mg/l and must not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow with required monitoring of five times per week by grab sample. During the Final Phase, the discharge must 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 must be monitored daily by grab sample. The Applicant must dechlorinate the chlorinated effluent to less than 0.1 mg/l total chlorine residual and must monitor the total chlorine residual, daily by grab sample after the dichlorination process.

The effluent limits and conditions in the proposed permit meet requirements for secondary treatment and disinfection according to 30 TAC Chapter 309 (Subchapter A: Effluent Limits) and comply with the TSWQS (30 TAC §§ 307.1-.10, *eff.* 3/1/2018), and the EPA-approved portions of the TSWQS (*eff.* 3/6/2014). In a case such as this, end-of-pipe compliance with pH limits between 6.0 and 9.0 standard units reasonably assures instream compliance with pH criteria in the TSWQS when the discharge authorized is from a minor facility and the unclassified waterbodies have "minimal" or "limited" ALUs. This technology-based approach reasonably assures instream compliance with TSWQS due to relatively smaller discharge volumes authorized by these permits. TCEQ sampling conducted throughout Texas indicating instream buffering quickly restores pH levels to ambient conditions, informs this conservative approach.

Segment No. 0838 is not currently listed on the State's inventory of impaired and threatened waters (the 2020 CWA § 303(d) list), and 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 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.

Through the Technical Review, the ED provides the proper limits to maintain and protect the existing instream uses. For that reason, the ED has determined that the proposed permit, if issued, meets all statutory and regulatory requirements and is protective of the environment, WQ, and human health. Considering the TCEQ's WQ-primacy, all determinations, reviews, or analyses related to the ED's Technical Review of the application for the proposed permit can be reexamined and subsequently modified upon receipt of newer information or information that conflicts with the bases employed in the applicable review or analysis.

D. Procedural Background

The TCEQ received the application on September 6, 2022, and declared it administratively complete on October 11, 2022. The Applicant published the NORI in Johnson County, Texas in the *Cleburne Times Review* on October 20, 2022. The ED completed the technical review of the application on December 5, 2022, and prepared the proposed permit, which if approved, would establish the conditions under which the proposed facility must operate. The Applicant published the NAPD in Johnson County, Texas in the *Cleburne Times Review* on January 14, 2023. The public comment period ended on February 13, 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, 84th Legislature, 2015, which are implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55.

E. Access to Rules, Laws, and Records

- All administrative rules: Secretary of State Website: www.sos.state.tx.us
- TCEQ rules: Title 30 of the Texas Administrative Code: www.sos.state.tx.us/tac/ (select TAC Viewer on the right, then Title 30 Environmental Quality)
- Texas statutes: www.statutes.capitol.texas.gov
- TCEQ website: 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
- Federal environmental laws: http://www.epa.gov/lawsregs/
- **Environmental or citizen complaints may be filed electronically at:** https://www.tceq.texas.gov/compliance/complaints/index.html (select "use our

online form") or by sending an email to the following address: **complaint@TCEQ.Texas.gov.**

Commission records for the Proposed facility are available for viewing and copying at TCEQ's main office in Austin at 12100 Park 35 Circle, Building F, 1st Floor in the OCC, for the current application until final action is taken). Some documents located at the OCC may also be located in the TCEQ Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. The permit application has been available for viewing and copying at the Alvarado Public Library located at 210 North Baugh Street in Alvarado, Texas, since publication of the NORI. The final 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.

If individuals wish to file a complaint about the proposed facility concerning its compliance with the provisions of its permit or with TCEQ rules, the TCEQ's OCE should be contacted. Specifically, the DFW Regional Office (Region 4) in Fort Worth Texas, Texas may be contacted at (817) 588-5800 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 on page five at the seventh bullet under "Access to Rules, Laws, and Records." If an inspection by the Regional Office finds that the Applicant is not complying with all requirements of the proposed permit, or that the proposed facility is out of compliance with TCEQ rules, enforcement actions may be warranted.

III. COMMENTS AND RESPONSES

COMMENT 1:

Alvarado, Grand Prairie, Mansfield, TRA, Johnston County Judge Christopher Boedeker, Joe Bean, Joel Bean, Dana Collier, Gladys Dike, Audria Gunn-Burgess, Martha Franklin, Nancy Rios, and Gerald and Laura Williams all commented in opposition of the proposed permit, facility, its location, and its discharge.

Further, Mansfield commented that it believes that it is in the public interest to limit the number of privately owned WWTFs and their discharge activities to regional and sub-regional areas where the WWTFs can be carefully managed and monitored by experienced governmental operators, as governmental entities have the most experience in managing WWTFs and are familiar with the environmental conditions and constraints applicable to activities within their jurisdiction. The creation of additional private or semi-private wastewater treatment activities increases the need for inspection, testing and monitoring providing a burden without a concomitant public benefit.

RESPONSE 1:

The ED acknowledges the comments in opposition to the proposed permit, the proposed facility, the proposed facility's location, and the concerns expressed by Mansfield about private versus governmental entities operating WWTFs.

However, the TCEQ is statutorily mandated by TWC § 26.028 (Action on Application) to begin processing applications for TPDES permits, when it receives the application, and to issue notices to the public of the TCEQ's processing of the application. Likewise, TWC § 26.027 makes clear that the TCEQ may issue permits for discharges into Water in the State through the ED's evaluation of TPDES permit applications using the information provided in the application and recommending

permit issuance or denial, based on the application's compliance with the TWC, TCEQ rules, and the TSWQS (30 TAC Chapter 307). Texas' WQ control regime, Chapter 26 of the TWC, does not, nor does TCEQ's regulatory authority, limit who can apply for a TPDES permit. Neither does TCEQ's authority include the ability to mandate a different location for a WWTF, if the location in the application complies with 30 TAC Chapter 309, Subchapter B (Location Standards), specifically 30 TAC § 309.13 pertaining to "Unsuitable Site Characteristics" for a discharge facility. The Applicant is the entity that proposes the location of the WWTF, the discharge point, and the route for the proposed discharge, rather than the ED.

Instead, the ED may only evaluate a location for a WWTF according to the Location Standards in the TCEQ regulations and the effect(s) of the discharge on the uses of the receiving streams starting at the discharge point.

If an applicant were to revise its application with a different location and discharge route for a WWTF, the ED would reevaluate the new location and discharge route to make sure that the permit contains proper limits and conditions for the revised discharge route and location, which may require notice to additional landowners because of the new location and discharge route.

Relatedly, the TCEQ's issuance of a permit does not authorize injuries to other persons, their property, or an invasion of their property rights. Similarly, the proposed permit's provisions do not, nor the scope of TCEQ's regulatory jurisdiction, limit nearby landowners' ability to use a court of law's remedies for trespass, nuisance, or other causes of action from a TCEQ-authorized entity's activities, that may or do result in injury to property, animals, vegetation, or human health or welfare, or interfere with the use and enjoyment of their property.

Likewise, the Applicant has a duty to comply with all conditions of the proposed permit. Failure to comply with any permit condition is grounds for enforcement actions, permit amendments, revocations, suspensions, denial of a permit renewal applications, or even an application for a permit for another facility. This is because permit violations constitute violations of the permit and the TWC or the THSC.

If the proposed facility, its discharge, or the Applicant create any nuisance conditions, the TCEQ may be contacted to investigate if potential permit violations occurred by the methods described above on page five at the seventh bullet under "Access to Rules, Laws, and Records."

The TCEQ's OCE plays an important role in protecting human health because it ensures that the Applicant, its operator, and the proposed facility follow applicable state and federal regulations. The TCEQ Regional Office (Region 4) office is required to conduct a mandatory CCI at minor facilities (facilities with permitted flow less than 1 MGD) once every five fiscal years. Additional mandatory investigations can be required if the proposed facility is categorized as SNC. SNC is determined by the Compliance Monitoring Section of the TCEQ's OCE and is based on self-reported effluent violations.

COMMENT 2:

Alvarado, Grand Prairie, Mansfield, TRA, Joe Bean, Joel Bean, Johnson County Judge Christopher Boedeker, Gladys Dike, Martha Franklin, Audria Gunn-Burgess, Nancy Rios, and Gerald Williams all commented that they have concerns that the proposed facility and its discharge will negatively affect human health, existing WQ, the environment, and animal, aquatic, terrestrial, and wildlife.

Alvarado commented further that the proposed permit's limits are inadequate to ensure that existing WQ uses of the receiving waters will not be impaired.

RESPONSE 2:

The ED carefully considers the health concerns of area residents, as well as those of the public, in reviewing applications for domestic wastewater discharge permits. The TCEQ takes the concerns and comments expressed by the public, relating to human health, existing WQ, the environment, and animal, aquatic, terrestrial, and wildlife, and protecting the State's rivers and lakes, into consideration in deciding whether to issue a TPDES permit.

As mentioned above, the federal CWA, the TWC, and the TSWQS all contain WQ goals, standards, and requirements that any TPDES-permitted discharge, and its method of achieving that quality, must meet. Equally important, WQD staff evaluated the application as an authorization to discharge treated wastewater into Water in the State, which requires adherence to the same goals, standards, and requirements.

Chapter 26 of the TWC and TCEQ's WQ were written for the protection of human health, existing WQ, the environment, and animal, aquatic, terrestrial, and wildlife. Accordingly, the stated policy of both the TWC 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.*[1]

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 WQ 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. Similarly, the TPDES program mandates that TPDES-permitted discharges of treated effluent into Water in the State from meet the requirements of the TSWQS. To ensure compliance with the TSWQS the ED follows the methodology outlined in the TCEQ's IPs.

As specified in the TCEQ's IPs methodologies, TPDES permits must maintain WQ 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. Additionally, the TSWQS require that TPDES-permitted 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.

The goal of WQD staff is to design permits that meet WQ standards for the protection of existing uses of waterbodies, human health, existing WQ uses, the environment, and animal, aquatic, terrestrial, and wildlife. These standards include specific numeric and narrative WQ criteria applicable to the waterbodies receiving the

[1] Texas Water Code § 26.003 and 30 TAC § 307.1.

discharge. WQD staff designed the proposed permit to be protective of the uses of all water bodies that could be potentially affected by the proposed discharge.

To achieve the goal of supporting a level of WQ sufficient to protect existing uses of waterbodies, the proposed permit contains several WQ-specific parameters or requirements that limit the potential impact of the discharge on the receiving waters of the discharge route. The Applicant is required to build a wastewater collection system or treatment facility according to the plans and specifications approved by the ED and must ensure the proposed facility's plans and specifications meet all design requirements in the proposed permit.

WQD Staff drafted the proposed permit with provisions to ensure that the TSWQS are maintained, ensuring the proposed discharge is protective of human health, existing WQ, the environment, and animal, aquatic, terrestrial, and wildlife. 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 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.

Because Waters in the State must be maintained 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, WQD Staff must find that the proposed permit's provisions ensure that the TSWQS will be maintained by the proposed discharge resulting in protection of human health, aquatic life, and the environment.

Protecting WQ in the creeks and streams of the discharge route are the assigned ALUs themselves, which govern what uses and criteria will apply to protect Segment No. 0838 and the creeks upstream of Segment No. 0838, their uses, and the aquatic life that dwell in them, as well as consumption by terrestrial wildlife. The proposed facility is a minor municipal facility that will discharge first to Mountain Creek, which is unclassified and has a "limited" ALU, and then to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. Waterbodies such as Joe Pool Lake in Segment No. 0838 that support "exceptional" and "high" ALUs have associated criteria that protect both the aquatic life that live in the waterbodies and terrestrial wildlife that use the waterbodies as a source of water or food. As such, the proposed discharge must meet a high DO criterion to support an aquatic community with "exceptional" and "high," existing aquatic life uses; in this case 5.0 mg/l DO.

WQD Staff designed the proposed permit to preclude significant degradation of WQ in Mountain Creek, Joe Pool Lake, and Segment No. 0838 by including effluent limits and monitoring requirements designed to ensure protection of the waterbodies according to the TCEQ rules and procedures. 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."

Similarly, the proposed discharge will not cause significant degradation of WQ in any water bodies that are of fishable/swimmable quality, such as Segment No. 0838. Fishable/swimmable waters are defined as waters that have quality sufficient to support propagation of indigenous fish, shellfish, terrestrial life, and recreation in or on the water.

The effluent limits and conditions in the proposed permit were derived from a rigorous technical review to ensure compliance with the TSWQS. Similarly, the proposed permit was developed to protect human health, animal life, vegetation, and aquatic and terrestrial life according to the TSWQS, provided the Applicant operates and maintains the proposed facility according to TCEQ rules and the requirements in the proposed permit.

WQD staff, when evaluating this application, incorporated pertinent site-specific factors to reduce uncertainty and bolster confidence in the results of the analyses of the ED's Technical Review. The effluent or discharge limitations for some of the major constituents were evaluated with a mathematical model of the receiving waters, and results indicated that limits of 10 mg/l $CBOD_5$, 15 mg/l TSS, 3.0 mg/l NH_3-N, 126 CFU/MPN/100 ml *E. coli*, and 4.0 mg/l DO are required for the proposed facility to discharge to the receiving streams of the proposed discharge route.

Additional protection of human health in a TPDES permit 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 the proposed 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.[2] The discharge from the proposed 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 detention time of at least 20 minutes (based on peak flow), which must be monitored five times per week by grab sample.[3]

COMMENT 3:

Grand Prairie commented that the Tier 1 Antidegradation Review conducted by the Standards Team used the wrong classification, "Intermittent," for Mountain Creek. Grand Prairie also commented that the TCEQ should provide more information as to why the Tier 2 Antidegradation review was not conducted, beyond simply that a preliminary determination that the discharge route does not contain waterbodies with exceptional, high, or intermediate ALUs present within the stream reach assessed.

[2] U.S. EPA *Wastewater Technology Fact Sheet- Chlorine Disinfection* (EPA 832-F-99-062)
[3] Indie Catch LLC, Draft Permit, Effluent Limitations and Monitoring Requirements, p.2; *see also* 30 TEX. ADMIN. CODE § 309.3(g)(2)

Grand Prairie contends that issuing a permit is not appropriate without more evaluation of the receiving streams because it believes that the TCEQ may have only evaluated the unnamed receiving steam and did not include Segment No. 0838 that has a "High" ALU designation.

RESPONSE 3:

The Standards Team evaluated all the waterbodies within the route of the proposed discharge using the route described in the application and proposed permit, which is from the Outfall to Mountain Creek, then to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. According to the USGS' topographical map and aerial images, Mountain Creek is properly classified as "Intermittent with Perennial Pools."

The TSWQS (30 TAC § 307.4(h)(4)) presume a "Limited" ALU, and a 3.0 mg/L DO criterion for streams that are classified as "Intermittent with Perennial Pools." According to the TCEQ's IPs, "Limited" ALUs fall under a Tier I Antidegradation Review, which evaluates all pollution that could cause an impairment of existing uses and ensures that existing WQ uses are not impaired by increases in pollution loading. The numerical and narrative criteria necessary to protect existing uses will be maintained because the WQD Staff performing the ED's Technical review, the TSWQS, and the TCEQ's IPs focus on Dissolved Oxygen, or "DO."

Further, to ensure that the DO modeling analyses, and corresponding discharge limits, are conservative and protective under all conditions, the proposed discharge was evaluated under what are expected to be the most unfavorable of environmental conditions, specifically hot and dry summertime conditions. These hot and dry conditions are identified in the Critical Conditions review during the Technical Review of the proposed permit and can be derived from a Receiving Water Assessment (RWA) performed by TCEQ staff to collect data on the physical, chemical, and biological components of a receiving water. RWA are often performed during the "critical period" of the year–July 1 to September 30–when minimum stream flows, maximum temperatures, and minimum DO concentrations typically occur in Texas.[4] The effluent parameters of a proposed permit must be protective of the receiving water, even during such "critical period" conditions.

0.075 MGD, 0.20 MGD, and 0.975 MGD in the Interim I, Interim II, and the Final phases (respectively) from the proposed facility.

Because Mountain Creek was determined to be "Intermittent with Perennial Pools" with a limited aquatic life use, it was modeled with a presumption of zero background streamflow (i.e., treated effluent was given no dilution), with the only flow present in Mountain Creek at the Outfall being from the proposed discharge. Each proposed flow phase was modeled at its full proposed volume (interim I phase = 0.075 MGD, interim II phase = 0.20 MGD, & final phase = 0.975 MGD) and effluent limit concentrations of 10 mg/L $CBOD_5$, 3 mg/L NH_3-N, and 4.0 mg/L DO). This combination of conditions is a conservative, worst-case scenario that is unlikely to occur.

As such, the Modeling Team determined and recommend an appropriate "effluent set" that includes individual discharge limits for $CBOD_5$, NH_3-N, and minimum effluent DO that are intended to ensure that instream DO levels will consistently be protected

[4] *Surface Water Quality Monitoring Procedures, Volume 1: Physical and Chemical Monitoring Methods*, TCEQ RG-415, August 2012

and maintained above the DO criteria assigned to the waterbodies with the route for the proposed discharge.

DO concentrations are critical for the health of waterbodies and the protection of aquatic life. To ensure protective discharge limits in the proposed permit, DO modeling analyses are performed for TPDES permit applications to evaluate the potential instream DO impacts of discharges into surface waters by WQD staff on the Modeling Team. All discharge scenarios are different and are modeled as part of the ED's Technical review, with the DO-related components included to evaluate the potential overall impact on instream DO levels. Instream DO levels are affected by various factors, including potential direct DO impacts by oxygen-demanding constituents in the proposed discharge, such as $CBOD_5$, NH_3-N, and DO, which are the specific discharge limits determined by the DO modeling analyses.

Oxygen-demanding constituents often have a larger and more prolonged downstream impact on DO levels in a water body than does the DO concentration of the discharge itself, which tends to have more of a localized impact. This highlights that the difference between a DO criterion and a DO limit is that the DO criteria apply to the waterbodies themselves, whereas DO limits are minimum concentration limits applicable to the proposed discharge and its Outfall and are included in the proposed permit to ensure that instream DO levels in the waterbodies downstream of the proposed discharge will meet the DO criteria applicable to those waterbodies. Consequently, a 4.0 mg/L minimum DO limit may play a greater role in the impact of the overall DO-related "effluent set" on instream DO levels in the immediate receiving water (e.g., a creek with a 3 mg/L DO criterion) than it does in the impact on instream DO levels in waterbodies further downstream (e.g., a classified water body with a 6 mg/L DO criterion).

As a standard practice in Stream Reach assessments, the Standards Team uses the first three stream-miles after the Outfall, so it is possible and normal for the Standards Team to preliminarily not find waterbodies with exceptional, high, or intermediate aquatic life uses present within the stream reach assessed because the proposed discharge will travel three stream-miles before it enters Segment No. 0838 with its "High" ALU.

TCEQ's IPs contain screening procedures for wastewater permits and instruct that nutrient screens should be performed when the discharge, or the flow of effluent, is greater than or equal to 0.25 MGD, as is the case of the proposed permit with a proposed final phase of 0.975 MGD. The screening results of the proposed discharge, or the flow of effluent, did not indicate a high concern for nutrient enrichment in the receiving waters. Using a weight-of-evidence approach with consideration of the distance to the segment, any impairments of concerns in the discharge route or Joe Pool Lake (none), and no other facilities with limits in the immediate area, it was determined that nutrient limits or monitoring were not warranted in the proposed permit. The draft permit was developed in according to the TSWQS to be protective of WQ, provided that the facility is operated and maintained according to TCEQ rules and permit requirements.

COMMENT 4:

Alvarado commented that the proposed facility, a type of WWTF called a "package plant," will create operational problems resulting in inadequate treatment of wastewater influent at the proposed facility. Audria Gunn-Burgess commented that if package plants are only expected to last 15 years, she would like to know what will

happen when the proposed facility needs to be decommissioned. Ms. Gunn-Burgess also questioned who or what entity is responsible for operating and maintaining the proposed facility.

Mansfield and Grand Prairie commented that because Joe Pool Lake is an important recreational asset to Mansfield's residents and the region, Mansfield, TRA, Grand Prairie, and the cities of Cedar Hill and Midlothian developed a WPP that TCEQ participated in as a technical advisor and that the EPA approved in October of 2022. Mansfield commented that the impetus behind the creation of the WPP, was to restore WQ in Joe Pool Lake, its tributaries, and to further protect the Lake from bacterial, viral, and chemical threats within the watershed. Mansfield commented the success of the WPP only occurs when all parties and regulatory entities work together.

RESPONSE 4:

The ability of the public to recreate in the waters of Texas is given significant consideration in the review of an application for, and the decision to issue, a wastewater discharge permit. All waters in the state, whether intermittent or perennial, are considered as having primary contact recreational use, which includes activities that are presumed to involve a significant risk of ingestion of water. These activities are defined by the Texas Parks and Wildlife Code § 66.115, and unless otherwise specified in the TSWQS, these activities include wading by children, swimming, water skiing, diving, tubing, surfing, hand-fishing, and whitewater activities like kayaking, canoeing, and rafting.

The Tier 1 Antidegradation review conducted by the Standards Team during the ED's Technical review, indicates that the existing uses of the recieving streams, including primary contact recreation, will be maintained and protected from discharges made in compliance with the proposed permit.

Also protecting the recreational users of Mountain Creek and Joe Pool Lake, and their primary contact recreational use, is the rule in 30 TAC § 309.3(g)(1) (Disinfection), which requires that disinfection of domestic wastewater must be protective 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. For the proposed facility, the Applicant has chosen chlorine disinfection. Chlorination may be via gaseous, liquid, or tablet forms; however, the design criteria for chemical disinfection by chlorine, including safety requirements, in 30 TAC Chapter 217, Subchapter K must be observed. Chlorine is the 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.[5] The discharge from the proposed facility, disinfected with chlorine, must contain a chlorine residual of at least 1.0 mg/l and the permit limit for maximum total chlorine residual is 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and must be monitored five times per week by grab sample.[6]

The proposed permit was developed according to the TSWQS and the TCEQ IPs to be protective of WQ and maintain the recreational uses of both Mountain Creek and

[5] U.S. EPA *Wastewater Technology Fact Sheet- Chlorine Disinfection* (EPA 832-F-99-062)
[6] Indie Catch LLC, Draft Permit, Effluent Limitations and Monitoring Requirements, p.2; *see also* 30 TEX. ADMIN. CODE § 309.3(g)(2)

Segment No. 0838, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements.

It is the Applicant's responsibility to hire the appropriate operator and, although any operator selected by the Applicant is required to operate and perform the appropriate maintenance according to the TCEQ rules and proposed permit, the Applicant is the entity that is always required to ensure that the proposed facility and all its systems of collection, treatment, and disposal are properly operated and maintained.

According to 30 TAC § 30.350, the proposed permit requires the proposed facility to be operated by a chief operator or an operator holding a Category C license or higher (Figure: 30 TAC § 30.350(e)). The ED determines the level of operator required based on the treatment technology and the maximum permitted flow. A Class C operator must have a high school diploma (or equivalent), two years of work experience and 60 hours of training.

The proposed facility must be operated a minimum of five days a week by the licensed chief operator or an operator holding the required level of license or higher. In addition, the Applicant may contract with a licensed operator or operations company for the day-to-day operations of the wastewater treatment facility with a Class C license or higher.

Regardless of the number of years the proposed facility operates, whenever flow measurements for the proposed facility reaches 75% of the permitted daily average or annual average flow for three consecutive months, the Applicant must initiate engineering and financial planning for expansion or upgrading the proposed facility. Likewise, whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the Applicant must obtain authorization from the TCEQ to commence construction of the necessary additional treatment or collection facilities. These two rules are known as the "75/90 rules."[7]

With respect to a facility's operation and maintenance, the proposed permit describes the conditions under which the proposed facility must operate and has maintenance and operational safeguards intended to minimize the occurrence of operational mishaps.

First, Operational Requirement No. 1 of the proposed permit requires the Applicant to ensure that the proposed facility and all its systems of collection, treatment, and disposal are always operated and maintained consistent with applicable TCEQ rules, including regular, periodic examination of wastewater solids within the proposed facility by the operator 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.

Compliance Condition 2(a) of the proposed permit requires the Applicant to tacitly acknowledge that acceptance of an issued permit is an agreement to comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.

[7] 30 TEX. ADMIN. CODE § 305.126(a).

Compliance Condition 2(b) requires the Applicant to comply with all conditions of the proposed permit, and failure to do so constitutes a violation of the permit and the TWC or the THSC

Operational Requirement No. 4 makes the Applicant responsible for installing, prior to plant start-up, and subsequently maintaining adequate safety measures 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.

Operational Requirement No. 2 requires the Applicant, upon request by from the ED, to take appropriate samples and provide proper analysis to demonstrate compliance with Commission rules. Sampling, analysis, and reporting for compliance with provisions of the proposed permit must be performed by the Applicant according to the proposed permit's provisions on Monitoring and Reporting Requirements, the proposed permit's Definitions and Standard Permit Conditions, which are based on the TCEQ's rules found at 30 TAC §§ 319.4 - 319.12.

For instance, data from Discharge Monitoring Reports (DMRs) must be submitted each month to the TCEQ's Compliance Monitoring Team within the Office of Compliance and Enforcement and must be available for inspections by compliance investigators from the TCEQ Regional Office (Region 4) in Fort Worth, Texas.

Compliance Condition 2(d) 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 or the environment, and Compliance Condition 2(g) prohibits unauthorized discharges of wastewater or any other waste.

Lastly, Compliance Condition 2(i) ties all these proposed permit conditions together and allows them to function as intended because it subjects the Applicant to administrative, civil, and criminal penalties from Chapter 7 of the TWC (Enforcement), for violations of the proposed permit and TCEQ rules, including, but not limited to, negligently or knowingly violating the federal Clean Water Act (CWA) §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in the proposed permit issued under the CWA § 402, or any requirement imposed in proposed permit's pretreatment requirements approved under the CWA §§ 402(a)(3) or 402(b)(8).

These and other requirements in the proposed permit have historically been effective at keeping applicants informed as to conditions at the facility related to meeting the effluent limits, avoiding treatment system problems, and preventing unauthorized discharges of raw sewage.

If spills were to occur at the facility, it would be an unauthorized discharge in violation of the proposed permit for which an enforcement action can be brought by the TCEQ against the Applicant. However, spills are not expected to occur at the proposed facility if it is maintained and operated in accordance with TCEQ rules and the provisions in the proposed permit.

Additionally, according to the TCEQ rules any noncompliance which may endanger human health or safety or the environment must be reported to the TCEQ by the Applicant, and the report of noncompliance must be provided orally or by facsimile transmission to the Regional Office (Region 4) within 24 hours of becoming aware of

the noncompliance.[8] A written submission of the report of noncompliance information must also be provided by the Applicant to the Regional Office (Region 4) *and* the Compliance Monitoring Team within five working days of becoming aware of the noncompliance. This includes any unanticipated bypass that exceeds any effluent limitation in the proposed permit, and any effluent violation which deviates from the permitted effluent limitation by more than 40% must be reported in writing to the TCEQ Regional Office (Region 4) in Fort Worth, Texas, and the Compliance Monitoring Team within five working days of becoming aware of the noncompliance by more than 40%. The written submission must contain a description of the noncompliance; its cause; the potential danger to human health or safety or the environment; the period of noncompliance, including exact dates and times; the time the noncompliance it is expected to continue if has not been corrected; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

As provided by Chapter 7 of the TWC (Enforcement), the Applicant is subject to applicable administrative (TWC §§ 7.051 - 7.075), civil (TWC §§ 7.101 - 7.111), and criminal penalties (TWC §§ 7.141 - 7.202) 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 CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402 (a)(3) or 402 (b)(8); 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 the proposed 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.

COMMENT 5:

Alvarado commented there will be potential impacts on area groundwater that have not been evaluated. Alvarado stated that it is concerned that near-surface groundwater formations along Mountain Creek may be adversely impacted by releases of inadequately treated wastewater effluent, and that the Applicant has failed to evaluate or even identify these potential groundwater impacts in the Application.

Alvarado, Grand Prairie, Mansfield, TRA, Joe Bean, Joel Bean, Johnson County Judge Christopher Boedeker, Gladys Dike, Martha Franklin, Nancy Rios, and Gerald Williams all commented expressing concerns about negative impacts on the area's drinking water source, Joe Pool Lake, which also feeds groundwater wells.

Mansfield and Grand Prairie commented that because Joe Pool Lake is an important drinking water asset to Mansfield's residents and the region, Mansfield, TRA, Grand Prairie, and the cities of Cedar Hill and Midlothian developed a WPP that TCEQ participated in as a technical advisor, and that the EPA approved in October of 2022. Mansfield commented that the impetus behind the creation of the WPP, was to restore WQ in the Lake, its tributaries, and to further protect the Lake from bacterial, viral, and chemical threats within the watershed. Mansfield commented the success of the WPP only occurs when all parties and regulatory entities work together.

[8] 30 TAC § 305.125(9).

RESPONSE 5:

The drinking water standards of the federal Safe Drinking Water Act and the TCEQ's rules found at 30 TAC Chapter 290 (Public Drinking Water) are inapplicable to discharges of domestic wastewater, such as the proposed discharge. This means that the applicable drinking water standards do not require the proposed discharge to be treated to potable standards before it is discharged to Waters in the State.

As addressed above, the proposed permit has multiple safeguards or requirements that historically have been effective at keeping the Applicant or its operator informed of the proposed facility's conditions related to meeting the effluent limits, avoiding treatment system problems, and preventing unauthorized discharges of raw sewage. As such, spills are not expected to occur at the proposed facility if it is maintained and operated in accordance with TCEQ rules and the provisions in the proposed permit.

As it relates to groundwater, an evaluation for impacts to groundwater from spills is not included or required in a TPDES application. the ED's review of a TPDES application focuses on controlling the discharge of pollutants into water in the state, which includes both navigable and non-navigable water bodies. The TWC 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.[9]

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."[10] 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, WQ, aquatic life, and the environment. Further, the WQD has made the determination that if the surface WQ 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, also protect against degradation of groundwater.

Further, 30 TAC § 309.13(c) states that a treatment unit at the proposed 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 GWR that protects drinking-WQ against disease-causing microorganisms.

However, the TCEQ's GWR 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

[9] Texas Water Code § 26.001(5).
[10] Texas Water Code § 26.401(b)

microbial and chemical contaminants and properly maintain their well. It is the responsibility of the private well owner to take steps to have the WQ tested in his or her well, at least annually for possible constituents of concern, or more often if the well is thought to have a surface water connection.

Finally, the proposed permit contains discharge limits equal to Segment No. 0838's criteria; so, it should not contribute to any WQ concerns for bacteria.

COMMENT 6:

Alvarado commented that the engineering design of proposed facility is inadequate and that the treatment technologies for the interim phases are less advanced than treatment technologies for modern WWTFs and may malfunction or overflow in the event of unexpected contaminants, heavy rainfall, and other unexpected events flowing into the proposed facility. Alvarado commented further that it is concerned the proposed facility's treatment technologies in Phases 1 and 2, such as the clarifier, chlorine contact chamber, and digestion basins, will be inadequate to properly treat the Two-Hour Peak flows and the permitted flows during those phases.

Alvarado questioned the validity of several of the process design calculations in the Application such as for the loading rate for 5-Day Biochemical Oxygen Demand and the organic loading rate, considering the density of the Applicant's proposed development. Alvarado also commented that the application's description of the proposed emergency notification features, alarms, and backup equipment is inadequate.

RESPONSE 6:

As a preliminary matter, the ED notes that the information contained in the proposed permit is controlling and not information from the application, and just as the quality of the discharge that the proposed facility produces must meet the WQ goals, standards, and requirements of the federal CWA, the TWC, the TCEQ rules, and the TSWQS, so too must the manner and method for achieving that quality.

The TCEQ's 217 Rules identify the types of treatment technologies that can achieve the required treatment levels in a TPDES permit, and while there are various technologies available to treat domestic wastewater, the 217 Rules do not dictate which treatment technology must be used, instead allowing the Applicant to determine the technology best suited for its specific situation. However, the 217 Rules require that the plans and specifications of a proposed facility, no matter the type of technology selected, must be based on a design that will produce a discharge that at a minimum, will meet the requirements and effluent limits in the proposed permit.

Before the Applicant can begin construction of the proposed facility, the 217 Rules require the proposed facility to be designed according to its requirements. Similarly, Other Requirement No. 6 of the proposed permit requires the Applicant, after issuance of the proposed permit, to submit a summary transmittal letter of the proposed facility's plans and specifications, containing the nine requirements in 30 TAC § 217.6(d) for approval by a licensed Professional Engineer on the WQD's PSR Team.[11]

If the PSR Team requires more information about the design of the proposed facility than the summary letter provides, the Applicant must submit plans, specs, and a final engineering design report which must comply with the 217 Rules and clearly

[11] Indie Catch LLC, Draft Permit, Other Requirements, Item 6, p.34, *see also* 30 Tex. Admin. Code § 217.6(d).

show how the proposed facility will meet the permitted effluent limitations required on Pages 2, 2a, and 2b of the proposed permit.

Operational Requirement No. 8(b) of the proposed permit ensures additional compliance with the 217 Rules, and that the Applicant constructs a facility capable of producing a discharge that at a minimum, will meet the requirements and effluent limits of the proposed permit by requiring the Applicant to submit its engineering plans and specifications for review and approval by the PSR Team before commencing construction or making a discharge, and failure to do so is a violation of the proposed permit and each day is an additional violation until approval has been obtained.

Although the Applicant has not yet submitted engineering plans and specifications, information from the application indicates the proposed facility's treatment system will be an activated sludge process plant operated in the extended aeration mode, with secondary clarification, and advance treatment consisting of single stage biological nitrification, which Chapter 217 identifies as technology that can achieve the treatment levels required in the proposed permit, and if properly designed and implemented, is capable of producing effluent that has low levels of $CBOD_5$, NH_3-N, and TSS.

Applicant is required to ensure the plans and specifications for the proposed facility meet all design requirements in the proposed permit, and the PSR Team's evaluation certifies that the proposed facility's design can adequately treat the proposed discharge according to the limits in the proposed permit. Likewise, once the plans and specifications are approved by the PSR Team, they become part of the proposed permit and the Applicant is required to build the proposed facility according to that approval because of General Permit Conditions Nos. 1(a) and 1(b), which state that the proposed permit is granted on the basis of the information supplied and representations made by the Applicant during action on the application, and relying upon the accuracy and completeness of that information and those representations, and when the Applicant becomes aware that it failed to submit any relevant facts, or submitted incorrect information in the application or in any report to the ED, it must promptly submit those facts or information.

TCEQ's 217 Rules' requirements for the sizing of the units are stated in Subchapter F for the Activated Sludge Systems (aeration basin and clarifiers), Subchapter J for Sludge Processing, and Subchapter K for Chemical Disinfection. As previously stated, the Applicant still needs approval of its plans and specifications for the proposed facility prior to construction and must be sized according to the design criteria.

The design calculations from the application appear to be according to the 217 Rules and are only preliminary. The Applicant must still submit a summary transmittal letter to show how the treatment system will meet the permitted effluent limitations.

The Applicant included Conceptual Layout Drawings as attachments to Domestic Technical Report 1.0 of the application. These drawings provide a general concept as to how the treatment systems and site will be laid out. Copies of the drawings, including a full and complete copy of the application, including a description of the treatment system, flow diagrams, measurements of the treatment units, and design calculations for all phases of the proposed permit are available for viewing and copying at the TCEQ's Office of the Chief Clerk at the 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) and at the Alvarado Public Library located at 210 North Baugh Street in Alvarado, Texas. Some documents located at the OCC may also be in the TCEQ Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. At this

point in the permitting process, the actual engineering design drawings or schematics would need to be acquired from the Applicant.

COMMENT 7:

Alvarado commented expressing concern about nuisance odors from the proposed facility, and Nancy Rios commented expressing concern about air quality.

RESPONSE 7:

To prevent odors from occurring, the number of oxygen-demanding constituents must be controlled. The proposed permit's limits, specifically the minimum DO limit, restrict the number 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.

All WWTFs have the potential to generate odors if there are insufficient levels of DO present in the effluent. Maintaining an adequate DO concentration in the early stages of wastewater treatment helps to minimize sulfide generation, which is the most common cause of odor. The treatment process proposed by the Applicant supplies oxygen from the air into the wastewater for biodegradation of the organic contaminants in the wastewater through aeration. Oxygen also turns the sulfide compounds into odorless sulfates. Additionally, nuisance-odor controls have been incorporated into the proposed permit.

The TCEQ rules require domestic WWTFs to control and abate odors by meeting buffer zone requirements 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 proposed facility intends to comply with the TCEQ rules' buffer zone requirement to abate and control nuisance odors by ownership of the buffer zone area. These requirements are incorporated in the proposed permit, and the permitted activities at the proposed facility are not expected to cause nuisance odor if the Applicant operates the proposed facility in compliance with TCEQ's rules and the terms and conditions of the proposed permit.

Related to air quality, the TCEQ is the agency responsible for enforcing air pollution laws. The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of an air quality permit if, upon review, it is found that those facilities will not make a significant contribution of air contaminants to the atmosphere and that human health, and the environment will be protected. According to the TCEQ rules in 30 TAC § 106.532, wastewater facilities have undergone this review, and their air emissions are permitted by rule provided the facility performs only the functions listed in the rule. The Applicant indicated in its application that the treatment process of the proposed facility would use an Activated Sludge system, which does not make a significant contribution of air contaminants to the atmosphere pursuant to the Texas Clean Air Act in THSC § 382.057 and § 382.05196 and is therefore permitted by rule.

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, like odors, they may be reported to the TCEQ by calling the toll-free number, 1-888-777-3186, or the TCEQ Regional Office

(Region 4) in Fort Worth Texas, Texas may be contacted at (817) 588-5800 to address potential permit violations. In addition, complaints may be filed electronically by using the methods described above on page five at the seventh bullet under "Access to Rules, Laws, and Records." If an inspection by the Regional Office finds that the Applicant is not complying with all requirements of the proposed permit, or that the proposed facility is out of compliance with TCEQ rules, enforcement actions may be warranted.

COMMENT 8:

Mansfield, Grand Prairie, and Alvarado commented that the proposed facility violates the Regionalization policy of Texas.

RESPONSE 8:

According to Texas Water Code (TWC) § 26.081, the State's policy is 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 prevent pollution and maintain and enhance the quality of the water in the state," otherwise known as "Regionalization."

Likewise, TWC § 26.0282 provides that "in considering the issuance, amendment, or renewal of a permit to discharge waste, the Commission may deny or alter the terms and conditions of the proposed permit, amendment, or renewal based on consideration of need, including the expected volume and quality of the influent and the availability of existing or proposed area wide or regional waste collection, treatment, and disposal systems not designated as area wide or regional disposal systems by Commission Order. This section is expressly directed to the control and treatment of conventional pollutants normally found in domestic wastewater."

To implement the Regionalization policy, TCEQ's domestic wastewater application requires information, in sections 1 of the Domestic Technical Report 1.0 and 1.A of the Domestic Technical Report 1.1, regarding the applicant's proposed flows and need for each of the facility's phases. The information requested includes the design flow and estimated construction start date of each phase, estimated start dates for effluent disposal, and justification for any phase beyond the facility's initial phase.

Further, when evaluating the need for a proposed facility, TCEQ's regionalization policy implemented through Domestic Technical Report 1.1, requires applicants to contact existing permitted WWTFs within a 3-mile radius of the proposed facility to determine whether the permitted facilities have the capacity or are willing to expand to accept the volume of wastewater proposed by Applicant. Also required is an analysis of expenditures required to connect to one of those permitted WWTF within three miles versus the cost of the proposed facility or expansion. Finally, Applicants are required to provide copies of all correspondence with the owners of the existing WWTFs within three miles regarding connection to their system. According to the information submitted by the Applicant, there are no wastewater treatment facilities located within a 3-mile radius of the proposed facility that is willing to provide service.

The ED's staff uses all submitted information to evaluate whether the Commission should grant the application and, if so, whether each of the proposed phases should be incorporated into a permit.

COMMENT 9:

Alvarado commented that the Applicant misrepresented facts in the application related to property ownership of the site of the proposed facility.

RESPONSE 9:

During its review of permit applications, the ED relies on the representations made in the application. Permit applicants are required to certify the accuracy of the information submitted and the application must be signed by a responsible party under penalty of law.

The proposed permit, if issued, does not grant to the Applicant any property rights to use private property for treatment of wastewater in relation to the proposed facility. General Permit Condition No. 1(b) states that the proposed permit is granted based on the information supplied and representations made by the Applicant during the processing of the application and the permitting process and relying upon the accuracy and completeness of that information and those representations.

The policy of the TCEQ is that at the time of submittal of the application, the Applicant is not required to own the property it plans to build the proposed facility on. However, before the permit is issued, it is the responsibility of the Applicant to acquire property rights as is necessary to construct the proposed facility. This includes property belonging to any individual, partnership, corporation, or other entity. In addition, the proposed permit does not authorize the invasion of any personal rights or any violation of federal, state, or local laws and regulations.

COMMENT 10:

Gladys Dike, Martha Franklin, Joe Bean, Joel Bean, Nancy Rios, Alvarado, and Grand Prairie commented with concerns about flooding. Additionally, Ms. Rios commented expressing concerns about noise from the proposed facility and its impact on property values.

RESPONSE 10:

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 WQ, and TWC § 26.027 authorizes the TCEQ to issue permits to control the discharge of wastes or pollutants into state waters and to protect the WQ of the state's rivers, lakes and coastal waters, and while the proposed permit establishes terms and conditions that are intended to provide WQ pollution control, which focuses on controlling the discharge of pollutants into water in the state, the ED through the WQD has no jurisdiction to address flooding, erosion, fluctuations in property values, or noise from the proposed facility in the wastewater permitting process, which is limited to controlling the discharge of pollutants into waters in the state and protecting the WQ 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 WQ, 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 proposed 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.

For flooding concerns, members of the public may contact the Johnson County Floodplain Administrator's office, which is also the Johnson County Public Works Director and run out of the Johnson County Public Works Department at (817) 556-6380 from 8:00 a.m. – 5:00 p.m., Monday through Friday, or by sending an email to development@johnsoncountytx.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**. 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.

IV. CHANGES MADE TO THE PERMIT IN RESPONSE TO COMMENT

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

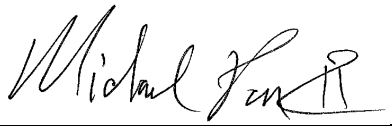
Respectfully submitted,

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



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

CERTIFICATE OF SERVICE

I certify that on May 12, 2023, the Executive Director's Response to Public Comment for Permit No. WQ0016213001was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.

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

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Thursday, January 26, 2023 10:25 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016213001
Attachments: City of Alvarado Public Comments and Request for Contested Case Hearing1.pdf

H

From: sdickmanlaw@att.net <sdickmanlaw@att.net>
Sent: Thursday, January 26, 2023 9:16 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016213001

REGULATED ENTY NAME INDIE CATCH WASTEWATER TREATMENT PLANT

RN NUMBER: RN111566287

PERMIT NUMBER: WQ0016213001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: INDIE CATCH LLC

CN NUMBER: CN606056786

FROM

NAME: Stephen C Dickman

EMAIL: sdickmanlaw@att.net

COMPANY: Law Office of Stephen C. Dickman

ADDRESS: 6005 UPVALLEY RUN
AUSTIN TX 78731-3671

PHONE: 5129227137

FAX: 5124548495

COMMENTS: See attached letter providing public comments and request for contested case hearing.

LAW OFFICE OF STEPHEN C. DICKMAN

6005 Upvalley Run
Austin, Texas 78731
Tel: 512-922-7137
Fax: 512-454-8495
Email: sdickmanlaw@att.net
Website: https://www.sdickmanlaw.com

January 26, 2023

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

Re: Application of Indie Catch, LLC for Proposed TPDES Permit No. WQ0016213001;
Public Comments and Request for Contested Case Hearing

Dear Ms. Gharis:

I represent the home rule City of Alvarado (the "City") regarding the above-referenced TPDES permit application (the "Application"). The City opposes the issuance of the permit and hereby submits these public comments and this request for contested case hearing in response to the TCEQ Notice of Application and Preliminary Decision dated January 6, 2023.

I. The City is an "Affected Person" With a Justiciable Interest in the Outcome of This Proceeding.

The location of the proposed wastewater treatment plant is within the City's extra-territorial jurisdiction ("ETJ") and approximately one-half mile from the incorporated limits of the City on its northeast side. In its ETJ, the City has a particularized interest and regulatory authority with respect to protection of water quality (see statutory authorities cited below). Moreover, as expressly acknowledged in the application, the City has wastewater collection lines located less than three miles from the proposed wastewater plant and therefore the Applicant was required to notify the City and inquire as to the availability of City wastewater service. The proliferation of unneeded small package wastewater plants in the City's ETJ violates TCEQ's Regionalization Policy set forth in Tex. Water Code §26.081. Finally, various City functions and services, including water and sewer services, roadway and transportation, and emergency services will be affected by the Applicant's 750-lot residential development to be served by the proposed wastewater treatment plant.

In all these respects, the City would be potentially adversely affected in a way unique to the City and not in a manner common to members of the general public. See TCEQ rules at 30 TAC §55.201(d) and §55.203. Under §55.203, governmental entities, including local governments, with authority under state law over issues raised by the application may be considered affected persons, and TCEQ must consider a local governmental authority's statutory

authority over or interest in the issues relevant to the application. In a wastewater permitting case, such statutory authority includes the following:

- Tex. Local Govt. Code §42.001 (acknowledging the authority of a municipality to promote and protect the general health, safety, and welfare of persons residing in its ETJ);
- Tex. Water Code §26.177 (authorizing a city to establish a water pollution and abatement program within the city and its ETJ);
- Tex. Local Govt. Code §552.001 (authorizing a city to establish and regulate a sewer utility system within the city and its ETJ);
- Tex. Local Govt. Code §551.002 (authorizing a home rule city to prohibit the pollution of a water supply stream or tributary in its ETJ and to protect and police any watershed in its ETJ); and
- Tex. Local Govt. Code §217.042 (authorizing a city to define, prohibit and abate any nuisance within the city or within 5,000 feet outside its incorporated limits).

Therefore, the City has a particularized statutory interest in and jurisdiction over water quality matters within its ETJ and such interest is not an interest common to members of the general public. Accordingly, the City is an "affected person" with a justiciable interest in the outcome of this wastewater permitting case.

II. Public Comments Raising Disputed Relevant and Material Issues of Fact

The following are disputed issues of fact that are relevant and material to the TCEQ's decision on the Application:

1. Whether the proposed design of the wastewater treatment plant is adequate to ensure that the required effluent water quality will be achieved. The City has concerns that the engineering design of the proposed package wastewater plant will create operational problems and result in inadequate treatment of sewage influent. The interim phases of the proposed wastewater plant are at the lower end of modern design for wastewater treatment plants and can be expected to malfunction or overflow in the event of unexpected influent contaminants, heavy rainfall and other unexpected events. For example, the City is concerned about whether in the Phase 1 and Phase 2 design the clarifier, chlorine contact chamber and digestion basins will be adequate to properly treat Phase 1 and Phase 2 permitted flows and 2-hour peak flows. The City also questions the validity of several of the process design calculations shown in the Application such as the BOD_5 loading rate and the organic loading rate for the density of the proposed development. Finally, the description of the proposed emergency notification features, alarms and backup equipment appears to be inadequate.

2. Whether the water quality parameters in the draft permit are inadequate to ensure that the existing water quality uses will not be impaired. The City is concerned that the Applicant has not considered the presence of significant pooling in Mountain Creek downstream of the proposed discharge point. The presence of pooling decreases dissolved oxygen ("DO")

concentrations in the creek and creates a risk that minimum required DO levels will not be met. Furthermore, the City is concerned that a Tier 2 antidegradation review is needed based on the probability that Mountain Creek is perennial, rather than intermittent, and that it has high aquatic life uses. Indeed, in response to the question in the Application about waterbody uses of Mountain Creek, the Applicant merely stated "Unknown" (see page 31 of the Application). The City believes that the minimum DO level should be at least 5.0 mg/l and that there should be a total phosphorus limit in the draft permit to account for these conditions. Finally, the City is concerned that the draft permit does not have limits on copper and zinc and total dissolved solids.

3. Whether nuisance odor conditions will be created. Under the effluent parameters set forth in the draft permit, the effluent discharge from the proposed plant will result in the creation of algae blooms which in summer months will decay, create offensive smells and impair the existing uses of the land. Moreover, noxious odors (e.g., hydrogen sulfide gasses) will result from any plant malfunction or operational error. Persons residing on or using the land adjacent to the wastewater plant will be forced to endure noxious odors that will prevent or impair current use and enjoyment of their property.

4. Whether the proposed wastewater discharge will adversely affect the health of persons who come in contact with the effluent discharge. The land downstream of the proposed discharge point is used by numerous persons throughout the year. These persons may come into contact with the waters in Mountain Creek and any inadequately treated wastewater effluent discharged from the proposed plant may contain significant and harmful concentrations of bacteria, viruses, pathogens and chemical contaminants that are harmful to human health. Moreover, the inability of the plant to properly treat influent wastewater flows may result in release of harmful and noxious concentrations of hydrogen sulfide gasses.

5. Whether the proposed wastewater discharge will harm fish, wildlife and other environmental receptors immediately downstream of the discharge point. Inadequately treated wastewater from the proposed wastewater package plant may result in a quality of effluent that harms the fish and aquatic life in Mountain Creek, the wildlife and wildlife habitat in and around Mountain Creek, and the trees and other native vegetation in and around Mountain Creek. The introduction of 975,000 gals/day of inadequately treated wastewater could adversely impact the entire ecosystem in and around Mountain Creek in other unforeseen ways.

6. Whether there will be potential impacts on area groundwater that have not been evaluated. The City is concerned that near-surface groundwater formations along Mountain Creek may be adversely impacted by releases of inadequately treated wastewater effluent. The Applicant has failed to evaluate or even identify these potential groundwater impacts in the Application.

7. Whether the establishment of a new package plant violates the TCEQ's regionalization policy. TCEQ's regionalization policy is intended to prevent the proliferation of new unneeded package plants when a regional wastewater service provider is available. In this case, upon issuance of the City's renewed 2.6 MGD wastewater Permit No. WQ0010567002,

the City itself will have adequate capacity to treat the wastewater flows from the proposed development. The question of whether the City is a feasible, more cost-effective alternative needs to be evaluated in a hearing.

8. Whether the wastewater plant is subject to potential flood dangers and will exacerbate downstream flooding and erosion. The proposed wastewater plant will be located in a FEMA-designated 100-year flood zone (FEMA Zone AE). Accordingly, the plant must be designed with special flood protection features. In addressing this issue, the Application merely states that the top of the wall of the treatment units will be above the 100-year flood level. Such minimal information provides no assurance that the treatment plant will be adequately protected in the event extreme rainfall events. Moreover, the addition of up to 975,000 gals/day of effluent discharge with peak flows of 3.9 MGD will significantly exacerbate potential flood dangers to adjacent property and uncontrolled erosion of the Mountain Creek channel. Any such development that creates flooding threats to land within the City's ETJ may require a full flood study and a letter of map revision (LOMR).

9. There is a question as to whether the permit applicant owned the wastewater plant site when it signed the Application. It appears that the applicant did not own the wastewater plant site land at the time it signed the Application on August 26, 2022. Based on the Johnson County Central Appraisal District records, the deed conveying the property to the applicant is dated October 20, 2022. Because the applicant's signature page is a sworn declaration that all statements in the Application are true and correct, the applicant's representation in the Application that it was the owner of the land on August 26, 2022 may be an actionable misrepresentation to TCEQ.

II. REQUEST FOR CONTESTED CASE HEARING

The City hereby requests a contested case hearing so that the issues identified above can be thoroughly evaluated and the TCEQ can make an informed decision on the Application and draft permit. Pursuant to 30 TAC § 55.201(d), the following facts show that the City is an "affected person" and is entitled to a contested case hearing in this matter:

(1) Name, address, daytime telephone number fax number of hearing requester:

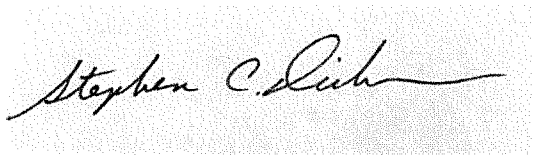
City of Alvarado
c/o Stephen C. Dickman, Attorney at Law
6005 Upvalley Run
Austin, TX 78731
Tel: 512-922-7137
Fax: 512-454-8495
Email: sdickmanlaw@att.net

(2) Justiciable Interest: The City has a particularized statutory interest in and jurisdiction over water quality matters within its ETJ and such interest is not an interest common to members of the general public. See the discussion in Section I above.

(3) Relevant and Material Disputed Issues of Fact Raised by the City in Its Comments: See the list of issues in Section II above.

In conclusion, a contested case hearing is needed to evaluate the above issues so that the TCEQ can make a fully informed decision in this case. Thank you for your consideration of this request for contested case hearing. If you have any questions regarding this submittal, please feel free to contact me at any time.

Very truly yours,



Stephen C. Dickman
Attorney for the City of Alvarado

cc: Paul DeBuff, Alvarado City Manager

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Tuesday, February 7, 2023 10:49 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016213001
Attachments: Opposition Letter.docx

H

From: jeff.price@mansfieldtexas.gov <jeff.price@mansfieldtexas.gov>
Sent: Tuesday, January 31, 2023 3:27 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016213001

REGULATED ENTY NAME INDIE CATCH WASTEWATER TREATMENT PLANT

RN NUMBER: RN111566287

PERMIT NUMBER: WQ0016213001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: INDIE CATCH LLC

CN NUMBER: CN606056786

FROM

NAME: Jeff Price

EMAIL: jeff.price@mansfieldtexas.gov

COMPANY: The City of Mansfield

ADDRESS: 1200 E BROAD ST
MANSFIELD TX 76063-1805

PHONE: 8177283602

FAX:

COMMENTS: On behalf of the City of Mansfield, please accept the attached public comments in opposition of the above referenced application for a TPDES permit for Indie Catch, LLC.

MANSFIELD
TEXAS

January 31, 2023

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

Re: Application of Indie Catch, LLC for Proposed TPDES Permit No. WQ0016213001; Public Comments

Dear Ms. Gharis,

On behalf of the City of Mansfield, please accept these public comments in opposition of the above referenced application for a TPDES permit for Indie Catch, LLC. The City of Mansfield, Texas, a home rule community located in Tarrant, Johnson and Ellis Counties, has received notice of a permit application filed by Indie Catch LLC to discharge effluent to Mountain Creek, thence Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. The requested Permit would authorize the discharge of treated wastewater at a daily average flow not to exceed 975,000 gallons per day.

Joe Pool Lake borders the eastern jurisdiction of the City of Mansfield and is an important asset to our residents and the region. In effort to protect this asset, the City of Mansfield, along with the Trinity River Authority, and the cities of Cedar Hill, Grand Prairie, and Midlothian, developed a watershed protection plan that was approved by the Environmental Protection Agency in October of 2022. The plan was created to restore water quality in Joe Pool Lake and its tributaries and to further protect this resource from bacterial, viral, and chemical threats in the watershed. Moreover, since the Texas Commission on Environmental Quality participated in the development of the plan as a technical advisor, the importance of protecting Joe Pool Lake is well established.

The City of Mansfield believes that it is consistently in the public interest to limit the number of wastewater treatment facilities and their discharge activities to regional and sub-regional areas where they can be carefully managed and monitored by experienced governmental operators. Governmental entities have experience in managing these facilities and are familiar with the environmental conditions and constraints applicable to activities within their jurisdiction. The creation of additional

MANSFIELD
TEXAS

private or semi-private wastewater treatment activities increases the need for inspection, testing and monitoring providing a burden without a concomitant public benefit. The City of Mansfield does *not* believe that a discharge permit for this facility should be authorized.

The goals and successful implementation of the plan only occurs when all regulatory parties and agencies work together. We understand that there are alternatives available to the applicant which would be in furtherance of the state's general policy "to encourage and promote the use of regional and area-wide waste collection, treatment, and disposal systems...to prevent pollution and maintain and enhance the quality of the water in the state."[1]

Unless there is an evidentiary hearing held in which the applicant provides substantial, competent evidence to demonstrate that the discharge of treated water at the proposed location will not negatively impact the environment by negatively impacting the stream segment and the surrounding area both at the discharge site and downstream from that point along with showing why participating in a local collection system is not feasible or more cost-effective, the TCEQ should deny the proposed permit application.

Thank you for the opportunity to provide input. Please direct any specific questions to Jeff Price, Executive Director of Public Works, at 817-728-3602.

Sincerely,

Joe Smolinksi
City Manager
City of Mansfield
1200 E Broad Street
Mansfield, Texas 76063
817-276-4200

[1] *See* Tex. Water Code § 26.081

CC: Vanessa Ramirez, Assistant City Manager
Jeff Price, Executive Director of Public Works

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

Dear Sir:

RE: Permit No. WQ0016213001, by Indie Catch LLC
to construct a waste water plant at 7601 County Rd. 508,
Alvarado, Texas 76009

I am a land owner of over 500 acres and I lease another 600 acres directly effected by the proposed waste water plant. My concern is the additional threat of flooding this could cause. Several small creeks converge near the proposed location. At the present time it is common to have flooding where the proposed site is located. After a big rain, water will get four feet deep and spread out for 800 feet.

Another concern is the possibility of flood waters backing back in the creek ahead of the waste water plant. There is already new construction of an apartment complex that will add water to the creek flowing into Mountain Creek. I am seriously concerned about any additional water flowing into this Creek.

Another concern is that the wastewater ends up in Joe Pool Lake, a source of drinking water for Alvarado and other Johnson County residents.

Because of all of these concerns, I request that the application to construct a waste water plant at 7601 County Road 508, Alvarado, Texas, be denied.

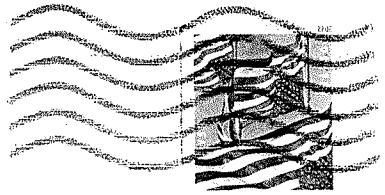
Sincerely,

Joe C. Bean

Joe C. Bean
7416 County Road 604
Alvarado, Texas 76009

Joe C. Bean
7416 County Road 604
Alvarado, TX 76009

NORTH TEXAS TX PSDC
DALLAS TX 750
3 FEB 2023



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FEB 07 2023
TCEQ MAIL CENTER
DA

TCEQ OCC
7FEB '23 10:02

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

78711-308787

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Monday, February 6, 2023 9:05 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016213001

From: Audrey.gunn86@yahoo.com <Audrey.gunn86@yahoo.com>
Sent: Sunday, February 5, 2023 7:42 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016213001

REGULATED ENTY NAME INDIE CATCH WASTEWATER TREATMENT PLANT

RN NUMBER: RN111566287

PERMIT NUMBER: WQ0016213001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: INDIE CATCH LLC

CN NUMBER: CN606056786

FROM

NAME: MR Joel Gregory Bean

EMAIL: Audrey.gunn86@yahoo.com

COMPANY:

ADDRESS: 7412 COUNTY ROAD 604
ALVARADO TX 76009-8635

PHONE: 8179322161

FAX:

COMMENTS: As a land owner near the proposed waste water facility on Mountain Creek, we ask that the application be denied. The discharged water would flow into Joe Pool Lake, which is a source of drinking water for all of us. The discharged water would add to the excessive amount of run-off water from current development projects (housing and an apartment complex). Mountain Creek is a seasonal creek. The run-off water will cause it to run continually. Flooding after rain, occurs frequently already. We respectfully ask that the application be denied. Sincerely Joel Gregory Bean

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Friday, January 27, 2023 2:40 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016213001

From: judgeboedeker@johnsoncountytx.org <judgeboedeker@johnsoncountytx.org>
Sent: Thursday, January 26, 2023 2:32 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016213001

REGULATED ENTY NAME INDIE CATCH WASTEWATER TREATMENT PLANT

RN NUMBER: RN111566287

PERMIT NUMBER: WQ0016213001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: INDIE CATCH LLC

CN NUMBER: CN606056786

FROM

NAME: Christopher Boedeker

EMAIL: judgeboedeker@johnsoncountytx.org

COMPANY: Johnson County

ADDRESS: 2 N MAIN ST RM 120
CLEBURNE TX 76033-5500

PHONE: 8175566360

FAX:

COMMENTS: As the County Judge in Johnson County, I have an obligation to advocate for the health and safety of the citizens of this County. I believe this project will have a devastating effect on the quality of local natural resources, including the potable water reservoir Joe Pool Lake. Surface water sources have been significantly impacted by drought over the past several years, and potable water sources are vital to the region. This project could irrevocably impact a major drinking-water source for the region.

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Monday, January 30, 2023 9:09 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016213001
Attachments: TCEQ - Indie Catch1.pdf

From: jcason@gptx.org <jcason@gptx.org>
Sent: Friday, January 27, 2023 5:12 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016213001

REGULATED ENTY NAME INDIE CATCH WASTEWATER TREATMENT PLANT

RN NUMBER: RN111566287

PERMIT NUMBER: WQ0016213001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: INDIE CATCH LLC

CN NUMBER: CN606056786

FROM

NAME: MR Jody Cason

EMAIL: jcason@gptx.org

COMPANY: City of Grand Prairie

ADDRESS: PO BOX 534045
GRAND PRAIRIE TX 75053-4045

PHONE: 9722378070

FAX:

COMMENTS: Dear Ms. Gharis: On behalf of the City of Grand Prairie, please accept these public comments in opposition of the application for a TPDES permit for Indie Catch LLC to discharge effluent to Mountain Creek, thence Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. A portion of Mountain Creek and Joe Pool Lake are within the city limits and/or the ETJ of the City of Grand Prairie. Joe Pool Lake is an important asset to the region, providing economic, social,

and ecological benefits to the region. To protect this asset, the City of Grand Prairie, along with the Trinity River Authority, and the cities of Cedar Hill, Mansfield, and Midlothian, developed a watershed protection plan that was approved by the Environmental Protection Agency in October of 2022. The plan was created to restore water quality in Joe Pool Lake and its tributaries and to further protect this resource from bacterial, viral, and chemical threats in the watershed. We understand that a Tier 1 antidegradation review was completed, however, this receiving stream is not "intermittent" in Grand Prairie. 975,000 gallons of treated effluent daily may in fact decrease the chances of any part of this stream being "intermittent." The TCEQ should provide more information as to why a Tier 2 antidegradation review was not conducted. We contend that a permit should not be issued based on a preliminary determination that no waterbodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach. It is our contention that the TCEQ may have only evaluated the unnamed receiving steam and did not include Segment No. 0838 even though TCEQ's own assessment is that this segment has high aquatic life use. Watershed protection plans only work if all regulatory parties can work together and failing to undergo a Tier 2 antidegradation review undermines the efforts by downstream parties to protect this resource. There are very few streams in urbanized areas that are not currently 303d listed for bacteria and once established, it is very difficult to reverse the affects from bacterial sources. It is our understanding that there is a collection system within three miles of the proposed site. Allowing additional package plants is in opposition to TCEQ's Regionalization Policy that is required under Texas Water Code 26.081. TCEQ is authorized to deny a proposed wastewater discharge permit based on the availability of regional waste collection. Why this policy would be ignored is concerning, especially as there is no information to suggest that the proposed local collection system being a feasible and more cost-effective alternative was properly evaluated. Thank you for the opportunity to provide input. Should you have any questions, please contact Cindy Mendez at 972-237-8225. Respectfully, Steve Dye, City Manager Cc: Megan Mahan, City Attorney Cindy Mendez, Public Health & Environmental Quality Director

Grand Prairie
TEXAS

January 27, 2023

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

Re: Application of Indie Catch, LLC for Proposed TPDES Permit No. WQ0016213001; Public Comments

Dear Ms. Gharis:

On behalf of the City of Grand Prairie, please accept these public comments in opposition of the application for a TPDES permit for Indie Catch LLC to discharge effluent to Mountain Creek, thence Joe Pool Lake in Segment No. 0838 of the Trinity River Basin.

A portion of Mountain Creek and Joe Pool Lake are within the city limits and/or the ETJ of the City of Grand Prairie. Joe Pool Lake is an important asset to the region, providing economic, social, and ecological benefits to the region. To protect this asset, the City of Grand Prairie, along with the Trinity River Authority, and the cities of Cedar Hill, Mansfield, and Midlothian, developed a watershed protection plan that was approved by the Environmental Protection Agency in October of 2022. The plan was created to restore water quality in Joe Pool Lake and its tributaries and to further protect this resource from bacterial, viral, and chemical threats in the watershed.

We understand that a Tier 1 antidegradation review was completed, however, this receiving stream is not "intermittent" in Grand Prairie. 975,000 gallons of treated effluent daily may, in fact, decrease the chances of any part of this stream being "intermittent." The TCEQ should provide more information as to why a Tier 2 antidegradation review was not conducted. We contend that a permit should not be issued based on a preliminary determination that no waterbodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach. It is our contention that the TCEQ may have only evaluated the unnamed receiving steam and did not include Segment No. 0838 even though TCEQ's own assessment is that this segment has high aquatic life use.

Watershed protection plans only work if all regulatory parties can work together and failing to undergo a Tier 2 antidegradation review undermines the efforts by downstream parties to protect this resource. There are very few streams in urbanized areas that are not currently 303d listed for bacteria and once established, it is very difficult to reverse the affects from bacterial sources.

It is our understanding that there is a collection system within three miles of the proposed site. Allowing additional package plants is in opposition to TCEQ's Regionalization Policy that is required under Texas Water Code 26.081. TCEQ is authorized to deny a proposed wastewater discharge permit based on the availability of regional waste collection. Why this policy would be ignored is concerning, especially as there is no information to suggest that the proposed local collection system being a feasible and more cost-effective alternative was properly evaluated.

GRAND PRAIRIE
TEXAS

Thank you for the opportunity to provide input. Should you have any questions, please contact Cindy Mendez at 972-237-8225.

Respectfully,

Steve Dye,
City Manager

Cc: Megan Mahan, City Attorney
Cindy Mendez, Public Health & Environmental Quality Director

Ellie Guerra

From:	PUBCOMMENT-OCC
Sent:	Monday, February 6, 2023 8:59 AM
To:	PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject:	FW: Public comment on Permit Number WQ0016213001
Attachments:	Indie Development Comment Letter 2 3 2023 (003)1.pdf

From: clingenpeelg@trinityra.org <clingenpeelg@trinityra.org>
Sent: Friday, February 3, 2023 4:49 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016213001

REGULATED ENTY NAME INDIE CATCH WASTEWATER TREATMENT PLANT

RN NUMBER: RN111566287

PERMIT NUMBER: WQ0016213001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: INDIE CATCH LLC

CN NUMBER: CN606056786

FROM

NAME: MR Glenn Clingenpeel

EMAIL: clingenpeelg@trinityra.org

COMPANY: Trinity River Authority of Texas

ADDRESS: PO BOX 60
ARLINGTON TX 76004-0060

PHONE: 8174674343

FAX:

COMMENTS: The Trinity River Authority submits the attached comments regarding the subject TPDES permit application. We sincerely appreciate the opportunity to provide input into this important process.

Trinity River Authority of Texas

General Office

February 3, 2023

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

RE: Application for TPDES Permit No. WQ0016213001, Indie Catch, LLC

Trinity River Authority of Texas (Authority) is submitting public comments in response to the notification of application for TPDES Permit No. WQ0016213001 of Indie Catch, LLC (Applicant) issued by TCEQ.

The Authority is the local sponsor for Joe Pool Lake, a major water supply reservoir for a quickly developing portion of the DFW area, and continues to coordinate water supply operations in conjunction with several cities and the US Army Corps of Engineers. In 2022, the Authority, in partnership with local stakeholders, completed the Joe Pool Lake Watershed Protection Plan which was funded through the TCEQ Nonpoint Source Program. Additionally, the Authority operates the Mountain Creek Regional Wastewater System (MCRWS) which provides wastewater treatment to portions of Ellis and Johnson Counties. The Authority has worked closely with TCEQ to determine appropriate effluent limits for MCRWS that do not exceed the assimilative capacity of Mountain Creek, its tributaries, and ultimately Joe Pool Lake.

The applicant has proposed a small package treatment plant that will discharge 975,000 gallons per day (average daily flow) into Mountain Creek, upstream of MCRWS and Joe Pool Lake. The Texas Legislature recognizes the importance of regionalized wastewater treatment plants and requires TCEQ to consider regionalization during the review of new wastewater permits (Texas Water Code Section 26.081). The Authority is providing the following public comments regarding this application:

1. It does not appear that a proper evaluation was performed regarding the feasibility of connecting this development to an existing wastewater system.
2. The Applicant's proposed discharge location is less than three miles from the Authority's service area for MCRWS. The Trinity River Authority was never contacted regarding the possibility of connecting the Applicant's to the existing MCRWS facility.
3. Numerous other developers in the Joe Pool Lake watershed are working with local municipalities to benefit from existing wastewater services. Specifically, the City of Alvarado is working with Lennar Homes, Bluebonnet Capital, Greenbrick Edgewood, History Maker

P.O. Box 60
Arlington, Texas 76018
(817) 467-4343

Homes, Bloomfield Homes and Agave Trail Development in order to tie these developments into the city's wastewater treatment plant. This applicant should be held to the same standard.

4. TCEQ should consider the impact and permitting requirements of the development's full buildout, including other land acquisitions that the same developer has made with intent to develop. It is inappropriate for developers to provide an economic analysis that does not include full buildout when comparing onsite wastewater treatment to joining a regional system.
5. The distance between regional system infrastructure should be calculated from the corporate limit of the development, not the proposed outfall.
6. This area is rapidly developing and the cumulative effects of individual, small package-type treatment plants should be considered during each permitting process. As stated above, this should include wastewater volumes commensurate with full buildout.
7. Because there is a limit to the assimilative capacity of the receiving stream system, permit limits, reporting requirements, and sampling requirements should be at least as stringent as those required of the closest regional facility (ATTACHMENT A - TPDES Permit No. WQ0010348001).
8. The development is within 5 miles of the City of Alvarado's municipal wastewater treatment facility, and within 3 miles of their collection system.
9. Because of the proximity to multiple existing wastewater treatment facilities, the Applicant should be required to provide information regarding the full buildout of the development and to meet with the operators of the existing facilities to discuss options for including this development in one of those systems.

The Authority appreciates the opportunity to provide comments on these important issues during the permitting process for TPDES Permit No. WQ0016213001, Indie Catch, LLC. Please reach out to Matthew Jalbert, Executive Manager, Northern Region at (817) 467-4343 should you have any questions.

Respectfully submitted,

J. KEVIN WARD
General Manager
Trinity River Authority of Texas

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 25, 2023

Quintin Winters, Manager
Trinity River Authority of Texas
P.O. Box 240
Arlington, Texas 76004

RE: Trinity River Authority of Texas
Permit No. WQ0010348001

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director (ED) has acted on the above-named application. According to 30 Texas Administrative Code (TAC) Section 50.135 the ED's action became effective on the date the ED signed the permit or other action. A copy of the final action is enclosed and cites the effective date.

For certain matters, a **motion to overturn**, which is a request that the commission review the executive director's action on an application, may be filed with the chief clerk. Whether a motion to overturn is procedurally available for a specific matter is determined by Title 30 of the Texas Administrative Code Chapter 50. According to 30 TAC Section 50.139, an action by the ED is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

If a motion to overturn is filed, the motion must be received by the chief clerk within 23 days after the date of this letter. An original and 7 copies of a motion must be filed with the chief clerk in person or by mail. The Chief Clerk's mailing address is Office of the Chief Clerk (MC 105), TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. On the same day the motion is transmitted to the chief clerk, please provide copies to the Environmental Law Deputy Director (MC 173), and the Public Interest Counsel (MC 103), both at the same TCEQ address listed above. If a motion is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the ED's action. The procedure and timelines for seeking judicial review of a commission or ED action are governed by Texas Water Code Section 5.351.

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

Sincerely,

Laurie Gharis

Laurie Gharis
Chief Clerk

LG/cb

cc: Garrett T. Arthur, TCEQ Public Interest Counsel (MC 103)

COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas al Reducir y Prevenir la Contaminación

Enero 25, 2023

Quintin Winters, Manager
Trinity River Authority of Texas
P.O. Box 240
Arlington, Texas 76004

RE: Trinity River Authority of Texas
Permiso No. WQ0010348001

Esta carta es su aviso de que el director ejecutivo (ED, por sus siglas en inglés) de la Comisión de Calidad Ambiental de Texas (TCEQ, por sus siglas en inglés) ha actuado sobre la solicitud mencionada anteriormente. De acuerdo con 30 Código Administrativo de Texas (TAC, por sus siglas en inglés) Sección 50.135, la acción del ED entró en vigencia en la fecha en que el ED firmó el permiso u otra acción. Se adjunta una copia de la acción final y se cita la fecha de vigencia.
Para ciertos asuntos, una **moción para revocar**, que es una solicitud para que la comisión revise la acción del director ejecutivo sobre una solicitud, puede presentarse ante el secretario oficial. Si una moción para revocar está disponible desde el punto de vista procesal para un asunto específico está determinado por el Título 30 del Capítulo 50 del Código Administrativo de Texas. De acuerdo con 30 TAC Sección 50.139, una acción del ED no se ve afectada por una moción de revocación presentada bajo esta sección a menos que la comisión lo ordene expresamente.

Si se presenta una moción para revocarla, la moción debe ser recibida por el secretario oficial dentro de los 23 días posteriores a la fecha de esta carta. Se debe presentar una copia original y 7 copias de una moción ante el secretario oficial en persona o por correo. La dirección postal del Secretario Oficial es Office of the Chief Clerk (MC 105), TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. El mismo día en que se transmite la moción al secretario oficial, proporcione copias al Director Adjunto de Derecho Ambiental D (MC 173) y al Asesor de Interés Público (MC 103), ambos en la misma dirección de la TCEQ mencionada anteriormente. Si una moción no es tomada en cuenta por la comisión dentro de los 45 días posteriores a la fecha de esta carta, entonces la moción se considerará anulada.

También puede solicitar una **revisión judicial** de la acción del ED. El procedimiento y los plazos para solicitar la revisión judicial de una comisión o acción del Departamento de Educación se rigen por la Sección 5.351 del Código de Agua de Texas.

Los miembros individuales del público pueden solicitar más información llamando al Programa de Educación Pública de la TCEQ, al número gratuito, al 1-800-687-4040.

Atentamente,

Laurie Gharis

Laurie Gharis
Secretaria Oficial

LG/cb

cc: Garrett T. Arthur, Asesor de Interés Público de la TCEQ (MC 103)

TPDES PERMIT NO.
WQ0010348001
[For TCEQ office use only - EPA I.D. No. TX0025011]

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

This major amendment supersedes and replaces TPDES Permit No. WQ0010348001 issued on February 23, 2017.

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

Trinity River Authority of Texas

whose mailing address is

P.O. Box 240
Arlington, Texas 76004

is authorized to treat and discharge wastes from the Mountain Creek Regional Wastewater Treatment Facility, SIC Code 4952

located approximately 1.5 miles north of the intersection of U.S. Highway 67 and U.S. Highway 287, in Ellis County, Texas 76065

via Outfalls 001 and 002 to two unnamed tributaries, thence to newton Branch, thence to Soil Conservation Services Reservoir 10, thence to Newton Branch, thence to Soap Creek, thence to Mountain Creek, thence to Joe Pool Lake in Segment No. 0838 of the Trinity 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: January 23, 2023

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 4.50 million gallons per day (MGD) facility for Outfall 002, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.90* MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,590 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Daily Max.	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)						
March–September	7 (53)	12	22	32	One/week	Composite
October–February	10 (75)	15	25	35	One/week	Composite
Total Suspended Solids	15 (113)	25	40	60	One/week	Composite
Ammonia Nitrogen						
March–September	2 (15)	5	10	15	One/week	Composite
October–February	4 (30)	7	12	15	One/week	Composite
E. coli, CFU or MPN** per 100 ml	126	N/A	399	N/A	Two/month	Grab

*See Other Requirement No. 6, Page 34.

**CFU or MPN - colony-forming units or most probable number

2. The effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored daily by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored twice per month by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l (March-September) and 4.0 mg/l (October-February) and shall be monitored once per week by grab sample.

INTERIM II EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the date of completion of expansion to the 4.5 million gallons per day (MGD) facility for Outfall 002 and lasting through the completion of expansion to the 6.0 MGD facility for Outfall 002, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.90* MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,590 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Daily Max.	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)						
March–September	7 (53)	12	22	32	One/week	Composite
October–February	10 (75)	15	25	35	One/week	Composite
Total Suspended Solids	15 (113)	25	40	60	One/week	Composite
Ammonia Nitrogen						
March–September	2 (15)	5	10	15	One/week	Composite
October–February	4 (30)	7	12	15	One/week	Composite
E. coli, CFU or MPN** per 100 ml	126	N/A	399	N/A	Two/month	Grab

*See Other Requirement No. 6, Page 34.

**CFU or MPN - colony-forming units or most probable number

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

00055

INTERIM III EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the date of completion of expansion to the 6.0 million gallons per day (MGD) facility for Outfall 002 and lasting through the completion of expansion to the 9.0 MGD facility for Outfall 002, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.90* MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,590 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Daily Max.	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)						
March–September	7 (53)	12	22	32	One/week	Composite
October–February	10 (75)	15	25	35	One/week	Composite
Total Suspended Solids	15 (113)	25	40	60	One/week	Composite
Ammonia Nitrogen						
March–September	2 (15)	5	10	15	One/week	Composite
October–February	3 (23)	6	10	15	One/week	Composite
E. coli, CFU or MPN** per 100 ml	126	N/A	399	N/A	Two/month	Grab

*See Other Requirement No. 6, Page 34.

**CFU or MPN - colony-forming units or most probable number

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

INTERIM IV EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the date of completion of expansion to the 9.0 million gallons per day (MGD) facility for Outfall 002 and lasting through the completion of expansion to the 12.0 MGD facility for Outfall 002, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.90* MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 2,500 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Daily Max.	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)						
March–September	7 (53)	12	22	32	One/week	Composite
October–February	10 (75)	15	25	35	One/week	Composite
Total Suspended Solids	15 (113)	25	40	60	One/week	Composite
Ammonia Nitrogen	2 (15)	5	10	15	One/week	Composite
Total Phosphorus	0.5 (3.8)	1	2	3	One/week	Composite
E. coli, CFU or MPN** per 100 ml	126	N/A	399	N/A	Two/month	Grab

*See Other Requirement No. 6, Page 34.

**CFU or MPN - colony-forming units or most probable number

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

00057

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the date of completion of expansion to the 12.0 million gallons per day (MGD) facility for Outfall 002 and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.90* MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 2,500 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Daily Max.	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)						
March–September	5 (38)	12	22	32	One/week	Composite
October–February	7 (53)	15	25	35	One/week	Composite
Total Suspended Solids	12 (90)	25	40	60	One/week	Composite
Ammonia Nitrogen	2 (15)	5	10	15	One/week	Composite
Total Phosphorus	0.5 (3.8)	1	2	3	One/week	Composite
E. coli, CFU or MPN** per 100 ml	126	N/A	399	N/A	Two/month	Grab

   *See Other Requirement No. 6, Page 34.

   **CFU or MPN - colony-forming units or most probable number

2. The effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored daily by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored twice per month by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 5.0 mg/l and shall be monitored once per week by grab sample.

INTERIM I EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 002

1. During the period beginning upon the date of issuance and lasting through the completion of expansion to the 4.5 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 3.0* MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 6,250 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Daily Max.	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)						
March-September	7 (175)	12	22	32	Two/week	Composite
October–February	10 (250)	15	25	35	Two/week	Composite
Total Suspended Solids	15 (375)	25	40	60	Two/week	Composite
Ammonia Nitrogen						
March–September	2 (50)	5	10	15	Two/week	Composite
October–February	4 (100)	7	12	15	Two/week	Composite
E. coli, CFU or MPN** per 100 ml	126	N/A	399	N/A	Daily	Grab

*See Other Requirement No. 6, Page 34.

**CFU or MPN - colony-forming units or most probable number

2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. 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 (March–September) and 4.0 mg/l (October–February) 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.

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INTERIM II EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 002

1. During the period beginning upon the date of completion of expansion to the 4.5 million gallons per day (MGD) facility and lasting through the completion of expansion to the 6.0 MGD facility, the permittee is authorized to discharge subject to the following effluent limitations:

   The annual average flow of effluent shall not exceed 4.5* MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 6,250 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Daily Max.	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)						
March–September	7 (263)	15	25	35	Two/week	Composite
October–February	10 (375)	15	25	35	Two/week	Composite
Total Suspended Solids	15 (563)	25	40	60	Two/week	Composite
Ammonia Nitrogen						
March–September	2 (75)	5	10	15	Two/week	Composite
October–February	4 (150)	7	12	15	Two/week	Composite
E. coli, CFU or MPN** per 100 ml	126	N/A	399	N/A	Daily	Grab

*See Other Requirement No. 7, Page 34.

**CFU or MPN - colony-forming units or most probable number

2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. 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 002

1. During the period beginning upon the date of completion of expansion to the 6.0 million gallons per day (MGD) facility and lasting through the completion of expansion to the 9.0 MGD facility, the permittee is authorized to discharge subject to the following effluent limitations:

   The annual average flow of effluent shall not exceed 6.0* MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 8,333 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Daily Max.	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)						
March–September	7 (350)	15	25	35	Five/week	Composite
October–February	10 (500)	15	25	35	Five/week	Composite
Total Suspended Solids	15 (751)	25	40	60	Five/week	Composite
Ammonia Nitrogen						
March–September	2 (100)	5	10	15	Five/week	Composite
October–February	3 (150)	6	10	15	Five/week	Composite
E. coli, CFU or MPN** per 100 ml	126	N/A	399	N/A	Daily	Grab

*See Other Requirement No. 6, Page 34.

**CFU or MPN - colony-forming units or most probable number

2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. 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 five times 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 five times per week by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

INTERIM IV EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 002

1. During the period beginning upon the date of completion of expansion to the 9.0 million gallons per day (MGD) facility and lasting through the completion of expansion to the 12.0 MGD facility, the permittee is authorized to discharge subject to the following effluent limitations:

   The annual average flow of effluent shall not exceed 9.0* MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 25,000 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Daily Max.	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)						
March–September	7 (525)	15	25	35	Five/week	Composite
October–February	10 (751)	15	25	35	Five/week	Composite
Total Suspended Solids	15 (1,126)	25	40	60	Five/week	Composite
Ammonia Nitrogen	2 (150)	5	10	15	Five/week	Composite
Total Phosphorus	0.5 (38)	1	2	3	Five/week	Composite
E. coli, CFU or MPN** per 100 ml	126	N/A	399	N/A	Daily	Grab

*See Other Requirement No. 6, Page 34.

**CFU or MPN - colony-forming units or most probable number

2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. 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 five times 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 five times 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 002

1. During the period beginning upon the date of completion of expansion to the 12.0 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 12.0* MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 33,333 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Daily Max.	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)						
March–September	5 (500)	15	25	35	One/day	Composite
October–February	7 (701)	15	25	35	One/day	Composite
Total Suspended Solids	12 (1,201)	25	40	60	One/day	Composite
Ammonia Nitrogen	2 (200)	5	10	15	One/day	Composite
Total Phosphorus	0.5 (50)	1	2	3	One/day	Composite
E. coli, CFU or MPN** per 100 ml	126	N/A	399	N/A	Daily	Grab

*See Other Requirement No. 6, Page 34.

**CFU or MPN - colony-forming units or most probable number

2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. 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 day 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 5.0 mg/l and shall be monitored once per day by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

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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 nth 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 and the permit number(s);

ii. the bankruptcy court in which the petition for bankruptcy was filed; and

iii. 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 4) 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 4) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th 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

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

* Dry weight basis

3. Pathogen Control

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

Amount of biosolids (*) metric tons per 365-day period	Monitoring Frequency
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

Pollutant	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

Pollutant	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 4) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th 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 4) 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 4) 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 4) and Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th 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. 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 4) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th 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 in the Interim I, Interim II, Interim II, and Interim IV phases and Category A in the Final phase facility must be operated by a chief operator or an operator holding a Class B license or higher in the Interim I, Interim II, Interim II, and Interim IV phases and Class A license in the Final phase. 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. There is no mixing zone established for this discharge to an intermittent stream. Acute toxic criteria apply at 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, the permittee shall comply with the requirements of 30 TAC § 309.13(e).

5. The permittee shall provide facilities for the protection of its wastewater treatment facility from a 100-year flood.

6. The combined annual average flow from Outfall 001 and Outfall 002 shall not exceed 3.0 MGD in the Interim I phase, 4.5 MGD in the Interim II phase, or 6.0 MGD in the Interim III phase, 9.0 MGD in the Interim IV phase, and 12.0 MGD in the Final phase. The combined loading for Carbonaceous Biochemical Oxygen Demand (5-day), Ammonia Nitrogen, and Total Suspended Solids from Outfall 001 and Outfall 002 shall not exceed the loading limits specified for Outfall 002 for the phase that is in operation.

7. 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, at Outfall 001, during the Interim I, Interim II, Interim II, Interim IV, and Final phases, two per month may be reduced to one per month, and at Outfall 002, during the Interim I, Interim II, Interim II, Interim IV, and Final phases, daily may be reduced to 5/week. **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.

8. Prior to construction of the Interim III, Interim IV, and Final phases 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 Pages 2 through 2i 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.

9. The permittee shall notify the TCEQ Regional Office (MC Region 4) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five (45) days prior to the completion of each additional phase on Notification of Completion Form 20007.

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 002 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. 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 once 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 30%, 41%, 54%, 72%, and 100% effluent. The critical dilution, defined as 72% 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, a chemical-specific effluent limit, 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 shall 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 in 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 young of surviving females in the water flea test; and the growth and survival endpoints for the fathead minnow test, unless statistically significant toxicity is demonstrated at the critical dilution, in which case the test shall be considered valid;

6) a percent minimum significant difference of 47 or less for water flea reproduction, unless statistically significant sublethal toxicity is demonstrated at the critical dilution, in which case the test shall be considered valid; and

7) a PMSD of 30 or less for fathead minnow growth, unless statistically significant sublethal toxicity is demonstrated at the critical dilution, in which case the test shall be considered valid.

b. Statistical Interpretation

1) For the water flea survival and reproduction test, the statistical analyses used to determine the inhibition concentration of effluent that would cause a 25% reduction (IC25) in survival or mean young per female shall be as described in the methods manual referenced in Part 1.b.

2) For the fathead minnow larval survival and growth tests, the statistical analyses used to determine the IC25 in survival or growth shall be as described in the methods 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) Most point estimates are derived from a mathematical model that assumes a continuous dose-response relationship. For any test result that demonstrates a non-continuous (threshold) response, or a non-monotonic dose-response relationship, the IC25 should be determined based on the method guidance manual referenced in Item 3.

5) Pursuant to the responsibility assigned to the permittee in Part 2.b.3), test results that demonstrate a non-monotonic dose-response relationship may be submitted, prior to the due date, for technical review of test validity and acceptability. The method guidance manual referenced in Item 3 will be used as the basis, along with best professional judgement, for making a determination of test validity and acceptability.

c. Dilution Water

1) Dilution water used in the toxicity tests must be the receiving water collected as close as possible to the point of discharge into SCS Reservoir 10 but unaffected by the discharge or a synthetic dilution water that has a pH, hardness, and alkalinity similar to that of the closest downstream perennial water.

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 002. 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 002 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 T4P3B, enter a "1" if the IC25 for survival is less than the critical dilution; otherwise, enter a "0."

2) For the water flea, Parameter T6P3B, report the IC25 for survival.

3) For the water flea, Parameter T5P3B, enter a "1" if the IC25 for reproduction is less than the critical dilution; otherwise, enter a "0."

4) For the water flea, Parameter T7P3B, report the IC25 for reproduction.

5) For the fathead minnow, Parameter T4P6C, enter a "1" if the IC25 for survival is less than the critical dilution; otherwise, enter a "0."

6) For the fathead minnow, Parameter T6P6C, report the IC25 for survival.

7) For the fathead minnow, Parameter T5P6C, enter a "1" if the IC25 for growth is less than the critical dilution; otherwise, enter a "0."

8) For the fathead minnow, Parameter T7P6C, report the IC25 for growth.

d. Enter the following codes for retests only:

1) For retest number 1, Parameter 22415, enter a "1" if the IC25 for survival is less than the critical dilution; otherwise, enter a "0."

2) For retest number 2, Parameter 22416, enter a "1" if the IC25 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 lethality and significant effect 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 in the control.

a. The permittee shall conduct a total of 2 additional tests (retests) for any test 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 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 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 persistent 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, 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

Date Time Date Time

No. 1 FROM: _____ TO: _____

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%	30%	41%	54%	72%	100%
A						
B						
C						
D						
E						
F						
G						
H						
I						
J						
Survival Mean						
Total Mean						
CV%*						

*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

PERCENT SURVIVAL

	Percent effluent					
Time of Reading	0%	30%	41%	54%	72%	100%
24h						
48h						
End of Test						

1. Is the IC25 for reproduction less than the critical dilution (72%)? _____ YES _____ NO

2. Is the IC25 for survival less than the critical dilution (72%)? _____ YES _____ NO

3. Enter percent effluent corresponding to each IC25 below:

   IC25 reproduction = _____%

   IC25 survival = _____%

TABLE 1 (SHEET 3 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW LARVAE GROWTH AND SURVIVAL

		Date Time		Date Time
Dates and Times Composites Collected	No. 1 FROM:	_____	TO:	_____
	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 replicate chambers					Mean Dry Weight	CV%*
	A	B	C	D	E		
0%							
30%							
41%							
54%							
72%							
100%							

* Coefficient of Variation = standard deviation x 100/mean

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%									
30%									
41%									
54%									
72%									
100%									

* Coefficient of Variation = standard deviation x 100/mean

1. Is the IC25 for growth less than the critical dilution (72%)? _____ YES _____ NO

2. Is the IC25 for survival less than the critical dilution (72%)? _____ YES _____ NO

3. Enter percent effluent corresponding to each IC25 below:

   IC25 growth = _____%

   IC25 survival = _____%

24-HOUR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

The provisions of this section apply to Outfall 002 for whole effluent toxicity (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. 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.

e. As the dilution series specified in the Chronic Biomonitoring Requirements includes a 100% effluent concentration, the results from those tests may fulfill the requirements of this section; any tests performed in the proper time interval may be substituted. Compliance will be evaluated as specified in Part 1.a. The 50% survival in 100% effluent for a 24-hour period standard applies to all tests utilizing a 100% effluent dilution, regardless of whether the results are submitted to comply with the minimum testing frequency.

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 002.

2) The permittee shall collect the composite samples such that the sample is representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance being discharged.

3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the composite sample. The samples shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.

4) If Outfall 002 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, 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 for 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 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 lead to the successful elimination of significant 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 "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 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, 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 persistent 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 item 5.h. The report will 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 implementation of 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

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Friday, February 3, 2023 8:41 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016213001

From: dcollier@jcsud.com <dcollier@jcsud.com>
Sent: Thursday, February 2, 2023 3:52 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016213001

REGULATED ENTY NAME INDIE CATCH WASTEWATER TREATMENT PLANT

RN NUMBER: RN111566287

PERMIT NUMBER: WQ0016213001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: INDIE CATCH LLC

CN NUMBER: CN606056786

FROM

NAME: Dana Collier

EMAIL: dcollier@jcsud.com

COMPANY: Johnson County Special Utility District

ADDRESS: 740 FM 3048
JOSHUA TX 76058-5594

PHONE: 8177605226

FAX:

COMMENTS: Please see attached comments for WQ0016213001

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Tuesday, January 31, 2023 11:55 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016213001

From: tdandgladys@sbcglobal.net <tdandgladys@sbcglobal.net>
Sent: Tuesday, January 31, 2023 9:56 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016213001

REGULATED ENTY NAME INDIE CATCH WASTEWATER TREATMENT PLANT

RN NUMBER: RN111566287

PERMIT NUMBER: WQ0016213001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: INDIE CATCH LLC

CN NUMBER: CN606056786

FROM

NAME: Gladys C Dike

EMAIL: tdandgladys@sbcglobal.net

COMPANY:

ADDRESS: 4009 WALTON AVE
FORT WORTH TX 76133-2603

PHONE: 8172923397

FAX:

COMMENTS: Dear Sir: RE: Permit No. WQ0016213001, by Indie Catch LLC to construct a waste water plant 7601 County Road 508 Alvarado, Texas 76009 I own 106 acres of land on County Road 508. Mountain Creek runs the full length of our land from North to South. When heavy rains occur in that area it causes flooding to our land. To add this amount of waste water from the treatment plant would be devastating to us and our property. According to the plat the waste water would flow into Mountain Creek on our property in 13 places. This is totally unacceptable. Also a big concern is

the waste water flowing into Joe Pool Lake. Alvarado and Johnson County residents depend on Joe Pool Lake for their drinking water. This is not good by any means. Please, I beg you and respectfully request that the application to construct a waste water plant at 7601 County Road 508, Alvarado, Texas be denied. Respectfully, Gladys C. Dike 4009 Walton Ave. Fort Worth, Texas, 76133 Phone 817-292-3397

GRAND PRAIRIE
TEXAS

January 27, 2023

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

Re: Application of Indie Catch, LLC for Proposed TPDES Permit No. WQ0016213001; Public Comments

Dear Ms. Gharis:

On behalf of the City of Grand Prairie, please accept these public comments in opposition of the application for a TPDES permit for Indie Catch LLC to discharge effluent to Mountain Creek, thence Joe Pool Lake in Segment No. 0838 of the Trinity River Basin.

A portion of Mountain Creek and Joe Pool Lake are within the city limits and/or the ETJ of the City of Grand Prairie. Joe Pool Lake is an important asset to the region, providing economic, social, and ecological benefits to the region. To protect this asset, the City of Grand Prairie, along with the Trinity River Authority, and the cities of Cedar Hill, Mansfield, and Midlothian, developed a watershed protection plan that was approved by the Environmental Protection Agency in October of 2022. The plan was created to restore water quality in Joe Pool Lake and its tributaries and to further protect this resource from bacterial, viral, and chemical threats in the watershed.

We understand that a Tier 1 antidegradation review was completed, however, this receiving stream is not "intermittent" in Grand Prairie. 975,000 gallons of treated effluent daily may, in fact, decrease the chances of any part of this stream being "intermittent." The TCEQ should provide more information as to why a Tier 2 antidegradation review was not conducted. We contend that a permit should not be issued based on a preliminary determination that no waterbodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach. It is our contention that the TCEQ may have only evaluated the unnamed receiving steam and did not include Segment No. 0838 even though TCEQ's own assessment is that this segment has high aquatic life use.

Watershed protection plans only work if all regulatory parties can work together and failing to undergo a Tier 2 antidegradation review undermines the efforts by downstream parties to protect this resource. There are very few streams in urbanized areas that are not currently 303d listed for bacteria and once established, it is very difficult to reverse the affects from bacterial sources.

It is our understanding that there is a collection system within three miles of the proposed site. Allowing additional package plants is in opposition to TCEQ's Regionalization Policy that is required under Texas Water Code 26.081. TCEQ is authorized to deny a proposed wastewater discharge permit based on the availability of regional waste collection. Why this policy would be ignored is concerning, especially as there is no information to suggest that the proposed local collection system being a feasible and more cost-effective alternative was properly evaluated.

GRAND PRAIRIE
TEXAS

Thank you for the opportunity to provide input. Should you have any questions, please contact Cindy Mendez at 972-237-8225.

Respectfully,

Steve Dye,
City Manager

Cc: Megan Mahan, City Attorney
Cindy Mendez, Public Health & Environmental Quality Director

Grand Prairie
TEXAS

City of Grand Prairie
City Manager's Office #003
P.O. Box 534045
Grand Prairie, Texas 75053-4045

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

78711$3087 B012

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Tuesday, January 31, 2023 3:07 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016213001

From: chapmanrhonda1009@gmail.com <chapmanrhonda1009@gmail.com>
Sent: Tuesday, January 31, 2023 2:27 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016213001

REGULATED ENTY NAME INDIE CATCH WASTEWATER TREATMENT PLANT

RN NUMBER: RN111566287

PERMIT NUMBER: WQ0016213001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: INDIE CATCH LLC

CN NUMBER: CN606056786

FROM

NAME: Martha Lee Franklin

EMAIL: chapmanrhonda1009@gmail.com

COMPANY:

ADDRESS: 705 NW ANN LOIS LN
BURLESON TX 76028-3712

PHONE: 8179926205

FAX:

COMMENTS: To Whom it may concern: Concerning permit no. WQ0016213001 by Indie Catch LLC, to construct a wastewater plant at 7601 County Road 508, in the city of Alvarado, Johnson County, Texas 76009. I am now the current land owner of approximately 140 acres that will be directly affected by the proposed wastewater treatment plant. I am concerned about the environmental impact on drinking water, as the wastewater will end up in Joe Pool Lake, which is a source of drinking water for Alvarado and other Johnson County residents. Another concern is the additional threat of

flooding this could cause. Several creeks converge near the proposed site, and it is not uncommon to have flooding in that area after a big rain. I am worried about the impact the wastewater plant will have on the creeks converging at that site. I request that the application be denied. Sincerely, Martha Franklin

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Monday, February 6, 2023 9:04 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016213001

From: audrey.gunn86@yahoo.com <audrey.gunn86@yahoo.com>
Sent: Sunday, February 5, 2023 7:32 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016213001

REGULATED ENTY NAME INDIE CATCH WASTEWATER TREATMENT PLANT

RN NUMBER: RN111566287

PERMIT NUMBER: WQ0016213001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: INDIE CATCH LLC

CN NUMBER: CN606056786

FROM

NAME: MRS Audria Elaine Gunn-Burgess

EMAIL: audrey.gunn86@yahoo.com

COMPANY:

ADDRESS: 7420 COUNTY ROAD 604
ALVARADO TX 76009-8635

PHONE: 8172404470

FAX:

COMMENTS: I live near the proposed waste water plant. My understanding is that this type of plant only lasts about fifteen years. What is the plan after it breaks down or becomes obsolete? Who will be responsible for the maintenance and upkeep of the plant? What will the effects of the plant be on the creek which already has erosion problems? What effects will the treated water have on the soil and plant life? I request that the application to construct a waste water plant at 7601 county road 508, Alvarado, Texas, be denied. Thank you, Audria

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Monday, February 6, 2023 9:04 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016213001

From: audrey.gunn86@yahoo.com <audrey.gunn86@yahoo.com>
Sent: Sunday, February 5, 2023 4:18 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016213001

REGULATED ENTY NAME INDIE CATCH WASTEWATER TREATMENT PLANT

RN NUMBER: RN111566287

PERMIT NUMBER: WQ0016213001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: INDIE CATCH LLC

CN NUMBER: CN606056786

FROM

NAME: MRS Audria Elaine Gunn-Burgess

EMAIL: audrey.gunn86@yahoo.com

COMPANY:

ADDRESS: 7420 COUNTY ROAD 604
ALVARADO TX 76009-8635

PHONE: 8172404470

FAX:

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Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Monday, February 6, 2023 9:03 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016213001

From: rios629@yahoo.com <rios629@yahoo.com>
Sent: Saturday, February 4, 2023 8:24 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016213001

REGULATED ENTY NAME INDIE CATCH WASTEWATER TREATMENT PLANT

RN NUMBER: RN111566287

PERMIT NUMBER: WQ0016213001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: INDIE CATCH LLC

CN NUMBER: CN606056786

FROM

NAME: Nancy Rios

EMAIL: rios629@yahoo.com

COMPANY:

ADDRESS: PO BOX 2569
ARLINGTON TX 76004-2569

PHONE: 8178227949

FAX:

COMMENTS: Is this necessary, and will this bring more positive effects to the city and all its residents living in and outside city limits? As a homeowner and close to proximity to the wastewater treatment facility plant location I highly oppose the location. My concerns include potential health risk exposure, the amount of sludge produced and its treatment, potential flooding problems, the cost this will bring to us as taxpayers, the value of my property, potential problems for the homes with septic systems, the noise being so close to proximity to the location, the impact it will have

on the environment and its surroundings not only to humans but the drinking water, air and water pollution, animals and agriculture. I'm highly concerned to any potential damage to the health, my husband had severe Covid symptoms was hospitalized for over a month, was sent home with an oxygen machine, and had to use the portable oxygen tanks for about 6 months or so. My youngest daughter is prone to pneumonia and has received treatments that helped her out with breathing better and cut the constant cough. We value living where we currently are and enjoy its clean air and away from air pollution. Also living in Texas and when those high temperatures hit will we be affected in any way on those hot, humid days? Currently we have no animals but my neighbors do and right next to me are ranchers who have their cattle eating grass and drinking water in its surroundings how will they be protected or impacted? Let also mention a problem that we have seen in our back open land when a massive rain event happens we have all this water that stays in the middle of our field and that small little creek that we once had grown in size that we had to buy dirt and cover it. So will this bring any flooding that can affect my property or properties nearby or their animals out in the fields? Finally, I may be wrong but it's my understanding that a wastewater plant investment is the beginning of a never-ending cost for maintenance, upgrades, etc., who will take of all those costs in the long run? I know this is preliminarily approved but I do hope other alternatives are being considered for the well-being of every single concern residents may have now and possible problems for future generations as the city continues to grow. Best Regards, Nancy Rios

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Tuesday, February 14, 2023 4:03 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: CORRECTION: Public comment on Permit Number WQ0016213001
Attachments: Signed_0001.pdf

This is a comment only, not a hearing request

From: PUBCOMMENT-OCC
Sent: Tuesday, February 7, 2023 10:49 AM
To: PUBCOMMENT-OCC2 <pubcomment-occ2@tceq.texas.gov>; PUBCOMMENT-OPIC <pubcomment-opic@tceq.texas.gov>; PUBCOMMENT-ELD <pubcomment-eld@tceq.texas.gov>; PUBCOMMENT-WQ <pubcomment-wq@tceq.texas.gov>
Subject: FW: Public comment on Permit Number WQ0016213001

H

From: legalwheels@yahoo.com <legalwheels@yahoo.com>
Sent: Friday, February 3, 2023 9:03 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016213001

REGULATED ENTY NAME INDIE CATCH WASTEWATER TREATMENT PLANT

RN NUMBER: RN111566287

PERMIT NUMBER: WQ0016213001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: INDIE CATCH LLC

CN NUMBER: CN606056786

FROM

NAME: Gerald Wi11iams

EMAIL: legalwheels@yahoo.com

COMPANY:

ADDRESS: 1900 N CUMMINGS DR
ALVARADO TX 76009-6611

PHONE: 8177743501

FAX:

COMMENTS: The head of Mountain Creek runs through our property, and we own livestock and have a livestock pond deriving from it and they depend on that water. We were notified of this just a couple of days ago by a neighbor.

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

Dear Sir:

RE: Permit No. WQ0016213001, by Indie Catch LLC
to construct a waste water plant at
7601 County Road 508, Alvarado, Texas

As a land owner near the proposed waste water facility on Mountain Creek, we ask that the application be denied.

The discharged water would flow into Joe Pool Lake, which is a source of drinking water for all of us.

The discharged water would add to the excessive amount of run-off water from current development projects (housing and an appartmental complex).

Mountain Creek is a seasonal creek. The run-off water will cause it to run continually. Flooding after rain, occurs frequently already.

We respectfully request that the application be denied.

Sincerely,

GERALD WILLIAMS

LAURA WILLIAMS Laura Williams

1900 N. CLEMMONS DRIVE
ALVARADO, TX 76009

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Tuesday, February 7, 2023 10:49 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016213001
Attachments: Signed_0001.pdf

H

From: legalwheels@yahoo.com <legalwheels@yahoo.com>
Sent: Friday, February 3, 2023 9:03 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016213001

REGULATED ENTY NAME INDIE CATCH WASTEWATER TREATMENT PLANT

RN NUMBER: RN111566287

PERMIT NUMBER: WQ0016213001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: INDIE CATCH LLC

CN NUMBER: CN606056786

FROM

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EMAIL: legalwheels@yahoo.com

COMPANY:

ADDRESS: 1900 N CUMMINGS DR
ALVARADO TX 76009-6611

PHONE: 8177743501

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LAURA WILLIAMS Laura Williams

1900 N. CLEMMONS DRIVE
ALVARADO, TX 76009