Derek Seal
dseal@mcginnislaw.com
(512) 495-6175 o
(512) 505-6375 f

December 13, 2024

Ms. Laurie Gharis, Chief Clerk
Attention: Georgia Carroll-Warren
Texas Commission on Environmental Quality
12100 Park 35 Circle, Building F
Austin, TX 78753

Re: *TCEQ Docket No. 2024-1612-MWD, Application by Treasure Island Laguna Azure, LLC for new TPDES Permit No. WQ0016092001*

Submission of Application Materials for Inclusion in the Administrative Record

Dear Ms. Gharis:

Pursuant to 30 TEX. ADMIN. CODE § 80.118(d) and the instructions provided by your office, Applicant Treasure Island Laguna Azure, LLC, ("***Applicant***") submits the Applicant's Bates-labeled Application Materials and Application Materials Index to the Texas Commission on Environmental Quality ("***TCEQ***") Chief Clerk via electronic submission for inclusion in the Administrative Record in the above-referenced matter.

The documents which are being submitted for inclusion in the Administrative Record were provided by TCEQ in response to a Public Information Act Request ("***PIR***") included with the attached documents, were downloaded from the TCEQ's electronic databases, or were located in Applicant's files. Duplicates of documents and other documents received in response to the PIR such as cover pages for file folders and returned mail addresses have not been included. The Applicant reserves the right to supplement documents for inclusion into the Administrative Record if other relevant documents are located but have not been included.

If you have any questions or need information provided in an alternative format, please do not hesitate to contact me.

Sincerely yours,

Derek Seal
Counsel for the Applicant

TCEQ DOCKET NO. 2024-1612-MWD

APPLICATION BY TREASURE ISLAND LAGUNA AZURE, LLC FOR TPDES PERMIT NO. WQ0016092001	§ § § §	**BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS**

Exhibit	Bates	Document Description
PIR-1	0001-0007	Public Information Act Request and TCEQ's Response
AR-1	0008-0142	Permit Application
AR-2	0143-0178	Administrative Application Processing Documentation
AR-3	0179-0206	Declaration of Administrative Completeness and Notice of Receipt of Application and Intent to Obtain Permit Documentation, and Applicant's Verification of First Notice
AR-4	0207-0231	Technical Application Processing Documentation (Including Various Technical Memorandum)
AR-5	0232-0324	TCEQ ED Fact Sheet and ED's Preliminary Decision, and Draft Permit
AR-6	0325-0344	TCEQ ED Internal Review of Draft Permit
AR-7	0345-0428	Applicant Review of Draft Permit
AR-8	0429-0452	TCEQ ED Notice to U.S. EPA with various Application Materials
AR-9	0453-0488	Notice of Application and Preliminary Decision Documentation, and Applicant's Verification of Second Notice
AR-10	0489-0510	Notice of Public Meeting
AR-11	0511-0549	Notice of Executive Director's Decision and Response to Comments
AR-10	0550-0641	Contested Case Hearing Requests and Public Official Comments
AR-11	0642-0652	TCEQ Commission Agenda Letter and Briefing Deadlines
AR-12	0653-0667	TCEQ ED Response to Hearing Request
AR-13	0668-0685	OPIC Response to Hearing Request
AR-14	0686-0761	Applicant Response to Hearing Request
AR-15	0762-0857	TCEQ ED Supplemental Agenda Backup Information (Fact Sheet and ED's Preliminary Decision, Draft Permit, Compliance History Report)
AR-16	0858-0869	City of Van Alstyne Reply to Responses to Request for Contested Case Hearing
AR-17	0870-0873	TCEQ Interim Commission Order

PIR-1

Public Information Act Request and TCEQ's Response

Seal, Derek L.

From:	openrecs@tceq.texas.gov
Sent:	Tuesday, September 10, 2024 8:26 AM
To:	Seal, Derek L.
Subject:	TCEQ Open Records Request - PIR 25-97133
Attachments:	25-97133-PIR.pdf

Dear Customer,

Thank you for your Public Information Request received under the Texas Public Information Act.

Your request has been assigned: PIR 25-97133.
Please refer to this number in any communications regarding your request.

You will receive a response from the Agency within ten (10) business days.

TCEQ charges for the costs of responding to Public Information Requests in accordance with state statute. If the estimated cost to fulfill your request:

- is $40 or less, we will fulfill your request and provide you with an invoice. If requested, as a courtesy we will provide an estimate before we fulfill your request.
- exceeds $40, before we fulfill your request, we will provide you with an estimate, which you must accept in writing.
- exceeds $100, before we initiate fulfillment of your request you must pay a 50% deposit.

Thank you,
The Open Records Team

PIR Request submitted on 09/10/2024 08:25 AM

PIR Code: 25-97133-PIR
Due Date: 09/24/2024

Page One

Name Prefix:
Name: Derek L Seal
Company/Organization: McGinnis Lochridge
Requestor Type: Attorney
Mailing Address 1:
Mailing Address 2:
City:
State/Province/Region:
Zip/Postal Code:
Country:
E-mail Address: dseal@mcginnislaw.com
Phone Number:
FAX Number:

Page Two

Sites/Facilities :

RN	Facility	CN	Customer	Program	Additional ID
				Wastewater	WQ0016092001

Area Description: Approximately 0.81 of a mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495

Page Three

Date Range: 2022 to 2024
Agency Programs: Water - Waste Water (OW)
Addition Record Search: All records relating to the application for TCEQ Permit No. WQ0016092001 for purposes of filing the Administrative Record with SOAH. Documents include any application materials, internal TCEQ staff review documents and internal TCEQ correspondence, correspondence between TCEQ staff and third parties, and other related documents, including documents in the Chief Clerks' Office.
Data Only: No
Confidential Information: No
Certified Information: No
Request Documents: No data found

Texas Commission on Environmental Quality

Protecting Texas by Reducing and Preventing Pollution

October 08, 2024

Via E-Mail

Derek L Seal
McGinnis Lochridge

Re: TCEQ Public Information Request number 97133

Dear Derek L Seal:

Thank you for your Public Information Request dated 09/10/2024, received by the Texas Commission on Environmental Quality (TCEQ) on 09/10/2024. Upon review of TCEQ files, information was located responsive to your request.

The total cost estimate to provide the information responsive to your request is $52.50, as detailed in the attached Itemized Cost Estimate. Although TCEQ strives to provide an accurate cost estimate, it is an estimate and, pursuant to Texas Government Code § 552.2615(c), invoiced costs may exceed this estimate by up to 20% without notice to you. The Itemized Cost Estimate does not include postage and handling or possible delivery charge to retrieve information from off-site storage. If you prefer to receive responsive information in a different format, please notify me and I will prepare a revised cost estimate. You may reduce the cost by inspecting the materials at our offices during normal office hours.

The law requires that you respond in writing to this estimate (mail, personal delivery, fax or email is accepted) by the 10th business day after the date of this letter or this request is considered to be automatically withdrawn. Pursuant to Texas Government Code § 552.2615, to avoid the withdrawal of this request your written reply must state either (a) that you accept the charges and agree to pay the amount contained in the itemized statement, (b) that you clarify or modify the scope of the request, or (c) that you have sent to the Office of the Attorney General a complaint alleging that you have been overcharged.

If you accept these charges, please contact me to have the information prepared and sent to you. If you prefer to view the information, please contact me to set a date and time. Please provide the PIR number located in the reference line when contacting me to enable your request to be more efficiently tracked.

If you have any questions concerning this matter, you may contact me at 512-239-4708 or by e-mail at Marcus.Taylor@tceq.texas.gov.

Sincerely,

Marcus Taylor
Program Supervisor
Water Quality Division

PIR# 97133

Files Found in Program Areas					
Group	FILE_NAME	Date Range	Original Format	Requested Format	Material Quantity
COMM	WQ0016092001	2024	b/w standard	electronic	875 Pages
OW/Water Quality	WQ0016092001 Permit	All	electronic	electronic	3 MB

TCEQ Program Area Abbreviations

Offices:

COMM: Office of the Commissioners
EXEC: Office of the Executive Director
OA: Office of Air
OAS: Office of Administrative Services
OCE: Office of Compliance and Enforcement
OLS: Office of Legal Services
OOW: Office of Waste
OW: Office of Water

Groups:

AQ: Air Quality
B&P: Budget & Purchasing
CAFO: Confined Animal Feeding Operation
CFO: Chief Financial Officer
CID: Critical Infrastructure Division
DC: Dry Cleaner
DCRP: Dry Cleaner Remediation Program
EAD: Environmental Assistance Division
ESS: Enterprise Support Section
FA: Financial Assurance
HR: Human Resources
IGR: Intergovernmental Relations
IHW: Industrial and Hazardous Waste
IHWCA: Industrial and Hazardous Waste Corrective Action
IRD: Information Resources Division
LPST: Leaking Petroleum Storage Tank
MSW: Municipal Solid Waste
OGC: Office of General Counsel
P&C: Purchasing & Contracts
PRS: Permitting and Registration Support
PST: Petroleum Storage Tank
R&R: Registration & Reporting
SF & SA: Superfund & Site Assessment
TPS: Technical Program Support
VCP: Voluntary Cleanup Program
WQ: Water Quality

- From any internet browser (Internet Explorer/Google Chrome/Mozilla Firefox) access the TCEQ website at www.tceq.texas.gov. <http://www.tceq.texas.gov/>
- On the left side of the TCEQ Home page, in a menu box titled TCEQ Online Services, click the **Epay** link. You will be directed to the TCEQ Online Payment Application page.
- On the right side of the page enter Your Name, E-mail address, and Confirm E- mail address, then select **OK**.
- You are now at the Pay Options page. Under the Option 3 box, select **OTHER**.
- You will be directed to the Select Fee page. Under the **Central Record Services** section click on the third link titled: **OPEN RECORDS REQUESTS (PIR COPIES)**.
- On the page that opens from the link, you will enter items marked with a red asterisk (*). These fields are required. The **Fee Amount** can be found on the Invoice provided, and is located in the **Billing Information** section under **Charges**.
- Please enter your name and address under **Customer Information**.
- Under **Other Information**, in the box titled **Project Number**, you will enter the 5-digit PIR number provided. Click **OK** at the bottom of the page.
- On the Shopping Cart page you will review the fee data and select **CHECK OUT**.
- You will be directed to the **Payment Contact Information** page. Complete the fields, select your **Payment Type**, and click **OK**.
- You will be directed to the **Payment Confirmation** page. Review your information carefully and then select the **Make Payment** button.
- The **Payment** screen will appear. Review your information and select the green **NEXT** button.
- You will be prompted to enter your credit card or checking account information. Then select the green **NEXT** button.
- You will be directed to the **SUBMIT** page to submit the payment.
- Your transaction is now processed and you will receive an email from Epay. Keep this for your records; it is your receipt. NOTE: This email will contain a Voucher Number that TCEQ will need to process your information request.
- Please forward a copy of your **Epay** receipt (email) to the TCEQ staff member requesting payment via email so that the information you requested may be processed and provided more quickly.

Instructions for Payment by Check:

Please make checks payable to TCEQ and include the PIR number on the check. TCEQ will not accept a faxed copy of a check. Checks may be presented in person to the Copy Center or the Cashiers Office, or mailed to:

TCEQ
Attn: Cashier
P.O. Box 13088
Austin, Texas 78711-3088

Checks sent by delivery service or overnight should be sent to:
TCEQ
Attn: Cashier
12100 Park 35 Circle
Austin, Texas 78753

Instructions for Payment by Cash:
Cash may be presented in person to the Cashiers Office

NOTE: The process for a refund is longer for payments made by check or cash.

AR-1

Permit Application

JONES | CARTER

3100 Alvin Devane Blvd, Suite 150
Austin, Texas 78741
Tel: 512.441.9493
Fax: 512.445.2286
www.jonescarter.com

January 13, 2022

Executive Director
Texas Commission on Environmental Quality
Water Quality Division
Applications Review and Processing Team (MC 148)
P.O. Box 13087
Austin, Texas 78711-3087

Re: Treasure Island Laguna Azure LLC
TPDES Permit Application

Enclosed are 1 original application and 3 copies for a waste discharge permit application for the referenced facility. A check for the application fee of $2,050.00 has been sent to the Revenue Section.

Please contact me should you have any questions or need any additional information.

Sincerely,

Jonathan Nguyen

HJN
K:\17332\17332-0001-00 Megatel Van Alstyne TPDES Discharge Perm\2 Design Phase\001 - TPDES Permit\01 - Submit Application\COVLTR.docx
Enclosures

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DOMESTIC WASTEWATER PERMIT APPLICATION CHECKLIST

Complete and submit this checklist with the application.

APPLICANT: Treasure Island Laguna Azure LLC

PERMIT NUMBER: New Permit

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

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

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For TCEQ Use Only

Segment Number —
Expiration Date —
Permit Number WQ0016092001

County Grayson
Region 4

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

APPLICATION FOR A DOMESTIC WASTEWATER PERMIT ADMINISTRATIVE REPORT 1.0

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

Section 1. Application Fees (Instructions Page 29)

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

Flow	New/Major Amendment	Renewal
<0.05 MGD	$350.00 ☐	$315.00 ☐
≥0.05 but <0.10 MGD	$550.00 ☐	$515.00 ☐
≥0.10 but <0.25 MGD	$850.00 ☐	$815.00 ☐
≥0.25 but <0.50 MGD	$1,250.00 ☐	$1,215.00 ☐
≥0.50 but <1.0 MGD	$1,650.00 ☐	$1,615.00 ☐
≥1.0 MGD	$2,050.00 ☒	$2,015.00 ☐

Minor Amendment (for any flow) $150.00 ☐

Payment Information:

Mailed — Check/Money Order Number: 0075400

Check/Money Order Amount: $2,050

Name Printed on Check: Megatel Homes, LLC

EPAY — Voucher Number:

Copy of Payment Voucher enclosed? Yes ☐

Section 2. Type of Application (Instructions Page 29)

☒ New TPDES

☐ Major Amendment *with* Renewal

☐ Major Amendment *without* Renewal

☐ Renewal without changes

☐ New TLAP

☐ Minor Amendment *with* Renewal

☐ Minor Amendment *without* Renewal

☐ Minor Modification of permit

For amendments or modifications, describe the proposed changes:

For existing permits:

Permit Number: WQ00

EPA I.D. (TPDES only): TX

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Expiration Date:

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

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

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

Treasure Island Laguna Azure LLC

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)? You may search for your CN on the TCEQ website at http://www15.tceq.texas.gov/crpub/

CN:

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

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

First and Last Name: Zach Ipour

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

Title: Owner

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

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

N/A

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

If the co-applicant is currently a customer with the TCEQ, what is the Customer Number (CN)? You may search for your CN on the TCEQ website at: http://www15.tceq.texas.gov/crpub/

CN: N/A

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

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

First and Last Name: N/A

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

Title: N/A

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

C. Core Data Form

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

Attachment: Attachment A

Section 4. Application Contact Information (Instructions Page 30)

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

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

First and Last Name: Jonathan Nguyen

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

Title: Permit Specialist

Organization Name: Jones & Carter, Inc.

Mailing Address: 3100 Alvin Devane Blvd, Suite 150

City, State, Zip Code: Austin, TX 78741

Phone No.: 512-685-5156 Ext.: Fax No.:

E-mail Address: jnguyen@jonescarter.com

Check one or both: ☒ Administrative Contact ☒ Technical Contact

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

First and Last Name:

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

Title:

Organization Name:

Mailing Address:

City, State, Zip Code:

Phone No.: Ext.: Fax No.:

E-mail Address:

Check one or both: ☐ Administrative Contact ☐ Technical Contact

Section 5. Permit Contact Information (Instructions Page 30)

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

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APP-0013

A. Prefix (Mr., Ms., Miss): Mr.
First and Last Name: Zach Ipour
Credential (P.E, P.G., Ph.D., etc.):
Title: Owner
Organization Name: Treasure Island Laguna Azure LLC
Mailing Address: 2101 Cedar Springs Rd. Suite 700
City, State, Zip Code: Dallas, TX 75201
Phone No.: 469-556-1362 Ext.: Fax No.:
E-mail Address: zach@megatelhomes.com

B. Prefix (Mr., Ms., Miss): Mr.
First and Last Name: Steve Maglisceau
Credential (P.E, P.G., Ph.D., etc.):
Title: Vice President
Organization Name: Treasure Island Laguna Azure LLC
Mailing Address: 2101 Cedar Springs Rd. Suite 700
City, State, Zip Code: Dallas, TX 75201
Phone No.: 214-396-4233 Ext.: Fax No.:
E-mail Address: steve.maglisceau@megatelhomes.com

Section 6. Billing Information (Instructions Page 30)

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

Prefix (Mr., Ms., Miss): Mr.
First and Last Name: Steve Maglisceau
Credential (P.E, P.G., Ph.D., etc.):
Title: Vice President
Organization Name: Treasure Island Laguna Azure LLC
Mailing Address: 2101 Cedar Springs Rd. Suite 700
City, State, Zip Code: Dallas, TX 75201
Phone No.: 214-396-4233 Ext.: Fax No.:
E-mail Address: steve.maglisceau@megatelhomes.com

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

Provide the name and complete mailing address of the person delegated to receive and submit

Discharge Monitoring Reports (EPA 3320-1) or maintain Monthly Effluent Reports.

Prefix (Mr., Ms., Miss): will be selected prior to construction

First and Last Name:

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

Title:

Organization Name:

Mailing Address:

City, State, Zip Code:

Phone No.: Ext.: Fax No.:

E-mail Address:

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

https://www.tceq.texas.gov/permitting/netdmr/netdmr.html.

Section 8. Public Notice Information (Instructions Page 31)

A. Individual Publishing the Notices

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

First and Last Name: Jonathan Nguyen

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

Title: Permit Specialist

Organization Name: Jones & Carter, Inc.

Mailing Address: 3100 Alvin Devane Blvd, Suite 150

City, State, Zip Code: Austin, TX 78741

Phone No.: 512-685-5156 Ext.: Fax No.:

E-mail Address: jnguyen@jonescarter.com

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

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

- ☒ E-mail Address
- ☐ Fax
- ☐ Regular Mail

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C. **Contact person to be listed in the Notices**

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

First and Last Name: Jonathan Nguyen

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

Title: Permit Specialist

Organization Name: Jones & Carter, Inc.

Phone No.: 512-685-5156 Ext.:

E-mail: jnguyen@jonescarter.com

D. **Public Viewing Information**

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

Public building name: Van Alstyne Public Library

Location within the building:

Physical Address of Building: 151 West Cooper Street

City: Van Alstyne County: Grayson

Contact Name:

Phone No.: 903-482-5991 Ext.:

E. **Bilingual Notice Requirements:**

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

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

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

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

   ☐ Yes ☒ No

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

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

   ☐ Yes ☐ No

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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

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

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

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

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

Treasure Island WWTP

C. Owner of treatment facility: Treasure Island Laguna Azure LLC

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

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

Prefix (Mr., Ms., Miss):

First and Last Name: Treasure Island Laguna Azure LLC

Mailing Address: 2101 Cedar Springs Rd, Suite 700

City, State, Zip Code: Dallas, TX 75201

Phone No.: 214-396-4233 E-mail Address: steve.maglisceau@megatelhomes.com

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

Attachment: N/A

E. Owner of effluent disposal site:

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

First and Last Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A E-mail Address: N/A

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

Attachment: N/A

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

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

First and Last Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A E-mail Address: N/A

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

Attachment: N/A

Section 10. TPDES Discharge Information (Instructions Page 34)

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

☐ Yes ☐ No

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

Approximately 0.81 miles northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, 75495

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

☐ Yes ☐ No

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

To West Prong Whites Creek, then to Whites Creek, then to East Fork Trinity River Above Lake Lavon, then to Lake Lavon in Segment 0821 in the Trinity River Basin

City nearest the outfall(s): Van Alstyne

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

Outfall Latitude: 33.455858° Longitude: -96.631606°

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

☐ Yes ☒ No

If **yes**, indicate by a check mark if:

☐ Authorization granted ☐ Authorization pending

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

Attachment:

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

N/A

Section 11. TLAP Disposal Information (Instructions Page 36)

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

☐ Yes ☐ No

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

B. City nearest the disposal site:

C. County in which the disposal site is located:

D. Disposal Site Latitude: Longitude:

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

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

Section 12. Miscellaneous Information (Instructions Page 37)

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

☐ Yes ☒ No

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

☐ Yes ☒ No ☐ Not Applicable

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

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

☒ Yes ☐ No

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

Jonathan Nguyen

D. Do you owe any fees to the TCEQ?

☐ Yes ☒ No

If **yes**, provide the following information:

Account number: Amount past due:

E. Do you owe any penalties to the TCEQ?

☐ Yes ☒ No

If **yes**, please provide the following information:

Enforcement order number: Amount past due:

Section 13. Attachments (Instructions Page 38)

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

☐ Lease agreement or deed recorded easement, if the land where the treatment facility is located or the effluent disposal site are not owned by the applicant or co-applicant.

☒ Original full-size USGS Topographic Map with the following information:

- Applicant's property boundary
- Treatment facility boundary
- Labeled point of discharge for each discharge point (TPDES only)

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- Highlighted discharge route for each discharge point (TPDES only)
- Onsite sewage sludge disposal site (if applicable)
- Effluent disposal site boundaries (TLAP only)
- New and future construction (if applicable)
- 1 mile radius information
- 3 miles downstream information (TPDES only)
- All ponds.

☐ Attachment 1 for Individuals as co-applicants

☐ Other Attachments. Please specify:

Section 14. Signature Page (Instructions Page 39)

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

Permit Number: New Permit

Applicant Treasure Island Laguna Azure, LLC

Certification:

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

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

Signatory name (typed or printed): Mr. Zach Ipour

Signatory title:

Signature: _____ Date: _____
(Use blue ink)

Subscribed and Sworn to before me by the said _____

on this 27 day of December, 20 21.

My commission expires on the 7 day of August, 20 23.

Jacqueline Lohr
Notary Public *[SEAL]*

Dallas
County, Texas

JACQUELINE LOHR
Notary Public, State of Texas
Comm. Expires 08-07-2023
Notary ID 132120373

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DOMESTIC ADMINISTRATIVE REPORT 1.1

The following information is required for new and amendment applications.

Section 1. Affected Landowner Information (Instructions Page 41)

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

- ☒ The applicant's property boundaries
- ☒ The facility site boundaries within the applicant's property boundaries
- ☐ The distance the buffer zone falls into adjacent properties and the property boundaries of the landowners located within the buffer zone
- ☒ The property boundaries of all landowners surrounding the applicant's property (Note: if the application is a major amendment for a lignite mine, the map must include the property boundaries of all landowners adjacent to the new facility (ponds).)
- ☒ The point(s) of discharge and highlighted discharge route(s) clearly shown for one mile downstream
- ☒ The property boundaries of the landowners located on both sides of the discharge route for one full stream mile downstream of the point of discharge
- ☐ The property boundaries of the landowners along the watercourse for a one-half mile radius from the point of discharge if the point of discharge is into a lake, bay, estuary, or affected by tides
- ☐ The boundaries of the effluent disposal site (for example, irrigation area or subsurface drainfield site) and all evaporation/holding ponds within the applicant's property
- ☐ The property boundaries of all landowners surrounding the effluent disposal site
- ☐ The boundaries of the sludge land application site (for land application of sewage sludge for beneficial use) and the property boundaries of landowners surrounding the applicant's property boundaries where the sewage sludge land application site is located
- ☐ The property boundaries of landowners within one-half mile in all directions from the applicant's property boundaries where the sewage sludge disposal site (for example, sludge surface disposal site or sludge monofill) is located

B. ☒ Indicate by a check mark that a separate list with the landowners' names and mailing addresses cross-referenced to the landowner's map has been provided.

C. Indicate by a check mark in which format the landowners list is submitted:

☒ Readable/Writeable CD ☐ Four sets of labels

D. Provide the source of the landowners' names and mailing addresses: Grayson CAD

E. As required by *Texas Water Code § 5.115*, is any permanent school fund land affected by this application?

☐ Yes ☒ No

If **yes**, provide the location and foreseeable impacts and effects this application has on the

land(s):

Section 2. Original Photographs (Instructions Page 44)

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

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

Section 3. Buffer Zone Map (Instructions Page 44)

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

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

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

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

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

☒ Yes ☐ No

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)

FOR AGENCIES REVIEWING DOMESTIC TPDES WASTEWATER PERMIT APPLICATIONS

TCEQ USE ONLY:

Application type: ____Renewal ____Major Amendment ___Minor Amendment ____New

County: _____ Segment Number: _____

Admin Complete Date: _____

Agency Receiving SPIF:

_____ Texas Historical Commission _____ U.S. Fish and Wildlife

_____ Texas Parks and Wildlife Department _____ U.S. Army Corps of Engineers

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

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

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

The following applies to all applications:

1. Permittee: Treasure Island Laguna Azure LLC

   Permit No. WQ00 New Permit EPA ID No. TX New Permit

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

   Approximately 0.81 miles northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, 75495

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

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

First and Last Name: Jonathan Nguyen

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

Title: Permit Specialist

Mailing Address: 3100 Alvin Devane Blvd, Suite 150

City, State, Zip Code: Austin, TX 78741

Phone No.: 512-685-5156 Ext.: Fax No.:

E-mail Address: jnguyen@jonescarter.com

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

Owner is applicant.

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

To West Prong Whites Creek, then to Whites Creek, then to East Fork Trinity River Above Lake Lavon, then to Lake Lavon in Segment 0821 in the Trinity River Basin

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

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

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

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

☐ Disturbance of vegetation or wetlands

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

Approximately 5.0 acres will be used for treatment plant. No caves or karst features will be sealed.

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

Current land use is agriculture.

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

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

No existing buildings on treatment plant property.

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

None.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DOMESTIC WASTEWATER PERMIT APPLICATION

DOMESTIC TECHNICAL REPORT 1.0

The Following Is Required For All Applications

Renewal, New, And Amendment

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

A. Existing/Interim I Phase

Design Flow (MGD): 0.20

2-Hr Peak Flow (MGD): 0.80

Estimated construction start date: 2/2022

Estimated waste disposal start date: 1/2023

B. Interim II Phase

Design Flow (MGD): 0.40

2-Hr Peak Flow (MGD): 1.20

Estimated construction start date: 4/2023

Estimated waste disposal start date: 2/2024

C. Final Phase

Design Flow (MGD): 1.40

2-Hr Peak Flow (MGD): 5.60

Estimated construction start date: 10/2024

Estimated waste disposal start date: 1/2026

D. Current operating phase: not constructed yet

Provide the startup date of the facility:

Section 2. Treatment Process (Instructions Page 51)

A. Treatment process description

Provide a detailed description of the treatment process. **Include the type of**

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

See Attachment H

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

B. Treatment Units

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

Table 1.0(1) - Treatment Units

Treatment Unit Type	Number of Units	Dimensions (L x W x D)
See Attachment H		

C. Process flow diagrams

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

Attachment: Attachment I

Section 3. Site Drawing (Instructions Page 52)

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

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

Attachment: Attachment I

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

Residential subdivision located approximately 3.79 miles northwest of the City of Van Alstyne

Section 4. Unbuilt Phases (Instructions Page 52)

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

Yes ☐ No ☐

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

Yes ☐ No ☐

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

N/A

Section 5. Closure Plans (Instructions Page 53)

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

Yes ☐ No ☒

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

Yes ☐ No ☐

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

N/A

Section 6. Permit Specific Requirements (Instructions Page 53)

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

A. Summary transmittal

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

Yes ☐ No ☐

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

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

Will be done prior to construction

B. Buffer zones

Have the buffer zone requirements been met?

Yes ☐ No ☐

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

relevant to maintaining the buffer zones.

Will be met by ownership of land within buffer zone.

C. Other actions required by the current permit

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

Yes ☐ No ☐

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

N/A

D. Grit and grease treatment

1. Acceptance of grit and grease waste

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

Yes ☐ No ☒

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

2. Grit and grease processing

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

3. Grit disposal

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

Yes ☐ No ☐

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

Describe the method of grit disposal.

4. Grease and decanted liquid disposal

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

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

E. Stormwater management

1. Applicability

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

Yes ☒ No ☐

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

Yes ☐ No ☒

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

2. MSGP coverage

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

Yes ☐ No ☒

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

TXR05 [redacted] or TXRNE [redacted]

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

Yes ☒ No ☐

3. Conditional exclusion

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

Yes ☐ No ☒

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

[redacted]

4. Existing coverage in individual permit

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

Yes ☐ No ☒

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

5. Zero stormwater discharge

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

Yes ☐ No ☒

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

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

6. Request for coverage in individual permit

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

Yes ☐ No ☒

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

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

F. Discharges to the Lake Houston Watershed

Does the facility discharge in the Lake Houston watershed?
Yes ☐ No ☒

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

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

1. Acceptance of sludge from other WWTPs

Does the facility accept or will it accept sludge from other treatment plants at the facility site?
Yes ☐ No ☒

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

In addition, provide the date that the plant started accepting sludge or is anticipated to start accepting sludge, an estimate of monthly sludge acceptance (gallons or millions of gallons), an estimate of the BOD_5 concentration of the sludge, and the design BOD_5 concentration of the influent from the collection system. Also note if this information has or has not changed since the last permit action.

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

2. Acceptance of septic waste

Is the facility accepting or will it accept septic waste?

Yes ☐ No ☒

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

Yes ☐ No ☐

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

Yes ☐ No ☐

If yes to any of the above, provide a the date that the plant started accepting septic waste, or is anticipated to start accepting septic waste, an estimate of monthly septic waste acceptance (gallons or millions of gallons), an estimate of the BOD_5 concentration of the septic waste, and the design BOD_5 concentration of the influent from the collection system. Also note if this information has or has not changed since the last permit action.

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

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

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

Yes ☐ No ☒

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

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

Is the facility in operation?

Yes ☐ No ☒

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

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

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

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

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
$CBOD_5$, mg/l					
Total Suspended Solids, mg/l					
Ammonia Nitrogen, mg/l					
Nitrate Nitrogen, mg/l					
Total Kjeldahl Nitrogen, mg/l					
Sulfate, mg/l					
Chloride, mg/l					
Total Phosphorus, mg/l					
pH, standard units					
Dissolved Oxygen*, mg/l					
Chlorine Residual, mg/l					
E.coli (CFU/100ml) freshwater					
Entercocci (CFU/100ml)					

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
saltwater					
Total Dissolved Solids, mg/l					
Electrical Conductivity, µmohs/cm, †					
Oil & Grease, mg/l					
Alkalinity ($CaCO_3$)*, mg/l					

*TPDES permits only

†TLAP permits only

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

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Total Suspended Solids, mg/l					
Total Dissolved Solids, mg/l					
pH, standard units					
Fluoride, mg/l					
Aluminum, mg/l					
Alkalinity ($CaCO_3$), mg/l					

Section 8. Facility Operator (Instructions Page 60)

Facility Operator Name: will be selected prior to construction

Facility Operator's License Classification and Level:

Facility Operator's License Number:

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

A. Sludge disposal method

Identify the current or anticipated sludge disposal method or methods from the

following list. Check all that apply.

- ☐ Permitted landfill
- ☐ Permitted or Registered land application site for beneficial use
- ☐ Land application for beneficial use authorized in the wastewater permit
- ☐ Permitted sludge processing facility
- ☐ Marketing and distribution as authorized in the wastewater permit
- ☐ Composting as authorized in the wastewater permit
- ☐ Permitted surface disposal site (sludge monofill)
- ☐ Surface disposal site (sludge monofill) authorized in the wastewater permit
- ☐ Transported to another permitted wastewater treatment plant or permitted sludge processing facility. If you selected this method, a written statement or contractual agreement from the wastewater treatment plant or permitted sludge processing facility accepting the sludge must be included with this application.
- ☐ Other:

B. Sludge disposal site

Disposal site name: will be selected prior to construction

TCEQ permit or registration number:

County where disposal site is located:

C. Sludge transportation method

Method of transportation (truck, train, pipe, other): will be selected prior to construction

Name of the hauler:

Hauler registration number:

Sludge is transported as a:

Liquid ☐ semi-liquid ☐ semi-solid ☐ solid ☐

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

A. Beneficial use authorization

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

Yes ☐ No ☒

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

Yes ☐ No ☐

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

Yes ☐ No ☐

B. Sludge processing authorization

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

Sludge Composting	Yes ☐	No ☒
Marketing and Distribution of sludge	Yes ☐	No ☒
Sludge Surface Disposal or Sludge Monofill	Yes ☐	No ☒
Temporary storage in sludge lagoons	Yes ☐	No ☒

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

Yes ☐ No ☐

Section 11. Sewage Sludge Lagoons (Instructions Page 61)

Does this facility include sewage sludge lagoons?

Yes ☐ No ☒

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

A. Location information

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

- Original General Highway (County) Map:

  Attachment:
- USDA Natural Resources Conservation Service Soil Map:

  Attachment:
- Federal Emergency Management Map:

  Attachment:
- Site map:

  Attachment:

Discuss in a description if any of the following exist within the lagoon area. Check all that apply.

- ☐ Overlap a designated 100-year frequency flood plain
- ☐ Soils with flooding classification
- ☐ Overlap an unstable area
- ☐ Wetlands
- ☐ Located less than 60 meters from a fault
- ☐ None of the above

Attachment:

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

B. Temporary storage information

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

Nitrate Nitrogen, mg/kg:

Total Kjeldahl Nitrogen, mg/kg:

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

Phosphorus, mg/kg:

Potassium, mg/kg:

pH, standard units:

Ammonia Nitrogen mg/kg:

Arsenic:

Cadmium:

Chromium:

Copper:

Lead:

Mercury:

Molybdenum:

Nickel:

Selenium:

Zinc:

Total PCBs:

Provide the following information:

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

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

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

C. Liner information

Does the active/proposed sludge lagoon(s) have a liner with a maximum hydraulic conductivity of $1x10^{-7}$ cm/sec?

Yes ☐ No ☐

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

D. Site development plan

Provide a detailed description of the methods used to deposit sludge in the

lagoon(s):

Attach the following documents to the application.

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

  Attachment:
- Copy of the closure plan

  Attachment:
- Copy of deed recordation for the site

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

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

  Attachment:
- Procedures to prevent the occurrence of nuisance conditions

  Attachment:

E. Groundwater monitoring

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

Yes ☐ No ☐

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

Attachment:

Section 12. Authorizations/Compliance/Enforcement

(Instructions Page 63)

A. Additional authorizations

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

Yes ☐ No ☒

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

B. Permittee enforcement status

Is the permittee currently under enforcement for this facility?

Yes ☐ No ☒

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

Yes ☐ No ☒

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

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

A. RCRA hazardous wastes

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

Yes ☐ No ☒

B. Remediation activity wastewater

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

Yes ☐ No ☒

C. Details about wastes received

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

Attachment:

Section 14. Laboratory Accreditation (Instructions Page 64)

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

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

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

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

CERTIFICATION:

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

Printed Name: Mr. Zach Ipour

Title: _____

Signature: _____

Date: _____

DOMESTIC TECHNICAL REPORT 1.1

The following is required for new and amendment applications

Section 1. Justification for Permit (Instructions Page 66)

A. Justification of permit need

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

See Attachment K

B. Regionalization of facilities

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

1. Municipally incorporated areas

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

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

Yes ☐ No ☒ Not Applicable ☐

If yes, within the city limits of: N/A

If yes, attach correspondence from the city.

Attachment: N/A

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

Attachment: N/A

2. Utility CCN areas

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

Yes ☐ No ☒

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

Attachment:

3. *Nearby WWTPs or collection systems*

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

Yes ☒ No ☐

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

Attachment: Attachment M

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

Attachment: Attachment M

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

Yes ☐ No ☒

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

Attachment:

Section 2. Organic Loading (Instructions Page 67)

Is this facility in operation?

Yes ☐ No ☒

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

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

A. Current organic loading

Facility Design Flow (flow being requested in application):

Average Influent Organic Strength or BOD_5 Concentration in mg/l:

Average Influent Loading (lbs/day = total average flow X average BOD_5 conc. X 8.34):

Provide the source of the average organic strength or BOD_5 concentration.

B. Proposed organic loading

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

Table 1.1(1) - Design Organic Loading

Source	Total Average Flow (MGD)	Influent BOD_5 Concentration (mg/l)
Municipality	1.2	300
Subdivision		
Trailer park - transient		
Mobile home park		
School with cafeteria and showers		
School with cafeteria,		

Source	Total Average Flow (MGD)	Influent BOD_5 Concentration (mg/l)
no showers		
Recreational park, overnight use		
Recreational park, day use		
Office building or factory	0.20	300
Motel		
Restaurant		
Hospital		
Nursing home		
Other		
TOTAL FLOW from all sources	1.40	
AVERAGE BOD_5 from all sources		300

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

A. Existing/Interim I Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l: 10

Total Suspended Solids, mg/l: 15

Ammonia Nitrogen, mg/l: 3

Total Phosphorus, mg/l:

Dissolved Oxygen, mg/l: 4

Other:

B. Interim II Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l: 10

Total Suspended Solids, mg/l: 15

Ammonia Nitrogen, mg/l: 3

Total Phosphorus, mg/l:

Dissolved Oxygen, mg/l: 4

Other:

C. Final Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l: 10

Total Suspended Solids, mg/l: 15

Ammonia Nitrogen, mg/l: 3

Total Phosphorus, mg/l:

Dissolved Oxygen, mg/l: 4

Other:

D. Disinfection Method

Identify the proposed method of disinfection.

☒ Chlorine: 1.0 mg/l after 20 minutes detention time at peak flow

Dechlorination process:

☐ Ultraviolet Light: seconds contact time at peak flow

☐ Other:

Section 4. Design Calculations (Instructions Page 68)

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

Attachment: Attachment H

Section 5. Facility Site (Instructions Page 68)

A. 100-year floodplain

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

Yes ☒ No ☐

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

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

FEMA FIRM Panel 48181C0550F

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

Yes ☐ No ☒

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

Yes ☐ No ☐

If yes, provide the permit number:

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

B. Wind rose

Attach a wind rose. **Attachment:** Attachment O

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

A. Beneficial use authorization

Are you requesting to include authorization to land apply sewage sludge for beneficial use on property located adjacent to the wastewater treatment facility under the wastewater permit?

Yes ☐ No ☒

If yes, attach the completed Application for Permit for Beneficial Land Use of Sewage Sludge (TCEQ Form No. 10451)

Attachment:

B. Sludge processing authorization

Identify the sludge processing, storage or disposal options that will be conducted at the wastewater treatment facility:

☐ Sludge Composting

☐ Marketing and Distribution of sludge

☐ Sludge Surface Disposal or Sludge Monofill

If any of the above sludge options are selected, attach a completed DOMESTIC WASTEWATER PERMIT APPLICATION: SEWAGE SLUDGE TECHNICAL REPORT (TCEQ Form No. 10056).

Attachment:

Section 7. Sewage Sludge Solids Management Plan (Instructions Page 69)

Attach a solids management plan to the application.

Attachment: Attachment L

The sewage sludge solids management plan must contain the following information:

- Treatment units and processes dimensions and capacities
- Solids generated at 100, 75, 50, and 25 percent of design flow
- Mixed liquor suspended solids operating range at design and projected actual flow
- Quantity of solids to be removed and a schedule for solids removal
- Identification and ownership of the ultimate sludge disposal site
- For facultative lagoons, design life calculations, monitoring well locations and depths, and the ultimate disposal method for the sludge from the facultative lagoon

An example of a sewage sludge solids management plan has been included as Example 5 of the instructions.

DOMESTIC TECHNICAL REPORT WORKSHEET 2.0

RECEIVING WATERS

The following is required for all TPDES permit applications

Section 1. Domestic Drinking Water Supply (Instructions Page 73)

Is there a surface water intake for domestic drinking water supply located within 5 miles downstream from the point or proposed point of discharge?

Yes ☐ No ☒

If yes, provide the following:
Owner of the drinking water supply:

Distance and direction to the intake:

Attach a USGS map that identifies the location of the intake.

Attachment:

Section 2. Discharge into Tidally Affected Waters (Instructions Page 73)

Does the facility discharge into tidally affected waters?

Yes ☐ No ☒

If yes, complete the remainder of this section. If no, proceed to Section 3.

A. Receiving water outfall

Width of the receiving water at the outfall, in feet:

B. Oyster waters

Are there oyster waters in the vicinity of the discharge?

Yes ☐ No ☐

If yes, provide the distance and direction from outfall(s).

C. Sea grasses

Are there any sea grasses within the vicinity of the point of discharge?

Yes ☐ No ☐

If yes, provide the distance and direction from the outfall(s).

Section 3. Classified Segments (Instructions Page 73)

Is the discharge directly into (or within 300 feet of) a classified segment?

Yes ☐ No ☒

If yes, this Worksheet is complete.

If no, complete Sections 4 and 5 of this Worksheet.

Section 4. Description of Immediate Receiving Waters (Instructions Page 75)

Name of the immediate receiving waters: West Prong Whites Creek

A. Receiving water type

Identify the appropriate description of the receiving waters.

☒ Stream

☐ Freshwater Swamp or Marsh

☐ Lake or Pond

Surface area, in acres:

Average depth of the entire water body, in feet:

Average depth of water body within a 500-foot radius of discharge point, in feet:

☐ Man-made Channel or Ditch

☐ Open Bay

☐ Tidal Stream, Bayou, or Marsh

☐ Other, specify:

B. Flow characteristics

If a stream, man-made channel or ditch was checked above, provide the following. For existing discharges, check one of the following that best characterizes the area *upstream* of the discharge. For new discharges, characterize the area *downstream* of the discharge (check one).

☒ Intermittent - dry for at least one week during most years

☐ Intermittent with Perennial Pools - enduring pools with sufficient habitat to maintain significant aquatic life uses

☐ Perennial - normally flowing

Check the method used to characterize the area upstream (or downstream for new dischargers).

☐ USGS flow records

☐ Historical observation by adjacent landowners

☒ Personal observation

☐ Other, specify:

C. Downstream perennial confluences

List the names of all perennial streams that join the receiving water within three miles downstream of the discharge point.

D. Downstream characteristics

Do the receiving water characteristics change within three miles downstream of the discharge (e.g., natural or man-made dams, ponds, reservoirs, etc.)?

Yes ☐ No ☒

If yes, discuss how.

E. **Normal dry weather characteristics**

Provide general observations of the water body during normal dry weather conditions.

Stream was dry

Date and time of observation: 8/26/21@10:00

Was the water body influenced by stormwater runoff during observations?

Yes ☐ No ☒

Section 5. General Characteristics of the Waterbody (Instructions Page 74)

A. **Upstream influences**

Is the immediate receiving water upstream of the discharge or proposed discharge site influenced by any of the following? Check all that apply.

- ☐ Oil field activities
- ☐ Upstream discharges
- ☐ Septic tanks
- ☒ Urban runoff
- ☒ Agricultural runoff
- ☐ Other(s), specify

B. **Waterbody uses**

Observed or evidences of the following uses. Check all that apply.

- ☒ Livestock watering
- ☐ Irrigation withdrawal
- ☐ Fishing
- ☐ Contact recreation
- ☐ Non-contact recreation
- ☐ Navigation

☐ Domestic water supply ☐ Industrial water supply

☐ Park activities ☐ Other(s), specify

C. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the receiving water and the surrounding area.

☐ Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional

☒ Natural Area: trees and/or native vegetation; some development evident (from fields, pastures, dwellings); water clarity discolored

☐ Common Setting: not offensive; developed but uncluttered; water may be colored or turbid

☐ Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

LIST OF ATTACHMENTS
TREASURE ISLAND LAGUNA AZURE LLC
VAN ALSTYNE WASTEWATER TREATMENT PLANT

Attachment A – Core Data Form (Admin Report 1.0, Section 3.C)

Attachment B – USGS Map (Admin. Report 1.0, Section 13)

Attachment C – Affected Landowners (Admin. Report 1.1, Section 1.A and C)

Attachment D – Original Photographs (Admin Report 1.1, Section 2)

Attachment E – Buffer Zone Map (Admin Report 1.1, Section 3.A)

Attachment F – Area Water Wells (Admin Report 1.1, Section 3.C)

Attachment G – Wetlands Map (Admin Report 1.1, Section 3.C and Tech. Report 1.1, Section 5.A)

Attachment H – Supplemental Technical Reports (Tech Report 1.0, Section 2.A and B and Tech Report 1.1, Section 4)

Attachment I – Flow Schematics (Tech Report 1.0, Section 2.C)

Attachment J – Service Area Map (Tech Report 1.0, Section 3)

Attachment K – Justification for Plant Construction (Tech Report 1.0, Section 4 and Tech Report 1.1, Section 1.A)

Attachment L – Sewage Sludge Management Plan (Tech Report 1.0 Section 6.F and Tech. Report 1.1, Item 7)

Attachment M – Regionalization Surveys (Tech Report 1.1, Section 1.B.3)

Attachment N – FEMA Flood Map (Tech Rep 1.1, Section 5.A)

Attachment O – Wind Rose (Tech Report 1.1, Section 5.B)

ATTACHMENT A

CORE DATA FORM

TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

JANUARY 2022

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777 5337

TCEQ Core Data Form

TCEQ Use Only

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

SECTION I: General Information

1. **Reason for Submission** *(If other is checked please describe in space provided.)*

☒ New Permit, Registration or Authorization *(Core Data Form should be submitted with the program application.)*

☐ Renewal *(Core Data Form should be submitted with the renewal form)* ☐ Other

2. Customer Reference Number *(If issued)*	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number *(if issued)*
CN 605975267		RN 111409553

SECTION II: Customer Information

4. General Customer Information	5. Effective Date for Customer Information Updates (mm/dd/yyyy)	11/18/2021

☒ New Customer ☐ Update to Customer Information ☐ Change in Regulated Entity Ownership

☐ Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)

The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).

6. Customer Legal Name *(If an individual, print last name first: eg: Doe, John)*	*If new Customer, enter previous Customer below:*
Treasure Island Laguna Azure LLC	

7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number *(if applicable)*
0804319107	32081979414		

11. Type of Customer:	☒ Corporation	☐ Individual	Partnership: ☐ General ☐ Limited
Government: ☐ City ☐ County ☐ Federal ☐ State ☐ Other		☐ Sole Proprietorship	☐ Other:

12. Number of Employees	13. Independently Owned and Operated?
☒ 0-20 ☐ 21-100 ☐ 101-250 ☐ 251-500 ☐ 501 and higher	☒ Yes ☐ No

14. Customer Role (Proposed or Actual) – *as it relates to the Regulated Entity listed on this form. Please check one of the following*

☐ Owner ☐ Operator ☒ Owner & Operator

☐ Occupational Licensee ☐ Responsible Party ☐ Voluntary Cleanup Applicant ☐ Other:

15. Mailing Address:							
	2101 Cedar Springs Rd						
	Suite 700						
	City	Dallas	State	TX	ZIP	75201	ZIP + 4

16. Country Mailing Information *(if outside USA)*	17. E-Mail Address *(if applicable)*
	steve.maglisceau@megatelhomes.com

18. Telephone Number	19. Extension or Code	20. Fax Number *(if applicable)*
(214) 396-4233		( ) -

SECTION III: Regulated Entity Information

21. **General Regulated Entity Information** *(If 'New Regulated Entity' is selected below this form should be accompanied by a permit application)*

☒ New Regulated Entity ☐ Update to Regulated Entity Name ☐ Update to Regulated Entity Information

The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC).

22. **Regulated Entity Name** *(Enter name of the site where the regulated action is taking place.)*

Treasure Island Wastewater Treatment Plant

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JAN 18 2022
Water Quality Applications Team

APP-0062

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

Enter Physical Location Description if no street address is provided.

25. Description to Physical Location:	approximately 0.81 miles northeast of the intersection of Farmington Road and Hodgins Road

26. Nearest City	State	Nearest ZIP Code
Van Alstyne	TX	75495

27. Latitude (N) In Decimal:	33.455858		28. Longitude (W) In Decimal:	-96.631606	
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
33	27	21.11	-96	37	53.79

29. Primary SIC Code (4 digits)	30. Secondary SIC Code (4 digits)	31. Primary NAICS Code (5 or 6 digits)	32. Secondary NAICS Code (5 or 6 digits)
4952		221320	

33. What is the Primary Business of this entity? *(Do not repeat the SIC or NAICS description.)*

treatment of domestic wastewater

34. Mailing Address:	2101 Cedar Springs Rd.						
	Suite 700						
	City	Dallas	State	TX	ZIP	75201	ZIP + 4	

35. E-Mail Address:	steve.maglisceau@megatelhomes.com	
36. Telephone Number	37. Extension or Code	38. Fax Number *(if applicable)*
(214) 396-4233		( ) -

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

☐ Dam Safety	☐ Districts	☐ Edwards Aquifer	☐ Emissions Inventory Air	☐ Industrial Hazardous Waste
☐ Municipal Solid Waste	☐ New Source Review Air	☐ OSSF	☐ Petroleum Storage Tank	☐ PWS
☐ Sludge	☐ Storm Water	☐ Title V Air	☐ Tires	☐ Used Oil
☐ Voluntary Cleanup	☒ Waste Water	☐ Wastewater Agriculture	☐ Water Rights	☐ Other:
	WQ0010092001			

SECTION IV: Preparer Information

40. Name:	Jonathan Nguyen	41. Title:	Permit Specialist

42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(512) 685-5156		( ) -	jnguyen@jonesearter.com

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JAN 18 2022
Water Quality Applications Team

SECTION V: Authorized Signature

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

Company:		Job Title:	
Name *(In Print)*:	Zach Burr	Phone:	(469) 556- 1362
Signature:		Date:	

APP-0063

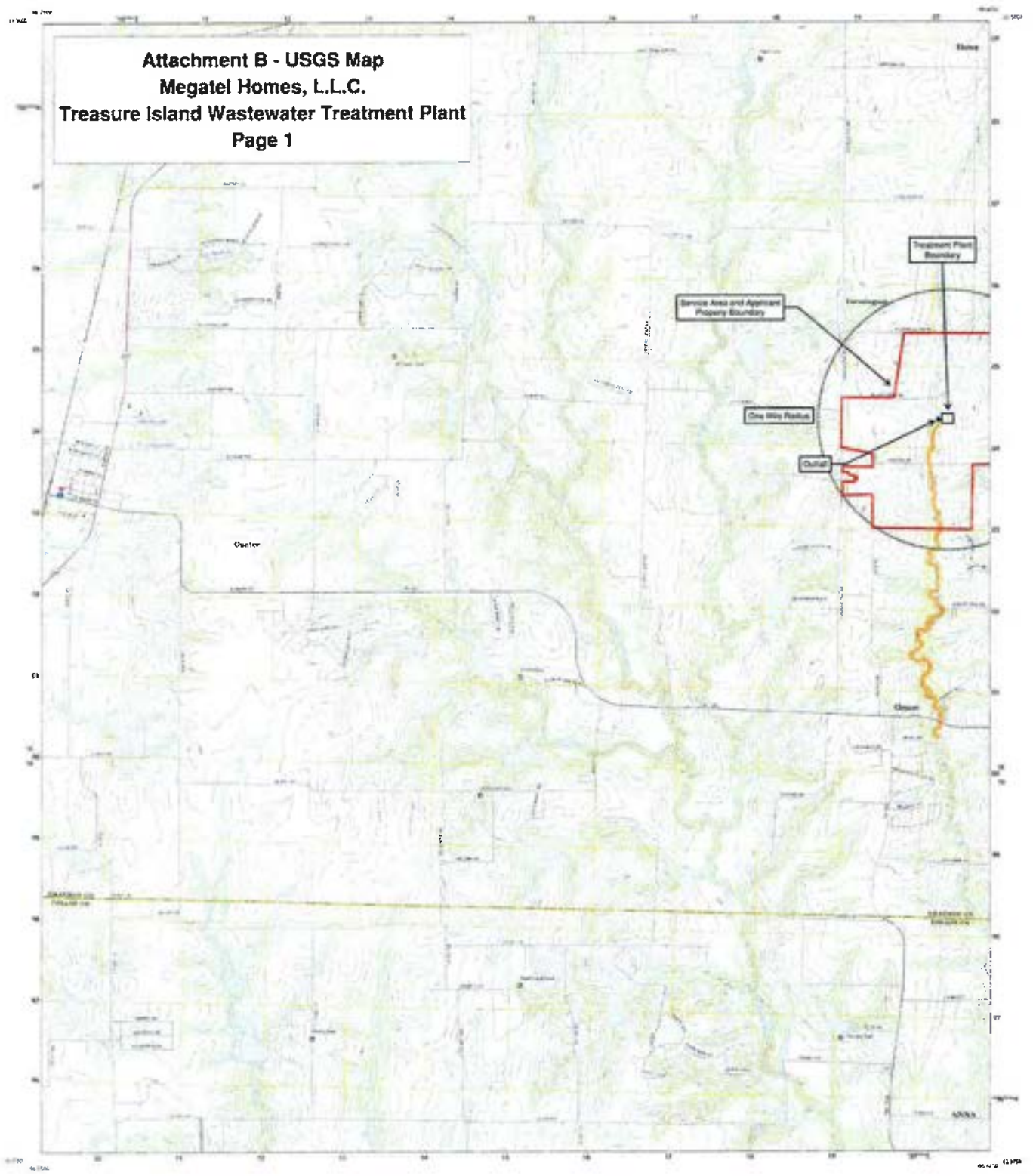
ATTACHMENT B

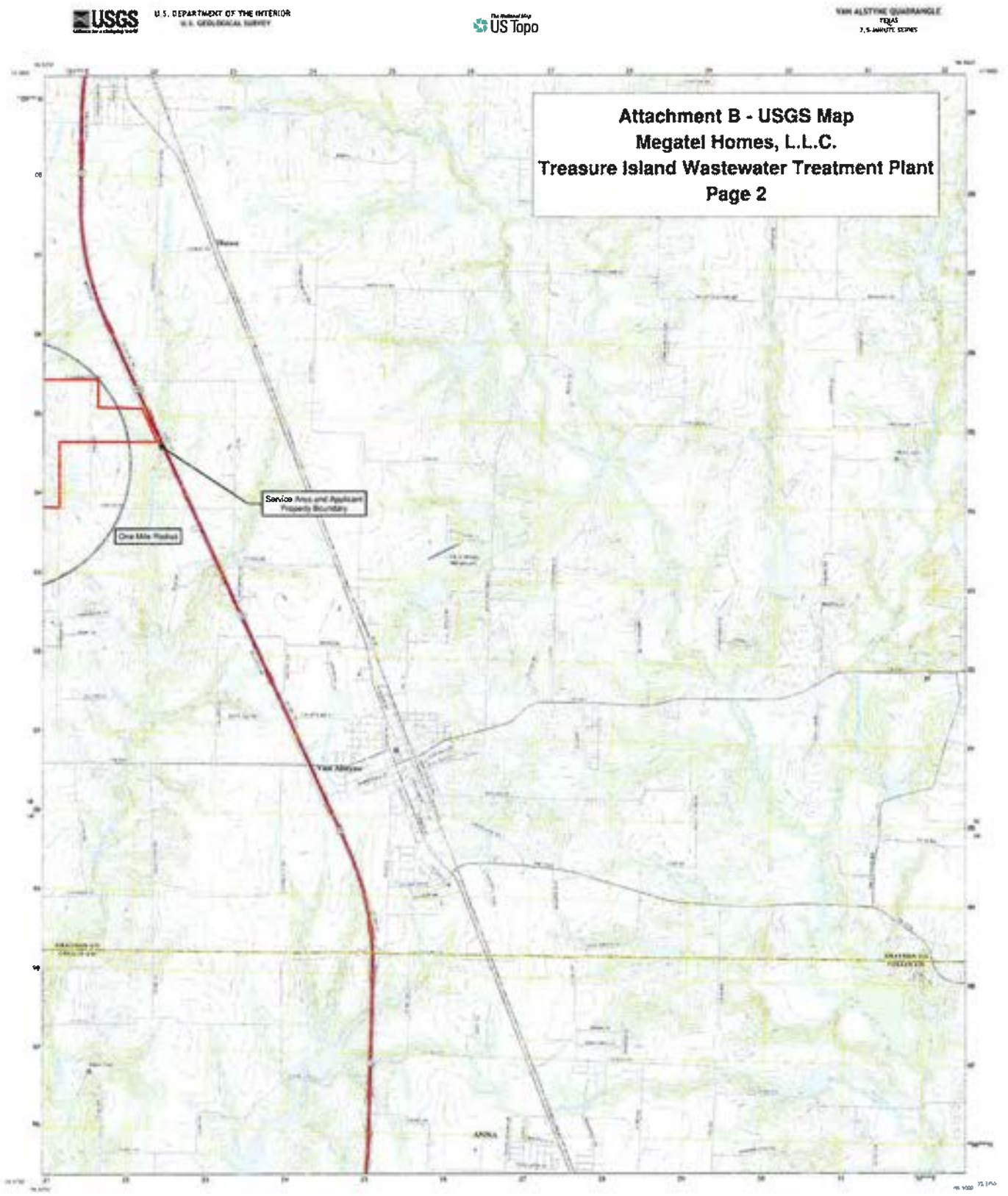
USGS MAP

TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

JANUARY 2022

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337


Attachment B - USGS Map
Megatel Homes, L.L.C.
Treasure Island Wastewater Treatment Plant
Page 1
USGS
U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY
US Topo
GUNTER QUADRANGLE
Treatment Plant Boundary
Service Area and Applicant Property Boundary
One Mile Radius
Outfall
Gunter
SCALE 1:24 000
GUNTER, TX
2019


USGS
U.S. DEPARTMENT OF THE INTERIOR
US Topo
VAN ALSTYNE QUADRANGLE
TEXAS
7.5-MINUTE SERIES
Attachment B - USGS Map
Megatel Homes, L.L.C.
Treasure Island Wastewater Treatment Plant
Page 2
Service Area and Applicant Property Boundary
One Mile Radius
Van Alstyne
ANNA
SCALE 1:24 000
ROAD CLASSIFICATION
VAN ALSTYNE, TX
2019

APP-0066

ATTACHMENT C

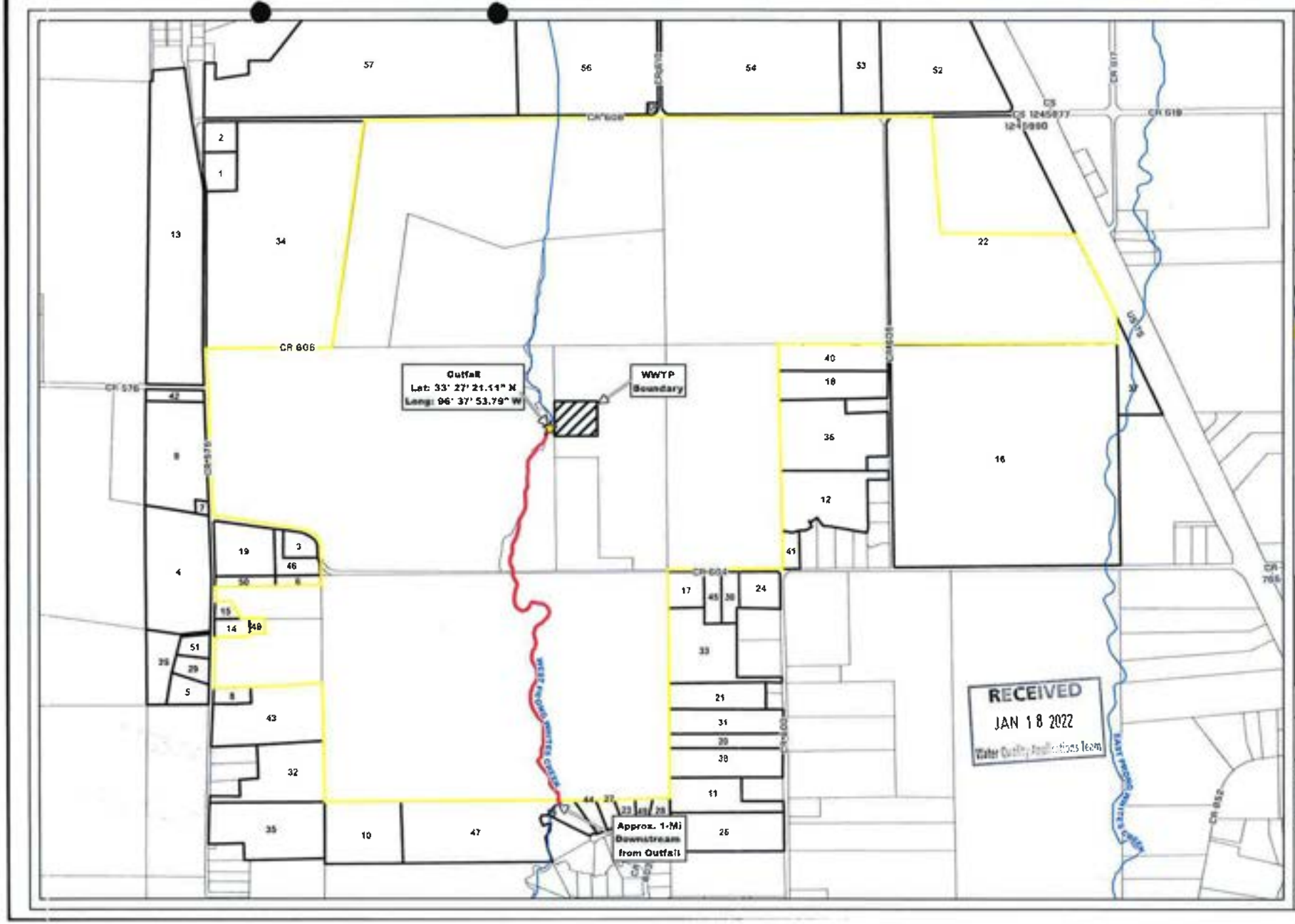
AFFECTED LANDOWNERS

TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

JANUARY 2022

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337

APP-0068



VICINITY MAP
1 INCH = 10 MILES

LEGEND

- Outfall
- 1 Mile Downstream
- Stream
- Adjacent Owners
- WWTP Boundary
- Applicant Property Boundary
- Grayson CAD Parcels

Attachment C

Affected Landowners Map

Treasure Island Laguna Azure, LLC

Treasure Island WWTP

VAN ALSTYNE
GRAYSON COUNTY, TEXAS

0 1,000
1 INCH = 1,000 FEET

JONES CARTER

Attachment C – Adjacent and Downstream Landowners List

Treasure Island Laguna Azure, LLC

Treasure Island Wastewater Treatment Plant

Object ID	Owner	Mailing Address
1	KERRY CRAIG PAREDES	313 WILLIAMSBURG VAN ALSTYNE TX 75495
2	JOHN W CRAIG	4307 WILLIFORD ROAD SACHSE TX 75048
3	ANTHONY A GRISOLIA	2128 HODGINS VAN ALSTYNE TX 75495
4	SAMUEL J ATKINS III	1347 LOVERS LEAP LANE VAN ALSTYNE TX 75495
5	DAVID MICHAEL MCMAKIN	PO BOX 1516 VAN ALSTYNE TX 75495
6	JAMES GRISOLIA	2038 HODGINS RD VAN ALSTYNE TX 75495
7	MARILEE SPECIAL UTILITY DISTRICT	PO BOX 1017 CELINA TX 75009
8	BURT K HAMULA	740 EVERGREEN LN MEAD OK 73449
9	WILLIAM H RASOR & LURA RASOR SMITH	1800 LOVERS LEAP VAN ALSTYNE TX 75495
10	BILLY N HALE	400 HALE PL VAN ALSTYNE TX 75495
11	DOUGLAS SCOTT SHAW	1603 HACKBERRY RD VAN ALSTYNE TX 75495
12	LOREN L DEMERS	783 FIELDER RD VAN ALSTYNE TX 75495
13	MBA MCKINNEY PROPERTIES II LTD	PO BOX 8137 WACO TX 76714
14	TERRY CROSBY	9650 FARMINGTON RD VAN ALSTYNE TX 75495
15	PATSY L KIRBY	8187 FARMINGTON RD VAN ALSTYNE TX 75495
16	JAMES PARK FIELDER III	PO BOX 638 VAN ALSTYNE TX 75495
17	BRAD BUTLER & KIMBERLY FLETCHER	PO BOX 1385 VAN ALSTYNE TX 75495
18	MOTL KATHRYN E & PEGGY J CRABTREE ESTATE	561 FIELDER RD VAN ALSTYNE TX 75495
19	BILLIE RUTH MOORE	2252 HODGINS RD VAN ALSTYNE TX 75495
20	DOUGLAS SCOTT SHAW	1603 HACKBERRY RD VAN ALSTYNE TX 75495
21	RICHARD M LINNEBUR	1783 HACKBERRY RD

		VAN ALSTYNE TX 75495
22	RASOR W H III AND SMITH LAURA RASOR AND MBA MCKINNEY PROPERTIES II LTD	1800 LOVERS LEAP LN VAN ALSTYNE TX 75495
23	L RANDOLPH & DEBRA S PETTIT	P O BOX 763 VAN ALSTYNE TX 75495
24	JAMES MCNEME V	1971 HACKBERRY RD VAN ALSTYNE TX 75495
25	WINNIE A RASOR & LURA BETH SMITH	1800 LOVERS LEAP VAN ALSTYNE TX 75495
26	BROWN WILLIAM LIVING TRUST	4535 MILL CREEK ROAD DALLAS TX 75244
27	DAMON & KERI L LEINART	360 HARRISON CIR VAN ALSTYNE TX 75495
28	SCOTT RANDOLPH	260 HARRISON CR VAN ALSTYNE TX 75495
29	FLORA NEOMA BURK	9759 FARMINGTON RD VAN ALSTYNE TX 75495
30	LARRY L FLECK	1146 HODGINS RD VAN ALSTYNE TX 75495
31	WENDELL STEPHENS	PO BOX 980 VAN ALSTYNE TX 75495
32	GERONIMO S SANTIBANEZ	10040 FARMINGTON RD VAN ALSTYNE TX 75495
33	RICHARD M LINNEBUR	1783 HACKBERRY RD VAN ALSTYNE TX 75495
34	PATRICIA BOWDEN CRAIG	4307 WILLIFORD WOODS SACHSE TX 75048
35	ROBERT P & KATHY L BECK	2208 HOBKIRKS HILL MCKINNEY TX 75070
36	THOMAS N & MARY CHAPMAN	687 FIELDER RD VAN ALSTYNE TX 75495
37	MATT CAVENDER	15371 US HWY 75 VAN ALSTYNE TX 75495
38	DOUGLAS SCOTT & NANCY SHAW	1603 HACKBERRY VAN ALSTYNE TX 75495
39	BARRY R & MARY E WHITE	408 HARRISON CIR VAN ALSTYNE TX 75495
40	KATHRYN E HIEGERT SMITH	735 S BRIDGEFARMER RD MCKINNEY TX 75069
41	MICHAEL A & STELLA J TURNER	1017 HODGINS RD VAN ALSTYNE TX 75495
42	WILLIAM H RASOR & LURA RASOR SMITH	1800 LOVERS LEAP VAN ALSTYNE TX 75495
43	LORETTA CALLAHAN WALKER	9898 FARMINGTON RD VAN ALSTYNE TX 75495
44	CHRIS PAUL & DEBORAH ROSE DORAK	388 HARRISON CIRCLE VAN ALSTYNE TX 75495

45	RICHARD M & TRACY LINNEBUR	1783 HACKBERRY RD VAN ALSTYNE TX 75495
46	JAMES GRISOLIA	2038 HODGINGS RD VAN ALSTYNE TX 75495
47	RICK K WALKER	P O BOX 1179 PILOT POINT TX 76258
48	MARILEE SPECIAL UTILITY DISTRICT	P O BOX 1017 CELINA TX 75009
49	PETER M ZIELINSKI	296 HARRISON CIRCLE VAN ALSTYNE TX 75495
50	BILLIE RUTH MOORE	2252 HODGINS RD VAN ALSTYNE TX 75495
51	GARY LYNN TOMBERLIN	9669 FARMINGTON RD VAN ALSTYNE TX 75495
52	GOLDEN CORNER LTD	8320 BARBER OAK DR PLANO TX 75025
53	MACIEK P & CATHY NAZARKO	PO BOX 279 VAN ALSTYNE TX 75495
54	MACIEK P & CATHY NAZARKO	PO BOX 279 VAN ALSTYNE TX 75495
55	BJ & KENDRA BOATMAN	1983 BOST RD VAN ALSTYNE TX 75495
56	SUZANNE CLAY	1765 BOST RD VAN ALSTYNE TX 75495
57	MURRAY D & ANITA M PARHAM	113 WATER CRESS CIR JERSEY VILLAGE TX 77064

ATTACHMENT D

ORIGINAL PHOTOGRAPHS

TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

JANUARY 2022

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337

Treasure Island WWTP Photo Plot Map

LEGEND

- WWTP SERVICE AREA
- WWTP LOCATION

(IN FEET)
1 inch = 2000ft.

RECEIVED
JAN 18 2022
Water Quality Applications Team

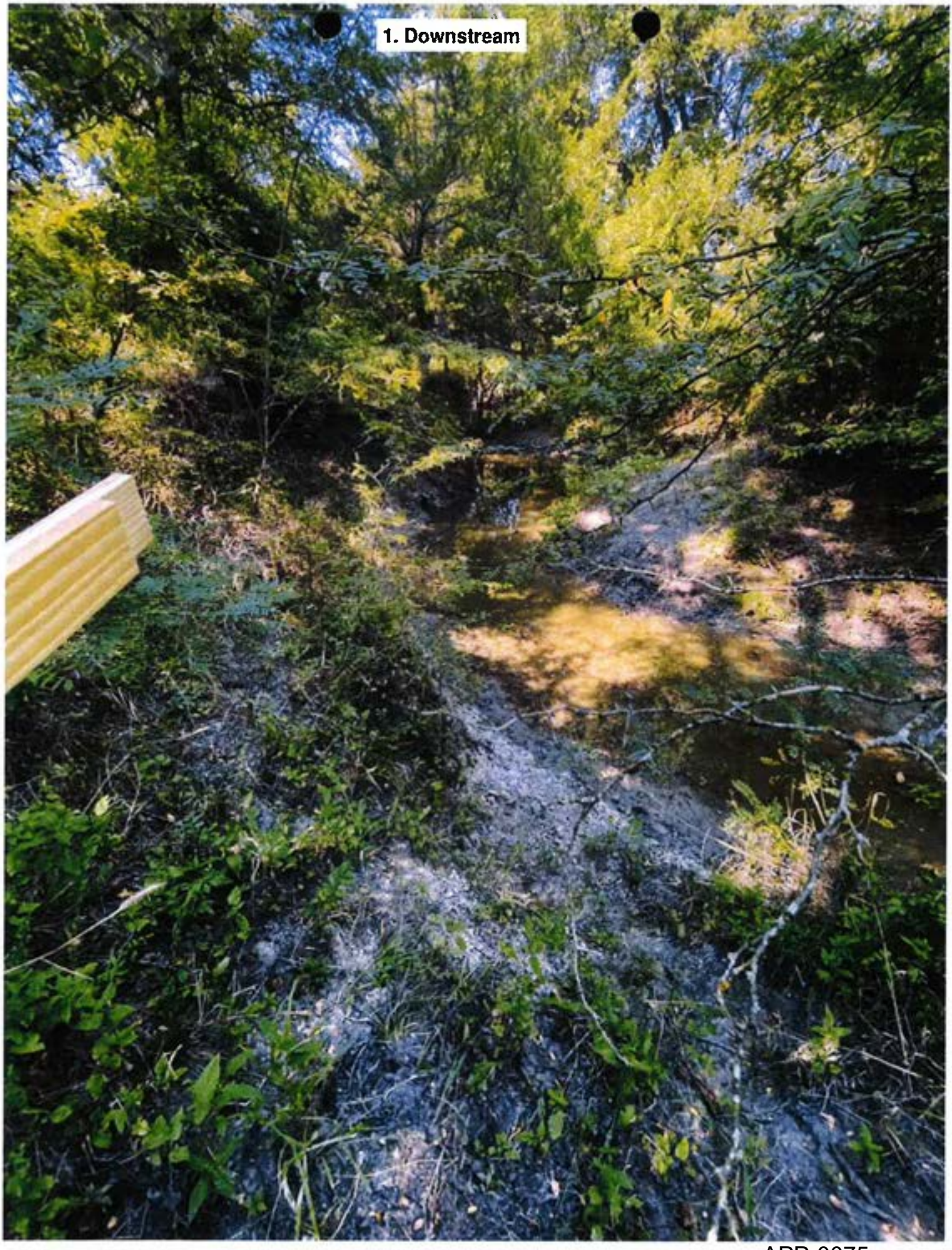
VAN ALSTYNE TRACT
BEING +/- 1,128 ACRES
GRAYSON COUNTY, TEXAS

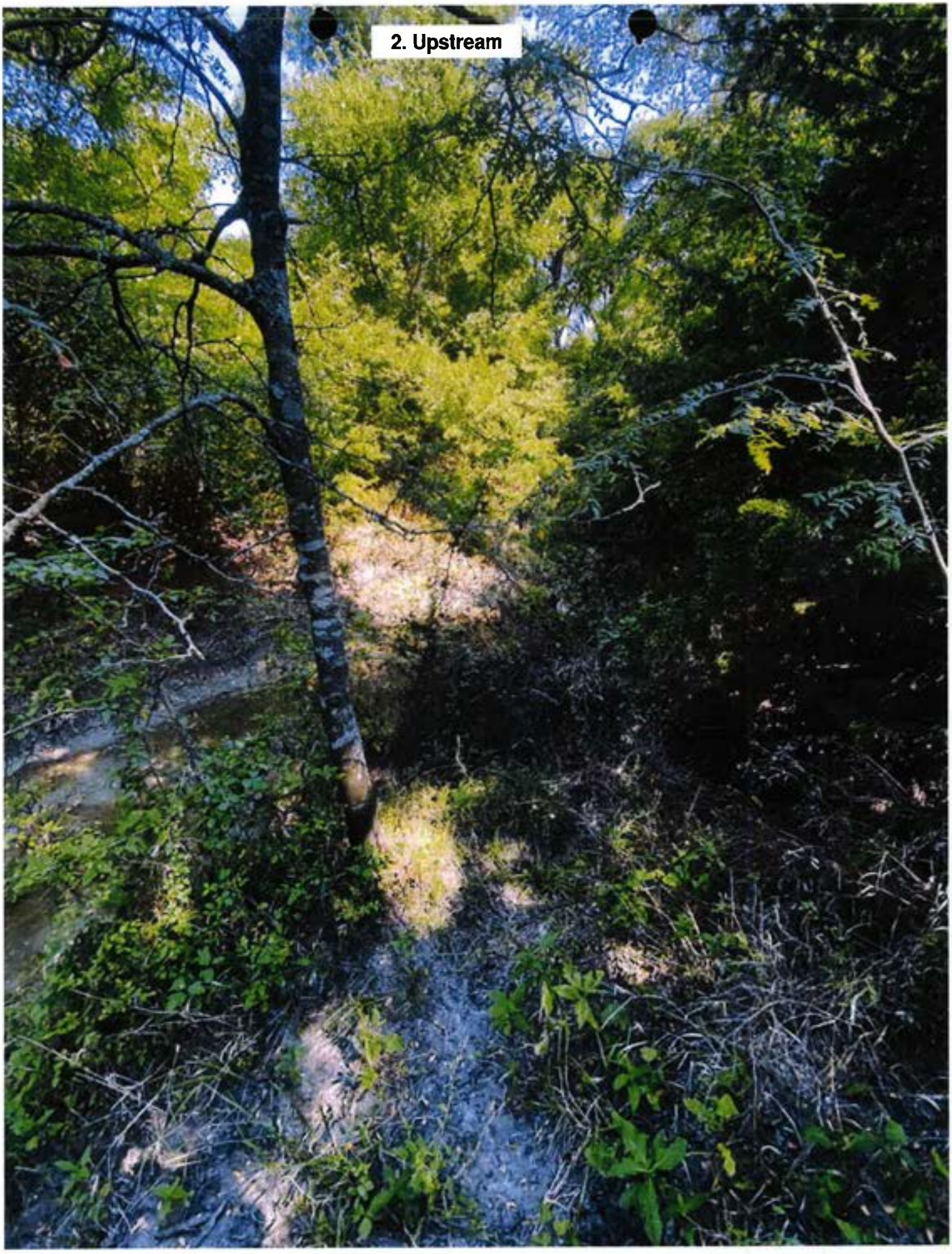
JONES | CARTER
Texas Board of Professional Engineers and Land Surveyors
Engineer Registration No. F-439, Survey Registration No. 100461-03
2626 Dallas Parkway, Suite 600 • Plano, Texas 75093
972.685.4880

JOB #: 17332-0001-00 CAS PAGE 1 OF 1

K:\WS833\WS833-0012-00 Van Alstyne 1200 Acres - ALTA\Discharge Permit\Van Alstyne Discharge Point Exhibit - 5-27-2021.dwg

APP-0074


1. Downstream


2. Upstream


3. Outfall


4. Outfall

ATTACHMENT E

BUFFER ZONE

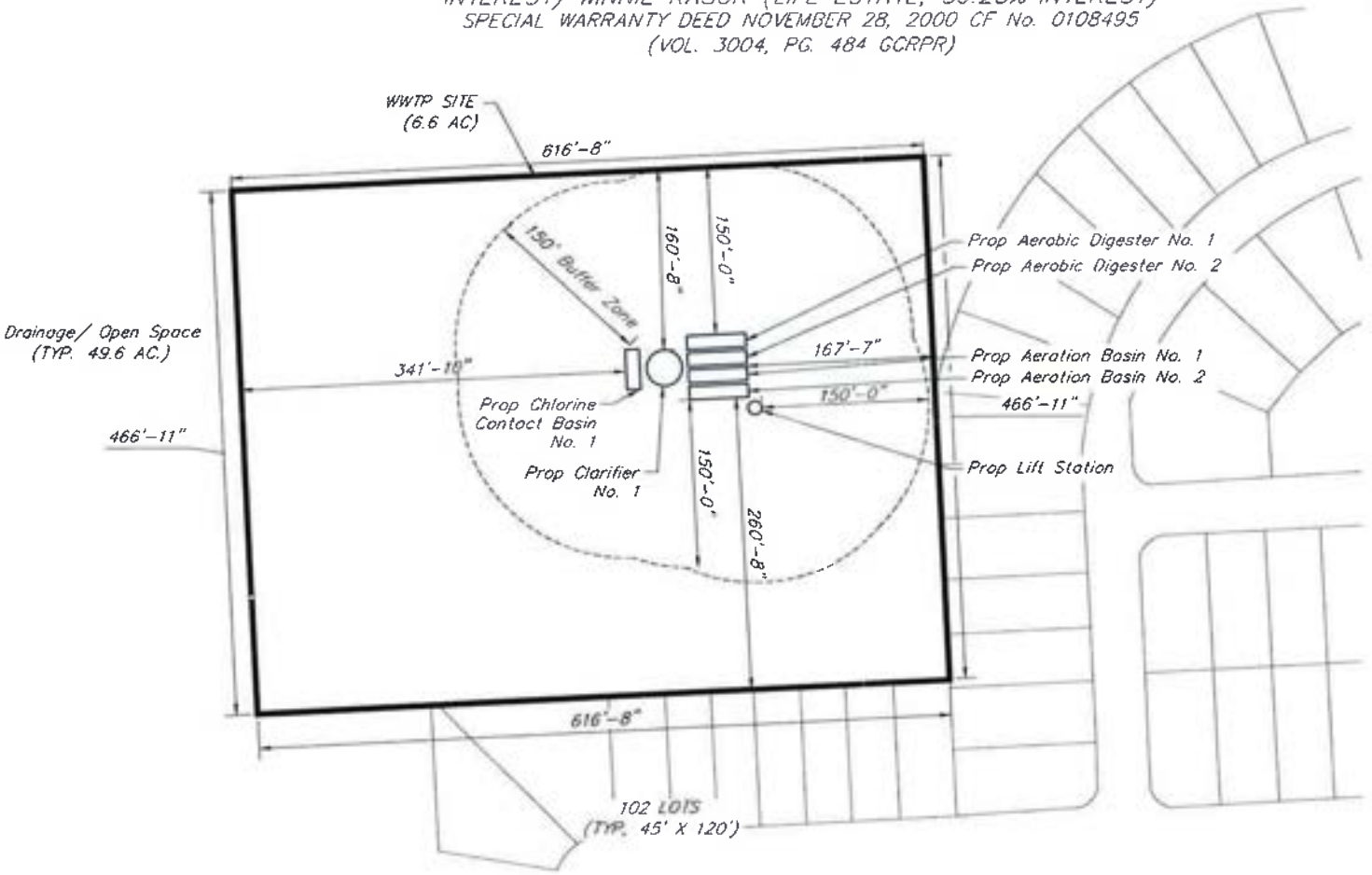
TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

JANUARY 2022

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337

APP-0003

CALLED 801.197 ACRES WILLIAM H. RASOR (UNDIVIDED 38.76% INTEREST) I URA RASOR SMITH (UNDIVIDED 61.24% INTEREST) WINNIE RASOR (LIFE ESTATE, 59.25% INTEREST)
SPECIAL WARRANTY DEED NOVEMBER 28, 2000 CF No. 0108495
(VOL. 3004, PG. 484 GCRPR)



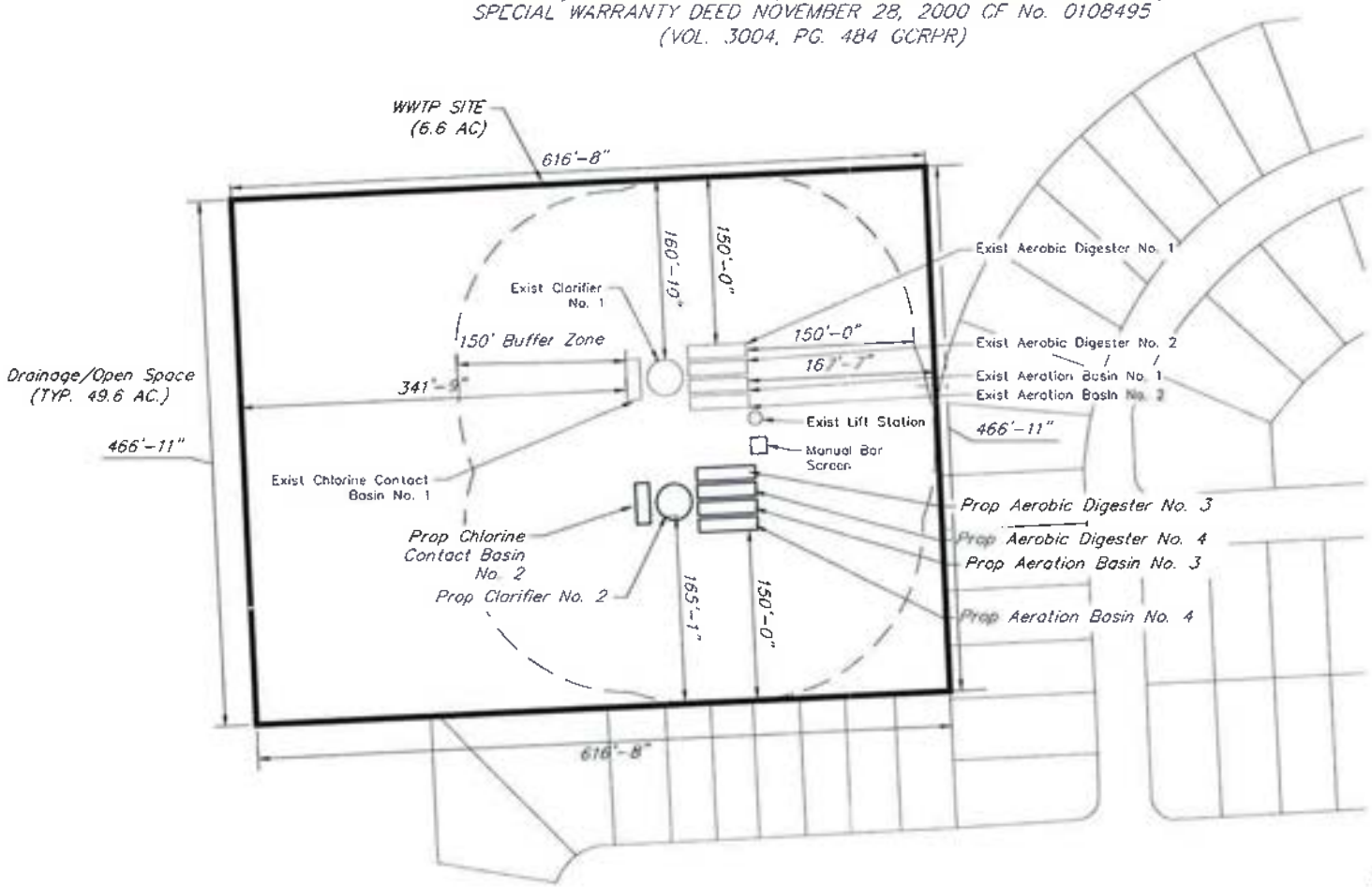
0 50 100 200 300
SCALE: 1" = 100'

BUFFER ZONE DRAWING
MEGATEL HOMES L.L.C
VAN ALSTYNE WASTEWATER TREATMENT PLANT PHASE I – 0.20 MGD
COLLIN COUNTY, TEXAS
DECEMBER 2021

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337

APP-0085

CALLED 801.197 ACRES WILLIAM H. RASOR (UNDIVIDED 38.76% INTEREST) LURA RASOR SMITH (UNDIVIDED 61.24% INTEREST) WINNIE RASOR (LIFE ESTATE, 59.25% INTEREST)
SPECIAL WARRANTY DEED NOVEMBER 28, 2000 CF No. 0108495
(VOL. 3004, PG. 484 OCRPR)



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SCALE: 1" = 100'

BUFFER ZONE DRAWING
MEGATEL HOMES L.L.C
VAN ALSTYNE WASTEWATER
TREATMENT PLANT PHASE II –
0.40 MGD

COLLIN COUNTY, TEXAS
DECEMBER 2021

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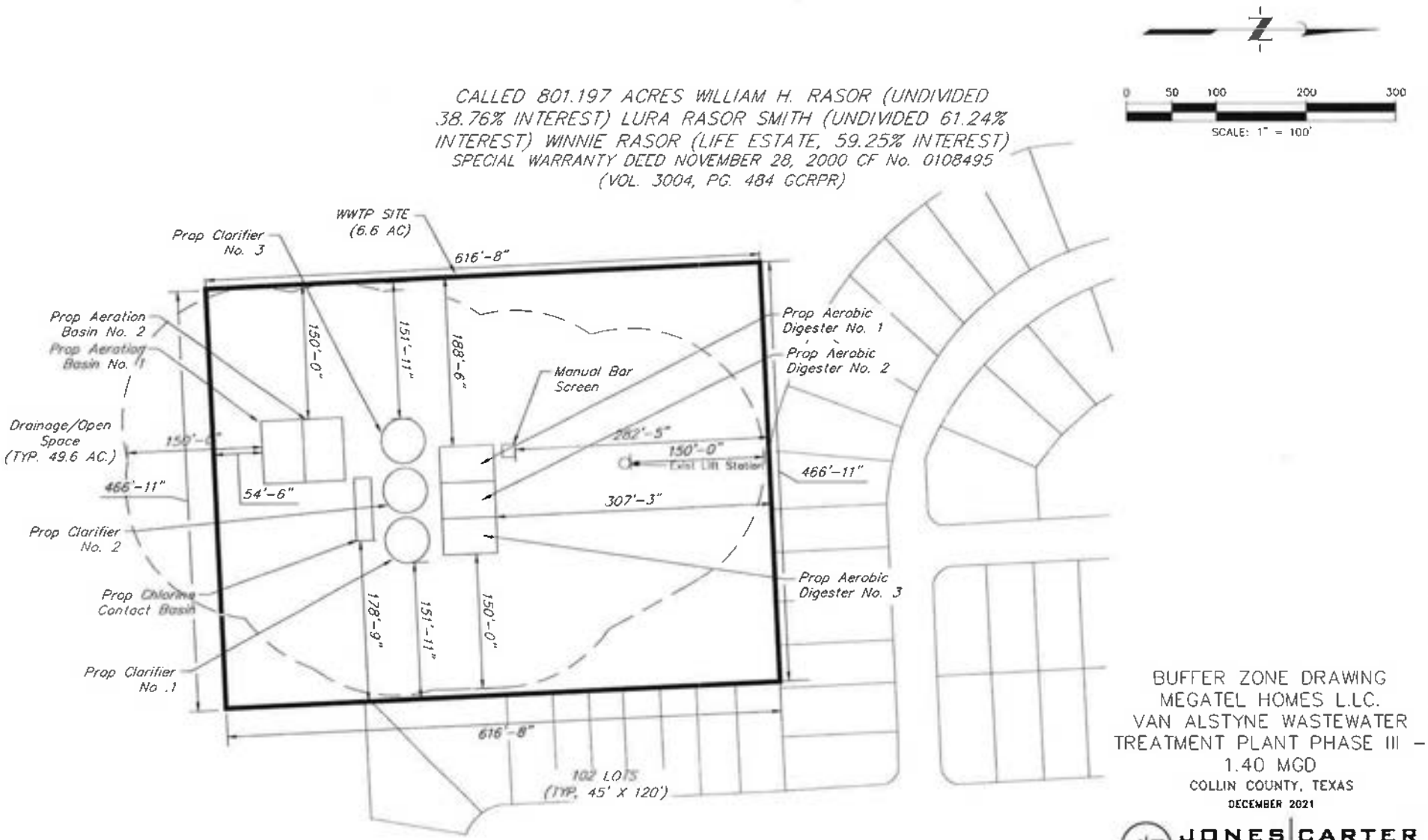
APP-0087



BUFFER ZONE DRAWING
MEGATEL HOMES L.LC.
VAN ALSTYNE WASTEWATER TREATMENT PLANT PHASE III – 1.40 MGD
COLLIN COUNTY, TEXAS
DECEMBER 2021

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337

ATTACHMENT F

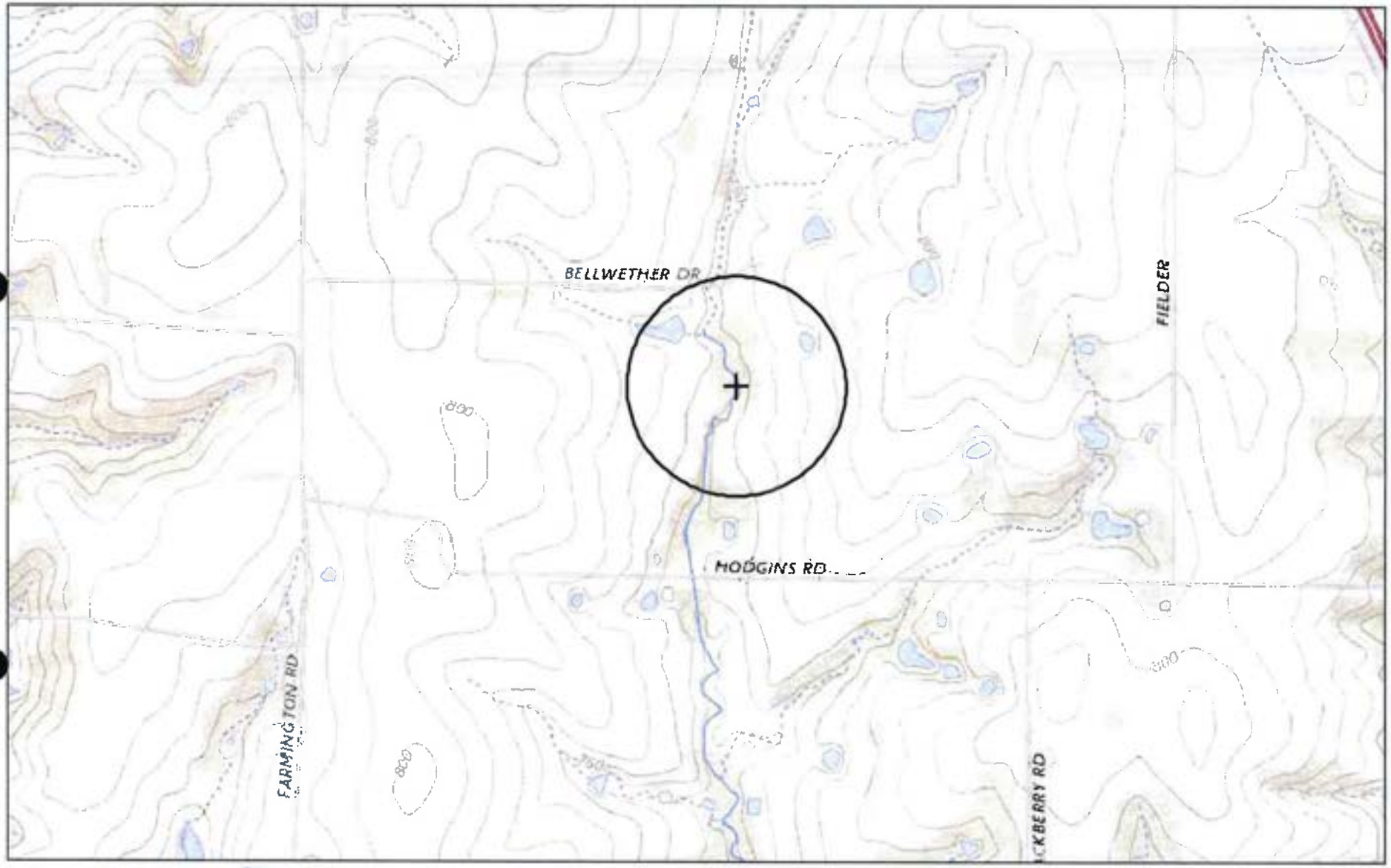
AREA WATER WELLS

TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

JANUARY 2022

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337

Attachment F - Area Water Wells
Treasure Island Laguna Azure LLC
Treasure Island Wastewater Treatment Plant



Texas Water Development Board

July 28, 2021

No public or private water well located within 1,000 feet from the proposed wastewater treatment plant.

0 0.15 0.3 0.6 mi
0 0.25 0.5 1 km
1:18,056

USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography

TEXAS WATER DEVELOPMENT BOARD

ATTACHMENT G

WETLANDS MAP

TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

JANUARY 2022

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337

APP-0092

VICINITY MAP
1 INCH = 10 MILES

LEGEND

- WWTP
- Tract Boundary
- Wetlands
- Grayson CAD Parcels

Attachment G
Wetlands Map
Treasure Island Laguna
Azure LLC
Treasure Island WWTP

VAN ALSTYNE
GRAYSON COUNTY, TEXAS

1 INCH = 1,000 FEET

JONES CARTER

ATTACHMENT H

SUPPLEMENTAL TECHNICAL REPORT

TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

JANUARY 2022

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337

SUPPLEMENTAL TECHNICAL REPORT
FOR THE WASTEWATER TREATMENT PLANT
DOMESTIC WASTEWATER PERMIT
FOR
MEGATEL HOMES L.L.C.
VAN ALSTYNE WASTEWATER TREATMENT PLANT
IN
GRAYSON COUNTY, TEXAS

11/11/2021

November 2021
JC Job No. 17332-0001-00

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337

I. INTRODUCTION

The purpose of this report is to provide additional information pertaining to items in the Domestic Administrative Report and The Domestic Technical Report for the permit application to the Megatel Van Alstyne Treatment Facility in Grayson County. The proposed facility will be constructed to treat 0.2 million gallons per day (MGD) with subsequent phases of 0.4 MGD and 1.4 MGD.

II. LOCATION INFORMATION

Please see Section 10 of the Domestic Admin. Report 1.0 for specific location information. The proposed facility will be located 0.81 miles northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, 75495. A USGS Map with the required site information is provided as Attachment B.

III. TREATMENT UNITS

(For Section 2 of Technical Report 1.0)

The proposed facility will be constructed with a design flow of 0.20 MGD. A detailed description of the treatment process is presented below:

The proposed Phase I plant will consist of package plant facilities that are designed and constructed to treat 0.20 MGD and operate as suspended growth activated sludge process in a single-stage nitrification mode. An influent force main flows to the headworks passing through a manual bar screen. The influent then mixes with return activated sludge to create mixed liquor and flows through the aeration basin operated in the single-stage nitrification mode to consume organics and breakdown ammonia. From the aeration basin, the mixed liquor flows to the secondary clarifier for clarification. After clarification, the treated effluent flows to the chlorine contact basin for disinfection. The effluent then flows over a weir for flow measurement and into the receiving stream. Additional facilities include blowers, a non-potable water system, chemical disinfection system, and a stand-by generator.

The proposed Phase II plant will consist of facilities that are designed and constructed to treat 0.40 MGD and operate as suspended growth activated sludge process in a single-stage nitrification mode. This phase includes one proposed elevated screening structure with manual bar screen and flow splitting weirs, two existing aeration basins, one existing clarifier, two existing multi-stage aerobic digesters, one existing chlorine contact basin, three existing centrifugal blowers, an existing non-potable water system, and an existing chlorine disinfection system. Phase II construction will includes one manual bar screen, two aeration basins, one clarifier, two multi-stage aerobic digesters, one chlorine contact basin, three centrifugal blowers, a non-potable water system, and a chlorine disinfection system.

The proposed Phase III plant will consist of facilities that are designed and constructed to treat 1.40 MGD and operate as suspended growth activated sludge process in a single-stage nitrification mode. Phase III construction includes one elevated headworks with mechanical bar screen and flow splitting weirs, three aeration basins, three secondary clarifiers, two multi-stage aerobic digesters, one chlorine contact basin, six centrifugal blowers, a non-potable water system, a chlorine disinfection system, and a sulfur dioxide dechlorination system.

The discharge of the Treasure Island Wastewater Treatment Facility is to West Prong Whites Creek, then to Whites Creek, then to East Fork Trinity River Above Lake Lavon, then to Lake Lavon in Segment 0821 in the Trinity River Basin.

IV. DESIGN CALCULATIONS AND FEATURES

(For Section 2 of Technical Report 1.0 & Section 4 of Technical Report 1.1)

Design calculations are provided as part of this report on the following pages for all phases of construction.

PHASE I – 0.20 MGD

I. SCOPE

The proposed Phase I plant will consist of facilities that are designed and constructed to treat 0.20 MGD and operate as suspended growth activated sludge process in a single-stage nitrification mode. Construction includes one (1) manual bar screen, two (2) aeration basins, one (1) clarifier, two (2) multi-stage aerobic digesters, one (1) chlorine contact basin, three (3) centrifugal blowers, a non-potable water system, and a chlorine disinfection system.

II. PROPOSED WASTEWATER TREATMENT PLANT DESIGN

A. DESIGN CRITERIA

1. Proposed Effluent Limits.

   a. BOD_5 = 10 mg/l (daily average)

   b. TSS = 15 mg/l (daily average)

   c. NH_3-N = 3 mg/l (daily average)

   d. DO = 4 mg/l (weekly grab)

   e. E.coli = 126 CFU

2. Process Criteria. The process criteria are taken from 30 TAC §217, Design Criteria for Domestic Wastewater Systems.

   a. Maximum Aeration Basin Organic Loading ($lb\ BOD_5/day/1{,}000\ ft^3$) = 35

   b. Maximum Clarifier Surface Loading at Peak Flow ($gal/day/ft^2$) = 1,200

   c. Minimum Clarifier Detention Time (hours) = 1.8

   d. Maximum Clarifier Weir Loading at Peak Flow (gal/day/ft) = 20,000

   e. Minimum Chlorine Contact Detention Time at Peak Flow (minutes) = 20

   f. Mean Cell Residence Time in Aerobic Digester* (days) = 28*

   g. Minimum Air Required for Digester ($scfm/1{,}000\ ft^3$) = 20

*28-day SRT utilized instead of a 40-day SRT for use of a multi-stage digester per EPA publication "Control of Pathogens and Vector Attraction in Sewage Sludge."

B. PROPOSED TREATMENT FACILITIES

1. Flow.

a.	Average (Design)	=	1.0Q	=	200,000 gpd	= 139 gpm
b.	Peak (2 hour)	=	4.0Q	=	800,000 gpd	= 556 gpm

2. Influent Composition

The following influent wastewater compositions are based on wastewater influent analysis.

BOD_5	=	250 mg/L
TSS	=	250 mg/L
NH_3-N	=	40 mg/L

3. Organic Loadings.

BOD_5	=	(0.20 MGD)(8.34)(250 mg/L)	= 417 lbs BOD_5/day
TSS	=	(0.20 MGD)(8.34)(250 mg/L)	= 417 lbs TSS/day
NH_3-N	=	(0.20 MGD)(8.34)(40 mg/L)	= 67 lbs NH_3-N/day

4. Process Equipment.

a. Aeration Basin. The proposed Phase I WWTP will consist of two (2) proposed aeration basins, sized at 12' wide by 52' long. The average water depth is assumed at 10.5'.

i. Total Required Volume

Required Volume Using Traditional Design Method (30 TAC §217 Guidelines)
(0.20 MGD)(8.34)(250 mg/L)/(35 lb BOD_5/1,000 ft^3)
= 11,914 ft^3

ii. Proposed Volume – Phase I
(2)(12 ft)(52 ft)(10.5 ft) = 13,104 ft^3

iii. Actual Organic Loading
(417 lb BOD_5/day)/(13,104 ft^3/1,000 ft^3) = 31.8 lb BOD_5/ day/1,000 ft^3

b. Secondary Clarifier. The proposed Phase I plant will consist of one (1) proposed 34' diameter clarifier with a side water depth of 10'.

i. Required Surface Area at Peak Flow
(800,000 gpd)/(1,200 gpd/ ft^2) = 667 ft^2

ii. Proposed Surface Area
$(\pi/4)(34\ ft)^2$ = 908 ft^2

iii. Surface Loading

1. At Design Flow
(200,000 gpd)/(908 ft^2) = 220 gpd/ft^2

2. At Peak Flow
(800,000 gpd)/(908 ft^2) = 881 gpd/ft^2

iv. Proposed Clarifier Weir Length
(Includes Launder Allowance)
$(\pi)(34\ ft - 2\ ft)$ = 101 ft

v. Proposed Weir Loading at Peak Flow
(800,000 gpd)/(101 ft) = 7,921 gpd/ft

vi. Proposed Clarifier Side Water Depth (to top of grout)

1. Proposed Clarifier Side Water Depth = 10 ft

vii. Hydraulic Detention Times at Peak Flow

1. Proposed Hydraulic Detention Time at Peak Flow
(908 ft^2)(10 ft)(7.48 gal/ ft^3)/(556 gal/min)
= 122 minutes
= 2.03 hours

c. Aerobic Digesters. The proposed Phase I WWTP will consist of two (2) multi-stage digesters sized at 12' wide by 52' long. The average water depth is assumed at 10.5'.

Assume one (1) pound of solids produced per pound of BOD_5 applied; solids are 70% volatile organics; 30% of the volatiles are destroyed during digestion; 15,000 mg/l MLSS concentration in the digester on average.

i Digester Sizing

1. Solids Production
(417 lb BOD_5 /day)/(1 lb solids/1 lb BOD_5) = 417 lb solids/day

2. Digested Solids Production
(417 lb solid/day)(1-(0.3)(0.7)) = 329 lb solids/day

3. Average Solids in Digester
(329 lb solids/day + 417 lb solids/day)/2 = 373 lb solids/day

4. Total Solids in Digester for 28-day SRT*
(373 lb solids/day)(28 days) = 10,444 lb solids

ii. Required Volume
(10,444 lb solids)(10^6)/((8.34)(15,000 mg/l MLSS in digester)(7.48))
= 11,168 ft^3

iii. Proposed Volume – Phase I
(2)(12 ft)(52 ft)(10.5 ft) = 13,104 ft^3

*28-day SRT utilized instead of 40-day SRT for use of a multi-stage digester per EPA publication "Control of Pathogens and Vector Attraction in Sewage Sludge."

d. Chlorine Contact Basin. The proposed Phase I plant will consist of one (1) proposed chlorine contact basin sized at 12' wide by 36' long. The maximum water depth is assumed to be 9 ft.

i. Required Volume at Peak Flow
(556 gpm)(20 min)/(7.48) = 1,485 ft^3

ii. Proposed Volume – Phase I
(12 ft)(36 ft)(9 ft) = 3,888 ft^3

iii. Actual Detention Time at Peak Flow
(3,888 ft^3)(7.48)/(556 gpm) = 52.3 minutes

e. Air Requirements.

i. The proposed Phase I plant will utilize coarse bubble aeration.

1. Air Required for Treatment

$$\frac{(1.2)(250\ mg/l\ BOD_5) + (4.3)(40\ mg/l\ NH_3\text{-}N)}{(250\ mg/l\ BOD_5)} = 1.9\ lb\ O_2/lb\ BOD_5$$

* 2.2 lb O_2/lb BOD_5 used instead per TCEQ minimum oxygen requirement for systems intended to nitrify.

2. Coarse Bubble Requirements

$$\frac{(250\ mg/l\ BOD_5)(8.34)(0.20\ MGD)(2.2\ lb\ O_2/lb\ BOD_5)(1.69)^{**}}{(0.0507^{*})(0.23)(0.075)(1440)} = 1,231\ scfm$$

* TCEQ Wastewater Oxygen Transfer Efficiency for Coarse Bubble aeration (0.65%/ft x (12) ft of submergence)
** TCEQ Chapter 217 Table F.5 Submergence Correction Factor

ii. Aerobic Digester
(13,104 ft^3)(20 scfm/1000 ft^3) = 262 scfm

iii. Chlorine Contact Basin
(3,888 ft^3)(20 scfm/1000 ft^3) = 78 scfm

iv. Miscellaneous Air Lifts
(4)(40 scfm) = 160 scfm

v. Total Air Requirements (Coarse Bubble)
1,231 scfm + 262 scfm + 78 scfm + 160 scfm = 1,731 scfm

f. Blower Capacities. The proposed Phase I plant will include three (3) proposed centrifugal blowers. The capacity is calculated at 5.5 psig discharge pressure at 100°F, 80% RH, and 14.64 psia inlet conditions.

i. Proposed Blower Capacity – Phase I
(3)(1,000 scfm) = 3,000 scfm

ii. Firm Blower Capacity with Largest Unit out of Service
(2)(1,000 scfm) = 2,000 scfm

g. Chlorination Equipment. Calculations are for 10% trade strength bleach (NaOCl) with a specific gravity of 1.159, has 10% availability chlorine by weight, 9.7 pounds per gallon.

i. Chlorine Solution Dosage Rate = 6 mg/l

ii. Required NaOCl Solution Feed Rate at Average Daily Flow
(0.20 MGD)(8.34)(6 mg/L)
((10%)/1.159)(9.7 lbs/gal) = 12.0 gal/day

iii. Required NaOCl Solution Feed Rate at Peak Flow
(0.80 MGD)(8.34)(6 mg/L)
((10%)/1.159)(9.7 lbs/gal) = 47.8 gal/day

iv. Maximum Bleach Storage
(Covered Storage)
(15 days)(12 gal/day) = 180 gal

v. Proposed Bleach Storage
(1)(200 gal) = 200 gal

One (1) 200-gallon bulk storage tank will be provided.

PHASE II – 0.40 MGD

I. SCOPE

The proposed Phase II plant will consist of facilities that are designed and constructed to treat 0.40 MGD and operate as suspended growth activated sludge process in a single-stage nitrification mode. This includes one (1) proposed elevated screening structure with manual bar screen and flow splitting weirs, two (2) existing aeration basins, one (1) existing clarifier, two (2) existing multi-stage aerobic digesters, one (1) existing chlorine contact basin, three (3) existing centrifugal blowers, an existing non-potable water system, and an existing chlorine disinfection system. Phase II construction includes one (1) manual bar screen, two (2) aeration basins, one (1) clarifier, two (2) multi-stage aerobic digesters, one (1) chlorine contact basin, three (3) centrifugal blowers, a non-potable water system, and a chlorine disinfection system.

II. PROPOSED WASTEWATER TREATMENT PLANT DESIGN

A. DESIGN CRITERIA

1. Proposed Effluent Limits.

   a. BOD_5 = 10 mg/l (daily average)

   b. TSS = 15 mg/l (daily average)

   c. NH_3-N = 3 mg/l (daily average)

   d. DO = 4 mg/l (weekly grab)

   e. E.coli = 126 CFU

2. Process Criteria. The process criteria are taken from 30 TAC §217, Design Criteria for Domestic Wastewater Systems.

   a. Maximum Aeration Basin Organic Loading (lb BOD_5/day/1,000 ft^3) = 35

   b. Maximum Clarifier Surface Loading at Peak Flow (gal/day/ft^2) = 1,200

   c. Minimum Clarifier Detention Time (hours) = 1.8

   d. Maximum Clarifier Weir Loading at Peak Flow (gal/day/ft) = 20,000

   e. Minimum Chlorine Contact Detention Time at Peak Flow (minutes) = 20

   f. Mean Cell Residence Time in Aerobic Digester* (days) = 28*

g. Minimum Air Required for Digester
(scfm/1,000 ft^3) = 20

*28-day SRT utilized instead of a 40-day SRT for use of a multi-stage digester per EPA publication "Control of Pathogens and Vector Attraction in Sewage Sludge."

B. PROPOSED TREATMENT FACILITIES

1. Flow.

a. Average (Design) = 1.0Q = 400,000 gpd = 278 gpm

b. Peak (2 hour) = 4.0Q = 1,600,000 gpd = 1,111 gpm

2. Influent Composition

The following influent wastewater compositions are based on wastewater influent analysis.

BOD_5 = 250 mg/L

TSS = 250 mg/L

NH_3-N = 40 mg/L

3. Organic Loadings.

BOD_5 = (0.40 MGD)(8.34)(250 mg/L) = 834 lbs BOD_5/day

TSS = (0.40 MGD)(8.34)(250 mg/L) = 834 lbs TSS/day

NH_3-N = (0.40 MGD)(8.34)(40 mg/L) = 134 lbs NH_3-N/day

4. Process Equipment.

a. Elevated Headworks Screening. The proposed Phase III plant will consist of the construction of an elevated headworks with a mechanical bar screen and flow splitting structure capable of screening a peak flow of 6.0 MGD.

b. Aeration Basin. The proposed Phase II plant will consist of two (2) existing aeration basins and two (2) proposed aeration basins, sized at 12' wide by 52' long. The average water depth is assumed at 10.5 feet.

i. Total Required Volume

Required Volume Using Traditional Design Method (30 TAC §217 Guidelines)
(0.40 MGD)(8.34)(250 mg/L)/(35 lb BOD_5/1,000 ft^3)
= 23,829 ft^3

ii. Proposed Volume

1. Existing Volume – Phase I

(2)(12 ft)(52 ft)(10.5 ft) = 13,104 ft^3

2. Proposed Volume – Phase II
(2)(12 ft)(52 ft)(10.5 ft) = 13,104 ft^3

3. Total Volume = 26,204 ft^3

iii. Actual Organic Loading
(834 lb BOD_5/day)/(26,204 ft^3/1,000 ft^3) = 31.8 lb BOD_5/ day/1,000 ft^3

b. Secondary Clarifier. The proposed Phase II plant will consist of one (1) existing clarifier and one (1) proposed clarifier, each sized at 34' diameter. The side water depth in both clarifiers is 10'.

i. Required Surface Area at Peak Flow
(1,600,000 gpd)/(1,200 gpd/ ft^2) = 1,333 ft^2

ii. Proposed Surface Area

1. Existing Surface Area – Phase I
$(\pi/4)(34\ ft)^2$ = 908 ft^2

2. Proposed Surface Area – Phase II
$(\pi/4)(34\ ft)^2$ = 908 ft^2

3. Total Surface Area = 1,815 ft^3

iii. Surface Loading

1. At Design Flow
(400,000 gpd)/(1,815 ft^2) = 220 gpd/ft^2

2. At Peak Flow
(1,600,000 gpd)/(1,815 ft^2) = 882 gpd/ft^2

iv. Proposed Clarifier Weir Length

1. Existing – Phase I
$(\pi)(34\ ft - 2\ ft)^2$ = 3,217 ft

2. Proposed – Phase II
$(\pi)(34\ ft - 2\ ft)^2$ = 3,217 ft

3. Total = 6,434 ft

v. Proposed Weir Loading at Peak Flow
(1,600,000 gpd)/(6,434 ft) = 249 gpd/ft

vi. Proposed Clarifier Side Water Depth (to top of grout)

1. Existing Clarifier Side Water Depth = 10 ft

2. Proposed Clarifier Side Water Depth = 10 ft

vii. Hydraulic Detention Times at Peak Flow

1. Proposed Hydraulic Detention Time at Peak Flow – Phase II
(1,608 ft^2)(10 ft)(7.48 gal/ ft^3)/(1,111 gal/min)
= 108 minutes
= 1.8 hours

c. Aerobic Digesters. The proposed Phase II plant will consist of two (2) existing multi-stage digesters and two (2) proposed multi-stage digesters sized at 12' wide by 52' long. The average water depth in all digesters is assumed at 10.5'.

Assume one (1) pound of solids produced per pound of BOD_5 applied; solids are 70% volatile organics; 30% of the volatiles are destroyed during digestion; 15,000 mg/l MLSS concentration in the digester on average.

i Digester Sizing

1. Solids Production
(834 lb BOD_5 /day)/(1 lb solids/1 lb BOD_5) = 834 lb solids/day

2. Digested Solids Production
(834 lb solid/day)(1-(0.3)(0.7)) = 659 lb solids/day

3. Average Solids in Digester
(659 lb solids/day + 834 lb solids/day)/2 = 747 lb solids/day

4. Total Solids in Digester for 28-day SRT*
(747 lb solids/day)(28 days) = 20,916 lb solids

ii. Required Volume
(20,916 lb solids)(10^6)/((8.34)(15,000 mg/l MLSS in digester)(7.48))
= 22,352 ft^3

iii. Proposed Volume

1. Existing Volume – Phase I
(2)(12 ft)(52 ft)(10.5 ft) = 13,104 ft^3

2. Proposed Volume – Phase II
(2)(12 ft)(52 ft)(10.5 ft) = 13,104 ft^3

3. Total Volume = 26,208 ft^3

*28-day SRT utilized instead of 40-day SRT for use of a multi-stage digester per EPA publication "Control of Pathogens and Vector Attraction in Sewage Sludge."

d. Chlorine Contact Basin. The proposed plant will consist of one (1) existing chlorine contact basin and one (1) proposed chlorine contact basin, both sized at 12' wide by 36' long. The maximum water depth in both chlorine contact basins is assumed to be 9 ft.

i. Required Volume at Peak Flow
(1,111 gpm)(20 min)/(7.48) = 2,971 ft^3

ii. Proposed Volume

1. Existing Volume – Phase I
(12 ft)(36 ft)(9.0 ft) = 3,888 ft^3

2. Proposed Volume – Phase II
(12 ft)(36 ft)(9.0 ft) = 3,888 ft^3

3. Total Volume = 7,776 ft^3

iii. Actual Detention Time at Peak Flow
(7,776 ft^3)(7.48)/(1,11 gpm) = 52.3 minutes

e. Air Requirements.

i. The proposed Phase II plant will utilize coarse bubble aeration.

1. Air Required for Treatment

$$\frac{(1.2)(250\ mg/l\ BOD_5) + (4.3)(40\ mg/l\ NH_3\text{-}N)}{(250\ mg/l\ BOD_5)} = 1.9\ lb\ O_2/lb\ BOD_5$$

* 2.2 lb O_2/lb BOD_5 used instead per TCEQ minimum oxygen requirement for systems intended to nitrify.

2. Coarse Bubble Requirements

$$\frac{(250\ mg/l\ BOD_5)(8.34)(0.40\ MGD)(2.2\ lb\ O_2/lb\ BOD_5)(1.69)^{**}}{(0.0507^{*})(0.23)(0.075)(1440)} = 2,462\ scfm$$

* TCEQ Wastewater Oxygen Transfer Efficiency for Coarse Bubble aeration (0.65%/ft x (12) ft of submergence)
** TCEQ Chapter 217 Table F.5 Submergence Correction Factor

ii. Aerobic Digester
(26,208 ft^3)(20 scfm/1000 ft^3) = 524 scfm

iii. Chlorine Contact Basin
(7,776 ft^3)(20 scfm/1000 ft^3) = 156 scfm

iv. Miscellaneous Air Lifts
(8)(40 scfm) = 320 scfm

v. Total Air Requirements (Coarse Bubble)
2,462 scfm + 524 scfm + 156 scfm + 320 scfm = 3,462 scfm

f. Blower Capacities. The proposed Phase II plant will include three (3) existing centrifugal blowers and three (3) proposed centrifugal blowers. The capacity is calculated at 5.5 psig discharge pressure at 100°F, 80% RH, and 14.64 psia inlet conditions.

i. Existing Blower Capacity – Phase I
(3)(1,000 scfm) = 3,000 scfm

ii. Proposed Blower Capacity – Phase II
(3)(1,000 scfm) = 3,000 scfm

iii. Total Blower Capacity = 6,000 scfm

ii. Firm Blower Capacity with Largest Unit out of Service
(5)(1,000 scfm) = 5,000 scfm

g. Chlorination Equipment. Calculations are for 10% trade strength bleach (NaOCl) with a specific gravity of 1.159, has 10% availability chlorine by weight, 9.7 pounds per gallon.

i. Chlorine Solution Dosage Rate = 6 mg/l

ii. Required NaOCl Solution Feed Rate at Average Daily Flow
(0.40 MGD)(8.34)(6 mg/L)
((10%)/1.159)(9.7 lbs/gal) = 23.9 lbs/day

iii. Required NaOCl Solution Feed Rate at Peak Flow
(1.60 MGD)(8.34)(6 mg/L)
((10%)/1.159)(9.7 lbs/gal) = 95.7 lbs/day

iv. Maximum Bleach Storage
(Covered Storage)
(15 days)(23.9 gal/day) = 359 gal

v. Proposed Bleach Storage
(2)(200 gal) = 400 gal

Two (2) 200-gallon bulk storage tanks will be provided.

II. SCOPE

The proposed Phase III plant will consist of facilities that are designed and constructed to treat 1.40 MGD and operate as suspended growth activated sludge process in a single-stage nitrification mode. Phase III construction includes one (1) elevated headworks with mechanical bar screen and flow splitting weirs, three (3) aeration basins, three (3) secondary clarifiers, two (2) multi-stage aerobic digesters, one (1) chlorine contact basin, six (6) centrifugal blowers, a non-potable water system, a chlorine disinfection system, and a sulfur dioxide dechlorination system.

II. PROPOSED WASTEWATER TREATMENT PLANT DESIGN

A. DESIGN CRITERIA

1. Proposed Effluent Limits.

   a. BOD_5 = 10 mg/l (daily average)

   b. TSS = 15 mg/l (daily average)

   c. NH_3-N = 3 mg/l (daily average)

   d. *E. coli* = 126 CFU

   d. DO = 4 mg/l (weekly grab)

2. Process Criteria. The process criteria are taken from 30 TAC §217, Design Criteria for Domestic Wastewater Systems.

   a. Maximum Aeration Basin Organic Loading ($lb\ BOD_5/day/1{,}000\ ft^3$) = 35

   b. Maximum Clarifier Surface Loading at Peak Flow ($gal/day/ft^2$) = 1,200

   c. Minimum Clarifier Detention Time (hours) = 1.8

   d. Maximum Clarifier Weir Loading at Peak Flow (gal/day/ft) = 20,000

   e. Minimum Chlorine Contact Detention Time at Peak Flow (minutes) = 20

   f. Mean Cell Residence Time in Aerobic Digester* (days) = 28*

   g. Minimum Air Required for Digester ($scfm/1{,}000\ ft^3$) = 20

*28-day SRT utilized instead of a 40-day SRT for use of a multi-stage digester per EPA publication "Control of Pathogens and Vector Attraction in Sewage Sludge."

B. PROPOSED TREATMENT FACILITIES

1. Flow.

a.	Average (Design)	=	1.0Q	=	1,400,000 gpd	=	972 gpm
b.	Peak (2 hour)	=	4.0Q	=	5,600,000 gpd	=	3,889 gpm

2. Influent Composition

The following influent wastewater compositions are based on wastewater influent analysis.

BOD_5	=	300 mg/L
TSS	=	300 mg/L
NH_3-N	=	60 mg/L

3. Organic Loadings.

BOD_5	=	(1.40 MGD)(8.34)(300 mg/L)	= 3,503 lbs BOD_5/day
TSS	=	(1.40 MGD)(8.34)(300 mg/L)	= 3,503 lbs TSS/day
NH_3-N	=	(1.40 MGD)(8.34)(60 mg/L)	= 701 lbs NH_3-N/day

4. Process Equipment.

a. Elevated Headworks Screening. The proposed Phase III WWTP will consist of the construction of an elevated headworks with a mechanical bar screen and flow splitting structure capable of screening a peak flow of 5.6 MGD.

b. Aeration Basin. The proposed Phase III WWTP will consist of three (3) proposed aeration basins, sized at 40' wide by 60' long. The average water depth is assumed at 14.5'.

i. Total Required Volume

Required Volume Using Traditional Design Method (30 TAC §217 Guidelines)
(1.40 MGD)(8.34)(300 mg/L)/(35 lb BOD_5/1,000 ft^3)
= 100,080 ft^3

ii. Proposed Volume
(3)(40 ft)(60 ft)(14.5 ft) = 104,400 ft^3

iii. Actual Organic Loading
(3,503 lb BOD_5/day)/(100,080 ft^3/1,000 ft^3) = 32.6 lb BOD_5/ day/1,000 ft^3

c. Secondary Clarifier. The proposed Phase III WWTP will consist of three (3) proposed 50' diameter clarifiers with a side water depth of 14.5'.

i. Required Surface Area at Peak Flow
(5,600,000 gpd)/(1,200 gpd/ ft^2) = 4,667 ft^2

ii. Proposed Surface Area
(3)(π/4)(50 ft)^2 = 5,890 ft^2

iii. Surface Loading

1. At Design Flow
(1,400,000 gpd)/(5,890 ft^2) = 238 gpd/ft^2

2. At Peak Flow
(5,600,000 gpd)/(5,890 ft^2) = 951 gpd/ft^2

iv. Proposed Clarifier Weir Length
(Includes Launder Allowance)
(3)(π)(50 ft – 2 ft) = 452 ft

v. Proposed Weir Loading at Peak Flow
(5,600,000 gpd)/(452 ft) = 12,389 gpd/ft

vi. Proposed Clarifier Side Water Depth (to top of grout)

1. Proposed Clarifier Side Water Depth = 14.5 ft

vii. Hydraulic Detention Times at Peak Flow

1. Proposed Hydraulic Detention Time at Peak Flow
(5,890 ft^2)(14.5 ft)(7.48 gal/ ft^3)/(4,167 gal/min)
= 153 minutes
= 2.6 hours

d. Aerobic Digesters. The proposed Phase III WWTP will consist of two (2) multi-stage digesters sized at 45' wide by 70' long. The average water depth is assumed at 16'.

Assume one (1) pound of solids produced per pound of BOD_5 applied; solids are 70% volatile organics; 30% of the volatiles are destroyed during digestion; 15,000 mg/l MLSS concentration in the digester on average.

i Digester Sizing

1. Solids Production
(3,753 lb BOD_5 /day)/(1 lb solids/1 lb BOD_5) = 3,753 lb solids/day

2. Digested Solids Production
(3,753 lb solid/day)(1-(0.3)(0.7)) = 2,965 lb solids/day

3. Average Solids in Digester
(2,965 lb solids/day + 3,753 lb solids/day)/2 = 3,359 lb solids/day

4. Total Solids in Digester for 28-day SRT*
(3,359 lb solids/day)(28 days) = 94,052 lb solids

ii. Required Volume
(94,052 lb solids)(10^6)/((8.34)(15,000 mg/L MLSS in digester)(7.48))
= 100,510 ft^3

iii. Proposed Volume
(2)(45 ft)(70 ft)(16 ft) = 100,800 ft^3

*28-day SRT utilized instead of 40-day SRT for use of a multi-stage digester per EPA publication "Control of Pathogens and Vector Attraction in Sewage Sludge."

e. Chlorine Contact Basin. The proposed Phase III WWTP will consist of one (1) proposed chlorine contact basin sized at 36' wide by 36' long. The maximum water depth is assumed to be 12 ft.

i. Required Volume at Peak Flow
(3,889 gpm)(20 min)/(7.48) = 10,398 ft^3

ii. Proposed Volume
(36 ft)(36 ft)(12 ft) = 15,552 ft^3

iii. Actual Detention Time at Peak Flow
(15,552 ft^3)(7.48)/(3,889 gpm) = 29.9 minutes

f. Air Requirements.

i. The proposed plant will utilize coarse bubble aeration.

1. Air Required for Treatment

$$\frac{(1.2)(300\ mg/l\ BOD_5) + (4.3)(60\ mg/l\ NH_3\text{-}N)}{(300\ mg/l\ BOD_5)} = 2.06\ lb\ O_2/lb\ BOD_5$$

*2.2 lb O_2/lb BOD_5 used instead per TCEQ minimum oxygen requirement for systems intended to nitrify

2. Coarse Bubble Requirements

$$\frac{(300\ mg/l\ BOD_5)(8.34)(1.40\ MGD)(2.2\ lb\ O_2/\ lb\ BOD_5)(0.955)^{**}}{(0.0507^{*})(0.23)(0.075)(1440)} = 5,844\ scfm$$

* TCEQ Wastewater Oxygen Transfer Efficiency for Coarse Bubble aeration (0.65%/ft x (12) ft of submergence)
** TCEQ Chapter 217 Table F.5 Submergence Correction Factor

ii. Aerobic Digester
(100,800 ft^3)(20 scfm/1000 ft^3) = 2,016 scfm

iii. Chlorine Contact Basin
(15,768 ft^3)(20 scfm/1000 ft^3) = 315 scfm

iv. Miscellaneous Air Lifts
(4)(40 scfm) = 160 scfm

v. Total Air Requirements (Coarse Bubble)
5,844 scfm + 2,016 scfm + 315 scfm + 160 scfm = 8,335 scfm

g. Blower Capacities. The proposed plant will include four proposed centrifugal blowers. The capacity is calculated at 5.5 psig discharge pressure at 100°F, 80% RH, and 14.64 psia inlet conditions.

i. Proposed Blower Capacity
(4)(4,000 scfm) = 16,000 scfm

ii. Firm Blower Capacity with Largest Unit out of Service
(3)(4,000 scfm) = 12,000 scfm

g. Chlorination Equipment. Calculations are for 10% trade strength bleach (NaOCl) with a specific gravity of 1.159, has 10% availability chlorine by weight, 9.7 pounds per gallon.

i. Chlorine Solution Dosage Rate = 6 mg/l

ii. Required NaOCl Solution Feed Rate at Average Daily Flow
(1.40 MGD)(8.34)(6 mg/L)
((10%)/1.159)(9.7 lbs/gal) = 83.7 gal/day

iii. Required NaOCl Solution Feed Rate at Peak Flow
(5.60 MGD)(8.34)(6 mg/L)
((10%)/1.159)(9.7 lbs/gal) = 334.8 gal/day

iv. Maximum Bleach Storage
(Covered Storage)
(15 days)(83.7 gal/day) = 1,256 gal

v. Proposed Bleach Storage
(3)(450 gal) = 1,350 gal

Three (3) 450-gallon bulk storage tank will be provided.

i. Dechlorination Equipment. Calculations are for 38% trade strength Sodium Bisulfite ($NaHSO_3$) with a specific gravity of 1.320, has 28% availability sulfur dioxide by weight, 11 pounds per gallon, and no noticeable degradation of strength after 30 days.

i.	Anticipated Chlorine Residual	=	2 mg/l
ii.	Sodium Bisulfate Dosage Rate (2 mg/L CL_2)(1.5 part $NaHSO_3$/part Cl_2)	=	3 mg/l
iii.	Required $NaHSO_3$ Feed Rate at Average Daily Flow (1.4 MGD)(8.34)(3 mg/L) (2.1692 lb SO_3/gal $NaHSO_3$)	=	16.1 gal/day
iv.	Required $NaHSO_3$ Feed Rate at Peak Flow (5.6 MGD)(8.34)(3 mg/L) (2.1692 lb SO_3/gal $NaHSO_3$)	=	64.6 gal/day
v.	Sodium Bisulfate Storage (Covered Storage) (15 days)(16.1 gal/day)	=	242 gal
v.	Proposed Sodium Bisulfate Storage (1)(250 gal)	=	250 gal

One (1) 250-gallon bulk storage tank will be provided.

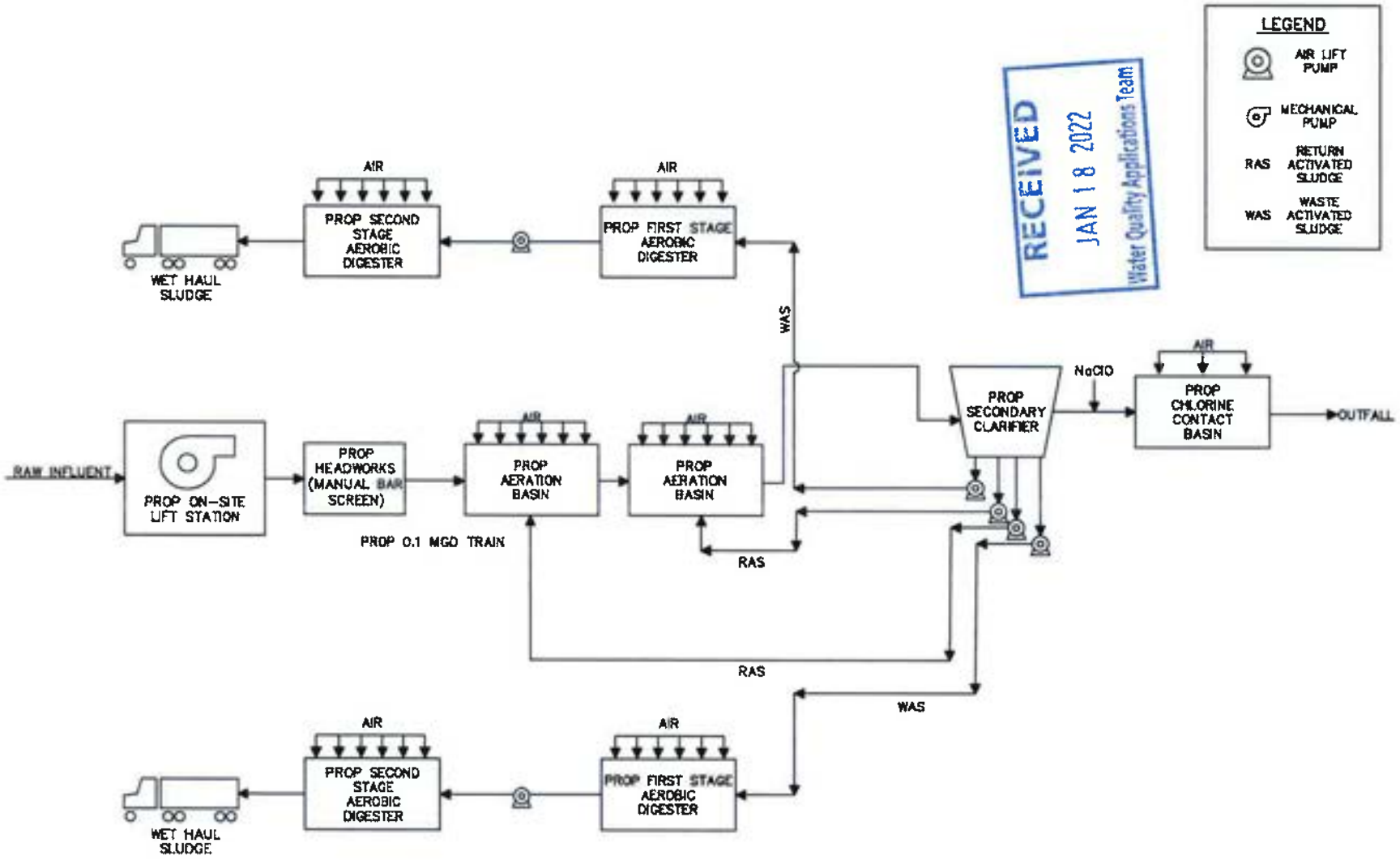
ATTACHMENT I

FLOW SCHEMATICS

TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

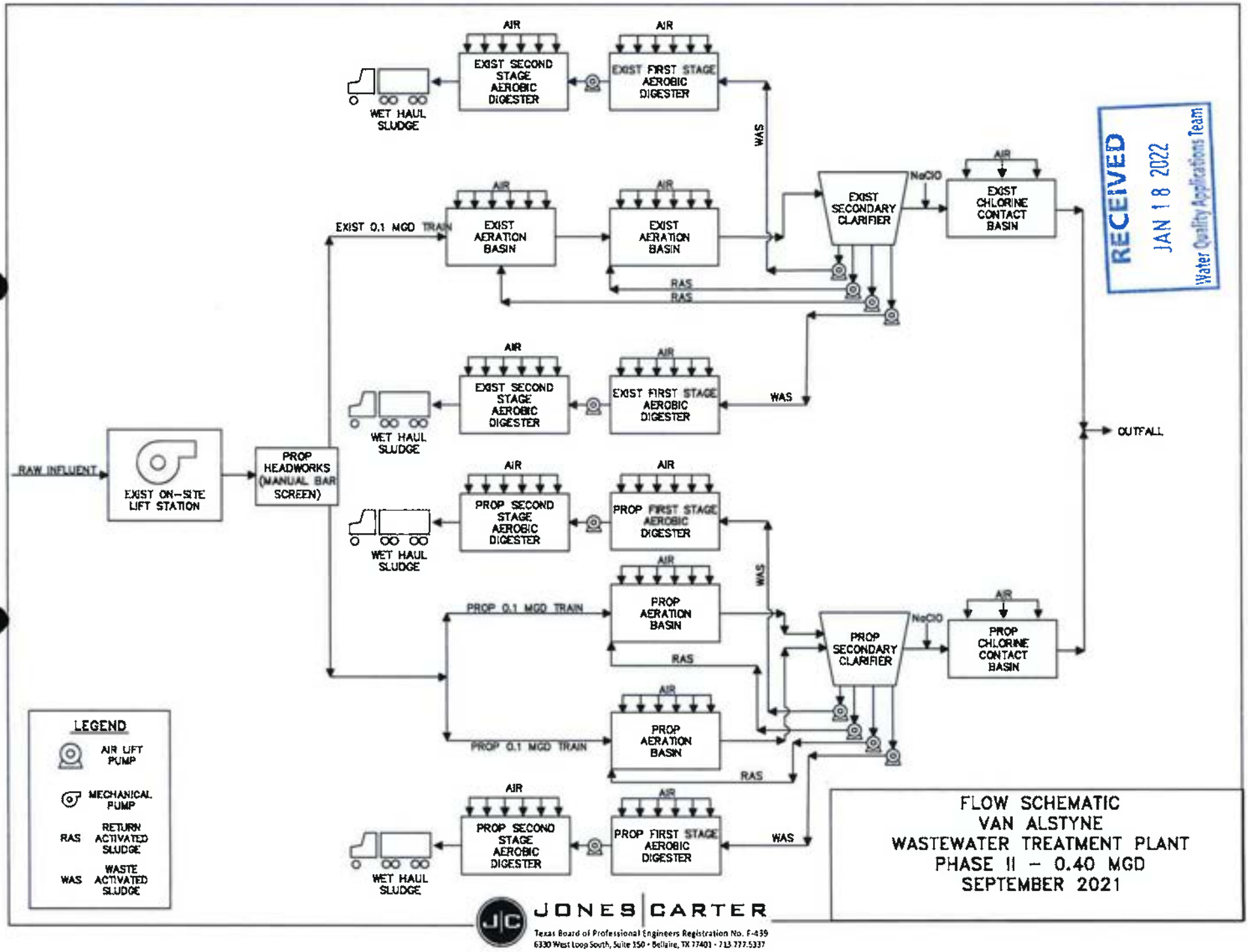
JANUARY 2022

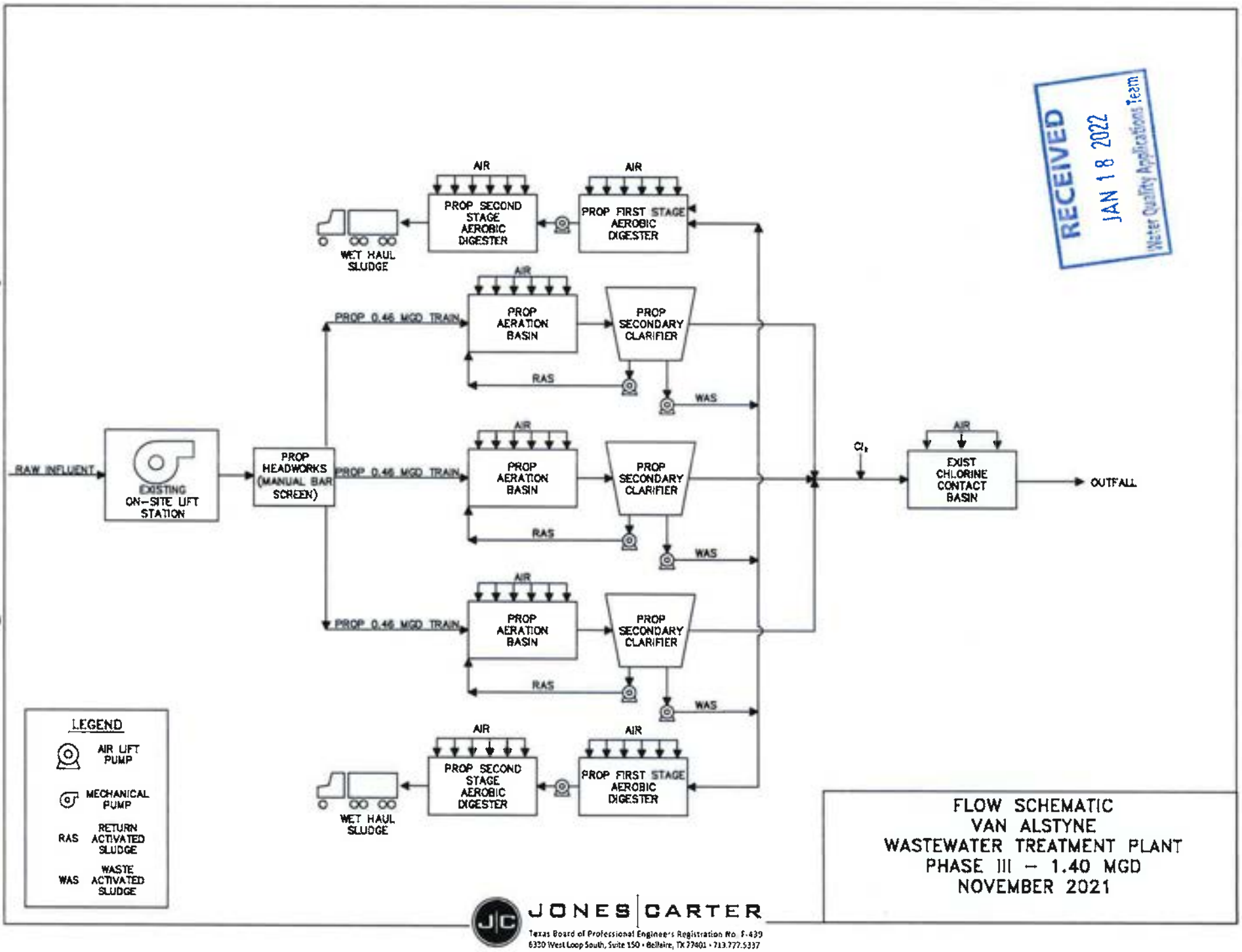
JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6335 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337



FLOW SCHEMATIC
VAN ALSTYNE
WASTEWATER TREATMENT PLANT
PHASE I – 0.20 MGD
NOVEMBER 2021

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337





FLOW SCHEMATIC
VAN ALSTYNE
WASTEWATER TREATMENT PLANT
PHASE III – 1.40 MGD
NOVEMBER 2021

JONES | CARTER
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ATTACHMENT J

SERVICE AREA MAP

TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

JANUARY 2022

JONES | CARTER
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Attachment J - Treasure Island WWTP Service Area Map

LEGEND

- WWTP SERVICE AREA
- WWTP LOCATION

(IN FEET)
1 inch = 2000ft

RECEIVED
JAN 18 2022
Water Quality Applications Team

VAN ALSTYNE TRACT
BEING +/- 1,128 ACRES
GRAYSON COUNTY, TEXAS

JONES | CARTER

Texas Board of Professional Engineers and Land Surveyors
Engineer Registration No. F-439, Survey Registration No. 100461-03
3825 Dallas Parkway, Suite 600 • Plano, Texas 75093
972.488.3680

JOB # 17332-0001-00 CAS PAGE 1 OF 1

K:\WS832\WS832-0012-00 Van Alstyne ±1200 Acres – ROA\Discharge Permit\Van Alstyne Service Area Map – 8.5x11.dwg

APP-0120

ATTACHMENT K

JUSTIFICATION

TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

JANUARY 2022

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337

JUSTIFICATION FOR PLANT CONSTRUCTION
TREASURE ISLAND LAGUNA AZURE LLC

The Treasure Island Wastewater Treatment Plant will serve a residential subdivision located approximately 3.79 miles northwest of the City of Van Alstyne, Grayson County, Texas.

At build out, there will be 3,060 single family residential connections, 1,500 apartment connections, and 6 commercial connections. For design purposes, the wastewater flow for residential and apartment connections is 300 gallons per day per connection (gpd/conn) and 185 gpd/conn, respectively.

Following is the connection and flow projection to complete build out:

Month / yr	Single family residential		Apartment		Commercial		Total	
	connections	flow (gpd)	connections	flow (gpd)	connections	flow (gpd)	connections	flow (gpd)
Jan-23	20	6,000	0	0	0	0	20	6,000
Jan-24	260	78,000	0	0	1	101,302	261	179,302
Jan-25	500	150,000	0	0	1	101,302	501	251,302
Jan-26	740	222,000	15	2,775	2	150,077	757	374,852
Jan-27	980	294,000	195	36,075	2	150,077	1,177	480,152
Jan-28	1,220	366,000	375	69,375	3	157,581	1,598	592,956
Jan-29	1,460	438,000	555	102,675	3	157,581	2,018	698,256
Jan-30	1,700	510,000	735	135,975	4	186,571	2,439	832,546
Jan-31	1,940	582,000	915	169,275	4	186,571	2,859	937,846
Jan-32	2,180	654,000	1,095	202,575	5	198,952	3,280	1,055,527
Jan-33	2,420	726,000	1,275	235,875	5	198,952	3,700	1,160,827
Jan-34	2,660	798,000	1,455	269,175	6	205,330	4,121	1,272,505
Jan-35	2,900	870,000	1,500	277,500	6	205,330	4,406	1,352,830
Sep-35	3,060	918,000	1,500	277,500	6	205,330	4,566	1,400,000

Following is the construction schedule for the current and final plant phases:

Proposed flow	Phase I	Phase II	Phase III
Design Flow (MGD)	0.20	0.40	1.40
2-Hr Peak Flow (MGD)	0.80	1.20	5.60
Date construction to commence	02/2022	04/2023	10/2024
Date construction completed and discharge begins	01/2023	2/2024	1/2026

ATTACHMENT L

SLUDGE MANAGEMENT PLAN

TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

JANUARY 2022

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337

SLUDGE MANAGEMENT AND DISPOSAL PLAN
MEGATEL HOMES, L.L.C.
TREASURE ISLAND WASTEWATER TREATMENT PLANT

INTRODUCTION

This sludge management and disposal plan is being submitted as an attachment to the TPDES permit application for Megatel Homes, L.L.C.

The Treasure Island Wastewater Treatment Plant is a 0.20 MGD single stage nitrification activated sludge plant with effluent limits of 10 mg/l CBOD, 15 mg/l TSS, and 3 mg/l NH3-N.

DIMENSIONS AND CAPACITIES

Excess solids generated from the activated plant will be wasted to an aerobic digester for further treatment. The liquid stabilized sludge will then be hauled away to a TCEQ permitted land application site for disposal by a licensed sludge hauler. The digester has a volume of at least 13,104 ft^3.

SOLIDS GENERATION

Solids to be wasted from the activated sludge process is based on 1.0 pounds of TSS produced per pound of BOD applied. Following is the amount of solids generated by the wastewater treatment plant at design flow and at 75 percent, 50 percent and 25 percent of design flow:

Percent of Design Flow	Flow (MGD)	Solids Generated (lb/day)
25	0.50	104
50	0.10	209
75	0.15	313
100	0.20	417

OPERATING PARAMETERS

The single stage nitrification activated sludge process works best between mixed liquor suspended solids (MLSS) concentrations of 2,000 – 6,000 mg/l. The operator will determine the mixed liquor concentration that produces the highest quality effluent taking into consideration factors such as hydraulic and organic loading, available air capacity, and solids handling. Field testing and laboratory analysis will be done to monitor the MLSS and maintain the appropriate solids concentration.

SOLIDS REMOVAL PROCEDURE

Laboratory analysis and field testing will be conducted to determine the solids concentration in the aeration basin. To maintain an appropriate solids inventory, the amount of solids to be wasted per day is equal to the amount of solids generated per day. This amount is stated in the SOLIDS GENERATION section of this plan. Excess solids will then be wasted from the bottom of the clarifier directly to the aerobic digester to maintain the appropriate solids concentration in the aeration basin.

SOLIDS REMOVAL SCHEDULE

It is assumed that 70% of the solids wasted to the digester are volatile solids and the volatile solids reduction is 30%. For every pound of solids wasted to the digester, 0.79 pounds of solids will need to be disposed of by land application. In addition, it is assumed that the solids can be thickened to 15,000 mg/l in the digester. At this concentration, a 13,104 ft^3 digester will hold 12,262 pounds of solids. The capacity of the digester divided by the pounds per day of solids to be disposed of will give the sludge hauling schedule.

Percent of Design Flow	Solids Disposed (lb/day)	Hauling Schedule (days)
25	82	149
50	165	74
75	247	50
100	329	37

ULTIMATE SLUDGE DISPOSAL

Sludge will be liquid hauled from the plant by a TCEQ registered sludge transporter to a TCEQ permitted land application site or another wastewater treatment plant.

A manifest will be issued with each load of sludge that is hauled from the plant. The following information will be on the manifest to document ultimate disposal of the sludge:

1. Date of sludge hauling
2. Generator Name
3. Generator's address
4. Volume of sludge hauled
5. Name of transporter
6. TCEQ transporter registration number
7. Driver's name
8. Name of disposal site
9. TCEQ Site permit number
10. Date of disposal
11. Volume of sludge disposed

This information, along with laboratory and field data will be used to determine the amount of solids disposed of in dry weight form.

SLUDGE MANAGEMENT AND DISPOSAL PLAN
MEGATEL HOMES, L.L.C.
TREASURE ISLAND WASTEWATER TREATMENT PLANT

INTRODUCTION

This sludge management and disposal plan is being submitted as an attachment to the TPDES permit application for Megatel Homes, L.L.C.

The Treasure Island Wastewater Treatment Plant is a 0.40 MGD single stage nitrification activated sludge plant with effluent limits of 10 mg/l CBOD, 15 mg/l TSS, and 3 mg/l NH3-N.

DIMENSIONS AND CAPACITIES

Excess solids generated from the activated plant will be wasted to an aerobic digester for further treatment. The liquid stabilized sludge will then be hauled away to a TCEQ permitted land application site for disposal by a licensed sludge hauler. The digester has a volume of at least 26,208 ft^3.

SOLIDS GENERATION

Solids to be wasted from the activated sludge process is based on 1.0 pounds of TSS produced per pound of BOD applied. Following is the amount of solids generated by the wastewater treatment plant at design flow and at 75 percent, 50 percent and 25 percent of design flow:

Percent of Design Flow	Flow (MGD)	Solids Generated (lb/day)
25	0.10	209
50	0.20	417
75	0.30	626
100	0.40	834

OPERATING PARAMETERS

The single stage nitrification activated sludge process works best between mixed liquor suspended solids (MLSS) concentrations of 2,000 – 6,000 mg/l. The operator will determine the mixed liquor concentration that produces the highest quality effluent taking into consideration factors such as hydraulic and organic loading, available air capacity, and solids handling. Field testing and laboratory analysis will be done to monitor the MLSS and maintain the appropriate solids concentration.

SOLIDS REMOVAL PROCEDURE

Laboratory analysis and field testing will be conducted to determine the solids concentration in the aeration basin. To maintain an appropriate solids inventory, the amount of solids to be wasted per day is equal to the amount of solids generated per day. This amount is stated in the SOLIDS GENERATION section of this plan. Excess solids will then be wasted from the bottom of the clarifier directly to the aerobic digester to maintain the appropriate solids concentration in the aeration basin.

SOLIDS REMOVAL SCHEDULE

It is assumed that 70% of the solids wasted to the digester are volatile solids and the volatile solids reduction is 30%. For every pound of solids wasted to the digester, 0.79 pounds of solids will need to be disposed of by land application. In addition, it is assumed that the solids can be thickened to 15,000 mg/l in the digester. At this concentration, a 26,208 ft^3 digester will hold 24,524 pounds of solids. The capacity of the digester divided by the pounds per day of solids to be disposed of will give the sludge hauling schedule.

Percent of Design Flow	Solids Disposed (lb/day)	Hauling Schedule (days)
25	165	149
50	329	74
75	494	50
100	659	37

ULTIMATE SLUDGE DISPOSAL

Sludge will be liquid hauled from the plant by a TCEQ registered sludge transporter to a TCEQ permitted land application site or another wastewater treatment plant.

A manifest will be issued with each load of sludge that is hauled from the plant. The following information will be on the manifest to document ultimate disposal of the sludge:

1. Date of sludge hauling
2. Generator Name
3. Generator's address
4. Volume of sludge hauled
5. Name of transporter
6. TCEQ transporter registration number
7. Driver's name
8. Name of disposal site
9. TCEQ Site permit number
10. Date of disposal
11. Volume of sludge disposed

This information, along with laboratory and field data will be used to determine the amount of solids disposed of in dry weight form.

SLUDGE MANAGEMENT AND DISPOSAL PLAN
MEGATEL HOMES, L.L.C.
TREASURE ISLAND WASTEWATER TREATMENT PLANT

INTRODUCTION

This sludge management and disposal plan is being submitted as an attachment to the TPDES permit application for Megatel Homes, L.L.C.

The Treasure Island Wastewater Treatment Plant is a 1.4 MGD single stage nitrification activated sludge plant with effluent limits of 10 mg/l CBOD, 15 mg/l TSS, and 3 mg/l NH3-N.

DIMENSIONS AND CAPACITIES

Excess solids generated from the activated plant will be wasted to an aerobic digester for further treatment. The liquid stabilized sludge will then be hauled away to a TCEQ permitted land application site for disposal by a licensed sludge hauler. The digester has a volume of at least 100,800 ft^3.

SOLIDS GENERATION

Solids to be wasted from the activated sludge process is based on 1.0 pounds of TSS produced per pound of BOD applied. Following is the amount of solids generated by the wastewater treatment plant at design flow and at 75 percent, 50 percent and 25 percent of design flow:

Percent of Design Flow	Flow (MGD)	Solids Generated (lb/day)
25	0.35	876
50	0.70	1751
75	1.05	2627
100	1.40	3503

OPERATING PARAMETERS

The single stage nitrification activated sludge process works best between mixed liquor suspended solids (MLSS) concentrations of 2,000 – 6,000 mg/l. The operator will determine the mixed liquor concentration that produces the highest quality effluent taking into consideration factors such as hydraulic and organic loading, available air capacity, and solids handling. Field testing and laboratory analysis will be done to monitor the MLSS and maintain the appropriate solids concentration.

SOLIDS REMOVAL PROCEDURE

Laboratory analysis and field testing will be conducted to determine the solids concentration in the aeration basin. To maintain an appropriate solids inventory, the amount of solids to be wasted per day is equal to the amount of solids generated per day. This amount is stated in the SOLIDS GENERATION section of this plan. Excess solids will then be wasted from the bottom of the clarifier directly to the aerobic digester to maintain the appropriate solids concentration in the aeration basin.

SOLIDS REMOVAL SCHEDULE

It is assumed that 70% of the solids wasted to the digester are volatile solids and the volatile solids reduction is 30%. For every pound of solids wasted to the digester, 0.79 pounds of solids will need to be disposed of by land application. In addition, it is assumed that the solids can be thickened to 15,000 mg/l in the digester. At this concentration, a 100,800 ft^3 digester will hold 94,323 pounds of solids. The capacity of the digester divided by the pounds per day of solids to be disposed of will give the sludge hauling schedule.

Percent of Design Flow	Solids Disposed (lb/day)	Hauling Schedule (days)
25	692	136
50	1384	68
75	2075	45
100	2767	34

ULTIMATE SLUDGE DISPOSAL

Sludge will be liquid hauled from the plant by a TCEQ registered sludge transporter to a TCEQ permitted land application site or another wastewater treatment plant.

A manifest will be issued with each load of sludge that is hauled from the plant. The following information will be on the manifest to document ultimate disposal of the sludge:

1. Date of sludge hauling
2. Generator Name
3. Generator's address
4. Volume of sludge hauled
5. Name of transporter
6. TCEQ transporter registration number
7. Driver's name
8. Name of disposal site
9. TCEQ Site permit number
10. Date of disposal
11. Volume of sludge disposed

This information, along with laboratory and field data will be used to determine the amount of solids disposed of in dry weight form.

ATTACHMENT M

REGIONALIZATION SURVEYS

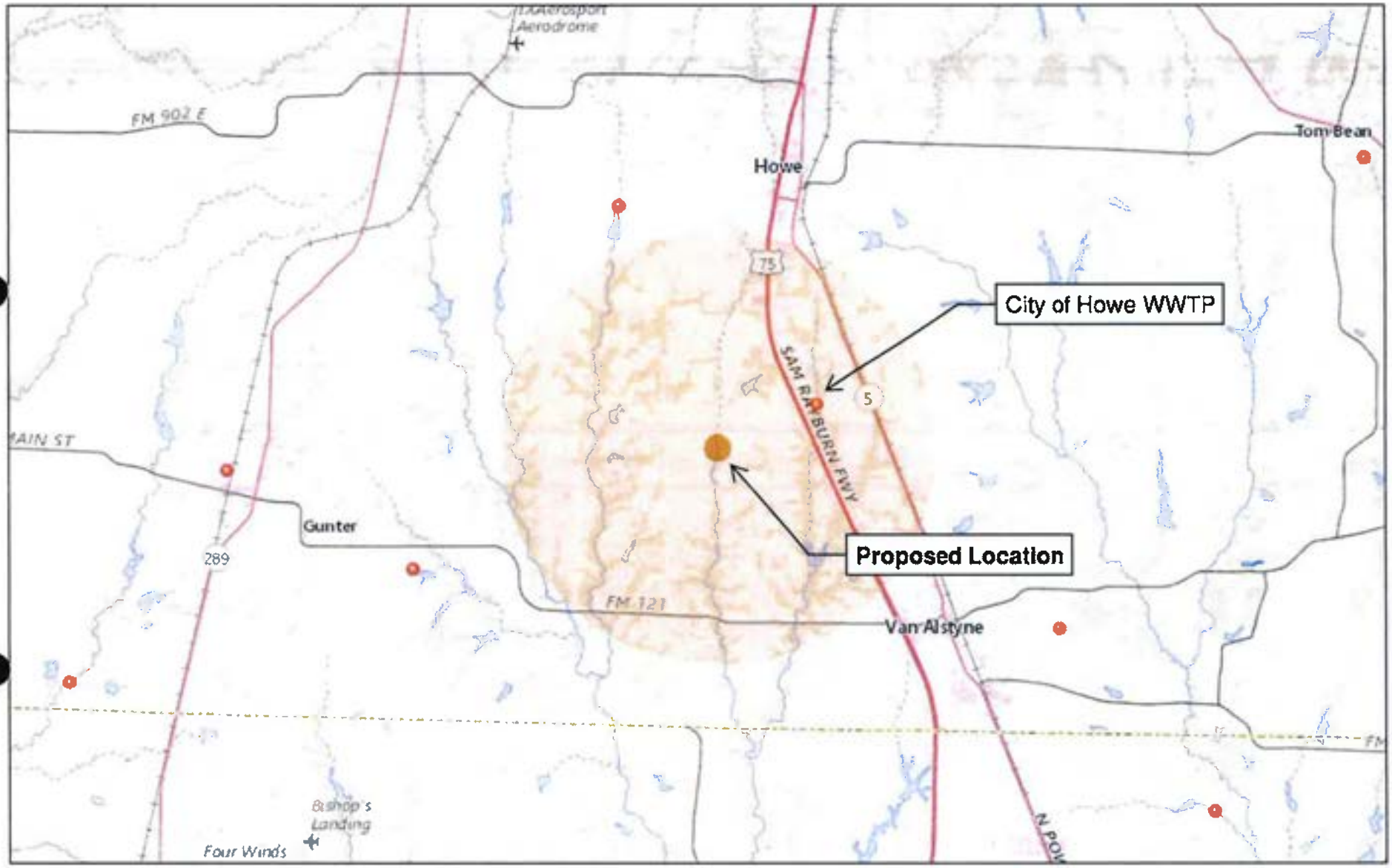
TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

JANUARY 2022

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
8310 West Loop South, Suite 350 • Bellaire, TX 77401 • 713.777.5337

Attachment M - Regionalization
Megatel Homes, LLC
Treasure Island Wastewater Treatment Plant

APP-0134



7/26/2021, 1:47:16 PM

Wastewater Outfalls

1:144,448

0 1 2 4 mi
0 1.5 3 6 km

USGS The National Map: National Boundaries Dataset, 3DEP Elevation

Web AppBuilder for ArcGIS

TCEQ | USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset;

JONES | CARTER

3100 Alvin Devane Blvd, Suite 150
Austin, Texas 78741
Tel: 512.441.9493
Fax: 512.445.2286
www.jonescarter.com

July 27, 2021

City of Howe and Howe Commercial Ltd.
Attn: Mr. Joe Shephard
4265 Kellway Circle
Addison, TX 75001

Re: Wastewater Treatment Plant Regionalization Inquiry
Megatel Homes, L.L.C.
Grayson County, Texas

Megatel Homes, L.L.C. is applying for a TPDES permit and is seeking to determine if there are any wastewater treatment plants or collection systems within three (3) miles of the wastewater treatment plant that have capacity or are willing to expand to provide capacity for the ultimate needs of the Megatel Homes, L.L.C. Van Alstyne wastewater treatment plant. You have been identified as operating a wastewater collection system and possibly a wastewater treatment plant within three (3) miles of the proposed wastewater treatment plant. It would be greatly appreciated if you could complete the attached survey and either e-mail (jnguyen@jonescarter.com) or mail this questionnaire to me no later than August 24, 2021.

Please feel free to call should you have any questions.

Sincerely,

Jonathan Nguyen

HJN

Attachment
K:\17332\17332-0001-00 Megatel Van Alstyne TPDES Discharge Perm\2 Design Phase\001 - TPDES Permit\01 - Submit Application\Attachment P - Regionalization Surveys\CapacitySurvCvr.docx

ATTACHMENT N

FEMA FLOOD MAP

TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

JANUARY 2022

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337


WEST FARMINGTON RD
BOST RD
OLD PATTERSON RD
BLYTHE RD
FARMINGTON RD
BELLMETHER DR
AUSTIN RD
Approx. Location of 5 ac WWTP
FIELDER RD
HACKBERRY RD
HODGINS RD
BEAR RD
HARRISON CIR
GWEN LN
REMINGTON ROAD
HALE PL
VICINITY MAP
1 INCH = 10 MILES
WWTP
Tract Boundary
FLOODWAY
ZONE A
ZONE AE
ZONE AH
ZONE AO
ZONE VE
ZONE X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
ZONE X, AREA OF MINIMAL FLOOD HAZARD
ZONE X, AREA WITH REDUCED FLOOD RISK DUE TO LEVEE
Grayson CAD Parcels
Attachment N
Floodplain Map
Treasure Island Laguna
Azure LLC
Treasure Island WWTP
VAN ALSTYNE
GRAYSON COUNTY, TEXAS
0
1,000
1 INCH = 1,000 FEET
JONES CARTER

APP-0137

ATTACHMENT O

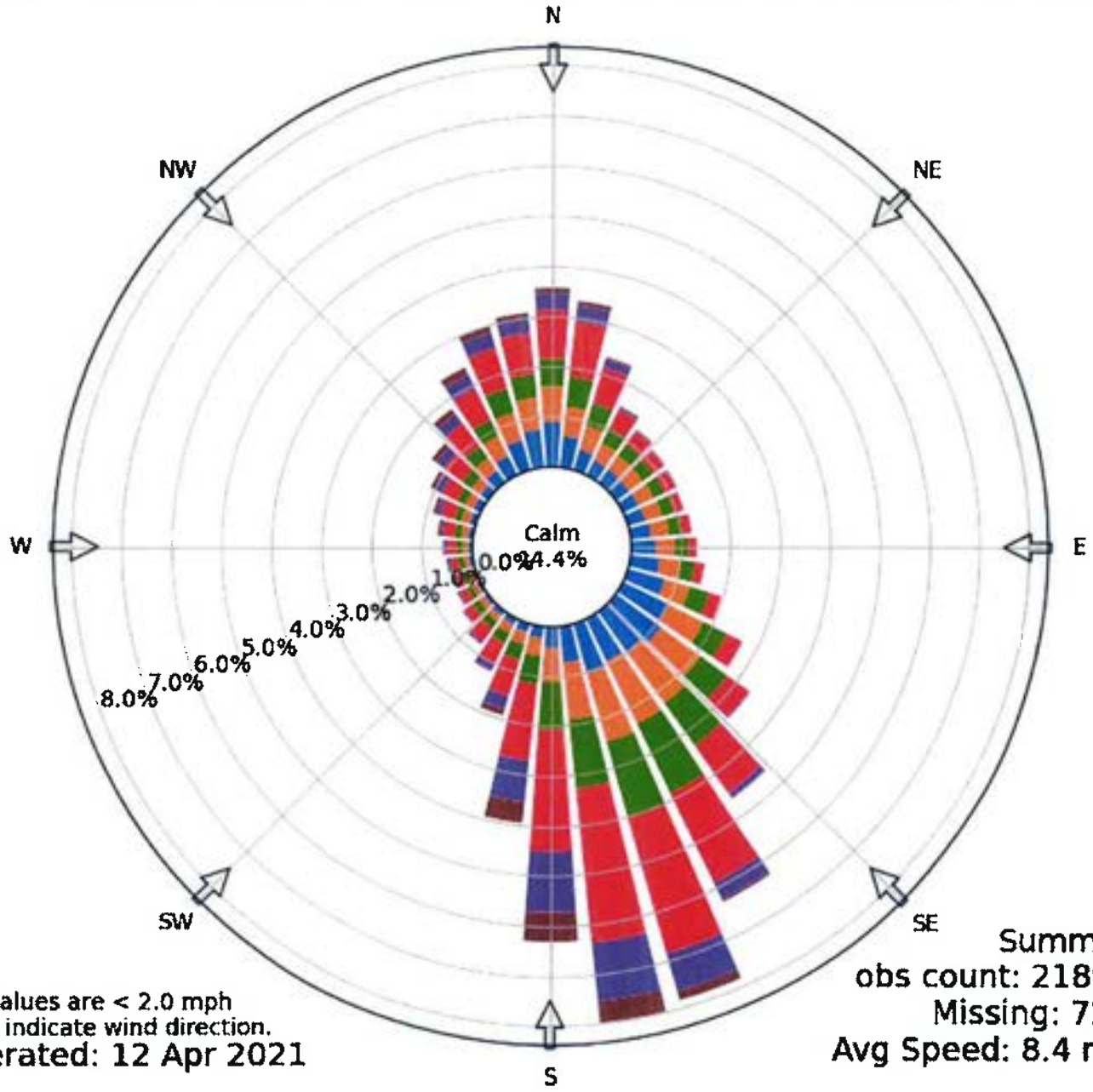
WIND ROSE

TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

JANUARY 2022

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337

[TKI] MC KINNEY
Windrose Plot
Time Bounds: 30 Apr 1998 12:53 AM - 12 Apr 2021 03:53 AM America/Chicago



Calm values are < 2.0 mph
Arrows indicate wind direction.
Generated: 12 Apr 2021

Summary
obs count: 218985
Missing: 7243
Avg Speed: 8.4 mph

Wind Speed [mph]
2 - 5 | 5 - 7 | 7 - 10 | 10 - 15 | 15 - 20 | 20+

JONES | CARTER

3100 Alvin Devane Blvd, Suite 150
Austin, Texas 78741
Tel: 512.441.9493
Fax: 512.445.2286
www.jonescarter.com

January 13, 2022

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

Re: Treasure Island Laguna Azure LLC
TPDES Permit Application

Enclosed is a check in the amount of $2,050.00 to cover the TPDES permit application fee for the above referenced facility. The TPDES Permit Application has been sent to the Applications Review and Processing Team of the Water Quality Division.

Please contact me should you have any questions or need any additional information.

Sincerely,

Jonathan Nguyen

HJN
K:\17332\17332-0001-00 Megatel Van Alstyne TPDES Discharge Perm\2 Design Phase\001 - TPDES Permit\01 - Submit Application\COV\TRFee.docx
Enclosures

APP-0142

AR-2

Administrative Application Processing Documentation

TO: Water Program Manager
Region 4, DFW Office

FROM: Jan Sills, Water Resource Liaison
Field Operations Division

SUBJECT: Notice for Wastewater Permit Site Assessment

A permit site assessment is required for the following wastewater permit Application.

WQ Permit Number 16092-001

Applicant Treasure Island Laguna Azure, LLC

Region 4

County Grayson

(X) New Application ( ) Major Amendment

Discharge route for 1 (one) mile from point of discharge does contain water affected by tidal?
( ) Yes (X) No

Date Application Mailed to Region _____

Date of Notice for PSA _____

Receiving Water Assessment Required ( ) Yes (X) No

Type of Inspection PA

Due Date for Submittal of Inspection Report _____

Segment # 0821

Discharge route description to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River Above Lake Lavon, thence to Lake Lavon

33.455858, -96.631606

West Prong Whites Creek is intermittent with perennial pools

If essential material is missing in the application which would preclude you from conducting the permit site assessment, please contact me as soon as possible at 239-0449.

Additional Comments USGS topo map, coordinates, and landowner map appear correct.

Standards reviewer name: Jenna Lueg **Date:** 1/31/2022

JL

TO: Water Program Manager

Region 4, Dallas / Ft. Worth Office

FROM: Jan Sills, Water Resource Liaison
Field Operations Division

SUBJECT: Notice for Wastewater Permit Site Assessment

A permit site assessment is required for the following wastewater permit Application.

WQ Permit Number WQ0016092001

Applicant Treasure Island Laguna Azure LLC

Region 4

County Grayson

(X) New Application ( ) Major Amendment

Discharge route for 1 (one) mile from point of discharge does contain water affected by tidal?

( ) Yes ( ) No

Date Application Mailed to Region _____

Date of Notice for PSA _____

Receiving Water Assessment Required ( ) Yes ( ) No

Type of Inspection PA

Due Date for Submittal of Inspection Report _____

Segment # _____

If essential material is missing in the application which would preclude you from conducting the permit site assessment, please contact me as soon as possible at 239-0449.

Additional Comments _____

New App Treasure Island Laguna Azure LLC

CHECK LIST FOR ADMIN REVIEW OF MUNICIPAL APPLICATION FOR PERMIT

Permit No. WQ00 16092001	**TX** 01422163	**MGD** 1.4
CN 605975267	**RN** 111409553	**County:** Grayson **Region No.** 4
Facility: ( ) **Major** (X) **Minor**	**App Rcvd Date:** 01/18/2022	**Permit Expiration Date:** —
(X) **Inactive** ( ) **Active**	**Segment No.** 0821	Private Domestic

Note: A minor facility is generally one in which the final flow is less than 1.0 MGD.

Application Review Date: 02/08/2022

[✓] For **new and major amendment applications that propose surface water discharge**, the standards review for RWA comments is included.

[✓] Coastal Zone sheet is included. Not in a Coastal Zone

Fees or Penalties Owed: [✓] No [ ] Yes Amount Owed: _____

SECTION 1 APPLICATION FEES

Application Fees: The appropriate item checked **and** payment verified in receipt rpt or boexi rpt. Note: copies of checks should be removed and shredded.

Municipal Fees

#75400

Proposed/Final Phase Flow	New/Major Amend.	Renewals	Minor Amendment or Modification *without* Renewal
< .05 MGD	[ ] $350.00	[ ] $315.00	[ ] $150.00 (for any flow)
≥ .05 but < .10 MGD	[ ] $550.00	[ ] $515.00	
≥ .10 but < .25 MGD	[ ] $850.00	[ ] $815.00	
≥ .25 but < .50 MGD	[ ] $1,250.00	[ ] 1,215.00	
≥ .50 but < 1.0 MGD	[ ] $1,650.00	[ ] 1,615.00	
≥ 1.0 MGD	[✓] $2,050.00	[ ] 2,015.00	

SECTION 2 TYPE OF APPLICATION

[✓] The Type of application is marked

[✓] Reason for amendment or modification (if applicable). Also, check Tech. Report 1.1 Section 4 on page 3 (Unbuilt Phases) and Section 1.A on page 20 (Justification of permit need).

SECTION 3 FACILITY OWNER (APPLICANT) AND CO-APPLICANT

[✓] Legal name of applicant is listed (***the owner of the facility must apply for the permit)***

[✓] Legal name of co-applicant is listed ***(if required to apply with facility owner)***

[✓] Core Data Form (CDF) is provided. A separate CDF is required for each customer.

Section I – General Information

[✓] Reason for submittal is marked.

[✓] Customer (CN) and Regulated Entity (RN) Reference Nos. provided – verify with Central Registry

Section II – Customer Information

[✓] Customer legal name is provided and it matches name on admin report

[✓] Texas SOS/Filing number is provided – verify with SOS
[✓] Texas State Tax ID is provided – verify with Texas Comptroller
[ ] Type of customer is marked – refer to information below

[✓] **Corporation:** Check with Secretary of State (SOS) at: https://direct.sos.state.tx.us/acct/acct-login.asp verify the entity status and charter number – print page. Verify correct legal spelling of applicant's name. Check spelling with SOS against the name listed in the application. (Permit must be issued in name as filed with SOS.) The applicant must be "**In existence and active**" before the application can be processed further.

[ ] **Those entities subject to state franchise taxes:** If applicable, check with Comptroller (website at: http://ecpa.cpa.state.tx.us/coa/coaStart.html. Verify the tax identification number is correct. Note: Non-profit organizations and partnerships are not subject to the state franchise tax.

[ ] **Individual: Complete Attachment 1 of Admin. Report 1.0** The complete legal name, including the middle name; and all other information is required. This info is required by Chapter 26.027C of the Texas Water Code. A separate form is required for each individual.

[ ] **Utility District:** Check IWUD to verify that district is not dissolved (inactive is O.K. to process)

[ ] **Trust**: A copy of an executed trust agreement is provided. Verify that applicant's name is the same as the name in the trust agreement. NOTE: Executed trust must show signatures of trustees or beneficiaries forming the trust and which county it is recorded in.

[ ] **Partnership**: Verify with Secretary of State (SOS) that partnership is registered, active, and has a filing number. Check spelling with SOS against the name submitted in Item 1; Check that SOS # is correct; Print page from SOS website. OR if the partnership is not listed with the SOS, a copy of the partnership agreement is provided by the applicant. The agreement must: give the name of the partnership as provided on the application for permit; list names of partners; bear signatures of the partners; state the terms of the partnership; and must be recorded in the county where the facility (plant) is located.

[ ] **Municipality/Governmental Agencies/School Districts:** City, County, ISD, Fed, etc. – applicable info is listed.

[ ] Other _____

[✓] Number of employees is marked
[✓] Customer role is marked
[✓] Mailing address for the applicant is provided - verify on USPS website. This address is used on the permit.
[✓] Email address is provided
[✓] Telephone number is provided

Section III – Regulated Entity Information

[✓] Regulated Entity Name is provided and it matches name on admin report
[✓] Street address or location description of facility is adequately described. If different from current permit, new permit may be required. Use USPS website/GIS mapping to confirm street address
[✓] The county where the facility is located is provided
[✓] The name of the nearest city is provided
[✓] The zip code is provided
[✓] The longitude and latitude of the facility is provided – check mapit
[✓] Primary SIC Code is provided
[✓] Permit No. listed under appropriate programs- if not listed, add it

Section IV – Preparer Information

[✓] Name, title, telephone number, and email address is provided

Section V – Authorized Signature

[✓] Company name, title, printed name, phone number, signature, and date provided

SECTION 4 APPLICATION CONTACT INFORMATION

[✓] Administrative and Technical contact name, address, electronic information provided

SECTION 5 PERMIT CONTACT INFORMATION

[✓] Permit (2) contact names, addresses, electronic information provided

SECTION 6 BILLING INFORMATION

[✓] Billing contact name, address, electronic information provided

SECTION 7 REPORTING INFORMATION

[ ] DMR/MER contact name, address, electronic information provided

SECTION 8 NOTICE INFORMATION

N [ ] **Minor Amendment *without* Renewal** – NORI not required. Skip review of notice information.

[✓] Name, address and phone number of one person responsible for publishing NORI is provided

[✓] Method of sending NORI package is provided

[✓] Name and phone number of contact to be in NORI is provided

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

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

SECTION 9 REGULATED ENTITY and PERMITTED SITE INFORMATION

[✓] Regulated Entity No. is listed. If not, it's not a deficiency. It can be verified with Central Registry and PARIS.

[✓] Name of project or site is provided. Should correspond to Item 22 on CDF.

[✓] Owner of the facility identified in the application is the same as the name given in Section 3.A
NOTE: THE OWNER OF THE FACILITY IS REQUIRED TO APPLY FOR THE PERMIT
(Refer to legal policy memo for complete definition and discussion of facility.)

[✓] Marked whether ownership of the facility is public, private or both

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

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

Effluent Disposal Site Owner:

[✓] N/A - (no effluent disposal proposed)

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

[ ] If applicant **DOES NOT OWN** land where site is located, a long-term lease agreement is provided which includes: a term of at least 5 years; is current or it includes an option to renew the term; is between the current applicant and the landowner; and includes description of property by legal description or map.
(For new TLAP permits only: A copy of an executed option to purchase agreement may be provided to show that applicant will have ownership of the land upon permit approval.)

Sewage Sludge Disposal Site Owner:

[✓] N/A - (no sludge disposal proposed)

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

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

SECTION 10 DISCHARGE INFORMATION

[✓] Checked if treatment facility location in permit is correct. New

[✓] Checked if discharge info in permit is correct. If applicable, the discharge route description is adequately described and describes the discharge route to the nearest major watercourse. Changing the point of discharge and route from the current permit description requires a major amendment New

[✓] The name of the city (or nearest city) where the outfall(s) is/will be located has been provided
[✓] The county where the outfall is located is provided
[✓] The longitude and latitude of the outfall is provided
[N/A] Marked item regarding authorization for discharge into a city, county, or state ditch. If applicable, correspondence is provided. Email TXDOT if discharge is to a **state** highway right-of-way or roadside ditch.
[N/A] For a daily average flow of 5 MGD or more: the names of all counties located within 100 miles downstream from the point of discharge. These counties will be listed on contact sheet.

SECTION 11 DISPOSAL (TLAP) INFORMATION N/A

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

SECTION 12 MISCELLANEOUS INFORMATION

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

SECTION 13 ATTACHMENTS

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

All original or equivalent full-sized maps must show:

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

SECTION 14 SIGNATURE PAGE

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

[✓] **Original Signature Page is required.**

[✓] **Signature must be properly notarized – check that signature date and notarized date are the same.**

Owner Co-Permittee

[ ]	[ ]	City - Elected official or principle executive officer of the city may be public works director.
[ ]	[ ]	Individual: only the individual signs for himself/herself.
[✓]	[ ]	Partnership: General Partner or exec officer
[✓]	[ ]	Corporation: at least level of VP (CEO, Chairman of Board, Secretary can be equiv. to V.P., Member or General Manager for LLC, Manager of one or more manufacturing, production, or operating facilities employing more than 250 persons - refer to 30 TAC 305.44)

[ ] [ ] Utility District: at least the level of vice president, on Board of Directors or District Manager
[ ] [ ] Water Authority: Regional managers.
[ ] [ ] Independent School Districts: at least level of the Assistant Superintendent or board members.
[ ] [ ] Governmental Agencies: Division Directors or Regional Directors.
[ ] [ ] Trust: The trustee that has been identified in the trust agreement.
[ ] [ ] Other: _____

ADMIN REPORT 1.1 For All New or Major Amendment Applications

SECTION 1 Affected Landowner Information -

Landowner Map:

[√] The applicant's complete property boundaries are delineated which includes boundaries of contiguous property owned by the applicant

[ ] For domestic facilities, show the buffer zone and identify all of the landowners whose property is located within the buffer zone Tech Review

[√] The property boundaries of the landowners surrounding the applicant's property have been clearly delineated on the map

[√] The location of the facility within applicant's property is shown.

For TPDES applications:

[√] The point(s) of discharge is clearly identified on the map and the discharge route(s) is highlighted.

[√] The scale of map is provided to measure one mile downstream **or** if discharge is into a lake, bay estuary, or affected by tides, ½ mile up & down stream is measured.

[√] The property boundaries of landowners adjacent to the discharge route(s) for one mile downstream from the point of discharge have been clearly delineated and the route is clearly delineated. **OR** If discharge is into a lake, bay estuary, or affected by tides, the property boundaries of landowners ½ mile up & downstream and those property owners across the lake along the shore line that fall within a ½ mile radius of the point of discharge are clearly delineated on the map.

For TLAP applications (i.e., irrigation, evaporation, etc.):

[ ] The boundaries of the disposal site is clearly identified on the map.

[ ] The boundaries of all landowners surrounding the disposal site.

[√] Cross-referenced list of landowners is provided.
[ ] Disk or four sets of labels were provided Missing
[√] Source of landowners' info was provided.
[√] Provided response regarding permanent school fund land. If information filled out on General Land Office, then indicate so on the contact sheet.

SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)

[√] SPIF is provided - **TPDES only**

TECHNICAL REPORT – MUNICIPAL/DOMESTIC APPLICATIONS

N/A [ ] **Minor Amendment *without* Renewal.** Review not required. Just make sure report is provided.

THE FOLLOWING ITEMS APPLY TO ALL APPLICATIONS:

[√] The existing permitted design flow (including all permit phases) is indicated

( ) If flow indicated is greater than permitted, a major amendment is required.
( ) If flow amount is less than permitted amount, confirm with applicant that they are requesting to reduce the flow.

[X] The permit authorizes irrigation/evaporation/subsurface disposal method and the information has been addressed in the technical report. Verify the acreage. If the acreage has changed from what is currently permitted, a major amendment is required.

The applicable worksheets must be completed:
[ ] Worksheet 3.0 - required for land disposal of effluent
[ ] Worksheet 3.1 - required for land disposal (new and major amendment only)
[ ] Worksheet 3.2 - required for subsurface land disposal (new and major amendment only)
[ ] Worksheet 3.3 - required for subsurface area drip dispersal systems (SADDS) (new and major amendment); may be required for renewal on a case-by-case basis.

[ ] SADDS Applications: Compliance history items must be completed for SADDS disposal. When the application is administratively complete, a copy of the application and a transmittal letter must be sent to the State Department of Health Services. See the folder titled "SADDS" (under the Individual Permit Review folder) for a template of the letter.

[ ] Worksheet 7.0 – required for SADD applications (new and major amendment only) - We do not review the form; we just make sure that it is submitted. If it is not submitted, request it in a NOD.

[X] Sludge disposal and/or land application is authorized in the permit on property owned or under applicant's control. If facility is beneficially applying class B sludge on the same site as the facility, the applicant must submit the Beneficial Land Use of Sewage Sludge (Class B) Permit Application - Form No. 10451 (See Class B Sludge Permit checklist). The applicant must also submit the appropriate sludge application fee.

If authorization is for sludge processing, storage, disposal, composting, marketing and distribution of sludge, sludge surface disposal, or sludge monofill or for temporary storage in sludge lagoons, the applicant must submit the Domestic Wastewater Permit Application: Sewage Sludge Technical Report – Form No. 10056.
Check for:

[ ] required signatures (if applicable)
[ ] site acreage [ ] acreage application area[ ] site boundaries shown on USGS map

Notes: If the applicant is disposing or land applying sludge on land owned or under their control, but it is not authorized in their permit or by any other TCEQ authorization, a major amendment is required.

If the application is for a new permit or major amendment, then you need to check for the appropriate affected landowner requirements.

WHEN APPLICATION IS NOT ADMINISTRATIVELY COMPLETE:

☑ Complete NOD. See NOD SOP Email

WHEN APPLICATION IS ADMINISTRATIVELY COMPLETE:

☑ Complete NORI package. See NORI SOP
NORI not required for minor amendment. Complete the Routing and Contact (list "n/a" for item regarding person responsible for publication of the notice) Blue sheets only.

☑ Prepare SPIF forms (only for TPDES permits)
- ☑ checked application type
- ☑ entered county name
- ☑ entered administrative completeness date
- ☑ ensured permit number is on form
- ☑ *check agency receiving SPIF
  Minor amendments - ALL agencies **BUT** Texas Historical Commission and Army Corps of Engineers
  Renewals – All agencies **BUT** Texas Historical Commission
  New and Major Amendments – All agencies
- ☑ check that the segment number (if known) is entered in receiving water body information.
- ☑ On the accompanying map, delineate the discharge route in such a way that copies will reflect the highlighted discharge route.

***NOTE:** Copy of SPIFs not required for Houston – US Fish and Wildlife and Galveston-US Army Corps of Engineers

Admin Complete PARIS Entry and Other Reminders

WQ Folder - Application Search

Application Summary Tab–verify application info

Admin Review Tab

- ✓ Admin Review Begin Date
- ✓ Admin Complete Date
- ✓ SPIF
- ✓ NORI

Public Participation Tab – No longer required to enter public notice details. See Katherine's email dated 3/30/2017.

CR Folder – RE Search

AI Detail Screen–verify facility info

Enter Contact Info – Contact List

- ✓ Owner
- ✓ Applicant
- ✓ Technical
- ✓ Billing
- ✗ MER (TLAP only)
- ✓ Remove CN affiliation for MER contact (TLAP and TPDES)
- ✓ Verify TX No. (EPA ID) is associated to CN

OTHER

- ✓ Copy notice and labels to I/Drive (New and Major Amendments)
- ✓ Copy contact sheet to I/Drive
- ✗ SADDS – Application to Dept. of Health Services
- ✗ Email TXDOT if discharge is to a state highway right-of-way or roadside ditch.

IINDUSTRIAL/MUNICIPAL APPLICATIONS ROUTE SHEET

New X

Major Amend___

Minor Amend___

Renewal_____

Major Facility___

Application Reviewer ✓ *Technical Reviewer*_____

~~*Final Flow* ≥ 1MGD~~ X (1.40)

DATE APPLICATION RECEIVED 1/18/2022

PERMIT NUMBER WQ0016092001

PRE PREVIEW BY STANDARDS (RWA) 1/18/2022 N/A_____
Route original application of new and major amendments, discharge only. The original application must be returned to the applications team within 4 hours of receipt.

PRE PREVIEW BY GROUNDWATER _____ N/A X
TLAP Only: Route copy of new and major amend.

PRE TECH REVIEW REQUIRED 1/18/2022 N/A_____
Route copy of new, major amendments, major facilities or final flow ≥ 1MGD for Municipal.

COASTAL ZONE DETERMINATION _____ N/A X
Route copy of new application or major amendment when the facility is located in the noted county

COMMENTS ARE DUE TO APPLICATIONS TEAM BY CLOSING ON 1/27/2022

*PRE TECH REVIEW PERFORMED BY*_____

THE ATTACHMENT SHOULD BE PROVIDED TO THE APPLICATIONS TEAM AT THE END OF THE 5TH WORKING DAY

Coastal Zone Determination

(To Be Verified Upon Receipt Of The Application)

Permit Number WQ0016092001 **County** Grayson

Indicate Type of Application:

☐ **Renewal** ☐ **Minor Amendment** ☐ **Major Amendment**

Is the facility on the Coastal Zone list?

☐ YES (Coastal Zone statement will be included in the "Notice of Draft Permit") (If a major amendment - statement will be included in the "Notice of Receipt")

☐ NO (Do not include statement in any notice)

☒ **New** ☐ **Major Amendment**

Is the facility located in one of the following counties?

☐ Aransas	☐ Galveston	☐ Kleberg	☐ San Patricio
☐ Brazoria	☐ Harris	☐ Matagorda	☐ Victoria
☐ Calhoun	☐ Jackson	☐ Nueces	☐ Willacy
☐ Cameron	☐ Jefferson	☐ Orange	
☐ Chambers	☐ Kenedy	☐ Refugio	

☐ YES Send the application to Water Quality Assessment Team for Coastal Zone Determination.

☒ NO No further review needed (Do not include statement in any notice)

Water Quality Assessment Section's determination:

Is the discharge in the Coastal Zone?

☐ YES Coastal Zone statement shall be included in the Admin Complete Notice

☐ NO Do not include statement in the Admin Complete Notice

Return to Applications Team by _____

Look Up a ZIP Code™ FAQs (https://www.usps.com/faqs.htm)

Go to

ZIP Code™ by Address

You entered:

2101 CEDAR SPRINGS DR SUITE 700
DALLAS TX
75201

If more than one address matches the information provided, try narrowing your search by entering a street address and, if applicable, a unit number. **Edit and search again. (zip-code-lookup.htm?byaddress)**

Feedback

2101 CEDAR SPRINGS RD STE 700
DALLAS TX **75201-1504**

Look Up Another ZIP Code™

Edit and Search Again (/zip-code-lookup.htm?byaddress)

Look Up a ZIP Code™ FAQs (https://www.usps.com/faqs.htm)

Go to

ZIP Code™ by Address

You entered:

3100 ALVIN DEVANE BLVD SUITE 150
AUSTIN TX
78741

If more than one address matches the information provided, try narrowing your search by entering a street address and, if applicable, a unit number. **Edit and search again. (zip-code-lookup.htm?byaddress)**

Feedback

3100 ALVIN DEVANE BLVD STE 150
AUSTIN TX **78741-7409**

Look Up Another ZIP Code™

Edit and Search Again (/zip-code-lookup.htm?byaddress)

Questions or Comments >>

Additional ID Detail	Map It	Copy Map It URL			
Additional ID Program:	WWPERMIT		Legacy System (Code):	(WQ)	
Additional ID:	WQ0016092001	Status:	PENDING	ID Type:	PERMIT
Name:	TREASURE ISLAND WWTP			Sec. Addn Id:	TX0142263, EPA ID
Physical Address:	Not on file				
Description:	APPROX 0.81 MILES NORTHEAST OF INTERSECTION OF FARMINGTON RD AND HODGINS ROAD				
County:	GRAYSON	Region:	REGION 04 - DFW METROPLEX		
Nearest City:	VAN ALSTYNE	State:	TX	Nearest Zip:	
Latitude:	33° 27 min 21 sec (33.455858)		Longitude:	96° 37 min 54 sec (-96.631606)	

0 Records

Industry Types			
Classification System	Code	Name	Primary Flag

1-1 of 1 Record

Site Classifications				
Program	Site Classification	Begin Date	End Date	CMS Min Freq Qty
WASTEWATER	DOMESTIC MINOR	01/18/2022	12/31/3000	0

1-1 of 1 Record

Customers		List All
CN Number	Name	Role
CN605975267	TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC	OWNOPR

1-1 of 1 Record

Issued To			
CN Number	Issued To Name	Start Date	View 'Issued To' History
CN605975267			View

Regulated Entity					
Reference Number:	RN111409553	Name:	TREASURE ISLAND WWTP	Stand-Alone:	N
Business Description:	TREATMENT OF DOMESTIC WASTEWATER				

Location					
Address:	Not on file				
Description:	APPROX 0.81 MILES NORTHEAST OF INTERSECTION OF FARMINGTON RD AND HODGINS ROAD				
County:	GRAYSON		Region:	REGION 04 - DFW METROPLEX	
Nearest City:	VAN ALSTYNE	State:	TX	Nearest Zip:	
Latitude:	33° 27 min 21 sec (33.455858)		Longitude:	96° 37 min 54 sec (-96.631606)	

TEXAS SECRETARY of STATE
JOHN B. SCOTT

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number:	804319107	**Entity Type:**	Foreign Limited Liability Company (LLC)
Original Date of Filing:	November 18, 2021	**Entity Status:**	In existence
Formation Date:	N/A		
Tax ID:	32081979414	**FEIN:**	870849561

Name: Treasure Island Laguna Azure LLC fka Canary Island Laguna Azure LLC
Address: 2101 Cedar Springs Road, Suite 700
Dallas, TX 75201 USA
Fictitious Name: N/A
Jurisdiction: WY, USA
Foreign Formation Date: May 24, 2021

REGISTERED AGENT | FILING HISTORY | NAMES | MANAGEMENT | ASSUMED NAMES | ASSOCIATED ENTITIES | INITIAL ADDRESS

Assumed Name	Date of Filing	Expiration Date	Inactive Date	Name Status	Counties
No names exist for this filing.					

Order | Return to Search

Instructions:
- To place an order for additional information about a filing press the 'Order' button.

Franchise Tax Account Status

As of : 02/08/2022 16:09:52

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND

Texas Taxpayer Number	32081979414
Mailing Address	5560 TENNYSON PKWY STE 250 PLANO, TX 75024-3582
Right to Transact Business in Texas	ACTIVE
State of Formation	WY
Effective SOS Registration Date	11/18/2021
Texas SOS File Number	0804319107
Registered Agent Name	HESSE, HESSE & BLYTHE PC
Registered Office Street Address	5560 TENNYSON PARKWAY SUITE 250 PLANO, TX 75024

Water Quality Receipt Report

JAN-19-22 09:00 PM

Paid In By: MAUD, CITY OF

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M022261A	14025001	CK	1125		14-JUL-20	-$800.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M022261B	14025001	CK	1125		14-JUL-20	-$15.00

Paid In By: MAURICEVILLE MUD

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M014371A	13839001	CK	24163		12-FEB-20	-$2000.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M014371B	13839001	CK	24163		12-FEB-20	-$15.00

Paid In By: MCBRIDE, JOSEPH E

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M101627A	12893001	CK	8146		16-OCT-20	-$300.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M101627B	12893001	CK	8146		16-OCT-20	-$15.00

Paid In By: MCCLURE & BROWNE ENGINEERING SURVEYING INC

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M023277A	15341001	CK	13683		11-AUG-20	-$800.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M023277B	15341001	CK	13683		11-AUG-20	-$15.00

Paid In By: MCLENNAN COUNTY WCID 2

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M115508	15965001	CK	7232		29-MAR-21	-$35.00

Paid In By: MCMULLEN COUNTY WCID 1

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M016697A	14945001	CK	7060		13-MAR-20	-$500.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M016697B	14945001	CK	7060		13-MAR-20	-$15.00

Paid In By: MCNALLY, CONNOR

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M100233	01674000	CK	6844508402		03-SEP-20	-$100.00

Paid In By: MEGATEL HOMES LLC

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M209523A		CK	75400		19-JAN-22	-$2000.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M209523B		CK	75400		19-JAN-22	-$50.00

Water Quality Receipt Report

Paid In By: MCNALLY, CONNOR

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M100233	01674000	CK	6844508402		03-SEP-20	-$100.00

Paid In By: MEGATEL HOMES LLC

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M209523A		CK	75400		19-JAN-22	-$2000.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M209523B		CK	75400		19-JAN-22	-$50.00

Paid In By: MELDEN & HUNT INC

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M018216A	13523010	CK	33442		22-APR-20	-$300.00
WATER QUALITY PERMIT APPLICATION	WQP	M018217A	13523013	CK	33443		22-APR-20	-$300.00
WATER QUALITY PERMIT APPLICATION	WQP	M018218A	13523009	CK	33441		22-APR-20	-$300.00
WATER QUALITY PERMIT APPLICATION	WQP	M018219A	13523007	CK	33440		22-APR-20	-$300.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M018216B	13523010	CK	33442		22-APR-20	-$15.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M018217B	13523013	CK	33443		22-APR-20	-$15.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M018218B	13523009	CK	33441		22-APR-20	-$15.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M018219B	13523007	CK	33440		22-APR-20	-$15.00
WATER QUALITY PERMIT APPLICATION	WQP	M019416A	13523016	CK	33444		18-MAY-20	-$300.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M019416B	13523016	CK	33444		18-MAY-20	-$15.00

Paid In By: MELLISA COOPER

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	PI00528489	477254	IFCE	582HA000400205		21-SEP-20	-$300.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	PI00528488	477255	IFCE	582HA000400205		21-SEP-20	-$50.00

Paid In By: MELROSE MHP LLC

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M108168	12281001	CK	1130		23-DEC-20	-$100.00

Paid In By: MERITAGE HOMES OF TEXAS LLC

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M016577A		CK	62042693		12-MAR-20	-$800.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M016577B		CK	62042693		12-MAR-20	-$50.00

Report_ID: A00161

TCEQ

Basis 2 A/R Outstanding Past Due Transactions Detail Report By Customer Name

FEB 03-22 06:30 AM

Customer Name: TRAVIS U-FLOTK-N LLC
Account #: 0054270A **Debtcollpath Stage:** UNCOL:EXHAUST **Calls:**

						Total of delinquent transactions (Account):	$168.89
						Total of delinquent transactions (Customer):	$168.89

Customer Name: TRC GENERAL HOLDINGS LLC
Account #: 0902808 **Debtcollpath Stage:** AGENCY:REFERRED,WHOLD:REFERRED **Calls:** MAIL

VCP	VCP0048875	VOL CLEANUP MAY21	FY21	34774	31-JUL-21	31-AUG-21	$115.00
VCP	VCP0048875	COLLECTION COST RECOVERY			03-DEC-21	03-DEC-21	$28.75
						Total of delinquent transactions (Account):	$143.75
						Total of delinquent transactions (Customer):	$143.75

Customer Name: TREADSTONE ENVIRONMENTAL SERVI
Account #: 0809655H **Debtcollpath Stage:** AGENCY:REFERRED **Calls:**

WMS	WMS0045268	MUN TRAN SLDG FEE GALS	FY19	25619	31-JUL-19	31-AUG-19	$100.00
WMS	WMS0046913	MUN TRAN SLDG FEE GALS	FY20	25619	31-JUL-20	31-AUG-20	$500.00
WMS	SC00260062	LATE FEE - AUG 2020			10-AUG-20	10-AUG-20	$.57
WMS	SC00261115	LATE FEE - SEP 2020			10-SEP-20	10-SEP-20	$25.57
WMS	SC00262015	LATE FEE - OCT 2020			10-OCT-20	10-OCT-20	$25.57
WMS	SC00263500	LATE FEE - NOV 2020			10-NOV-20	10-NOV-20	$3.44
WMS	WMS0046913	COLLECTION COST RECOVERY			04-DEC-20	04-DEC-20	$125.00
WMS	SC00265718	LATE FEE - DEC 2020			10-DEC-20	10-DEC-20	$3.44
WMS	WMS0047281	MUN TRAN SLDG FEE GALS	FY21	25619	31-DEC-20	31-JAN-21	$100.00
WMS	SC00268183	LATE FEE - JAN 2021			10-JAN-21	10-JAN-21	$2.54
WMS	SC00270715	LATE FEE - FEB 2021			10-FEB-21	10-FEB-21	$7.56
WMS	SC00272601	LATE FEE - APR 2021			10-APR-21	10-APR-21	$2.96
WMS	WMS0047281	COLLECTION COST RECOVERY			30-APR-21	30-APR-21	$25.00
WMS	SC00274160	LATE FEE - MAY 2021			10-MAY-21	10-MAY-21	$2.96
WMS	SC00275373	LATE FEE - JUN 2021			10-JUN-21	10-JUN-21	$2.96
WMS	SC00276281	LATE FEE - JUL 2021			10-JUL-21	10-JUL-21	$2.96
WMS	SC00277061	LATE FEE - AUG 2021			10-AUG-21	10-AUG-21	$2.96
WMS	SC00277954	LATE FEE - SEP 2021			10-SEP-21	10-SEP-21	$2.96
WMS	SC00279500	LATE FEE - OCT 2021			10-OCT-21	10-OCT-21	$2.96
WMS	SC00281300	LATE FEE - NOV 2021			10-NOV-21	10-NOV-21	$2.96
WMS	SC00283752	LATE FEE - DEC 2021			10-DEC-21	10-DEC-21	$2.96
WMS	SC00287237	LATE FEE - JAN 2022			10-JAN-22	10-JAN-22	$2.96
						Total of delinquent transactions (Account):	$948.27
						Total of delinquent transactions (Customer):	$948.27

Customer Name: TREECE CATHY
Account #: 0048302U **Debtcollpath Stage:** UNCOL:EXHAUST **Calls:**

UST	SC2504-001	LATE FEE FOR UST0488239		0000014905	10-DEC-04	10-JAN-05	$.83
UST	SC2504-002	LATE FEE FOR UST0454843		0000014905	10-DEC-04	10-JAN-05	$.83
UST	SC2505-001	LATE FEE FOR UST0488239		0000014905	10-JAN-05	10-FEB-05	$.87
UST	SC2505-002	LATE FEE FOR UST0454843		0000014905	10-JAN-05	10-FEB-05	$.87
UST	SC2506-001	LATE FEE FOR UST0488239		0000014905	10-FEB-05	10-MAR-05	$1.04
UST	SC2506-002	LATE FEE FOR UST0454843		0000014905	10-FEB-05	10-MAR-05	$1.04
UST	SC2507-001	LATE FEE FOR UST0488239		0000014905	10-MAR-05	10-APR-05	$1.04
UST	SC2507-002	LATE FEE FOR UST0454843		0000014905	10-MAR-05	10-APR-05	$1.04
						Total of delinquent transactions (Account):	$7.56
						Total of delinquent transactions (Customer):	$7.56

Customer Name: TREKKER, LTD
Account #: 22502631 **Debtcollpath Stage:** AGENCY:REFERRED **Calls:** MAIL

STX	STX0047193	AWR CHARGE AF	FY21	3841-603-0	31-OCT-20	30-NOV-20	$1.55
STX	STX0047191	ASSESSMENT CHARGE	FY21	3841-602-0	31-OCT-20	30-NOV-20	$50.00
STX	STX0047192	AWR CHARGE AF	FY21	3841-602-0	31-OCT-20	30-NOV-20	$.88
STX	SC00266361	LATE FEE - DEC 2020			10-DEC-20	10-DEC-20	$2.61
STX	SC00266441	LATE FEE - JAN 2021			10-JAN-21	10-JAN-21	$2.61

Location Mapper

Find address or place

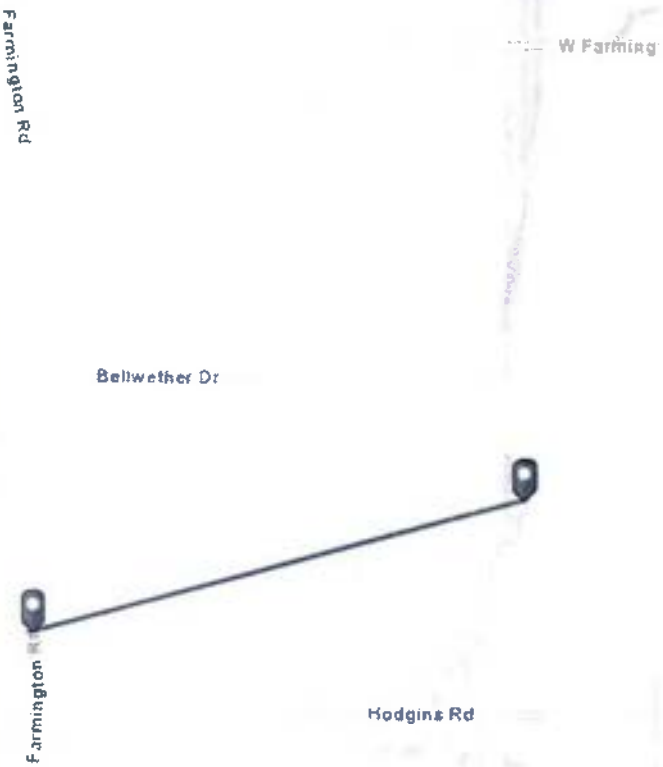
Measurement

| Miles

Measurement Result

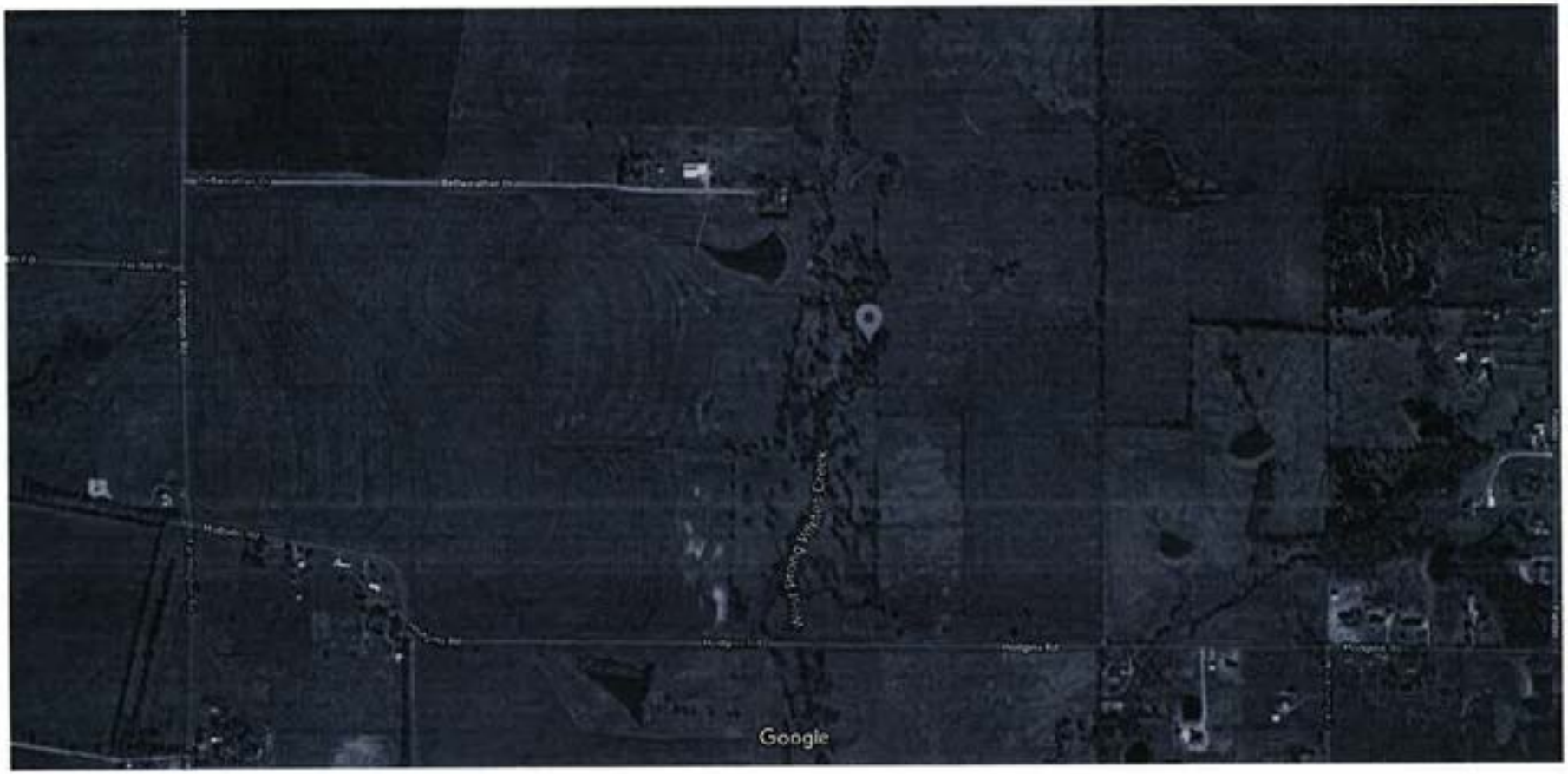
0.77 Miles

Press CTRL to enable snapping



0 0.15 0.3mi

Google Maps 33°27'21.1"N 96°37'53.8"W



Google van alstyne public library

All Maps News Images Shopping More Tools

About 166,000 results (0.96 seconds)

https://cityofvanalstyne.us › Departments

Library - City of Van Alstyne, Texas

Saturday 10 AM - 2 PM. Closed Friday & Sunday. Contactless curbside service with telephone service available M-F 9 am - 6 pm. **Public** wi-fi available 24/7 in ...

Location & Hours
Saturday 10 AM - 2 PM. Closed Friday & Sunday. ... Patrons ...

Ebooks
This link opens the Northeast Texas Digital Consortium ...

Services & Programs
Saturday 10 AM - 2 PM. Closed Friday & Sunday. ... Patrons ...

About Us
The Mission of the Van Alstyne Public Library is to enhance the ...

Library Cards
Saturday 10 AM - 2 PM. Closed Friday & Sunday. Curbside ...

Library Board
8:30 AM - 5:00 PM Mon.-Fri. or e-mail us. 152 N Main Dr. map ...

More results from cityofvanalstyne.us »

https://www.facebook.com › ... › Library

Van Alstyne Public Library - Home | Facebook

Van Alstyne Public Library · 535 people checked in here · http://www.cityofvanalstyne.us/library · (903) 482-5991 · Library.

Rating: 5 · 12 votes

https://friendsofvalibrary.com

Friends of Van Alstyne Library – A Non-Profit Organization ...

The **public library** is a home for lifelong learning. But, the city budget is limited – this is where volunteers and donors step in. If you are new to our ...

Van Alstyne Public Library

Website Directions Save Call

4.8 6 Google reviews

Public library in Van Alstyne, Texas

Address: 151 W Cooper St, Van Alstyne, TX 75495

Hours: **Tuesday** **11AM–6PM**
Wednesday 11AM–6PM
Thursday 11AM–6PM
Friday Closed
Saturday 10AM–2PM
Sunday Closed
Monday 11AM–6PM

Suggest new hours

Phone: (903) 482-5991

Suggest an edit · Own this business?

Know this place? Share the latest info

CONTACT THE LIBRARY:

151 W. Cooper St. map
Post Office Box 247
Van Alstyne, TX 75495

(903) 482-5991

Mon., Wed., Thurs. 11am - 6pm
Tuesday 11am - 7pm
Friday & Sunday CLOSED
Saturday 10am - 2pm
Curbside service: Call us or email
vaplcurbside@gmail.com

Patrons entering the facility are asked to utilize the sanitization station and observe social distancing guidelines of at least 6 ft.

Search

REACHING CITY HALL:

Did you Know?

We have free Wi-Fi & fully-equipped desktop PC's!

Like Keep up to date with our news and events. Like us on Facebook!

5:30 pm - 6:30 pm
5 Library Board

12:00 pm - 1:30 pm
18 Winding Road Book Club

View Calendar

NEWS:

Family Game Night February 8th
February 1, 2022

Story Time February Theme – Kindness
January 31, 2022

Spanish Story Time
January 31, 2022

Winding Road Book Club

APP-0168

TEXAS SECRETARY of STATE
JOHN B. SCOTT

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number:	804319107	**Entity Type:**	Foreign Limited Liability Company (LLC)
Original Date of Filing:	November 18, 2021	**Entity Status:**	In existence
Formation Date:	N/A		
Tax ID:	32081979414	**FEIN:**	870849561

Name: Treasure Island Laguna Azure LLC fka Canary Island Laguna Azure LLC

Address: 2101 Cedar Springs Road, Suite 700
Dallas, TX 75201 USA

Fictitious Name: N/A

Jurisdiction: WY, USA

Foreign Formation Date: May 24, 2021

REGISTERED AGENT | FILING HISTORY | NAMES | MANAGEMENT | ASSUMED NAMES | ASSOCIATED ENTITIES | INITIAL ADDRESS

Name	Address	Inactive Date
Hesse, Hesse & Blythe PC	5560 Tennyson Parkway, Suite 250 Plano, TX 75024 USA	

Order | Return to Search

Instructions:

- To place an order for additional information about a filing press the 'Order' button.

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

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

J. Early compliance:
N/A

Sites Outside of Texas:
N/A

PLEASE KEEP LANDOWNER LIST ON

LEFT SIDE OF FILE THROUGHOUT THE

APPLICATION PROCESS

(THIS INCLUDES FILES BEING

REMANDED)

AVERY 5160®

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Bend along line to expose Pop-up Edge®

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Use Avery Template 51

ANTHONY A GRISOLIA
2128 HODGINS
VAN ALSTYNE TX 75495

BARRY R & MARY E WHITE
408 HARRISON CIR
VAN ALSTYNE TX 75495

BILLIE RUTH MOORE
2252 HODGINS RD
VAN ALSTYNE TX 75495

BILLY N HALE
400 HALE PL
VAN ALSTYNE TX 75495

BJ & KENDRA BOATMAN
1983 BOST RD
VAN ALSTYNE TX 75495

BRAD BUTLER & KIMBERLY FLETCHER
PO BOX 1385
VAN ALSTYNE TX 75495

BROWN WILLIAM LIVING TRUST
4535 MILL CREEK ROAD
DALLAS TX 75244

BURT K HAMULA
740 EVERGREEN LN
MEAD OK 73449

CHRIS PAUL & DEBORAH ROSE DORAK
388 HARRISON CIRCLE
VAN ALSTYNE TX 75495

DAMON & KERI L LEINART
360 HARRISON CIR
VAN ALSTYNE TX 75495

DAVID MICHAEL MCMAKIN
PO BOX 1516
VAN ALSTYNE TX 75495

DOUGLAS SCOTT & NANCY SHAW
1603 HACKBERRY
VAN ALSTYNE TX 75495

FLORA NEOMA BURK
9759 FARMINGTON RD
VAN ALSTYNE TX 75495

GARY LYNN TOMBERLIN
9669 FARMINGTON RD
VAN ALSTYNE TX 75495

GERONIMO S SANTIBANEZ
10040 FARMINGTON RD
VAN ALSTYNE TX 75495

GOLDEN CORNER LTD
8320 BARBER OAK DR
PLANO TX 75025

JAMES GRISOLIA
2038 HODGINS RD
VAN ALSTYNE TX 75495

JAMES MCNEME V
1971 HACKBERRY RD
VAN ALSTYNE TX 75495

JAMES PARK FIELDER III
PO BOX 638
VAN ALSTYNE TX 75495

JOHN W CRAIG
4307 WILLIFORD ROAD
SACHSE TX 75048

KATHRYN E HIEGERT SMITH
735 S BRIDGEFARMER RD
MCKINNEY TX 75069

KERRY CRAIG PAREDES
313 WILLIAMSBURG
VAN ALSTYNE TX 75495

L RANDOLPH & DEBRA S PETTIT
P O BOX 763
VAN ALSTYNE TX 75495

LARRY L FLECK
1146 HODGINS RD
VAN ALSTYNE TX 75495

LOREN L DEMERS
783 FIELDER RD
VAN ALSTYNE TX 75495

LORETTA CALLAHAN WALKER
9898 FARMINGTON RD
VAN ALSTYNE TX 75495

MACIEK P & CATHY NAZARKO
PO BOX 279
VAN ALSTYNE TX 75495

MARILEE SPECIAL UTILITY DISTRICT
PO BOX 1017
CELINA TX 75009

MATT CAVENDER
15371 US HWY 75
VAN ALSTYNE TX 75495

MBA MCKINNEY PROPERTIES II LTD
PO BOX 8137
WACO TX 76714

Pat.avery.com/patents

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Repliez à la hachure afin de révéler le rebord Pop-up®

Utilisez le gabarit Avery 5160

MICHAEL A & STELLA J TURNER
1017 HODGINS RD
VAN ALSTYNE TX 75495

MOTL KATHRYN E & PEGGY J CRABTREE
ESTATE
561 FIELDER RD
VAN ALSTYNE TX 75495

MURRAY D & ANITA M PARHAM
113 WATER CRESS CIR
JERSEY VILLAGE TX 77064

PATRICIA BOWDEN CRAIG
4307 WILLIFORD WOODS
SACHSE TX 75048

PATSY L KIRBY
8187 FARMINGTON RD
VAN ALSTYNE TX 75495

PETER M ZIELINSKI
296 HARRISON CIRCLE
VAN ALSTYNE TX 75495

RASOR W H III AND SMITH LAURA
RASOR AND MBA MCKINNEY
PROPERTIES II LTD
1800 LOVERS LEAP LN
VAN ALSTYNE TX 75495

RICHARD M & TRACY LINNEBUR
1783 HACKBERRY RD
VAN ALSTYNE TX 75495

RICK K WALKER
P O BOX 1179
PILOT POINT TX 76258

ROBERT P & KATHY L BECK
2208 HOBKIRKS HILL
MCKINNEY TX 75070

SAMUEL J ATKINS III
1347 LOVERS LEAP LANE
VAN ALSTYNE TX 75495

SCOTT RANDOLPH
260 HARRISON CR
VAN ALSTYNE TX 75495

SUZANNE CLAY
1765 BOST RD
VAN ALSTYNE TX 75495

TERRY CROSBY
9650 FARMINGTON RD
VAN ALSTYNE TX 75495

THOMAS N & MARY CHAPMAN
687 FIELDER RD
VAN ALSTYNE TX 75495

WENDELL STEPHENS
PO BOX 980
VAN ALSTYNE TX 75495

WILLIAM H RASOR & LURA RASOR
SMITH
1800 LOVERS LEAP
VAN ALSTYNE TX 75495

Jazzmin Hernandez

From: Jonathan Nguyen <jnguyen@jonescarter.com>
Sent: Thursday, February 10, 2022 9:23 AM
To: Jazzmin Hernandez
Cc: Amy Hennard; Alex Pfefferkorn
Subject: RE: WQ0016092001 Treasure Island Laguna Azure LLC Notice of Receipt and Intent Review

NORI looks good to me.

Thank you,

Jonathan Nguyen
Permitting Specialist
jnguyen@jonescarter.com

JONES | CARTER

From: Jazzmin Hernandez <Jazzmin.Hernandez@tceq.texas.gov>
Sent: Thursday, February 10, 2022 8:34 AM
To: Jonathan Nguyen <jnguyen@jonescarter.com>
Cc: Amy Hennard <AHennard@jonescarter.com>; Alex Pfefferkorn <APfefferkorn@jonescarter.com>
Subject: RE: WQ0016092001 Treasure Island Laguna Azure LLC Notice of Receipt and Intent Review
Importance: High

Good morning,

Thank you for your response.

I apologize for that typo. It should read as:

APPLICATION. Treasure Island Laguna Azure LLC, 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016092001 (EPA I.D. No. TX0142263) to authorize the discharge of treated wastewater at a volume not to exceed an annual average flow of 1,400,000 gallons per day. The domestic wastewater treatment facility is located approximately 0.81 mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495. The discharge route is from the plant site to West Prong Whites Creek; thence to Whites Creek; thence to East Fork Trinity River Above Lake Lavon; thence to Lake Lavon. TCEQ received this application on January 18, 2022. The permit application is available for viewing and copying at Van Alstyne Public Library, 151 West Cooper Street, Van Alstyne, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application. https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-96.631606%2C33.455858&level=12

Further information may also be obtained from Treasure Island Laguna Azure LLC at the address stated above or by calling Mr. Jonathan Nguyen, Jones & Carter, Inc., at 512-685-5156.

In red is what the sentence should read as. If everything looks good, I will work on declaring the application Administratively Complete in the next week or two.

Thank you,

Jazzmin Hernandez
License & Permit Specialist III
ARP Team | Water Quality Division
Texas Commission on Environmental Quality
Phone: 512-239-1444 Work Cell: 281-743-8694

From: Jonathan Nguyen <jnguyen@jonescarter.com>
Sent: Thursday, February 10, 2022 7:29 AM
To: Jazzmin Hernandez <Jazzmin.Hernandez@tceq.texas.gov>
Cc: Amy Hennard <AHennard@jonescarter.com>; Alex Pfefferkorn <APfefferkorn@jonescarter.com>
Subject: RE: WQ0016092001 Treasure Island Laguna Azure LLC Notice of Receipt and Intent Review

Good morning Ms. Hernandez,

Attached are the items needed for this Notice of Deficiency. This is a new application. The NORI statement below says that this is an application to "authorize an increase of the discharge of wastewater…." Should this indicate that this is a new application?

Please let me know if you need anything else for this application.

Thank you,

Jonathan Nguyen
Permitting Specialist
jnguyen@jonescarter.com

JONES | CARTER
3100 Alvin Devane Blvd, Suite #150,
Austin, TX 78741
Telephone 512.441.9493 Ext. 3451
Direct 512.685.5156

www.jonescarter.com
Join our team!

From: Jazzmin Hernandez <Jazzmin.Hernandez@tceq.texas.gov>
Sent: Wednesday, February 9, 2022 2:42 PM
To: Jonathan Nguyen <jnguyen@jonescarter.com>
Subject: WQ0016092001 Treasure Island Laguna Azure LLC Notice of Receipt and Intent Review
Importance: High

Good afternoon Mr. Nguyen,

I have reviewed the application to renew Permit No. WQ0016092001, however, there are few items missing. These items can be accepted via email.

Section 7, on page 6, of the Administrative Report 1.0: The DMR/MER Contact Information must be filled out, even if no one has been selected. When operations begin and an individual is chosen, who is different from the application, sending us that updated contact information, in writing, will update our database. Please provide a revised page with the section completed in response to this email.

Section 1, on page 14, of the Administrative Report 1.1: The application indicated a readable/writeable CD was provided; however, none was found. Please provide the Microsoft Document listing the Affected Landowner's Mailing Addresses in response to this email.

Below is a draft portion of the Notice of Receipt and Intent for just a Renewal without changes, to review and confirm for accuracy. If you find any errors/omissions, please let me know and I will make the necessary adjustments:

APPLICATION. Treasure Island Laguna Azure LLC, 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016092001 (EPA I.D. No. TX0142263) to authorize an increase of the discharge of treated wastewater at a volume not to exceed an annual average flow of 1,400,000 gallons per day. The domestic wastewater treatment facility is located approximately 0.81 mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495. The discharge route is from the plant site to West Prong Whites Creek; thence to Whites Creek; thence to East Fork Trinity River Above Lake Lavon; thence to Lake Lavon. TCEQ received this application on January 18, 2022. The permit application is available for viewing and copying at Van Alstyne Public Library, 151 West Cooper Street, Van Alstyne, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application. https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-96.631606%2C33.455858&level=12

Further information may also be obtained from Treasure Island Laguna Azure LLC at the address stated above or by calling Mr. Jonathan Nguyen, Jones & Carter, Inc., at 512-685-5156.

Please respond (by email) to these item(s) no later than end of day on **February 10, 2022**. If you have any further questions/concerns, please feel free to contact me.

If you have any questions, please feel free to call and ask me.

Thank you,

Jazzmin Hernandez
License & Permit Specialist III
ARP Team | Water Quality Division
Texas Commission on Environmental Quality
Phone: 512-239-1444 Work Cell: 281-743-8694

Please consider whether it is necessary to print this e-mail
How is our customer service? Fill out our online customer satisfaction survey at www.tceq.texas.gov/customersurvey

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This e-mail and any attachments are intended only for the named recipient(s) and may contain information that is legally privileged, confidential, or exempt from disclosure under applicable law. If you have received this message in error, or are not the named recipient(s), you may not retain, copy or use this e-mail or any attachment for any purpose or disclose all or any part of the contents to any other person. Any such dissemination, distribution or copying of this e-mail or its attachments is strictly prohibited. Please immediately notify the sender and permanently delete this e-mail and any attachment from your computer and/or electronic devices. Any personal views or opinions expressed by the writer may not necessarily reflect the views or opinions of Jones & Carter, Inc.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

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Discharge Monitoring Reports (EPA 3320-1) or maintain Monthly Effluent Reports.

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

First and Last Name: Steve Maglisceau

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

Title: Vice President

Organization Name: Treasure Island Laguna Azure LLC

Mailing Address: 2101 Cedar Springs Rd, Suite 700

City, State, Zip Code: Dallas, TX 75201

Phone No.: 214-396-4233 Ext.: Fax No.:

E-mail Address: steve.maglisceau@megatelhomes.com

DMR data is required to be submitted electronically. Create an account at: https://www.tceq.texas.gov/permitting/netdmr/netdmr.html.

Section 8. Public Notice Information (Instructions Page 31)

A. Individual Publishing the Notices

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

First and Last Name: Jonathan Nguyen

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

Title: Permit Specialist

Organization Name: Jones & Carter, Inc.

Mailing Address: 3100 Alvin Devane Blvd, Suite 150

City, State, Zip Code: Austin, TX 78741

Phone No.: 512-685-5156 Ext.: Fax No.:

E-mail Address: jnguyen@jonescarter.com

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

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

☒ E-mail Address

☐ Fax

☐ Regular Mail

C. Contact person to be listed in the Notices

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

AR-3

Declaration of Administrative Completeness and Notice of Receipt of Application and Intent to Obtain Permit Documentation, and Applicant's Verification of First Notice

Jazzmin Hernandez

From:	Jazzmin Hernandez
Sent:	Monday, February 28, 2022 11:25 AM
To:	Jonathan Nguyen
Subject:	Notice Information for Permit No. WQ0016092001 - Treasure Island Laguna Azure LLC
Attachments:	WQ0016092001AdminCompleteLetter.pdf; WQ0016092001NORIInstructions.docx; WQ0016092001Notice.docx; WQ0016092001NORIPNVForm.docx; WQ0016092001Affidavits.docx
Importance:	High

Permit No. WQ0016092001

Applicants are required to publish the Notice of Receipt of Application and Intent to Obtain a Water Quality Permit within 30 days of the application being declared administratively complete.

Attached is:

- ☐ Letter of Declaration of Administrative Completeness
- ☐ Instructions of Public Notice
- ☐ Notice of Receipt of Application and Intent to Obtain a Water Quality Permit
- ☐ Affidavit of Publication
- ☐ Public Notice Verification Form
- ☐ Template for Notice of Receipt of Application and Intent to Obtain a Water Quality Permit in Spanish Language (if applicable)

The original documents will be sent by our Chief Clerk's Office via regular mail.

Thank you,

Jazzmin Hernandez
License & Permit Specialist III
ARP Team | Water Quality Division
Texas Commission on Environmental Quality
Phone: 512-239-1444 Work Cell: 281-743-8694

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 28, 2022

Mr. Jonathan Nguyen
Permit Specialist
Jones & Carter, Inc.
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

RE: Declaration of Administrative Completeness
Applicant Name: Treasure Island Laguna Azure LLC (CN605975267)
Proposed Permit No.: WQ0016092001 (EPA I.D. No. TX0142263)
Site Name: Treasure Island Wastewater Treatment Plant (RN111409553)
Type of Application: New

Dear MR. Nguyen:

The executive director has declared the above referenced application, received on January 18, 2022 administratively complete on February 28, 2022.

You are now required to publish notice of your proposed activity and make a copy of the application available for public review. The following items are included to help you meet the regulatory requirements associated with this notice:

- Instructions for Public Notice
- Notice for Newspaper Publication
- Public Notice Verification Form
- Publisher's Affidavits

You must follow all the directions in the enclosed instructions. The most common mistakes are the unauthorized changing of notice, wording, or font. If you fail to follow these instructions, you may be required to republish the notices.

The following requirements are also described in the enclosed instructions. However, due to their importance, they are highlighted here as well.

1. Publish the enclosed notice within **30 calendar days** after your application is declared administratively complete. (See this letter's first paragraph for the declaration date.) **You may be required to publish the notice in more than one newspaper, including a newspaper published in an alternative language, to satisfy all of the notice requirements.**

2. On or before the date you publish notice, place a copy of your permit application in a public place in the county where the facility is or will be located. This copy must be accessible to the public for review and copying,

must be updated to reflect changes to the application, and must remain in place throughout the comment period.

3. For each publication, submit proof of publication of the notice that shows the publication date and newspaper name to the Office of the Chief Clerk within **30 calendar days** after notice is published in the newspaper.

4. Return the original enclosed Public Notice Verification and the Publisher's Affidavits to the Office of the Chief Clerk within **30 calendar days** after the notice is published in the newspaper.

If you do not comply with all the requirements described in the instructions, further processing of your application may be suspended, or the agency may take other actions.

If you have any questions regarding publication requirements, please contact the Office of Legal Services at (512) 239-0600. If you have any questions regarding the content of the notice, please contact Ms. Jazzmin Hernandez at (512) 239-1444.

Sincerely,

Erika Crespo

Erika Crespo, Assistant Deputy Director
Applications Review and Processing Team (MC-148)
Water Quality Division

EC/jh

Enclosures

bcc: TCEQ Region 4, Water Program Manager

Texas Commission on Environmental Quality
Instructions for Public Notice for a Water Quality Permit
Notice of Receipt of Application and Intent to Obtain Permit (NORI)

Your application has been declared administratively complete. You must comply with the following instructions. There are seven (7) steps involved in publishing notice. Complete each step.

1. **REVIEW THE NOTICE FOR ACCURACY**

   Read the enclosed notice carefully and notify the Application Review and Processing Team at 512-239-4671 immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. Do not change the text or formatting of the notice or affidavit of publication without prior approval from the TCEQ. Changing the text or formatting of the notice may require new publication at your expense and delay processing of your application.

2. **PUBLISH THE NOTICE IN THE NEWSPAPER**

   You must publish the enclosed notice within 30 days after the date of administrative completeness. Refer to the cover letter for the date of administrative completeness.

   You must publish the enclosed notice at your expense, at least once in the newspaper of largest circulation within each county where the facility and discharge point are located or will be located. If the facility and discharge point are located or will be located in a municipality, the enclosed notice must be published at least once in a newspaper of general circulation in the municipality. These requirements may be satisfied by one publication if the newspaper meets all of the above requirements.

   The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., bold, italics). Failure to do so may require re-notice.

3. **PUBLISH THE NOTICE IN AN ALTERNATIVE LANGUAGE**

   You must publish notice in an alternative language IF: either the elementary or middle school nearest to the facility or proposed facility is required to provide a "bilingual education program" (BEP) as required by Texas Education Code (TEC), Chapter 29, Subchapter B, and 19 Tex. Admin. Code §89.1205(a) AND one of the following conditions is met:

   - students are enrolled in a program at that school;
   - students from that school attend a bilingual education program at another location; or
   - the school that otherwise would be required to provide a bilingual education program has been granted an exception from the requirements to provide the program as provided for in 19 Tex. Admin. Code §89.1207(a).

   A "bilingual education program" is different from an "English as a second language program" (ESL). An ESL program alone, will not require public notice in an alternative language.

If triggered, you must publish the notice in a newspaper or publication primarily published in the alternative language taught in the bilingual education program. Publication in an alternative language section or insert within a large publication which is not printed primarily in that alternative language does not satisfy these requirements. The newspaper or publication must be of general circulation in the county in which the facility and discharge point are located or proposed to be located. If the facility and discharge point are located or proposed to be located in a municipality, and there exists a newspaper or publication of general circulation in the municipality, you must publish the notice only in the newspaper or publication in the municipality.

You must demonstrate a good faith effort to identify a newspaper or publication in the required language. If there is no general circulation newspaper or publication printed in such language, then publishing in that language is not required. You have the burden to demonstrate compliance with these requirements.

If you are required to publish notice in Spanish, you must translate the site-specific information in the notice that is specific to your application, at your own expense. You may then insert the Spanish translation of your site-specific information into a Spanish template developed by the TCEQ. The Spanish templates are available on the TCEQ website at http://www.tceq.texas.gov/permitting/wastewater/review/wqspanish_nori.html. If you are required to publish notice in a language other than Spanish, you must translate the entire public notice, at your own expense.

4. PUT THE APPLICATION IN A PUBLIC PLACE

You must put a copy of the administratively complete application in the public place identified in the enclosed notice.

This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place for the publication's designated comment period.

During the technical review, you must update the publicly available application so that it includes all application revisions within 10 business days from the date the revision is transmitted to the TCEQ.

For confidential information contained in the application, you must indicate which specific portions of the application cannot be made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087."

5. PROVIDE PROOF OF PUBLICATION

For each newspaper in which you published, you must submit proof of publication. Proof of publication must include the following:

- a completed Publisher's Affidavit (enclosed); and
- a copy of the published notice which shows the notice, the date published, and the newspaper name. The copy must be on standard-size 8½ x 11" paper and must show the actual size of the published notice. Do not reduce the

image when making copies. Published notices longer than 11" must be copied onto multiple 8½ x 11" pages. Or you can submit the original newspaper clipping.

If you are required to publish notice in an alternative language and are unable to do so, complete and submit the Alternative Language Exemption form (enclosed).

6. **PROVIDE PROOF OF APPLICATION VIEWING LOCATION**

You must submit a completed Public Notice Verification Form (enclosed) which certifies that the administratively complete application was placed at the public place identified in the enclosed notice.

7. **SUBMIT PROOFS TO TCEQ**

The proof of publication documents (Step 5) and the completed Public Notice Verification Form (Step 6) must be submitted to TCEQ within 30 days of publication.

By email to: PROOFS@tceq.texas.gov

OR by mail at:
TCEQ
Office of the Chief Clerk, MC 105
Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087

NOTE: If proofs are submitted by email, you do not have to mail in the original documents.

Additional Information

If you fail to publish the notice or submit proofs within the timeframes noted above, the TCEQ may suspend further processing on your application or take other actions in accordance with 30 Tex. Admin. Code §39.405(a).

If you have any questions regarding publication requirements, please contact the Office of Legal Services at 512-239-0600. If you have any questions regarding the content of the notice, please contact the Wastewater Permitting Section at 512-239-4671. When contacting TCEQ regarding this application, please refer to the permit number at the top of the enclosed notice.

If you wish to obtain an electronic copy of the notice, please visit our web site at http://www.tceq.texas.gov/agency/cc/cc_db.html or http://www.tceq.texas.gov/agency/cc/eda.html. Please be aware that formatting codes may be lost and that any notices downloaded from these web sites must be reformatted by you so that your downloaded copy looks like the notice document you received from us.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT

PROPOSED PERMIT NO. WQ0016092001

APPLICATION. Treasure Island Laguna Azure LLC, 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016092001 (EPA I.D. No. TX0142263) to authorize the discharge of treated wastewater at a volume not to exceed an annual average flow of 1,400,000 gallons per day. The domestic wastewater treatment facility is located approximately 0.81 mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495. The discharge route is from the plant site to West Prong Whites Creek; thence to Whites Creek; thence to East Fork Trinity River Above Lake Lavon; thence to Lake Lavon. TCEQ received this application on January 18, 2022. The permit application is available for viewing and copying at Van Alstyne Public Library, 151 West Cooper Street, Van Alstyne, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.
https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-96.631606%2C33.455858&level=12

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list**

for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period. TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.**

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at https://www14.tceq.texas.gov/epic/eComment/, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting

process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Treasure Island Laguna Azure LLC at the address stated above or by calling Mr. Jonathan Nguyen, Jones & Carter, Inc., at 512-685-5156.

Issuance Date: February 28, 2022

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
P.O. BOX 13087
AUSTIN, TX 78711-3087

Applicant Name: Treasure Island Laguna Azure LLC
Permit No.: WQ0016092001

PUBLISHER'S AFFIDAVIT
FOR WATER QUALITY PERMITS

STATE OF TEXAS §
COUNTY OF _____ §

Before me, the undersigned authority, on this day personally appeared

_____ who being by me duly sworn, deposes
(name of person representing newspaper)

and says that **(s)**he is the _____
(title of person representing newspaper)

of the _____; that this newspaper is a newspaper of
(name of newspaper)

largest circulation in _____ County, Texas or is
(name of county)

a newspaper of general circulation in _____,
(name of municipality)

Texas; and that the enclosed notice was published in said newspaper on the following date**(s)**:

_____

_____
(newspaper representative's signature)

Subscribed and sworn to before me this the _____ day of _____,

20____.

(Seal)

_____
Notary Public in and for the State of Texas

_____
Print or Type Name of Notary Public

My Commission Expires _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Notice of Receipt of Application and Intent to Obtain Permit (NORI)
Water Quality Permit

All applicants must complete this page.

Applicant Name:

Site or Facility Name:

Water Quality Permit Number:

Regulated Entity Number: RN Customer Number: CN

PUBLIC VIEWING LOCATION

I certify that a copy of the complete water quality application, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1st day of publication of the NORI until the end of the designated comment period. I further understand that the copy will be updated with any revisions to the application.

Name of Public Place:

Address of Public Place:

Applicant or Applicant Representative Signature: _____

Title: _____ Date: _____

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
P.O. BOX 13087
AUSTIN, TX 78711-3087

Applicant Name: Treasure Island Laguna Azure LLC
Permit No.: WQ0016092001

ALTERNATIVE LANGUAGE
PUBLISHER'S AFFIDAVIT

STATE OF TEXAS §
COUNTY OF _____ §

Before me, the undersigned notary public, on this day personally appeared

_____, who being by me duly sworn, deposes
(name of person representing newspaper)

and says that (s)he is the _____ of the
(title of person representing newspaper)

_____; that said newspaper is
(name of newspaper)

generally circulated in _____ County, Texas and
(same county as proposed facility)

is published primarily in _____ language; that the
(alternative language)

enclosed notice was published in said newspaper on the following date(s):

_____.

Subscribed and sworn to before me this the _____ day of _____,

20____, by _____
(newspaper representative's signature)

(Seal)

_____
Notary Public in and for the State of Texas

_____
Print or Type Name of Notary Public

My Commission Expires _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Notice of Receipt of Application and Intent to Obtain Permit
(NORI)
Water Quality Permit

Complete this page only if you are required to publish in an alternative language and are not able to do so.

Applicant Name:

Site or Facility Name:

Water Quality Permit Number:

Regulated Entity Number: RN Customer Number: CN

ALTERNATIVE LANGUAGE EXEMPTION

I certify that I have conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located or proposed to be located and was unable to publish the notice in the required alternative language because:

☐ A newspaper or publication could not be found in any of the alternative languages in which notice is required.

☐ The publishers of the newspapers listed below refused to publish the notice as requested, and another newspaper or publication in the same language and of general circulation could not be found in the municipality or county in which the facility is located or proposed to be located.

Newspaper Name:

Language:

Applicant or Applicant Representative Signature: _____

Title: _____ Date: _____

Applicant & Their Contacts during Application Process
Mailing List for Notice

TCEQ Proposed Permit No. WQ0016092001

Applicant Information

Legal Name of Facility Owner Treasure Island Laguna Azure LLC

Operator (if required to be co-permittee) N/A

Permit Mailing Address 2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

Customer No.: CN605975267 Regulated Entity No.: RN111409553

Contact Information

Applicant's Representative(s) or Contact Person during Application Process

Mr. Jonathan Nguyen
Permit Specialist
Jones & Carter, Inc.
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

Phone: 512-685-5156
Email: jnguyen@jonescarter.com

Notice To Be Published By

Mr. Jonathan Nguyen
Permit Specialist
Jones & Carter, Inc.
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

Phone: 512-685-5156
Email: jnguyen@jonescarter.com

Mailing Lists

Fixed State Mailing List (By Chief Clerk) SB 709 (X) HB 801 ( ) N/A ( ) Minor Amendment

County Mailing List Grayson

City to Be Notified for Plant Van Alstyne

City to Be Notified for Outfall and/or Disposal Site Van Alstyne

Coastal Zone Management Plan ( ) Yes (X) No

Notice to GLO ( ) Yes (X) No

Adjacent/Downstream Landowners List plus Interested Persons

Landowner Mailing List Attached (X) Yes ( ) No

Bilingual Notice Required ( ) Yes (X) No

Notify Following County Judges Only If They Officially Requested To Be Notified Of All Permit Actions (Only Applies To Facilities with A Flow of 5 MGD or Greater) N/A

WQ STANDARD MAIL LIST

APPLICANT:
MR JONATHAN NGUYEN
JONES & CARTER INC
3100 ALVIN DEVANE BLVD STE 150
AUSTIN, TX 78741-7409

Other Applicant Representatives:

PERMIT #: WQ0016092001
BASIN:
REGION: 4
COUNTY: GRAYSON
DATE NOTICE MAILED: 03/11/2022

PERMITTEE: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC
TO BE PUBLISHED BY: MR JONATHAN NGUYEN
CCO #: 126991
NOTICE TECH INITIALS: KIMOORE

EVELYN ROSBOROUGH
USEPA REGION 6
1445 ROSS AVE STE 1200
MAIL CODE 6WQ
DALLAS TX 75202-2733
rosborough.evelyn@epa.gov
(Rosborough only gets notices with TPDES language.)

CYRUS REED PHD
LONE STAR CHAPTER SIERRA CLUB
PO BOX 4998
AUSTIN TX 78765
cyrus.reed@sierraclub.org

MYRON J HESS
1705 MARGARET ST
AUSTIN TX 78704
myron@myronhess.com

ANNIE SCHMITT
NATIONAL WILDLIFE FEDERATION
505 E HUNTLAND DR STE 485
AUSTIN TX 78752
schmitta@nwf.org

ANNE ROGERS
COASTAL FISHERIES DIVISION – FPP
TEXAS PARKS AND WILDLIFE
INTERAGENCY MAIL
wqnotice@tpwd.state.tx.us

SARA THORNTON
LLOYD GOSSELINK ROCHELLE & TOWNSEND
816 CONGRESS AVE STE 1900
AUSTIN TX 78701
sthornton@lglawfirm.com

RAILROAD COMMISSION OF TEXAS
TECHNICAL PERMITTING, ENVIRONMENTAL SUPPORT
INTERAGENCY MAIL

DONNA MCCARVER
ARCHEOLOGY DIVISION
TEXAS HISTORICAL COMMISSION
INTERAGENCY MAIL
donna.mccarver@thc.texas.gov

NICHOLE SAUNDERS
ENVIRONMENTAL DEFENSE FUND
5400 MUSKET RDG
AUSTIN, TX 78759
nsaunders@edf.org

DAVID T VILLARREAL PH.D.
ENVIRONMENTAL QUALITY PROGRAM
TEXAS DEPARTMENT OF AGRICULTURE
INTERAGENCY MAIL

HEIDI BOJES PH.D.
TEXAS DEPARTMENT OF STATE HEALTH SERVICES
INTERAGENCY MAIL
heidi.bojes@dshs.state.tx.us
(Bojes gets IHW, MSW, and WQ notices.)

KATE ZULTNER
GRANT PROGRAM AND SUPPORT DIVISION
COASTAL RESOURCES PROGRAM
TEXAS GENERAL LAND OFFICE
INTERAGENCY MAIL
federal.consistency@glo.texas.gov
(Zultner only gets notices with CMP language.)

MICHAEL BOOTH
5701 W SLAUGHTER A130-404
AUSTIN TX 78749

THE HONORABLE DREW SPRINGER
TEXAS SENATE
DISTRICT ROOM 3E.18
TEXAS STATE CAPITOL
drew.springer@senate.texas.gov

THE HONORABLE REGGIE SMITH
TEXAS HOUSE OF REPRESENTATIVES
DISTRICT ROOM 4N.7
TEXAS STATE CAPITOL
reggie.smith@house.texas.gov

WQ 0016092001 State 03/08/2022

CITY OF VAN ALSTYNE
HEALTH OFFICIAL
PO BOX 247
VAN ALSTYNE TX 75495-0247

CITY OF VAN ALSTYNE
MAYOR
PO BOX 247
VAN ALSTYNE TX 75495-0247

(City)

GRAYSON COUNTY HEALTH DEPARTME
515 N WALNUT ST
SHERMAN TX 75090-4952

GRAYSON COUNTY JUDGE
COUNTY COURTHOUSE - JUSTICE
100 W HOUSTON ST STE 15
SHERMAN TX 75090-5958

RED RIVER AUTHORITY OF TEXAS
PO BOX 240
WICHITA FALLS TX 76307-0240

PUBLIC HEALTH REGION 2/3
TEXAS DEPARTMENT OF STATE HEAL
1301 S BOWEN RD STE 200
ARLINGTON TX 76013-2262

TEXOMA COUNCIL OF GOVERNMENTS
1117 GALLAGHER DR STE 100
SHERMAN TX 75090-3107

US ARMY CORPS OF ENGINEERS
TULSA DISTRICT - CESWT
2488 E 81ST ST
TULSA OK 74137-4290

FIELD SUPERVISOR
US FISH & WILDLIFE SERVICE
STE 140
2005 NE GREEN OAKS BLVD
ARLINGTON TX 76006-2601

GLENN C CLINGENPEEL
TRINITY RIVER AUTHORITY OF TEX
5300 S COLLINS ST
ARLINGTON TX 76018-1710

CAROLYN FRUTHALER MD DIR
GRAYSON COUNTY HEALTH AUTHORIT
515 N WALNUT ST
SHERMAN TX 75090-4952

JOHN R PIPES
COOKE COUNTY ENVIRO HEALTH
COOKE CO COURTHOUSE
100 S DIXON ST
GAINESVILLE TX 76240-4717

DREW SATTERWHITE PE GENERA
RED RIVER GROUNDWATER CONSERVA
PO BOX 1214
SHERMAN TX 75091-1214

(County)

MS JESSICA STAGGS SUPERVISO
DALLAS WATER UTILITIES
4334 SCOTTSDALE DR
DALLAS TX 75227

JERRY W CHAPMAN GENERAL MANAGER
GREATER TEXOMA UTILITY AUTHORITY
5100 AIRPORT DR
DENISON TX 75020-8448

WAYMAN W CHILCUTT
PO BOX 86
WHITESBORO TX 76273-0086

DEIRDRE DIAMOND
2105 BLEDSOE RD
GUNTER TX 75058-3015

BILLY & CATHEY HAMILTON
104 GOLDEN RD
SHERMAN TX 75090-7514

KIMBERLY G KELLEY
BLDG 1, STE 300
3711 S MOPAC EXPY
AUSTIN TX 78746-8013

WQ 0016092 001

IP/PROT

03/08/2022

ANTHONY A GRISOLIA
2128 HODGINS
VAN ALSTYNE TX 75495

BARRY R & MARY E WHITE
408 HARRISON CIR
VAN ALSTYNE TX 75495

BILLIE RUTH MOORE
2252 HODGINS RD
VAN ALSTYNE TX 75495

BILLY N HALE
400 HALE PL
VAN ALSTYNE TX 75495

BJ & KENDRA BOATMAN
1983 BOST RD
VAN ALSTYNE TX 75495

BRAD BUTLER & KIMBERLY FLETCHER
PO BOX 1385
VAN ALSTYNE TX 75495

BROWN WILLIAM LIVING TRUST
4535 MILL CREEK ROAD
DALLAS TX 75244

BURT K HAMULA
740 EVERGREEN LN
MEAD OK 73449

CHRIS PAUL & DEBORAH ROSE DORAK
388 HARRISON CIRCLE
VAN ALSTYNE TX 75495

DAMON & KERI L LEINART
360 HARRISON CIR
VAN ALSTYNE TX 75495

DAVID MICHAEL MCMAKIN
PO BOX 1516
VAN ALSTYNE TX 75495

DOUGLAS SCOTT & NANCY SHAW
1603 HACKBERRY
VAN ALSTYNE TX 75495

FLORA NEOMA BURK
9759 FARMINGTON RD
VAN ALSTYNE TX 75495

GARY LYNN TOMBERLIN
9669 FARMINGTON RD
VAN ALSTYNE TX 75495

GERONIMO S SANTIBANEZ
10040 FARMINGTON RD
VAN ALSTYNE TX 75495

GOLDEN CORNER LTD
8320 BARBER OAK DR
PLANO TX 75025

JAMES GRISOLIA
2038 HODGINS RD
VAN ALSTYNE TX 75495

JAMES MCNEME V
1971 HACKBERRY RD
VAN ALSTYNE TX 75495

JAMES PARK FIELDER III
PO BOX 638
VAN ALSTYNE TX 75495

JOHN W CRAIG
4307 WILLIFORD ROAD
SACHSE TX 75048

KATHRYN E HIEGERT SMITH
735 S BRIDGEFARMER RD
MCKINNEY TX 75069

KERRY CRAIG PAREDES
313 WILLIAMSBURG
VAN ALSTYNE TX 75495

L RANDOLPH & DEBRA S PETTIT
P O BOX 763
VAN ALSTYNE TX 75495

LARRY L FLECK
1146 HODGINS RD
VAN ALSTYNE TX 75495

LOREN L DEMERS
783 FIELDER RD
VAN ALSTYNE TX 75495

LORETTA CALLAHAN WALKER
9898 FARMINGTON RD
VAN ALSTYNE TX 75495

MACIEK P & CATHY NAZARKO
PO BOX 279
VAN ALSTYNE TX 75495

MARILEE SPECIAL UTILITY DISTRICT
PO BOX 1017
CELINA TX 75009

MATT CAVENDER
15371 US HWY 75
VAN ALSTYNE TX 75495

MBA MCKINNEY PROPERTIES II LTD
PO BOX 8137
WACO TX 76714

MICHAEL A & STELLA J TURNER
1017 HODGINS RD
VAN ALSTYNE TX 75495

MOTL KATHRYN E & PEGGY J CRABTREE ESTATE
561 FIELDER RD
VAN ALSTYNE TX 75495

MURRAY D & ANITA M PARHAM
113 WATER CRESS CIR
JERSEY VILLAGE TX 77064

PATRICIA BOWDEN CRAIG
4307 WILLIFORD WOODS
SACHSE TX 75048

PATSY L KIRBY
8187 FARMINGTON RD
VAN ALSTYNE TX 75495

PETER M ZIELINSKI
296 HARRISON CIRCLE
VAN ALSTYNE TX 75495

RASOR W H III AND SMITH LAURA RASOR AND MBA MCKINNEY PROPERTIES II LTD
1800 LOVERS LEAP LN
VAN ALSTYNE TX 75495

RICHARD M & TRACY LINNEBUR
1783 HACKBERRY RD
VAN ALSTYNE TX 75495

RICK K WALKER
P O BOX 1179
PILOT POINT TX 76258

ROBERT P & KATHY L BECK
2208 HOBKIRKS HILL
MCKINNEY TX 75070

SAMUEL J ATKINS III
1347 LOVERS LEAP LANE
VAN ALSTYNE TX 75495

SCOTT RANDOLPH
260 HARRISON CR
VAN ALSTYNE TX 75495

SUZANNE CLAY
1765 BOST RD
VAN ALSTYNE TX 75495

TERRY CROSBY
9650 FARMINGTON RD
VAN ALSTYNE TX 75495

THOMAS N & MARY CHAPMAN
687 FIELDER RD
VAN ALSTYNE TX 75495

WENDELL STEPHENS
PO BOX 980
VAN ALSTYNE TX 75495

WILLIAM H RASOR & LURA RASOR SMITH
1800 LOVERS LEAP
VAN ALSTYNE TX 75495

Senate Bill 709 (84th Legislative Session, 2015) amended the Texas Water Code by adding new Section 5.5553, which requires the Texas Commission on Environmental Quality (TCEQ) to provide written notice to you at least thirty (30) days prior to the TCEQ's issuance of draft permits for applications that are located in your district.

Treasure Island Laguna Azure LLC, 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201, has applied to the TCEQ for proposed Texas Pollutant Discharge Elimination System No. WQ0016092001 (EPA I.D. No. TX0142263) to authorize the discharge of treated wastewater at a volume not to exceed an annual average flow of 1,400,000 gallons per day. The domestic wastewater treatment facility is located approximately 0.81 mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495. The discharge route is from the plant site to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River Above Lake Lavon, thence to Lake Lavon in Segment No. 0821 of the Trinity River Basin. TCEQ received this application on January 18, 2022. The permit application is available for viewing and copying at Van Alstyne Public Library, 151 West Cooper Street, Van Alstyne, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.
https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-96.631606%2C33.455858&level=12

TCEQ is preparing the initial draft permit. At the time the draft permit is issued, the applicant will be required to publish notice in a newspaper of general circulation, and the TCEQ will provide a copy of the notice of draft permit to persons who have requested to be on a mailing list.

Questions regarding this application may be directed to Mr. Firoj Vahora by calling 512-239-4540.

Issuance Date: March 18, 2022

Senate Bill 709 (84th Legislative Session, 2015) amended the Texas Water Code by adding new Section 5.5553, which requires the Texas Commission on Environmental Quality (TCEQ) to provide written notice to you at least thirty (30) days prior to the TCEQ's issuance of draft permits for applications that are located in your district.

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https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-96.631606%2C33.455858&level=12

TCEQ is preparing the initial draft permit. At the time the draft permit is issued, the applicant will be required to publish notice in a newspaper of general circulation, and the TCEQ will provide a copy of the notice of draft permit to persons who have requested to be on a mailing list.

Questions regarding this application may be directed to Mr. Firoj Vahora by calling 512-239-4540.

Issuance Date: _____

Paul Worrall

From: Jonathan Nguyen <jnguyen@jonescarter.com>
Sent: Wednesday, March 16, 2022 9:14 AM
To: PROOFS
Cc: Amy Hennard
Subject: WQ0016091001 and WQ0016092001 NORI Submittals
Attachments: Treasure Island WQ0016092001 NORI Submittal.pdf; Venetian 141 Swisher WQ0016091001 NORI Submittal.pdf

Good morning,

The public notice verification forms, newspaper tearsheets, and publisher's affidavits are being submitted for the TPDES applications for Venetian 141 Swisher LLC, WQ0016091001, and Treasure Island Laguna Azure LLC, WQ0016092001.

Let me know if you have any questions or need the hard copy sent.

Thank you,

Jonathan Nguyen
Permitting Specialist
jnguyen@jonescarter.com

JONES | CARTER
3100 Alvin Devane Blvd, Suite #150,
Austin, TX 78741
Telephone 512.441.9493 Ext. 3451
Direct 512.685.5156

www.jonescarter.com
Join our team!

Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more Click Here.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Notice of Receipt of Application and Intent to Obtain Permit
(NORI)
Water Quality Permit

All applicants must complete this page.

Applicant Name: Treasure Island Laguna Azure, LLC

Site or Facility Name: Treasure Island WWTP

Water Quality Permit Number: WQ0016092001

Regulated Entity Number: RN 111409553 Customer Number: CN 605975267

PUBLIC VIEWING LOCATION

I certify that a copy of the complete water quality application, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1st day of publication of the NORI until the end of the designated comment period. I further understand that the copy will be updated with any revisions to the application.

Name of Public Place: Van Alstyne Public Library

Address of Public Place: 151 West Cooper Street, Van Alstyne, TX 75495

Applicant or Applicant Representative Signature: _____

Title: Permit Specialist Date: 3/16/22

TCEQOFFICE OF THE CHIEF CLERK
MC105 Attn: Notice Team
P.O. BOX 13087
AUSTIN, TX 787113087

Applicant Name: Treasure Island Laguna Azure LLC
Permit No.: WQ0016092001

PUBLISHER'S AFFIDAVIT
FOR WATER QUALITY PERMITS

STATE OF TEXAS §
COUNTY OF Clayson §

Before me, the undersigned authority, on this day personally appeared

Max Tezel
(name of person representing newspaper)

who being by me duly sworn, deposes and says that (s)he is the LEGAL ACCOUNT
(title of person representing newspaper)

of the The Dallas Morning News; that this newspaper is a newspaper of
(name of newspaper)

largest circulation in Clayson County, Texas or is
(name of county)

a newspaper of general circulation in Clayson,
(name of municipality)

Texas; and that the enclosed notice was published in said newspaper on the following date(s):

03/02/2022

(newspaper representative's signature)

Subscribed and sworn to before me this the 2nd day of March,

2022.

(Seal)

Rebecca Elizabeth Neal Tezel
My Commission Expires
05/19/2025
ID No. 133110603

Notary Public in and for the State of Texas

Rebecca Elizabeth Neal Tezel
Print or Type Name of Notary Public

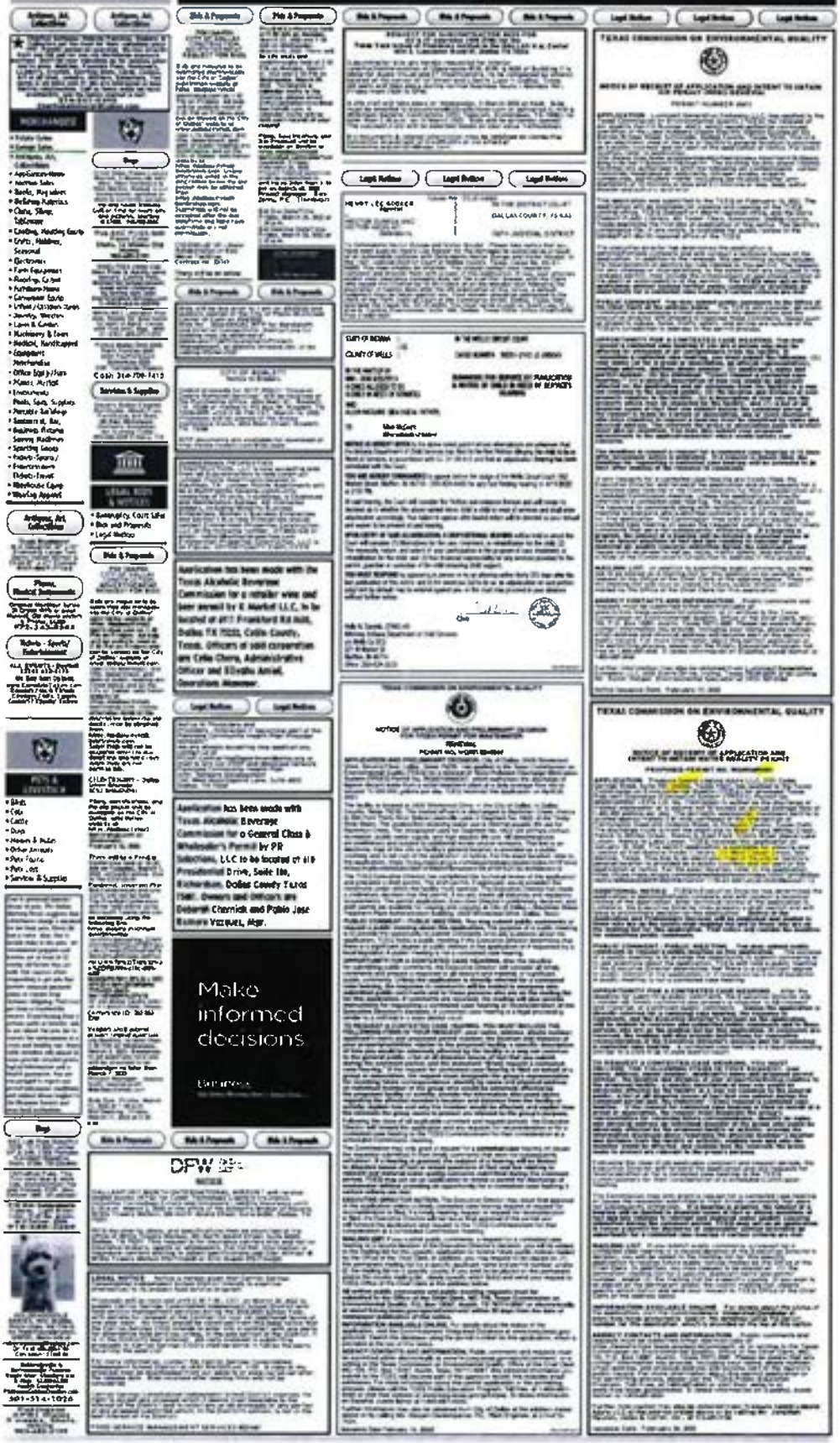
My Commission Expires 05/19/2025

Marketplace

ADVERTISE TODAY 214.745.8123

market

legal



Make informed decisions

APP-0206

AR-4

Internal Technical Application Processing Documentation
(Including Various Technical Memorandum)

TCEQ Interoffice Memorandum

To: Municipal Permits Team
Wastewater Permitting Section

Thru: C. Brad Caston, Standards Implementation Team Peer Review
Water Quality Assessment Section
Water Quality Division

From: Jenna R. Lueg, Standards Implementation Team
Water Quality Assessment Section
Water Quality Division

Date: 3/10/2022

Subject: Treasure Island Laguna Azure, LLC; Permit no. WQ0016092001
New; Application received 1/18/2022

The discharge route for the above referenced permit is to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment 0821 of the Trinity River Basin. The designated uses and dissolved oxygen criterion as stated in Appendix A of the Texas Surface Water Quality Standards (30 Texas Administrative Code §307.10) for Segment 0821 are primary contact recreation, public water supply, high aquatic life use, and 5.0 mg/L dissolved oxygen.

Since the discharge is directly to an unclassified water body, the permit action was reviewed in accordance with 30 Texas Administrative Code §307.4(h) and (l) of the 2018 Texas Surface Water Quality Standards and the TCEQ's implementation procedures for the standards. Based on a receiving water assessment and/or other available information, a preliminary determination of the aquatic life uses in the area of the discharge impact has been performed and the corresponding dissolved oxygen criterion assigned.

West Prong Whites Creek; high aquatic life use; 5.0 mg/L dissolved oxygen.

In accordance with 30 Texas Administrative Code §307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected West Prong Whites Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their

critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) 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. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Nutrient Screening for Streams and Rivers (see pages 47 - 54 of the Jan. 2012 IPs)

Applicant Name Treasure Island Laguna Azure, LLC
Permit number: 16092-001
Segment: 821

STEP 1: Determine evaluation distance. This a rough guide (page 47).

Permitted flow (MGD)	Evaluation distance (stream miles)
<0.25	<3
0.25 to <1.0	<7
≥ 1.0*	<15

*Very large discharges may be evaluated on case-by-case basis

STEP 2: Assess concerns: enter point values in boxes to the right.

Level of concern	LOW (1 point)	MOD (3 points)	HIGH (5 points)		Specific notes on scores for this permit.
Discharge (MGD)	<0.25	0.25 to <1.0	≥1.0	5	*Proposed 1.4 MGD*
Instream dilution (percent effluent)*	<10	10 to <25	≥25	5	
Bottom (Sensitivity to growth of attached algae)	Mud or sand	Rocky cobble, gravel, usually with riffle areas	Larger rocks and boulders, rock slabs	1	*dirt in dry parts of West Prong Whites Creek (Google Earth)/Partial shading (Google Earth)*
Depth (Sensitivity to growth of attached vegetation)	Relatively steep banks and deep channels across streams	Gently sloping sides with some shallow areas	Substantial shallow areas near banks and in stream channel	3	*Steep banks in pooled areas, dry areas are shallow with gently sloping sides (Google Earth)*
Water clarity (Sensitvity to nutrient enrichment)	Turbid from suspended particles or color (tannins), bottom may not be visible	Some visible turbidity, but w/o heavy murkiness, bottom sometimes visible	Relatively clear water, bottom usually visible	3	*Water is dark in pooled areas (Google Earth)*
Observation* (Sensitivity to growth of aquatic vegetation)	Little attached, floating, or suspended aquatic vegetation	Limited patches of attached, floating, or suspended vegetation	Heavy patches of vegetation in areas with nutrient input		
Shading (Sensitivity to growth of aquatic vegetaion)	Extensive canopy cover shades most of stream surface	Substantial canopy cover but only partial shading; not "deep woods"	Canopy cover diffuses light some, but substantial light reaches stream	3	*Partial shading (Google Earth)*
Streamflow Sustainability	Intermittent	Intermittent with pools	Perennial	3	*intermittent with pools*
Impoundments	No impoundments >300' long and no reach with extensive smaller pools	No impoundments >300', but substantial smaller pools over >20% of reach	At least one impoundment >300' in length	1	
Consistency	Similar permits do not have TP limits	Some similar permits have TP limits, but applicability is site-specific and not across the board	Discharges w/similar characteristics usually have a TP limit	1	
Concern 305(b) and 303(d)	No concern for nutrients or aquatic veg in latest integrated report	Concern due to exceedance of 85th percentile	Concern due to documented problems	1	
			Sum:	**26**	
			Average:	**2.6**	

Average <2, probably no TP limit needed
Average >4, TP limit probably needed
Average 2-4, TP monitoring or a limit is possible, depending.
If a TP limit is needed, screening factors and levels of concern can be used to determine the TP limit.

TCEQ Interoffice Memorandum

To: Municipal Permits Team
Wastewater Permitting Section

Thru: Josi Robertson, Water Quality Assessment Team
Water Quality Assessment Section

From: Brian Christman, Water Quality Assessment Team
Water Quality Assessment Section

Date: March 18, 2022

Subject: Treasure Island Laguna Azure LLC
Wastewater Permit No. WQ0016092001
Critical Conditions Recommendation Memo

The following information applies to **Outfall 001.**

The TexTox menu number is **3** for a perennial freshwater ditch, stream, or river.

This discharge is to West Prong Whites Creek.

Segment No.	0821
Effluent Flow for Aquatic Life (MGD)	1.4 (Proposed)
Critical Low Flow [7Q2] (cfs)	0.1
Effluent Flow for Human Health (MGD)	1.4 (Proposed)
Harmonic Mean Flow (cfs)	0.2

Human Health criteria apply for Fish Only.

The chronic aquatic life mixing zone is defined as 300 feet downstream and 100 feet upstream from the point of discharge. Chronic toxic criteria apply at the edge of the chronic aquatic life mixing zone.

OUTFALL LOCATION

Outfall Number	Latitude	Longitude
001	33.455858 N	96.631606 W

TCEQ Interoffice Memorandum

To: Municipal Permits Team
Wastewater Permitting Section

Thru: Josi Robertson
Modeler, Water Quality Assessment Team
Water Quality Assessment Section

From: Xing Lu, P.E.
Modeler, Water Quality Assessment Team
Water Quality Assessment Section

Date: March 23, 2022

Subject: Treasure Island Laguna Azure, LLC
New Permit (WQ0016092001, TX0142263)
Discharge to a tributary of Lavon Lake (Segment No. 0821)

The referenced applicant is seeking a new permit authorizing the discharge of treated domestic wastewater into the watershed of Lavon Lake (Segment No. 0821). A dissolved oxygen analysis of the referenced discharge was conducted using a default QUAL-TX model for the proposed Interim I phase flow of 0.2 MGD, Interim II phase flow of 0.4 MGD, and Final phase flow of 1.4 MGD. The facility is located in Grayson County.

Based on model results, the effluent limits below are predicted to be **necessary** to maintain dissolved oxygen levels above the criterion stipulated by the Standards Implementation Team for West Prong Whites Creek (5.0 mg/L):

0.20 MGD phase:	**10 mg/L $CBOD_5$, 3 mg/L NH_3-N, and 4.0 mg/L DO**
0.40 MGD phase:	**10 mg/L $CBOD_5$, 3 mg/L NH_3-N, and 6.0 mg/L DO**
1.40 MGD phase:	**7 mg/L $CBOD_5$, 2 mg/L NH_3-N, and 5.0 mg/L DO**

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

Segment No. 0821 is not currently listed on the State's inventory of impaired and threatened waters (the 2020 Clean Water Act Section 303(d) list). However, **East Fork Trinity River above Lake Lavon (0821D)** is listed for bacteria in a portion of the East Fork Trinity River extending from the confluence with Lake Lavon (Segment 0821) to the upper end of the water body (NHD RC 12030106000074) in Grayson County, Texas (AU 0821D_01).

The effluent limits recommended above have been reviewed for consistency with the State of Texas Water Quality Management Plan (WQMP). The proposed limits are not contained in the approved WQMP. However, these limits will be included in the next WQMP update.

TCEQ Interoffice Memorandum

To: Municipal Permits Team
Wastewater Permitting Section

From: M. A. Wallace, PhD, Standards Implementation Team
Water Quality Assessment Section
Water Quality Division

MAW 4/5/22

Date: 4/4/2022

Subject: Treasure Island Laguna Azure LLC
Treasure Island WWTP
Permit No. WQ0016092001

WHOLE EFFLUENT TOXICITY (WET) TESTING (BIOMONITORING)

The following information applies to Outfall 001. We recommend freshwater chronic and 24-hour acute testing. For chronic testing, we recommend the water flea (*Ceriodaphnia dubia*) and the fathead minnow (*Pimephales promelas*) as test species and a testing frequency of once per quarter for both test species, for at least the first year of testing. We recommend a dilution series of 30%, 40%, 55%, 74%, and 96% with a critical dilution of 96%. The critical dilution is in accordance with the "Aquatic Life Criteria" section of the "Water Quality Based Effluent Limitations/Conditions" section.

For 24-hour acute testing, we recommend a water flea (*Ceriodaphnia dubia* or *Daphnia pulex*) and the fathead minnow as test species and a testing frequency of once per six months for both test species.

The effluent flow from this facility was previously less than the proposed 1.4 MGD phase. Therefore, there is no WET testing history to review. The permittee will be required to initiate WET testing within 90 days of initial discharge of the interim phase 1.4 MGD facility.

REASONABLE POTENTIAL (RP) DETERMINATION

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

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

Melinda Luxemburg

From: Jose Alfonso Martinez
Sent: Tuesday, April 19, 2022 9:18 AM
To: Melinda Luxemburg
Subject: Fw: Pre-Technical Review for New Permit - WQ0016092001 - Treasure Island WWTP
Attachments: Sludge Management Plan.pdf; Technical Report 1.0 Pg 1.pdf; Floodplain Map (11x17).pdf

Here is my pre-technical review for this permit. I will bring the application as I said tomorrow. The regionalization portion was fine and we could proceed. Let me know if you have any questions. I must have forgotten to label this permit as mine in PARIS but glad you got it since I would have never gotten to it soon.

Sincerely,

J. Alfonso Martinez III
Texas Commission on Environmental Quality
Municipal Permits Team
Water Quality Division
Direct|512.239.4668
jose.martinez@tceq.texas.gov
Please consider whether it is necessary to print this e-mail

From: Jonathan Nguyen <jnguyen@jonescarter.com>
Sent: Friday, February 25, 2022 9:44 AM
To: Jose Alfonso Martinez <Jose.Martinez@tceq.texas.gov>
Cc: Amy Hennard <AHennard@jonescarter.com>
Subject: RE: Pre-Technical Review for New Permit - WQ0016092001 - Treasure Island WWTP

Good morning Alfonso.,

See below for responses.

Please let me know if you have any questions.

Thank you,

Jonathan Nguyen
Permitting Specialist
jnguyen@jonescarter.com

JONES | CARTER

From: Jose Alfonso Martinez <Jose.Martinez@tceq.texas.gov>
Sent: Thursday, February 17, 2022 9:12 AM

To: Jonathan Nguyen <jnguyen@jo[redacted]arter.com>
Subject: Pre-Technical Review for New Permit - WQ0016092001 - Treasure Island WWTP

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Jonathan,

I reviewed the application that was submitted on January 18, 2022 and have a few comments that need to be addressed.

- Domestic Technical Report (DTR) 1.0, Section 1. Permitted or Proposed Flows: The construction start dates and disposal start dates seems to be a bit early when the application has just been received. Is an ATC going to be submitted to get this going? If the dates have changed, please provide updated application pages and attachments with the new dates. Updated application page attached with revised construction and disposal dates.

- DTR 1.1, Section 5. Facility Site, A. 100-year floodplain: Is the panel the correct one as I was having trouble trying to locate the site on it and just wanted to make sure if this requires to mention 2 panels since it seemed like it was on the left edge of the panel mentioned. Attached is the floodplain map that was submitted for this application.

- Attachment L - Sludge Management Plan: This item had the name Megatel, LLC, is this correct? Is that the actual applicant or how is this company tied with the permit? Megatel Homes has created a LLC for this project. Attached is the sludge management plan with the correct permittee name.

Please provide the response by March 17, 2022. Thanks for your time and have a great day!

Sincerely,

J. Alfonso Martinez III
Texas Commission on Environmental Quality
Municipal Permits Team
Water Quality Division
Direct|512.239.4668
jose.martinez@tceq.texas.gov

Please consider whether it is necessary to print this e mail

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DOMESTIC WASTEWATER PERMIT APPLICATION

DOMESTIC TECHNICAL REPORT 1.0

The Following Is Required For All Applications

Renewal, New, And Amendment

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

A. Existing/Interim I Phase

Design Flow (MGD): 0.20

2-Hr Peak Flow (MGD): 0.80

Estimated construction start date: 11/2022

Estimated waste disposal start date: 10/2023

B. Interim II Phase

Design Flow (MGD): 0.40

2-Hr Peak Flow (MGD): 1.20

Estimated construction start date: 2/2024

Estimated waste disposal start date: 12/2024

C. Final Phase

Design Flow (MGD): 1.40

2-Hr Peak Flow (MGD): 5.60

Estimated construction start date: 8/2025

Estimated waste disposal start date: 11/2026

D. Current operating phase: not constructed yet

Provide the startup date of the facility:

Section 2. Treatment Process (Instructions Page 51)

A. Treatment process description

Provide a detailed description of the treatment process. **Include the type of**

ATTACHMENT L

SLUDGE MANAGEMENT PLAN

TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

February 2022

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6333 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337

SLUDGE MANAGEMENT AND DISPOSAL PLAN
TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

INTRODUCTION

This sludge management and disposal plan is being submitted as an attachment to the TPDES permit application for Treasure Island Laguna Azure LLC.

The Treasure Island Wastewater Treatment Plant is a 0.20 MGD single stage nitrification activated sludge plant with effluent limits of 10 mg/l CBOD, 15 mg/l TSS, and 3 mg/l NH3-N.

DIMENSIONS AND CAPACITIES

Excess solids generated from the activated plant will be wasted to an aerobic digester for further treatment. The liquid stabilized sludge will then be hauled away to a TCEQ permitted land application site for disposal by a licensed sludge hauler. The digester has a volume of at least 13,104 ft^3.

SOLIDS GENERATION

Solids to be wasted from the activated sludge process is based on 1.0 pounds of TSS produced per pound of BOD applied. Following is the amount of solids generated by the wastewater treatment plant at design flow and at 75 percent, 50 percent and 25 percent of design flow:

Percent of Design Flow	Flow (MGD)	Solids Generated (lb/day)
25	0.50	104
50	0.10	209
75	0.15	313
100	0.20	417

OPERATING PARAMETERS

The single stage nitrification activated sludge process works best between mixed liquor suspended solids (MLSS) concentrations of 2,000 – 6,000 mg/l. The operator will determine the mixed liquor concentration that produces the highest quality effluent taking into consideration factors such as hydraulic and organic loading, available air capacity, and solids handling. Field testing and laboratory analysis will be done to monitor the MLSS and maintain the appropriate solids concentration.

SOLIDS REMOVAL PROCEDURE

Laboratory analysis and field testing will be conducted to determine the solids concentration in the aeration basin. To maintain an appropriate solids inventory, the amount of solids to be wasted per day is equal to the amount of solids generated per day. This amount is stated in the SOLIDS GENERATION section of this plan. Excess solids will then be wasted from the bottom of the clarifier directly to the aerobic digester to maintain the appropriate solids concentration in the aeration basin.

SOLIDS REMOVAL SCHEDULE

It is assumed that 70% of the solids wasted to the digester are volatile solids and the volatile solids reduction is 30%. For every pound of solids wasted to the digester, 0.79 pounds of solids will need to be disposed of by land application. In addition, it is assumed that the solids can be thickened to 15,000 mg/l in the digester. At this concentration, a 13,104 ft^3 digester will hold 12,262 pounds of solids. The capacity of the digester divided by the pounds per day of solids to be disposed of will give the sludge hauling schedule.

Percent of Design Flow	Solids Disposed (lb/day)	Hauling Schedule (days)
25	82	149
50	165	74
75	247	50
100	329	37

ULTIMATE SLUDGE DISPOSAL

Sludge will be liquid hauled from the plant by a TCEQ registered sludge transporter to a TCEQ permitted land application site or another wastewater treatment plant.

A manifest will be issued with each load of sludge that is hauled from the plant. The following information will be on the manifest to document ultimate disposal of the sludge:

1. Date of sludge hauling
2. Generator Name
3. Generator's address
4. Volume of sludge hauled
5. Name of transporter
6. TCEQ transporter registration number
7. Driver's name
8. Name of disposal site
9. TCEQ Site permit number
10. Date of disposal
11. Volume of sludge disposed

This information, along with laboratory and field data will be used to determine the amount of solids disposed of in dry weight form.

SLUDGE MANAGEMENT AND DISPOSAL PLAN
TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

INTRODUCTION

This sludge management and disposal plan is being submitted as an attachment to the TPDES permit application for Treasure Island Laguna Azure LLC.

The Treasure Island Wastewater Treatment Plant is a 0.40 MGD single stage nitrification activated sludge plant with effluent limits of 10 mg/l CBOD, 15 mg/l TSS, and 3 mg/l NH3-N.

DIMENSIONS AND CAPACITIES

Excess solids generated from the activated plant will be wasted to an aerobic digester for further treatment. The liquid stabilized sludge will then be hauled away to a TCEQ permitted land application site for disposal by a licensed sludge hauler. The digester has a volume of at least 26,208 ft^3.

SOLIDS GENERATION

Solids to be wasted from the activated sludge process is based on 1.0 pounds of TSS produced per pound of BOD applied. Following is the amount of solids generated by the wastewater treatment plant at design flow and at 75 percent, 50 percent and 25 percent of design flow:

Percent of Design Flow	Flow (MGD)	Solids Generated (lb/day)
25	0.10	209
50	0.20	417
75	0.30	626
100	0.40	834

OPERATING PARAMETERS

The single stage nitrification activated sludge process works best between mixed liquor suspended solids (MLSS) concentrations of 2,000 – 6,000 mg/l. The operator will determine the mixed liquor concentration that produces the highest quality effluent taking into consideration factors such as hydraulic and organic loading, available air capacity, and solids handling. Field testing and laboratory analysis will be done to monitor the MLSS and maintain the appropriate solids concentration.

SOLIDS REMOVAL PROCEDURE

Laboratory analysis and field testing will be conducted to determine the solids concentration in the aeration basin. To maintain an appropriate solids inventory, the amount of solids to be wasted per day is equal to the amount of solids generated per day. This amount is stated in the SOLIDS GENERATION section of this plan. Excess solids will then be wasted from the bottom of the clarifier directly to the aerobic digester to maintain the appropriate solids concentration in the aeration basin.

SOLIDS REMOVAL SCHEDULE

It is assumed that 70% of the solids wasted to the digester are volatile solids and the volatile solids reduction is 30%. For every pound of solids wasted to the digester, 0.79 pounds of solids will need to be disposed of by land application. In addition, it is assumed that the solids can be thickened to 15,000 mg/l in the digester. At this concentration, a 26,208 ft^3 digester will hold 24,524 pounds of solids. The capacity of the digester divided by the pounds per day of solids to be disposed of will give the sludge hauling schedule.

Percent of Design Flow	Solids Disposed (lb/day)	Hauling Schedule (days)
25	165	149
50	329	74
75	494	50
100	659	37

ULTIMATE SLUDGE DISPOSAL

Sludge will be liquid hauled from the plant by a TCEQ registered sludge transporter to a TCEQ permitted land application site or another wastewater treatment plant.

A manifest will be issued with each load of sludge that is hauled from the plant. The following information will be on the manifest to document ultimate disposal of the sludge:

1. Date of sludge hauling
2. Generator Name
3. Generator's address
4. Volume of sludge hauled
5. Name of transporter
6. TCEQ transporter registration number
7. Driver's name
8. Name of disposal site
9. TCEQ Site permit number
10. Date of disposal
11. Volume of sludge disposed

This information, along with laboratory and field data will be used to determine the amount of solids disposed of in dry weight form.

SLUDGE MANAGEMENT AND DISPOSAL PLAN
TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

INTRODUCTION

This sludge management and disposal plan is being submitted as an attachment to the TPDES permit application for Treasure Island Laguna Azure LLC.

The Treasure Island Wastewater Treatment Plant is a 1.4 MGD single stage nitrification activated sludge plant with effluent limits of 10 mg/l CBOD, 15 mg/l TSS, and 3 mg/l NH3-N.

DIMENSIONS AND CAPACITIES

Excess solids generated from the activated plant will be wasted to an aerobic digester for further treatment. The liquid stabilized sludge will then be hauled away to a TCEQ permitted land application site for disposal by a licensed sludge hauler. The digester has a volume of at least 100,800 ft^3.

SOLIDS GENERATION

Solids to be wasted from the activated sludge process is based on 1.0 pounds of TSS produced per pound of BOD applied. Following is the amount of solids generated by the wastewater treatment plant at design flow and at 75 percent, 50 percent and 25 percent of design flow:

Percent of Design Flow	Flow (MGD)	Solids Generated (lb/day)
25	0.35	876
50	0.70	1751
75	1.05	2627
100	1.40	3503

OPERATING PARAMETERS

The single stage nitrification activated sludge process works best between mixed liquor suspended solids (MLSS) concentrations of 2,000 – 6,000 mg/l. The operator will determine the mixed liquor concentration that produces the highest quality effluent taking into consideration factors such as hydraulic and organic loading, available air capacity, and solids handling. Field testing and laboratory analysis will be done to monitor the MLSS and maintain the appropriate solids concentration.

SOLIDS REMOVAL PROCEDURE

Laboratory analysis and field testing will be conducted to determine the solids concentration in the aeration basin. To maintain an appropriate solids inventory, the amount of solids to be wasted per day is equal to the amount of solids generated per day. This amount is stated in the SOLIDS GENERATION section of this plan. Excess solids will then be wasted from the bottom of the clarifier directly to the aerobic digester to maintain the appropriate solids concentration in the aeration basin.

SOLIDS REMOVAL SCHEDULE

It is assumed that 70% of the solids wasted to the digester are volatile solids and the volatile solids reduction is 30%. For every pound of solids wasted to the digester, 0.79 pounds of solids will need to be disposed of by land application. In addition, it is assumed that the solids can be thickened to 15,000 mg/l in the digester. At this concentration, a 100,800 ft^3 digester will hold 94,323 pounds of solids. The capacity of the digester divided by the pounds per day of solids to be disposed of will give the sludge hauling schedule.

Percent of Design Flow	Solids Disposed (lb/day)	Hauling Schedule (days)
25	692	136
50	1384	68
75	2075	45
100	2767	34

ULTIMATE SLUDGE DISPOSAL

Sludge will be liquid hauled from the plant by a TCEQ registered sludge transporter to a TCEQ permitted land application site or another wastewater treatment plant.

A manifest will be issued with each load of sludge that is hauled from the plant. The following information will be on the manifest to document ultimate disposal of the sludge:

1. Date of sludge hauling
2. Generator Name
3. Generator's address
4. Volume of sludge hauled
5. Name of transporter
6. TCEQ transporter registration number
7. Driver's name
8. Name of disposal site
9. TCEQ Site permit number
10. Date of disposal
11. Volume of sludge disposed

This information, along with laboratory and field data will be used to determine the amount of solids disposed of in dry weight form.

ATTACHMENT N

FEMA FLOOD MAP

TREASURE ISLAND LAGUNA AZURE LLC
TREASURE ISLAND WASTEWATER TREATMENT PLANT

JANUARY 2022

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 250 • Bellaire, TX 77401 • 713.777.5337


BOST RD
WEST FARMINGTON RD
FARMINGTON RD
BELLWETHER DR
Approx. Location of
5 ac WWTP
FIELDER RD
AUSTIN RD
HODGINS RD
HACKBERRY RD

APP-0228

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

Compliance History Report for CN605975267, RN111409553, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605975267, TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN111409553, TREASURE ISLAND WWTP **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: APPROX 0.81 MILES NORTHEAST OF INTERSECTION OF FARMINGTON RD AND HODGINS ROAD GRAYSON, TX, GRAYSON COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
WASTEWATER EPA ID TX0142263 **WASTEWATER** PERMIT WQ0016092001

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: April 06, 2022

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

Component Period Selected: January 18, 2017 to April 06, 2022

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

Name: WH **Phone:** (512) 239-3581

Site and Owner/Operator History:

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

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

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

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:
N/A

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

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

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

J. Early compliance:
N/A

Sites Outside of Texas:
N/A

Permit Application Routing and Summary Sheet

This sheet must be filed on the left side of the permit file until the application is issued, denied or withdrawn. After which it is moved to the right side of the permit file. If the application is denied or withdrawn, the file must be remanded back to the Application Review and Processing Team.

Applicant Name	Treasure Island Laguna Azure LLC		
Plant Name	Treasure Island Wastewater Treatment Plant		
TCEQ Permit #	WQ0016092001	EPA ID #	TX0142263
TCEQ Region	4	Segment No. 821	Receiving Water West Prong Whites Creek
CN605975267	RN111409553	County	Grayson

Facility Active?	No	
Within Coastal Zone?	No	(If yes, check notice rqmts for new & maj amend)
Above Threshold?	No	
EPA Classification	Minor	
Authorization Type	Private Domestic	
Discharge Type	TPDES	
Application Type	New	

Task	Due Date	Actual Date
Application Received		1/18/2022
Initial Review	1/28/2022	2/8/2022
NOD Required	Yes	2/10/2022
Admin Complete	2/26/2022	2/28/2022
WQA Complete	3/29/2022	
Draft Complete	5/13/2022	
Tech Complete	5/23/2022	
Draft Mailed	5/26/2022	
File with CCO	6/12/2022	

Initial PTT Deadline
6/12/2022

Reviewer Name Jazzmin Hernandez

See below

M.L. 4/6/2022

Standards Reviewer	
Peer Reviewer	
Crit. Cond. Reviewer	
Modeling Reviewer	
Biomon Reviewer	M. A. Wallace
Groundwater Reviewer	
Soils Reviewer	

AR-5

TCEQ ED Fact Sheet and Draft Permit

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For draft Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016092001, Environmental Protection Agency (EPA) I.D. No. TX0142263, to discharge to water in the state.

Issuing Office:	Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087
Applicant:	Treasure Island Laguna Azure LLC 2101 Cedar Springs Road, Suite 700 Dallas, Texas 75201
Prepared By:	Melinda Luxemburg, P.E. Municipal Permits Team Wastewater Permitting Section (MC 148) Water Quality Division (512) 239-4541
Date:	April 20, 2023
Permit Action:	New Permit

1. EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The draft permit includes an expiration date of **five years from the date of issuance**.

2. APPLICANT ACTIVITY

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.2 million gallons per day (MGD) in the Interim I phase, a daily average flow not to exceed 0.4 MGD in the Interim II phase, and an annual average flow not to exceed 1.4 MGD in the Final phase. The Treasure Island Wastewater Treatment Plant (WWTP) will serve a residential subdivision located approximately 3.79 miles northwest of the City of Van Alstyne.

3. FACILITY AND DISCHARGE LOCATION

The plant site is located approximately 0.81 of a mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495.

Outfall Location:

Outfall Number	Latitude	Longitude
001	33.455858 N	96.631606 W

The treated effluent will be discharged to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No.

0821 of the Trinity River Basin. The unclassified receiving water use is high aquatic life use for West Prong Whites Creek. The designated uses for Segment No. 0821 are primary contact recreation, public water supply, and high aquatic life use.

4. TREATMENT PROCESS DESCRIPTION AND SEWAGE SLUDGE DISPOSAL

The Treasure Island WWTP Interim I (0.2 MGD), Interim II (0.4 MGD), and Final (1.4) MGD phase facilities will operate a suspended growth activated sludge process in a single-stage nitrification mode. The number and type of treatment units in the Interim I phase will include a manual bar screen, two aeration basins, one clarifier, two multi-stage aerobic digesters, and one chlorine contact basin. The number and type of treatment units in the Interim II phase will include one elevated screening structure with a manual bar screen and flow splitting weirs, four aeration basins, two clarifiers, four multi-stage aerobic digesters, and two chlorine contact basins. The number and type of treatment units in the Final phase will include one elevated screening structure with a manual bar screen and flow splitting weirs, three 0.46 MGD treatment trains with each train consisting of an aeration basin and secondary clarifier , the treated wastewater will be routed to two newly constructed multi-stage aerobic digesters, and then to onenewly constructed chlorine contact basin. The facility has not been constructed.

The liquid stabilized sludge generated from the treatment facility will be hauled to a permitted land application site (to be determined) for disposal by a licensed sludge hauler (to be determined).

5. SUMMARY OF SELF-REPORTED EFFLUENT ANALYSES

Self-reporting data is not available since the facility is not in operation.

6. DRAFT PERMIT CONDITIONS AND MONITORING REQUIREMENTS

Flows are expressed in million gallons per day (MGD). Mass-based limits are expressed as pounds per day (lbs/day). All pH values are expressed in standard units (SU). Concentration-based limits are expressed as milligrams per liter (mg/l). Bacteria levels are expressed in colony forming units (CFU) or most probable number (MPN) per 100 ml. The average value for bacteria (in CFU or MPN per 100 ml) is calculated via geometric mean. The parameters limited in the permit include the following: five-day carbonaceous biochemical oxygen demand ($CBOD_5$), total suspended solids (TSS), ammonia nitrogen (NH_3-N), minimum dissolved oxygen (DO), *Escherichia coli (E. coli)* bacteria, and potential hydrogen (pH). The effluent limitations and monitoring requirements for those parameters that are limited in the draft permit are as follows:

A. INTERIM I PHASE EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

The daily average flow of effluent shall not exceed 0.20 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 556 gallons per minute (gpm).

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	10	17	15	25

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
TSS	15	25	25	40
NH_3-N	3	5	6	10
DO, minimum	4.0	N/A	N/A	N/A
E. coli, CFU or MPN per 100 ml	126	N/A	N/A	399

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

The effluent shall contain a 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 five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Continuous
$CBOD_5$	One/week
TSS	One/week
NH_3-N	One/week
DO	One/week
E. coli, CFU or MPN per 100 ml	One/month

B. INTERIM II PHASE EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

The daily average flow of effluent shall not exceed 0.40 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 833 gpm.

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	10	33	15	25
TSS	15	50	25	40
NH_3-N	3	10	6	10
DO, minimum	6.0	N/A	N/A	N/A
E. coli, CFU or MPN per 100 ml	126	N/A	N/A	399

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

The effluent shall contain a 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 five times per week by grab sample at each chlorine contact chamber. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Continuous

Parameter	Monitoring Requirement
$CBOD_5$	One/week
TSS	One/week
NH_3-N	One/week
DO	One/week
E. coli, CFU or MPN per 100 ml	One/month

C. FINAL III PHASE EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

The annual average flow of effluent shall not exceed 1.4 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 3,889 gpm.

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	7	82	15	25
TSS	15	175	25	40
NH_3-N	2	23	5	10
DO, minimum	5.0	N/A	N/A	N/A
E. coli, CFU or MPN per 100 ml	126	N/A	N/A	399

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

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

Parameter	Monitoring Requirement
$CBOD_5$	Two/week
TSS	Two/week
NH_3-N	Two/week
DO	Two/week
E. coli, CFU or MPN per 100 ml	One/week

D. SEWAGE SLUDGE REQUIREMENTS

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. The liquid stabilized sludge generated from the treatment facility will be hauled to a permitted land application site (to be determined) for disposal by a licensed sludge hauler (to be determined). The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or a facility that further processess sludge.

E. WHOLE EFFLUENT TOXICITY (BIOMONITORING) REQUIREMENTS

(1) The draft permit includes 7-day chronic freshwater biomonitoring requirements to be initiated within 90 days of initial discharge of the Final (1.4 MGD) phase as follows. The permit requires five dilutions in addition to the control (0% effluent) to be used in the toxicity tests. These additional effluent concentrations shall be 30%, 40%, 55%, 74%, and 96%. The low-flow effluent concentration (critical dilution) is defined as 96% effluent. The critical dilution is in accordance with the "Aquatic Life Criteria" section of the "Water Quality Based Effluent Limitations/Conditions" section.

(a) Chronic static renewal survival and reproduction test using the water flea (*Ceriodaphnia dubia*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.

(b) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.

(2) The draft permit includes the following minimum 24-hour acute freshwater biomonitoring requirements at a frequency of once per six months:

(a) Acute 24-hour static toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*).

(b) Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*).

F. BUFFER ZONE REQUIREMENTS

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).

G. SUMMARY OF CHANGES FROM APPLICATION

The Interim I (0.2 MGD) phase, Interim II (0.4 MGD) phase, and the Final (1.4 MGD) phase include, based on a 30-day average (calculated via geometric mean) bacteria effluent limitations of 126 CFU or MPN of *E. coli* per 100 ml. The *E. coli* bacteria limits have been added to the draft permit in accordance with the recent amendments to 30 TAC Chapters 309 and 319.

The requested effluent limitations, based on a 30-day average, of 10 mg/l $CBOD_5$, 15 mg/l TSS, 3 mg/l NH_3-N, and 4.0 mg/l minimum DO have been applied to the Interim I phase. However, the effluent limitations in the Interim II phase, based on a 30-day average, are 10 mg/l $CBOD_5$, 15 mg/l TSS, 3.0 mg/l NH_3-N, and **6.0** mg/l minimum DO and in the Final phase, based on a 30-day average, are 7 mg/l $CBOD_5$, 15 mg/l TSS,

2.0 mg/l NH_3-N, and **5.0** mg/l minimum DO, per the March 23, 2022, Modeling Memorandum.

7. DRAFT PERMIT RATIONALE

A. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

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

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

Consistent with the procedures for pH screening that were submitted to EPA with a letter dated May 28, 2014, and approved by EPA in a letter dated June 2, 2014, requiring a discharge to an unclassified water body to meet pH limits of 6.0 – 9.0 standard units (SU) reasonably ensures instream compliance with *Texas Surface Water Quality Standards* (TSWQS) pH criteria. Therefore, the technology-based pH limitations of 6.0 to 9.0 SU will reasonably ensure compliance with the TSWQS.

B. WATER QUALITY SUMMARY AND COASTAL MANAGEMENT PLAN

(1) WATER QUALITY SUMMARY

The treated effluent will be discharged to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No. 0821 of the Trinity River Basin. The unclassified receiving water use is high aquatic life use for West Prong Whites Creek. The designated uses for Segment No. 0821 are primary contact recreation, public water supply, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in West Prong Whites Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic-dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS's) biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998, update). To make this determination for TPDES permits, TCEQ and EPA

only considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Segment No. 0821 is not currently listed on the State's inventory of impaired and threatened waters (the 2020 CWA § 303(d) list). However, the East Fork Trinity River above Lake Lavon (0821D) is listed for bacteria in a portion of the East Fork Trinity River extending from the confluence with Lake Lavon (Segment No. 0821) to the upper end of the water body (National Hydrography Dataset [NHD] reach code [RC] 12030106000074) in Grayson County, Texas (Assessment Unit 0821D_01). This facility is designed to provide adequate disinfection and, when operated properly, should not add to the bacterial impairment of the NHD RC 12030106000074 portion of the East Fork Trinity River above Lake Lavon (0821D). In addition, in order to ensure that the proposed discharge meets the stream bacterial standard, an effluent limitation of 126 colony-forming units (CFU) or most probable number (MPN) of *Escherichia coli* (*E. coli*) per 100 ml bacteria effluent limitation has been added to the draft permit. Therefore, the proposed discharge is not expected to contribute to the bacteria impairment of the NHD RC 12030106000074 portion of the East Fork Trinity River above Lake Lavon (0821D).

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

(2) CONVENTIONAL PARAMETERS

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

The effluent limitations in the draft permit have been reviewed for consistency with the WQMP. The proposed effluent limitations are contained in the WQMP Update approved by EPA on August 11, 2022.

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

(3) COASTAL MANAGEMENT PLAN

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

C. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS

(1) GENERAL COMMENTS

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

(2) AQUATIC LIFE CRITERIA

(a) SCREENING

Discharge is to West Prong Whites Creek, a perennial freshwater stream in which the discharge point is greater than three miles to Whites Creek. Water quality-based effluent limitations are calculated from freshwater aquatic life criteria found in Table 1 of the Texas Surface Water Quality Standards (30 TAC Chapter 307).

Acute freshwater criteria are applied at the edge of the zone of initial dilution (ZID), and chronic freshwater criteria are applied at the edge of the aquatic life mixing zone. The ZID for this discharge is defined as 20 feet upstream and 60 feet downstream from the point where the discharge inters West Prong Whites Creek. The aquatic life mixing zone for this discharge is defined as 100 feet upstream and 300 feet downstream from the point where the discharge enters West Prong Whites Creek

TCEQ uses the mass balance equation to estimate dilutions at the edge of the ZID and aquatic life mixing zone during critical conditions. The estimated dilution at the edge of the aquatic life mixing zone is calculated using the permitted flow of 1.4 MGD and the 7-day, 2-year (7Q2) flow of 0.1 cubic feet per second (cfs) for West Prong Whites Creek. The estimated dilution at the edge of the ZID is calculated using the permitted flow of 1.4 MGD and 25% of the 7Q2 flow. The following critical effluent percentages are being used:

Acute Effluent %	98.86%	Chronic Effluent %	95.59%

Waste load allocations (WLAs) are calculated using the above estimated effluent percentages, criteria outlined in the Texas Surface Water Quality Standards, and partitioning coefficients for metals (when appropriate and designated in the implementation procedures). The WLA is the end-of-

pipe effluent concentration that can be discharged when, after mixing in the receiving stream, instream numerical criteria will not be exceeded. From the WLA, a long-term average (LTA) is calculated using a log normal probability distribution, a given coefficient of variation (0.6), and a 90th percentile confidence level. The LTA is the long-term average effluent concentration for which the WLA will never be exceeded using a selected percentile confidence level. The lower of the two LTAs (acute and chronic) is used to calculate a daily average and daily maximum effluent limitation for the protection of aquatic life using the same statistical considerations with the 99th percentile confidence level and a standard number of monthly effluent samples collected (12). Assumptions used in deriving the effluent limitations include segment values for hardness, chlorides, pH, and TSS according to the segment-specific values contained in the TCEQ guidance document "Procedures to Implement the Texas Surface Water Quality Standards, June 2010." The segment values are 96 mg/l for hardness (as calcium carbonate), 8 mg/l chlorides, 7.8 standard units for pH, and 5.0 mg/l for TSS. For additional details on the calculation of water quality-based effluent limitations, refer to the TCEQ guidance document.

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

(b) PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations because the facility is not in operation. Therefore, Other Requirement No. 8 has been included in the draft, requiring the permittee to conduct effluent data sampling and analysis upon commencement of discharge via Outfall 001. Upon review of the effluent data, the permit may be reopened to include additional monitoring requirements or limits for the protection of aquatic life, as needed.

(3) AQUATIC ORGANISM BIOACCUMULATION CRITERIA

(a) SCREENING

Discharge is to West Prong Whites Creek, a perennial freshwater stream in which the discharge point is greater than three miles to Whites Creek.

Water quality-based effluent limitations for the protection of human health are calculated using criteria for the consumption of freshwater fish tissue found in Table 2 of the Texas Surface Water Quality Standards (30 TAC Chapter 307). Freshwater fish tissue bioaccumulation criteria are

applied at the edge of the human health mixing zone. The human health mixing zone for this discharge is identical to the aquatic life mixing zone.

TCEQ uses the mass balance equation to estimate dilution at the edge of the human health mixing zone during average flow conditions.

The estimated dilution at the edge of the human health mixing zone is calculated using the permitted flow of 1.4 MGD and the harmonic mean flow of 0.2 cfs for West Prong Whites Creek. The following effluent percentage is being used:

Human Health Effluent % 91.55%

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

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

(b) PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations because the facility is not in operation. Therefore, Other Requirement No. 8 has been included in the draft, requiring the permittee to conduct effluent data sampling and analysis upon commencement of discharge via Outfall 001. Upon review of the effluent data, the permit may be reopened to include additional monitoring requirements or limits for human health protection, as needed.

(4) DRINKING WATER SUPPLY PROTECTION

(a) SCREENING

Water Quality Segment No. 0821, which receives the discharge from this facility, is designated as a public water supply. The discharge point is located at a distance greater than three miles from the classified segment. Screening reported analytical data of the effluent against water quality-based effluent limitations calculated for the protection of a drinking water supply is not applicable due to the distance between the discharge point and the classified segment.

(b) PERMIT ACTION

None.

(5) WHOLE EFFLUENT TOXICITY (BIOMONITORING) CRITERIA

(a) SCREENING

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

The draft permit includes 7-day chronic freshwater biomonitoring requirements to be initiated within 90 days of initial discharge of the Final (1.4 MGD) phase.

(b) PERMIT ACTION

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

No analytical data is available because the facility is not in operation.

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

(a) SCREENING

No analytical data is available because the facility is not in operation.

The draft permit includes 24-hour acute freshwater biomonitoring requirements to be initiated within 90 days of initial discharge of the Final (1.4 MGD) phase.

(b) PERMIT ACTION

The draft permit includes 24-hour 100% acute biomonitoring tests to be initiated within 90 days of initial discharge of the Final (1.4 MGD) phase and then for the life of the permit.

8. WATER QUALITY VARIANCE REQUESTS

No variance requests have been received.

9. PROCEDURES FOR FINAL DECISION

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

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

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

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

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

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

For additional information about this application, contact Melinda Luxemburg, P.E. at (512) 239-4541.

10. ADMINISTRATIVE RECORD

The following items were considered in developing the draft permit:

A. APPLICATION

Application received on January 18, 2022, and additional information received on February 25, 2022.

B. MEMORANDA

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

C. MISCELLANEOUS

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

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective March 1, 2018, as approved by EPA Region 6.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective March 6, 2014, as approved by EPA Region 6, for portions of the 2018 standards not approved by EPA Region 6.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective July 22, 2010, as approved by EPA Region 6, for portions of the 2014 standards not yet approved by EPA Region 6.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective August 17, 2000, and Appendix E, effective February 27, 2002, for portions of the 2010 standards not yet approved by EPA Region 6.

Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition (EPA-821-R-02-013).

Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition (EPA-821-R-02-012).

Procedures to Implement the Texas Surface Water Quality Standards, TCEQ, June 2010, as approved by EPA Region 6.

Procedures to Implement the Texas Surface Water Quality Standards, TCEQ, January 2003, for portions of the 2010 IPs not approved by EPA Region 6.

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

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

Attachment A: Calculated Water Quality Based Effluent Limitations

TEXTOX MENU #3 - PERENNIAL STREAM OR RIVER

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

Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life
Table 2, 2018 Texas Surface Water Quality Standards for Human Health (Fish Only)
"Procedures to Implement the Texas Surface Water Quality Standards," TCEQ, June 2010

PERMIT INFORMATION

Permittee Name:	Treasure Island Laguna Azure LLC
TPDES Permit No.:	WQ0016092-001
Outfall No.:	001
Prepared by:	Melinda Luxemburg, P.E.
Date:	April 18, 2023

DISCHARGE INFORMATION

Receiving Waterbody:	West Prong Whites Creek
Segment No.:	0821
TSS (mg/L):	5
pH (Standard Units):	7.8
Hardness (mg/L as $CaCO_3$):	96
Chloride (mg/L):	8
Effluent Flow for Aquatic Life (MGD):	1.4
Critical Low Flow [7Q2] (cfs):	0.1
% Effluent for Chronic Aquatic Life:	95.59
% Effluent for Acute Aquatic Life:	98.86
Effluent Flow for Human Health (MGD):	1.4
Harmonic Mean Flow (cfs):	0.2
% Effluent for Human Health:	91.55
Human Health Criterion (select:PWS, FISH, or INC)	FISH

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

Stream/River Metal	*Intercept (b)*	*Slope (m)*	*Partition Coefficient (Kp)*	*Dissolved Fraction (Cd/Ct)*	*Source*	*Water Effect Ratio (WER)*	*Source*
Aluminum	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Arsenic	5.68	-0.73	147826.36	0.575		1.00	Assumed
Cadmium	6.60	-1.13	645897.93	0.236		1.00	Assumed
Chromium (total)	6.52	-0.93	741238.38	0.212		1.00	Assumed
Chromium (trivalent)	6.52	-0.93	741238.38	0.212		1.00	Assumed
Chromium (hexavalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	6.02	-0.74	318245.45	0.386		1.00	Assumed
Lead	6.45	-0.80	777721.31	0.205		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	5.69	-0.57	195698.32	0.505		1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	6.38	-1.03	457152.29	0.304		1.00	Assumed
Zinc	6.10	-0.70	408057.15	0.329		1.00	Assumed

Attachment A: Calculated Water Quality Based Effluent Limitations

AQUATIC LIFE -
CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*FW Acute Criterion (µg/L)*	*FW Chronic Criterion (µg/L)*	*WLAa (µg/L)*	*WLAc (µg/L)*	*LTAa (µg/L)*	*LTAc (µg/L)*	*Daily Avg. (µg/L)*	*Daily Max. (µg/L)*
Aldrin	3.0	N/A	3.03	N/A	1.74	N/A	2.56	5.41
Aluminum	991	N/A	1002	N/A	574	N/A	844	1786
Arsenic	340	150	598	273	343	210	309	654
Cadmium	8.2	0.239	35.3	1.06	20.2	0.81	1.20	2.53
Carbaryl	2.0	N/A	2.02	N/A	1.16	N/A	1.70	3.61
Chlordane	2.4	0.004	2.43	0.0042	1.39	0.0032	0.0047	0.0100
Chlorpyrifos	0.083	0.041	0.084	0.043	0.048	0.033	0.049	0.103
Chromium (trivalent)	551	72	2623	353	1503	272	399	845
Chromium (hexavalent)	15.7	10.6	15.9	11.1	9.1	8.5	12.6	26.6
Copper	13.7	9.1	35.8	24.8	20.5	19.1	28.1	59
Cyanide (free)	45.8	10.7	46.3	11.2	26.5	8.6	12.7	26.8
4,4'-DDT	1.1	0.001	1.11	0.0010	0.638	0.0008	0.0012	0.0025
Demeton	N/A	0.1	N/A	0.105	N/A	0.081	0.118	0.251
Diazinon	0.17	0.17	0.172	0.178	0.099	0.137	0.145	0.306
Dicofol (Kelthane	59.3	19.8	60.0	20.7	34.4	15.9	23.4	49.6
Dieldrin	0.24	0.002	0.243	0.0021	0.139	0.0016	0.0024	0.0050
Diuron	210	70	212	73	122	56	83	175
Endosulfan I (*alpha*)	0.22	0.056	0.223	0.059	0.128	0.045	0.066	0.140
Endosulfan II (*beta*)	0.22	0.056	0.223	0.059	0.128	0.045	0.066	0.140
Endosulfan sulfate	0.22	0.056	0.223	0.059	0.128	0.045	0.066	0.140
Endrin	0.086	0.002	0.087	0.0021	0.050	0.0016	0.0024	0.0050
Guthion (Azinphos Methyl)	N/A	0.01	N/A	0.010	N/A	0.008	0.012	0.025
Heptachlor	0.52	0.004	0.53	0.0042	0.301	0.0032	0.0047	0.0100
Hexachlorocyclohexane (*gamma*)[Lindane]	1.126	0.08	1.14	0.084	0.653	0.064	0.095	0.200
Lead	62	2.41	305	12.3	175	9.5	13.9	29
Malathion	N/A	0.01	N/A	0.010	N/A	0.008	0.012	0.025
Mercury	2.4	1.3	2.43	1.36	1.39	1.05	1.54	3.26
Methoxychlor	N/A	0.03	N/A	0.031	N/A	0.024	0.036	0.075
Mirex	N/A	0.001	N/A	0.0010	N/A	0.0008	0.0012	0.0025
Nickel	452	50.2	905	104	519	80	118	249
Nonylphenol	28	6.6	28.3	6.9	16.2	5.32	7.8	16.5
Parathion (ethyl)	0.065	0.013	0.066	0.014	0.038	0.010	0.015	0.033
Pentachlorophenol	19.5	15.0	19.7	15.6	11.3	12.0	16.6	35.1
Phenanthrene	30	30	30.3	31.4	17.4	24.2	25.6	54.1
Polychlorinated Biphenyls (PCBs)	2.0	0.014	2.02	0.015	1.16	0.011	0.017	0.035
Selenium	20	5	20.2	5.23	11.6	4.03	5.9	12.5
Silver	0.8	N/A	3.79	N/A	2.17	N/A	3.19	6.8
Toxaphene	0.78	0.0002	0.789	0.00021	0.452	0.00016	0.00024	0.00050
Tributyltin (TBT)	0.13	0.024	0.132	0.025	0.075	0.019	0.028	0.060
2,4,5 Trichlorophenol	136	64	138	67	78.8	51.6	76	160
Zinc	113	114	348	363	199	279	293	620

Attachment A: Calculated Water Quality Based Effluent Limitations

HUMAN HEALTH (APPLIES FOR FRESHWATER FISH TISSUE) CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	Water and Fish Criterion (µg/L)	Fish Only Criterion (µg/L)	Incidental Fish Criterion (µg/L)	WLAh (µg/L)	LTAh (µg/L)	Daily Avg. (µg/L)	Daily Max. (µg/L)
Acrylonitrile	1.0	115	1150	125.62	116.82	171.73	363.33
Aldrin	1.146E-05	1.147E-05	1.147E-04	1.25E-05	1.17E-05	1.71E-05	3.62E-05
Anthracene	1109	1317	13170	1439	1338	1967	4161
Antimony	6	1071	10710	1169.9	1088.0	1599.4	3383.7
Arsenic	10	N/A	N/A	N/A	N/A	N/A	N/A
Barium	2000	N/A	N/A	N/A	N/A	N/A	N/A
Benzene	5	581	5810	634.6	590.2	867.6	1835.6
Benzidine	0.0015	0.107	1.07	0.1169	0.1087	0.1598	0.3381
Benzo(*a*)anthracene	0.024	0.025	0.25	0.027	0.025	0.037	0.079
Benzo(*a*)pyrene	0.0025	0.0025	0.025	0.0027	0.0025	0.004	0.008
Bis(chloromethyl)ether	0.0024	0.2745	2.745	0.2998	0.2789	0.410	0.867
Bis(2-chloroethyl)ether	0.60	42.83	428.3	46.78	43.51	63.96	135.31
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	6	7.55	75.5	8.2	7.7	11.3	23.9
Bromodichloromethane [Dichlorobromomethane]	10.2	275	2750	300.4	279.4	410.7	869
Bromoform [Tribromomethane]	66.9	1060	10600	1158	1077	1583	3349
Cadmium	5	N/A	N/A	N/A	N/A	N/A	N/A
Carbon Tetrachloride	4.5	46	460	50.2	46.7	68.7	145.3
Chlordane	0.0025	0.0025	0.025	0.0027	0.0025	0.004	0.008
Chlorobenzene	100	2737	27370	2990	2780	4087	8647
Chlorodibromomethane [Dibromochloromethane]	7.5	183	1830	199.9	185.9	273.3	578.2
Chloroform [Trichloromethane]	70	7697	76970	8408	7819	11494	24318
Chromium (hexavalent)	62	502	5020	548	510	750	1586
Chrysene	2.45	2.52	25.2	2.75	2.56	3.8	8.0
Cresols [Methylphenols]	1041	9301	93010	10160	9449	13889	29385
Cyanide (free)	200	N/A	N/A	N/A	N/A	N/A	N/A
4,4'-DDD	0.002	0.002	0.02	0.0022	0.0020	0.0030	0.0063
4,4'-DDE	0.00013	0.00013	0.0013	0.00014	0.00013	0.00019	0.0004
4,4'-DDT	0.0004	0.0004	0.004	0.0004	0.0004	0.0006	0.0013
2,4'-D	70	N/A	N/A	N/A	N/A	N/A	N/A
Danitol [Fenpropathrin]	262	473	4730	517	481	706	1494
1,2-Dibromoethane [Ethylene Dibromide]	0.17	4.24	42.4	4.631	4.307	6.332	13.40
m-Dichlorobenzene [1,3-Dichlorobenzene]	322	595	5950	650	604	889	1880
o-Dichlorobenzene [1,2-Dichlorobenzene]	600	3299	32990	3604	3351	4926	10423
p-Dichlorobenzene [1,4-Dichlorobenzene]	75	N/A	N/A	N/A	N/A	N/A	N/A
3,3'-Dichlorobenzidine	0.79	2.24	22.4	2.45	2.28	3.35	7.08
1,2-Dichloroethane	5	364	3640	397.6	369.8	543.6	1150.0
1,1-Dichloroethylene [1,1-Dichloroethene]	7	55114	551140	60202.8	55988.6	82303.2	174124.4
Dichloromethane [Methylene Chloride]	5	13333	133330	14564.1	13544.6	19910.5	42123.6
1,2-Dichloropropane	5	259	2590	282.9	263.1	386.8	818.3
1,3-Dichloropropene [1,3-Dichloropropylene]	2.8	119	1190	129.99	120.89	177.7	376.0
Dicofol [Kelthane]	0.30	0.30	3	0.33	0.305	0.45	0.95
Dieldrin	2.0E-05	2.0E-05	2.0E-04	2.18E-05	2.03E-05	2.99E-05	6.32E-05
2,4-Dimethylphenol	444	8436	84360	9215	8570	12598	26652
Di-*n*-Butyl Phthalate	88.9	92.4	924	101	94	138	292
Dioxins/Furans [TCDD Equivalents]	7.80E-08	7.97E-08	7.97E-07	8.71E-08	8.10E-08	1.19E-07	2.52E-07

Attachment A: Calculated Water Quality Based Effluent Limitations

HUMAN HEALTH (APPLIES FOR FRESHWATER FISH TISSUE) CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*Water and Fish Criterion (µg/L)*	*Fish Only Criterion (µg/L)*	*Incidental Fish Criterion (µg/L)*	*WLAh (µg/L)*	*LTAh (µg/L)*	*Daily Avg. (µg/L)*	*Daily Max. (µg/L)*
Endrin	0.02	0.02	0.2	0.022	0.020	0.030	0.063
Epichlorohydrin	53.5	2013	20130	2199	2045	3006	6360
Ethylbenzene	700	1867	18670	2039	1897	2788	5899
Ethylene Glycol	46744	1.68E+07	1.68E+08	18351168	17066586	25087882	53077083
Fluoride	4000	N/A	N/A	N/A	N/A	N/A	N/A
Heptachlor	8.0E-05	0.0001	0.001	0.00011	0.00010	0.00015	0.00032
Heptachlor Epoxide	0.00029	0.00029	0.0029	0.0003	0.0003	0.0004	0.0009
Hexachlorobenzene	0.00068	0.00068	0.0068	0.0007	0.0007	0.0010	0.0021
Hexachlorobutadiene	0.21	0.22	2.2	0.240	0.223	0.329	0.70
Hexachlorocyclohexane (*alpha*)	0.0078	0.0084	0.084	0.009	0.009	0.013	0.027
Hexachlorocyclohexane (*beta*)	0.15	0.26	2.6	0.284	0.264	0.388	0.82
Hexachlorocyclohexane (*gamma*) [Lindane]	0.2	0.341	3.41	0.372	0.346	0.509	1.08
Hexachlorocyclopentadiene	10.7	11.6	116	12.7	11.8	17.3	37
Hexachloroethane	1.84	2.33	23.3	2.55	2.37	3.48	7.4
Hexachlorophene	2.05	2.90	29	3.17	2.95	4.33	9.2
4,4'-Isopropylidenediphenol [Bisphenol A]	1092	15982	159820	17458	16236	23866	50493
Lead	1.15	3.83	38.3	20.5	19.0	28.0	59.2
Mercury	0.0122	0.0122	0.122	0.013	0.012	0.018	0.039
Methoxychlor	2.92	3.0	30	3.3	3.05	4.5	9.5
Methyl Ethyl Ketone	13865	9.92E+05	9.92E+06	1083593	1007741	1481380	3134075
Methyl *tert*-butyl ether [MTBE]	15	10482	104820	11449.8	10648.3	15653.0	33116
Nickel	332	1140	11400	2464	2291	3368	7126
Nitrate-Nitrogen (as Total Nitrogen)	10000	N/A	N/A	N/A	N/A	N/A	N/A
Nitrobenzene	45.7	1873	18730	2046	1903	2797	5917
N-Nitrosodiethylamine	0.0037	2.1	21	2.294	2.133	3.136	6.635
N-Nitroso-di-*n*-Butylamine	0.119	4.2	42	4.588	4.267	6.272	13.27
Pentachlorobenzene	0.348	0.355	3.55	0.39	0.36	0.53	1.12
Pentachlorophenol	0.22	0.29	2.9	0.317	0.295	0.43	0.92
Polychlorinated Biphenyls [PCBs]	6.4E-04	6.4E-04	6.40E-03	0.0007	0.0007	0.0010	0.0020
Pyridine	23	947	9470	1034.4	962.0	1414	2992
Selenium	50	N/A	N/A	N/A	N/A	N/A	N/A
1,2,4,5-Tetrachlorobenzene	0.23	0.24	2.4	0.262	0.244	0.36	0.76
1,1,2,2-Tetrachloroethane	1.64	26.35	263.5	28.78	26.77	39.35	83.2
Tetrachloroethylene [Tetrachloroethylene]	5	280	2800	305.9	284.4	418.1	884.6
Thallium	0.12	0.23	2.3	0.251	0.234	0.343	0.73
Toluene	1000	N/A	N/A	N/A	N/A	N/A	N/A
Toxaphene	0.011	0.011	0.11	0.012	0.011	0.016	0.035
2,4,5-TP [Silvex]	50	369	3690	403	375	551	1166
1,1,1-Trichloroethane	200	784354	7843540	856775	796800	1171296	2478049
1,1,2-Trichloroethane	5	166	1660	181.3	168.6	247.9	524.5
Trichloroethylene [Trichloroethene]	5	71.9	719	78.5	73.0	107.4	227.2
2,4,5-Trichlorophenol	1039	1867	18670	2039	1897	2788	5899
TTHM [Sum of Total Trihalomethanes]	80	N/A	N/A	N/A	N/A	N/A	N/A
Vinyl Chloride	0.23	16.5	165	18.023	16.762	24.640	52.129

Attachment A: Calculated Water Quality Based Effluent Limitations

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

Aquatic Life	*70% of Daily Avg.*	*85% of Daily Avg.*
Parameter	*(µg/L)*	*(µg/L)*
Aldrin	1.79	2.17
Aluminum	591	718
Arsenic	216	263
Cadmium	0.84	1.02
Carbaryl	1.19	1.45
Chlordane	0.0033	0.0040
Chlorpyrifos	0.034	0.041
Chromium (+3)	280	340
Chromium (+6)	8.8	10.7
Copper	19.6	23.8
Cyanide (free)	8.9	10.8
4,4'-DDT	0.0008	0.0010
Demeton	0.083	0.101
Diazinon	0.101	0.123
Dicofol	16.4	19.9
Dieldrin	0.0017	0.0020
Diuron	58	70
Endosulfan (alpha)	0.046	0.056
Endosulfan (beta)	0.046	0.056
Endosulfan sulfate	0.046	0.056
Endrin	0.0017	0.0020
Guthion	0.008	0.010
Heptachlor	0.0033	0.0040
Hexachlorocyclohexane (Lindane)	0.066	0.081
Lead	9.8	11.8
Malathion	0.008	0.010
Mercury	1.08	1.31
Methoxychlor	0.025	0.030
Mirex	0.0008	0.0010
Nickel	82	100
Nonylphenol	5.47	6.6
Parathion (ethyl)	0.011	0.013
Pentachlorophenol	11.6	14.1
Phenanthrene	17.9	21.7
Polychlorinated Biphenyls (PCBs)	0.012	0.014
Selenium	4.14	5.03
Silver	2.24	2.71
Toxaphene	0.00017	0.00020
Tributyltin (TBT)	0.020	0.024
2,4,5 Trichlorophenol	53.1	64
Zinc	205	249

Attachment A: Calculated Water Quality Based Effluent Limitations

Human Health *Parameter*	*70% of Daily Avg.* *(µg/L)*	*85% of Daily Avg.* *(µg/L)*
Acrylonitrile	120.21	145.97
Aldrin	1.20E-05	1.46E-05
Anthracene	1377	1672
Antimony	1119.5	1359.4
Arsenic	N/A	N/A
Barium	N/A	N/A
Benzene	607.3	737.5
Benzidine	0.1119	0.1358
Benzo(*a*)anthracene	0.026	0.032
Benzo(*a*)pyrene	0.0026	0.0032
Bis(chloromethyl)ether	0.2869	0.3484
Bis(2-chloroethyl)ether	44.77	54.37
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	7.9	9.6
Bromodichloromethane [Dichlorobromomethane]	287.5	349.1
Bromoform [Tribromomethane]	1108	1345
Cadmium	N/A	N/A
Carbon Tetrachloride	48.1	58.4
Chlordane	0.0026	0.0032
Chlorobenzene	2861	3474
Chlorodibromomethane [Dibromochloromethane]	191.3	232.3
Chloroform [Trichloromethane]	8046	9770
Chromium (hexavalent)	525	637
Chrysene	2.63	3.20
Cresols [Methylphenols]	9723	11806
Cyanide (free)	N/A	N/A
4,4'-DDD	0.0021	0.0025
4,4'-DDE	0.00014	0.00017
4,4'-DDT	0.0004	0.0005
2,4'-D	N/A	N/A
Danitol [Fenpropathrin]	494	600
1,2-Dibromoethane [Ethylene Dibromide]	4.432	5.382
m-Dichlorobenzene [1,3-Dichlorobenzene]	622	755
o-Dichlorobenzene [1,2-Dichlorobenzene]	3449	4188
p-Dichlorobenzene [1,4-Dichlorobenzene]	N/A	N/A
3,3'-Dichlorobenzidine	2.34	2.84
1,2-Dichloroethane	380.5	462.0
1,1-Dichloroethylene [1,1-Dichloroethene]	57612.2	69957.7
Dichloromethane [Methylene Chloride]	13937.4	16923.9
1,2-Dichloropropane	270.7	328.8
1,3-Dichloropropene [1,3-Dichloropropylene]	124.39	151.0
Dicofol [Kelthane]	0.314	0.38
Dieldrin	2.09E-05	2.54E-05
2,4-Dimethylphenol	8818	10708
Di-*n*-Butyl Phthalate	97	117
Dioxins/Furans [TCDD Equivalents]	8.33E-08	1.01E-07

Attachment A: Calculated Water Quality Based Effluent Limitations

Human Health	*70% of Daily Avg.*	*85% of Daily Avg.*
Parameter	*(µg/L)*	*(µg/L)*
Endrin	0.021	0.025
Epichlorohydrin	2104	2555
Ethylbenzene	1952	2370
Ethylene Glycol	17561517	21324700
Fluoride	N/A	N/A
Heptachlor	0.00010	0.00013
Heptachlor Epoxide	0.00030	0.00037
Hexachlorobenzene	0.0007	0.0009
Hexachlorobutadiene	0.230	0.279
Hexachlorocyclohexane (*alpha*)	0.009	0.011
Hexachlorocyclohexane (*beta*)	0.272	0.330
Hexachlorocyclohexane (*gamma*) [Lindane]	0.356	0.433
Hexachlorocyclopentadiene	12.1	14.7
Hexachloroethane	2.44	2.96
Hexachlorophene	3.03	3.68
4,4'-Isopropylidenediphenol [Bisphenol A]	16706	20286
Lead	19.6	23.8
Mercury	0.013	0.015
Methoxychlor	3.14	3.8
Methyl Ethyl Ketone	1036966	1259173
Methyl *tert*-butyl ether [MTBE]	10957.1	13305.1
Nickel	2358	2863
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A
Nitrobenzene	1958	2377
N-Nitrosodiethylamine	2.195	2.666
N-Nitroso-di-*n*-Butylamine	4.390	5.331
Pentachlorobenzene	0.37	0.45
Pentachlorophenol	0.303	0.368
Polychlorinated Biphenyls [PCBs]	0.0007	0.0008
Pyridine	989.9	1202.1
Selenium	N/A	N/A
1,2,4,5-Tetrachlorobenzene	0.251	0.305
1,1,2,2-Tetrachloroethane	27.54	33.45
Tetrachloroethylene [Tetrachloroethylene]	292.7	355.4
Thallium	0.240	0.292
Toluene	N/A	N/A
Toxaphene	0.011	0.014
2,4,5-TP [Silvex]	386	468
1,1,1-Trichloroethane	819908	995602
1,1,2-Trichloroethane	173.5	210.7
Trichloroethylene [Trichloroethene]	75.2	91.3
2,4,5-Trichlorophenol	1952	2370
TTHM [Sum of Total Trihalomethanes]	N/A	N/A
Vinyl Chloride	17.248	20.944

TPDES PERMIT NO. WQ0016092001
[For TCEQ office use only - EPA I.D. No. TX0142263]

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

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

Treasure Island Laguna Azure LLC

whose mailing address is

2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

is authorized to treat and discharge wastes from the Treasure Island Wastewater Treatment Facility, SIC Code 4952

located approximately 0.81 of a mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495

to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No. 0821 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:

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

   The daily average flow of effluent shall not exceed 0.20 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 556 gallons per minute (gpm).

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)	10 (17)	15	25	35	One/week	Grab
Total Suspended Solids	15 (25)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (5.0)	6	10	15	One/week	Grab
E. coli, colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/month	Grab

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 five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l 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 completion of expansion to the 0.4 million gallons per day (MGD) facility and lasting through the completion of expansion to the 1.4 MGD facility, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.40 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 833 gallons per minute (gpm).

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)	10 (33)	15	25	35	One/week	Grab
Total Suspended Solids	15 (50)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (10)	6	10	15	One/week	Grab
E. coli, colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/month	Grab

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 five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per week by grab sample.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the completion of expansion to the 1.4 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 1.4 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 3,889 gallons per minute (gpm).

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)	7 (82)	15	25	35	Two/week	Composite
Total Suspended Solids	15 (175)	25	40	60	Two/week	Composite
Ammonia Nitrogen	2 (23)	5	10	15	Two/week	Composite
E. coli, colony-forming units or most probable number per 100 ml	126	N/A	399	N/A	One/week	Grab

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

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 5.0 mg/l and shall be monitored twice per week by grab sample.

7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

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

1. Flow Measurements

   a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with one million gallons per day or greater permitted flow.

   b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

   c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.

   d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

   e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.

   f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

   a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.

      i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.

b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.

c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day.

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

e. Bacteria concentration (*E. coli* or Enterococci) - Colony Forming Units (CFU) or Most Probable Number (MPN) of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the 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;

        ii. the permit number(s);

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

        iv. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

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

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

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

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

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

4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

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

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

7. Documentation

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

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

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

      If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement

Division (MC 219) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

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

c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

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

10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.

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

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

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

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

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

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

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

   i. Volume of waste and date(s) generated from treatment process;
   ii. Volume of waste disposed of on-site or shipped off-site;
   iii. Date(s) of disposal;
   iv. Identity of hauler or transporter;
   v. Location of disposal site; and
   vi. Method of final disposal.

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

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

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SLUDGE PROVISIONS

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

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

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge or biosolids in accordance with 30 TAC § 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge or biosolids.

2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.

3. The land application of processed or unprocessed chemical toilet waste, grease trap waste, grit trap waste, milk solids, or similar non-hazardous municipal or industrial solid wastes, or any of the wastes listed in this provision combined with biosolids, WTP residuals or domestic septage is prohibited unless the grease trap waste is added at a fats, oil and grease (FOG) receiving facility as part of an anaerobic digestion process.

B. Testing Requirements

1. Sewage sludge or biosolids shall be tested once per term of the permit for the Interim I and II phases and annually for the Final phase 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	- once per term of the permit for the Interim I and II phases and annually for the Final phase
PCBs	- once per term of the permit for the Interim I and II phases and annually for the Final phase

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 once per term of the permit for the Interim I and II phases and annually for the Final phase 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 C (Interim I and II phases) and Category B (Final phase) facility must be operated by a chief operator or an operator holding a Class C license or higher in the Interim I [0.2 MGD] and II [0.4 MGD] phases and Class B license or higher in the Final [1.4 MGD] 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. Chronic toxic criteria apply at the edge of the chronic aquatic life mixing zone. The chronic aquatic life mixing zone is defined as 300 feet downstream and 100 feet upstream from the point of discharge to West Prong Whites Creek.

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) for all phases.

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

6. In accordance with 30 TAC § 319.9, a permittee that has at least twelve months of uninterrupted compliance with its bacteria limit may notify the commission in writing of its compliance and request a less frequent measurement schedule. To request a less frequent schedule, the permittee shall submit a written request to the TCEQ Wastewater Permitting Section (MC 148) for each phase that includes a different monitoring frequency. The request must contain all of the reported bacteria values (Daily Avg. and Daily Max/Single Grab) for the twelve consecutive months immediately prior to the request. If the Executive Director finds that a less frequent measurement schedule is protective of human health and the environment, the permittee may be given a less frequent measurement schedule. For this permit, 1/month may be reduced to 1/quarter for the Interim I (0.2 MGD) and Interim II (0.4 MGD) phases and 1/week may be reduced to 2/month in the Final (1.4 MGD) phase. **A violation of any bacteria limit by a facility that has been granted a less frequent measurement schedule will require the permittee to return to the standard frequency schedule and submit written notice to the TCEQ Wastewater Permitting Section (MC 148).** The permittee may not apply for another reduction in measurement frequency for at least 24 months from the date of the last violation. The Executive Director may establish a more frequent measurement schedule if necessary to protect human health or the environment.

7. Prior to construction of the treatment facilities for each phase (Interim I [0.2 MGD], II [0.4 MGD], and Final [1.4 MGD] phases) the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications, and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The permittee shall clearly show how the treatment system will meet the effluent limitations required on Page nos. 2, 2a, and 2b 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.

8. Within 120 days from the start-up of the facility, the permittee shall complete Attachment A with the analytical results for Outfall 001. The completed tables with the results of these analysis and laboratory reports shall be submitted to the Municipal Permits Team, Wastewater Permitting Section MC 148, TCEQ Water Quality Division. Based on a technical review of the submitted analytical results, an amendment may be initiated by TCEQ staff to include additional effluent limitations and/or monitoring requirements. Test methods utilized to complete the tables shall be according to the test procedures specified in the Definitions and Standard Permit Conditions section of this permit and sensitive enough to detect the parameters listed in Attachment A at the minimum analytical level (MAL).

9. Reporting requirements according to 30 TAC §§ 319.1-319.11 and any additional effluent reporting requirements contained in this permit are suspended from the effective date of the permit until plant startup or discharge from the facility described by this permit, whichever occurs first. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 4) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five days prior to plant startup or anticipated discharge, whichever occurs first, and prior to completion of each additional phase on Notification of Completion Form 20007.

BIOMONITORING REQUIREMENTS

CHRONIC BIOMONITORING REQUIREMENTS: FRESHWATER

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

1. Scope, Frequency, and Methodology

   a. The permittee shall test the effluent for toxicity in accordance with the provisions below. Such testing will determine if an appropriately dilute effluent sample adversely affects the survival, reproduction, or growth of the test organisms.

   b. Within 90 days of the initiation of discharge from the Final (1.4 MGD) phase, 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%, 40%, 55%, 74%, and 96% effluent. The critical dilution, defined as 96% 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 the young of surviving females in the water flea test; and the growth and survival endpoints for the fathead minnow test. However, if statistically significant lethal or nonlethal effects are exhibited at the critical dilution, a CV% greater than 40 shall not invalidate the test;

6) a percent minimum significant difference of 47 or less for water flea reproduction; and

7) a percent minimum significant difference of 30 or less for fathead minnow growth.

b. Statistical Interpretation

1) For the water flea survival test, the statistical analyses used to determine if there is a significant difference between the control and an effluent dilution shall be the Fisher's exact test as described in the manual referenced in in Part 1.b.

2) For the water flea reproduction test and the fathead minnow larval survival and growth tests, the statistical analyses used to determine if there is a significant difference between the control and an effluent dilution shall be in accordance with the manual referenced in Part 1.b.

3) The permittee is responsible for reviewing test concentration-response relationships to ensure that calculated test-results are interpreted and reported correctly. The document entitled "Method Guidance and Recommendation for Whole Effluent Toxicity (WET) Testing (40 CFR Part 136)" (EPA 821-B-00-004) provides guidance on determining the validity of test results.

4) If significant lethality is demonstrated (that is, there is a statistically significant difference in survival at the critical dilution when compared to the survival in the control), the conditions of test acceptability are met, and the survival of the test organisms are equal to or greater than 80% in the critical dilution and all dilutions below that, then the permittee shall report a survival No Observed Effect Concentration (NOEC) of not less than the critical dilution for the reporting requirements.

5) The NOEC is defined as the greatest effluent dilution at which no significant effect is demonstrated. The Lowest Observed Effect Concentration (LOEC) is defined as the lowest effluent dilution at which a significant effect is demonstrated. A significant effect is defined as a statistically significant difference between the survival, reproduction, or growth of the test organism in a specified effluent dilution when compared to the survival, reproduction, or growth of the test organism in the control.

6) The use of NOECs and LOECs assumes either a monotonic (continuous) concentration-response relationship or a threshold model of the concentration-response relationship. For any test result that demonstrates a non-monotonic (non-continuous) response, the NOEC should be determined based on the guidance manual referenced in Item 3.

7) Pursuant to the responsibility assigned to the permittee in Part 2.b.3), test results that demonstrate a non-monotonic (non-continuous) concentration-response relationship may be submitted, prior to the due date, for technical review. The guidance manual referenced in Item 3 will be used when making a determination of test acceptability.

8) TCEQ staff will review test results for consistency with rules, procedures, and permit requirements.

c. Dilution Water

1) Dilution water used in the toxicity tests must be the receiving water collected at a point upstream of the discharge point as close as possible to the discharge point but unaffected by the discharge. Where the toxicity tests are conducted on effluent discharges to receiving waters that are classified as intermittent streams, or where the toxicity tests are

conducted on effluent discharges where no receiving water is available due to zero flow conditions, the permittee shall:

a) substitute a synthetic dilution water that has a pH, hardness, and alkalinity similar to that of the closest downstream perennial water unaffected by the discharge; or

b) use the closest downstream perennial water unaffected by the discharge.

2) Where the receiving water proves unsatisfactory as a result of pre-existing instream toxicity (i.e. fails to fulfill the test acceptance criteria of Part 2.a.), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

a) a synthetic lab water control was performed (in addition to the receiving water control) which fulfilled the test acceptance requirements of Part 2.a;

b) the test indicating receiving water toxicity was carried out to completion (i.e., 7 days); and

c) the permittee submitted all test results indicating receiving water toxicity with the reports and information required in Part 3.

3) The synthetic dilution water shall consist of standard, moderately hard, reconstituted water. Upon approval, the permittee may substitute other appropriate dilution water with chemical and physical characteristics similar to that of the receiving water.

d. Samples and Composites

1) The permittee shall collect a minimum of three composite samples from Outfall 001. The second and third composite samples will be used for the renewal of the dilution concentrations for each toxicity test.

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

3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the first composite sample. The holding time for any subsequent composite sample shall not exceed 72 hours. Samples shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.

4) If Outfall 001 ceases discharging during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions, and the sample holding time are

waived during that sampling period. However, the permittee must have collected an effluent composite sample volume sufficient to complete the required toxicity tests with renewal of the effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report.

5) The effluent samples shall not be dechlorinated after sample collection.

3. Reporting

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

a. The permittee shall prepare a full report of the results of all tests conducted in accordance with the manual referenced in Part 1.b. for every valid and invalid toxicity test initiated whether carried to completion or not.

b. The permittee shall routinely report the results of each biomonitoring test on the Table 1 forms provided with this permit.

1) Annual biomonitoring test results are due on or before January 20th for biomonitoring conducted during the previous 12-month period.

2) Semiannual biomonitoring test results are due on or before July 20th and January 20th for biomonitoring conducted during the previous 6-month period.

3) Quarterly biomonitoring test results are due on or before April 20th, July 20th, October 20th, and January 20th for biomonitoring conducted during the previous calendar quarter.

4) Monthly biomonitoring test results are due on or before the 20th day of the month following sampling.

c. Enter the following codes for the appropriate parameters for valid tests only:

1) For the water flea, Parameter TLP3B, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

2) For the water flea, Parameter TOP3B, report the NOEC for survival.

3) For the water flea, Parameter TXP3B, report the LOEC for survival.

4) For the water flea, Parameter TWP3B, enter a "1" if the NOEC for reproduction is less than the critical dilution; otherwise, enter a "0."

5) For the water flea, Parameter TPP3B, report the NOEC for reproduction.

6) For the water flea, Parameter TYP3B, report the LOEC for reproduction.

7) For the fathead minnow, Parameter TLP6C, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

8) For the fathead minnow, Parameter TOP6C, report the NOEC for survival.

9) For the fathead minnow, Parameter TXP6C, report the LOEC for survival.

10) For the fathead minnow, Parameter TWP6C, enter a "1" if the NOEC for growth is less than the critical dilution; otherwise, enter a "0."

11) For the fathead minnow, Parameter TPP6C, report the NOEC for growth.

12) For the fathead minnow, Parameter TYP6C, report the LOEC for growth.

d. Enter the following codes for retests only:

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

2) For retest number 2, Parameter 22416, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

4. Persistent Toxicity

The requirements of this Part apply only when a test demonstrates a significant effect at the critical dilution. Significant 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 species that demonstrates a significant effect (lethal or sublethal) at the critical dilution. The two retests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two retests in lieu of routine toxicity testing. All reports shall be submitted within 20 days of test completion. Test completion is defined as the last day of the test.

b. If the retests are performed due to a demonstration of significant lethality, and one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5. The provisions of Part 4.a. are suspended upon completion of the two retests and submittal of the TRE action plan and schedule defined in Part 5.

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

c. If the two retests are performed due to a demonstration of significant sublethality, and one or both of the two retests specified in Part 4.a. demonstrates

significant lethality, the permittee shall again perform two retests as stipulated in Part 4.a.

d. If the two retests are performed due to a demonstration of significant sublethality, and neither test demonstrates significant lethality, the permittee shall continue testing at the quarterly frequency.

e. Regardless of whether retesting for lethal or sublethal effects, or a combination of the two, no more than one retest per month is required for a species.

5. Toxicity Reduction Evaluation

a. Within 45 days of the retest that demonstrates significant lethality, or within 45 days of being so instructed due to multiple toxic events, the permittee shall submit a general outline for initiating a TRE. The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.

b. Within 90 days of the retest that demonstrates significant lethality, or within 90 days of being so instructed due to multiple toxic events, the permittee shall submit a TRE action plan and schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical 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 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

		Date	Time		Date	Time
Dates and Times	No. 1 FROM:			TO:		
Composites Collected	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%	40%	55%	74%	96%
A						
B						
C						
D						
E						
F						
G						
H						
I						
J						
Survival Mean						
Total Mean						
CV%*						
PMSD						

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

TABLE 1 (SHEET 2 OF 4)

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION TEST

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

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

   CRITICAL DILUTION (96%): _____ YES _____ NO

PERCENT SURVIVAL

	Percent effluent					
Time of Reading	0%	30%	40%	55%	74%	96%
24h						
48h						
End of Test						

2. Fisher's Exact Test:

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

   CRITICAL DILUTION (96%): _____ YES _____ NO

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

   a.) NOEC survival = _____% effluent

   b.) LOEC survival = _____% effluent

   c.) NOEC reproduction = _____% effluent

   d.) LOEC reproduction = _____% effluent

TABLE 1 (SHEET 3 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW LARVAE GROWTH AND SURVIVAL

		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%							
40%							
55%							
74%							
96%							
PMSD							

* Coefficient of Variation = standard deviation x 100/mean

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

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

   CRITICAL DILUTION (96%): _____ YES _____ NO

TABLE 1 (SHEET 4 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW GROWTH AND SURVIVAL TEST

FATHEAD MINNOW SURVIVAL DATA

Effluent Concentration	Percent Survival in replicate chambers					Mean percent survival			CV%*
	A	B	C	D	E	24h	48h	7 day	
0%									
30%									
40%									
55%									
74%									
96%									

* Coefficient of Variation = standard deviation x 100/mean

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

   Is the mean survival at 7 days significantly less than the control survival for the % effluent corresponding to lethality?

   CRITICAL DILUTION (96%): _____ YES _____ NO

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

   a.) NOEC survival = _____% effluent

   b.) LOEC survival = _____% effluent

   c.) NOEC growth = _____% effluent

   d.) LOEC growth = _____% effluent

24-HOUR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

The provisions of this section apply to Outfall 001 for 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. Within 90 days of the initiation of discharge from the Final (1.4 MGD) phase, 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.

      A valid test result must be submitted for each reporting period. The permittee must report, and then repeat, an invalid test during the same reporting period. The repeat test shall include the control and the 100% effluent dilution and use the appropriate number of organisms and replicates, as specified above. 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 (BMP), a chemical-specific (CS) limit, or other appropriate actions to address toxicity. The permittee may be required to conduct a toxicity reduction evaluation (TRE) after multiple toxic events.

2. Required Toxicity Testing Conditions

   a. Test Acceptance - The permittee shall repeat any toxicity test, including the control, if the control fails to meet a mean survival equal to or greater than 90%.

b. Dilution Water - In accordance with Part 1.c., the control and dilution water shall consist of standard, synthetic, moderately hard, reconstituted water.

c. Samples and Composites

1) The permittee shall collect one composite sample from Outfall 001.

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

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

4) If Outfall 001 ceases discharging during the collection of the effluent composite sample, the requirements for the minimum number of effluent portions are waived. However, the permittee must have collected a composite sample volume sufficient for completion of the required test. The abbreviated sample collection, duration, and methodology must be documented in the full report.

5) The effluent sample shall not be dechlorinated after sample collection.

3. Reporting

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

a. The permittee shall prepare a full report of the results of all tests conducted 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 a "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 a "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 a "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 a "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 analyses to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE action plan shall lead to the successful elimination of significant lethality for both test species defined in 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 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 TRE activities reports are due on or before April 20th, July 20th, October 20th, and January 20th. The report shall detail information regarding the TRE activities including:

1) results and interpretation of any chemical-specific analyses for the identified and suspected pollutant performed during the quarter;

2) results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;

3) any data and substantiating documentation that identifies the pollutant and source of effluent toxicity;

4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;

5) any data that identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to eliminate significant lethality; and

6) any changes to the initial TRE plan and schedule that are believed necessary as a result of the TRE findings.

e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species. Testing for the less sensitive species shall continue at the frequency specified in Part 1.b.

f. If the effluent ceases to effect significant lethality, i.e., there is a cessation of lethality, the permittee may end the TRE. A cessation of lethality is defined as no significant lethality for a period of 12 consecutive weeks with at least weekly testing. At the end of the 12 weeks, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b.

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

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

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

schedule for implementing the selected control mechanism. A copy of the TRE final report shall also be submitted to the U.S. EPA Region 6 office.

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

Attachment A
WQ0016092001
Treasure Island Laguna Azure LLC

DOMESTIC TECHNICAL REPORT 1.0

POLLUTANT ANALYSES REQUIREMENTS

Section 7. Pollutant Analysis of Treated Effluent

For pollutants identified in Table 1.0(2), indicate type of sample of Grab or Composite.

Date and time sample(s) collected:

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

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	Sample Type	MAL (µg/l)
$CBOD_5$, mg/l					50
Total Suspended Solids (TSS), mg/l					0.01
Ammonia Nitrogen (NH_3-N), mg/l					2.5
Nitrate Nitrogen, mg/l					10
Total Kjeldahl Nitrogen (TKN), mg/l					5
Sulfate, mg/l					0.5
Chloride, mg/l					3
Total Phosphorus, mg/l					10
pH, standard units (SU)					50
Dissolved Oxygen (DO), mg/l					5
Chlorine Residual, mg/l					5
E.coli (CFU or MPN/100 ml)					10
Total Dissolved Solids, mg/l					10
Oil & Grease, mg/l					10
Alkalinity ($CaCO_3$), mg/l					10

DOMESTIC WORKSHEET 4.0

POLLUTANT ANALYSES REQUIREMENTS*

Section 1. Toxic Pollutants

For pollutants identified in Table 4.0(1), indicate type of sample.
Grab ☐ Composite ☐

Date and time sample(s) collected:

Table 4.0(1) – Toxics Analysis

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acrylonitrile				50
Aldrin				0.01
Aluminum				2.5
Anthracene				10
Antimony				5
Arsenic				0.5
Barium				3
Benzene				10
Benzidine				50
Benzo(a)anthracene				5
Benzo(a)pyrene				5
Bis(2-chloroethyl)ether				10
Bis(2-ethylhexyl)phthalate				10
Bromodichloromethane				10
Bromoform				10
Cadmium				1
Carbon Tetrachloride				2
Carbaryl				5
Chlordane				0.2

Attachment A
WQ0016092001
Treasure Island Laguna Azure LLC

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Chlorobenzene				10
Chlorodibromomethane				10
Chloroform				10
Chlorpyrifos				0.05
Chromium (Total)				3
Chromium (Tri) **(*1)**				N/A
Chromium (Hex)				3
Copper				2
Chrysene				5
p-Chloro-m-Cresol				10
4,6-Dinitro-o-Cresol				50
p-Cresol				10
Cyanide **(*2)**				10
4,4'- DDD				0.1
4,4'- DDE				0.1
4,4'- DDT				0.02
2,4-D				0.7
Demeton (O and S)				0.20
Diazinon				0.5/0.1
1,2-Dibromoethane				10
m-Dichlorobenzene				10
o-Dichlorobenzene				10
p-Dichlorobenzene				10
3,3'-Dichlorobenzidine				5
1,2-Dichloroethane				10
1,1-Dichloroethylene				10

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Dichloromethane				20
1,2-Dichloropropane				10
1,3-Dichloropropene				10
Dicofol				1
Dieldrin				0.02
2,4-Dimethylphenol				10
Di-n-Butyl Phthalate				10
Diuron				0.09
Endosulfan I (alpha)				0.01
Endosulfan II (beta)				0.02
Endosulfan Sulfate				0.1
Endrin				0.02
Ethylbenzene				10
Fluoride				500
Guthion				0.1
Heptachlor				0.01
Heptachlor Epoxide				0.01
Hexachlorobenzene				5
Hexachlorobutadiene				10
Hexachlorocyclohexane (alpha)				0.05
Hexachlorocyclohexane (beta)				0.05
gamma-Hexachlorocyclohexane (Lindane)				0.05
Hexachlorocyclopentadiene				10
Hexachloroethane				20
Hexachlorophene				10

Attachment A
WQ0016092001
Treasure Island Laguna Azure LLC

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Lead				0.5
Malathion				0.1
Mercury				0.005
Methoxychlor				2
Methyl Ethyl Ketone				50
Mirex				0.02
Nickel				2
Nitrate-Nitrogen				100
Nitrobenzene				10
N-Nitrosodiethylamine				20
N-Nitroso-di-n-Butylamine				20
Nonylphenol				333
Parathion (ethyl)				0.1
Pentachlorobenzene				20
Pentachlorophenol				5
Phenanthrene				10
Polychlorinated Biphenyls (PCB's) **(*3)**				0.2
Pyridine				20
Selenium				5
Silver				0.5
1,2,4,5-Tetrachlorobenzene				20
1,1,2,2-Tetrachloroethane				10
Tetrachloroethylene				10
Thallium				0.5
Toluene				10
Toxaphene				0.3

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
2,4,5-TP (Silvex)				0.3
Tributyltin (see instructions for explanation)				0.01
1,1,1-Trichloroethane				10
1,1,2-Trichloroethane				10
Trichloroethylene				10
2,4,5-Trichlorophenol				50
TTHM (Total Trihalomethanes)				10
Vinyl Chloride				10
Zinc				5

(*1) Determined by subtracting hexavalent Cr from total Cr.

(*2) Cyanide, amenable to chlorination or weak-acid dissociable.

(*3) The sum of seven PCB congeners 1242, 1254, 1221, 1232, 1248, 1260, and 1016.

Section 2. Priority Pollutants

For pollutants identified in Tables 4.0(2)A-E, indicate type of sample.

Grab ☐ Composite ☐

Date and time sample(s) collected:

Table 4.0(2)A – Metals, Cyanide, Phenols

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Antimony				5
Arsenic				0.5
Beryllium				0.5
Cadmium				1
Chromium (Total)				3
Chromium (Hex)				3
Chromium (Tri) (*1)				N/A
Copper				2
Lead				0.5
Mercury				0.005
Nickel				2
Selenium				5
Silver				0.5
Thallium				0.5
Zinc				5
Cyanide (*2)				10
Phenols, Total				10

(*1) Determined by subtracting hexavalent Cr from total Cr.

(*2) Cyanide, amenable to chlorination or weak-acid dissociable

Attachment A
WQ0016092001
Treasure Island Laguna Azure LLC

Table 4.0(2)B – Volatile Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acrolein				50
Acrylonitrile				50
Benzene				10
Bromoform				10
Carbon Tetrachloride				2
Chlorobenzene				10
Chlorodibromomethane				10
Chloroethane				50
2-Chloroethylvinyl Ether				10
Chloroform				10
Dichlorobromomethane [Bromodichloromethane]				10
1,1-Dichloroethane				10
1,2-Dichloroethane				10
1,1-Dichloroethylene				10
1,2-Dichloropropane				10
1,3-Dichloropropylene [1,3-Dichloropropene]				10
1,2-Trans-Dichloroethylene				10
Ethylbenzene				10
Methyl Bromide				50
Methyl Chloride				50
Methylene Chloride				20
1,1,2,2-Tetrachloroethane				10
Tetrachloroethylene				10
Toluene				10
1,1,1-Trichloroethane				10
1,1,2-Trichloroethane				10
Trichloroethylene				10
Vinyl Chloride				10

Table 4.0(2)C – Acid Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
2-Chlorophenol				10
2,4-Dichlorophenol				10
2,4-Dimethylphenol				10
4,6-Dinitro-o-Cresol				50
2,4-Dinitrophenol				50
2-Nitrophenol				20
4-Nitrophenol				50
P-Chloro-m-Cresol				10
Pentalchlorophenol				5
Phenol				10
2,4,6-Trichlorophenol				10

Attachment A
WQ0016092001
Treasure Island Laguna Azure LLC

Table 4.0(2)D – Base/Neutral Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acenaphthene				10
Acenaphthylene				10
Anthracene				10
Benzidine				50
Benzo(a)Anthracene				5
Benzo(a)Pyrene				5
3,4-Benzofluoranthene				10
Benzo(ghi)Perylene				20
Benzo(k)Fluoranthene				5
Bis(2-Chloroethoxy)Methane				10
Bis(2-Chloroethyl)Ether				10
Bis(2-Chloroisopropyl)Ether				10
Bis(2-Ethylhexyl)Phthalate				10
4-Bromophenyl Phenyl Ether				10
Butyl benzyl Phthalate				10
2-Chloronaphthalene				10
4-Chlorophenyl phenyl ether				10
Chrysene				5
Dibenzo(a,h)Anthracene				5
1,2-(o)Dichlorobenzene				10
1,3-(m)Dichlorobenzene				10
1,4-(p)Dichlorobenzene				10
3,3-Dichlorobenzidine				5
Diethyl Phthalate				10
Dimethyl Phthalate				10
Di-n-Butyl Phthalate				10
2,4-Dinitrotoluene				10
2,6-Dinitrotoluene				10
Di-n-Octyl Phthalate				10
1,2-Diphenylhydrazine (as Azo-benzene)				20
Fluoranthene				10
Fluorene				10
Hexachlorobenzene				5
Hexachlorobutadiene				10

Attachment A
WQ0016092001
Treasure Island Laguna Azure LLC

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Hexachlorocyclo-pentadiene				10
Hexachloroethane				20
Indeno(1,2,3-cd)pyrene				5
Isophorone				10
Naphthalene				10
Nitrobenzene				10
N-Nitrosodimethylamine				50
N-Nitrosodi-n-Propylamine				20
N-Nitrosodiphenylamine				20
Phenanthrene				10
Pyrene				10
1,2,4-Trichlorobenzene				10

Attachment A
WQ0016092001
Treasure Island Laguna Azure LLC

Table 4.0(2)E - Pesticides

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Aldrin				0.01
alpha-BHC (Hexachlorocyclohexane)				0.05
beta-BHC (Hexachlorocyclohexane)				0.05
gamma-BHC (Hexachlorocyclohexane)				0.05
delta-BHC (Hexachlorocyclohexane)				0.05
Chlordane				0.2
4,4-DDT				0.02
4,4-DDE				0.1
4,4,-DDD				0.1
Dieldrin				0.02
Endosulfan I (alpha)				0.01
Endosulfan II (beta)				0.02
Endosulfan Sulfate				0.1
Endrin				0.02
Endrin Aldehyde				0.1
Heptachlor				0.01
Heptachlor Epoxide				0.01
PCB-1242				0.2
PCB-1254				0.2
PCB-1221				0.2
PCB-1232				0.2
PCB-1248				0.2
PCB-1260				0.2
PCB-1016				0.2
Toxaphene				0.3

Section 3. Dioxin/Furan Compounds

A. Are any of the following compounds used by a contributing industrial user or significant industrial user that is part of the collection system for the facility that you have reason to believe are present in the influent to the wastewater treatment plant?

Yes ☐ No ☐

If **yes**, identify which compound(s) are potentially sent to the facility.

☐ 2,4,5-trichlorophenoxy acetic acid
Common Name 2,4,5-T, CASRN 93-76-5

☐ 2-(2,4,5-trichlorophenoxy) propanoic acid
Common Name Silvex or 2,4,5-TP, CASRN 93-72-1

☐ 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dichloropropionate
Common Name Erbon, CASRN 136-25-4

☐ 0,0-dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate
Common Name Ronnel, CASRN 299-84-3

☐ 2,4,5-trichlorophenol
Common Name TCP, CASRN 95-95-4

☐ hexachlorophene
Common Name HCP, CASRN 70-30-4

For each compound identified, provide a brief description of the conditions of its/their presence at the facility.

B. Do you know or have any reason to believe that 2,3,7,8 Tetrachlorodibenzo-P-Dioxin (TCDD) or any congeners of TCDD may be present in your effluent?

Yes ☐ No ☐

If **yes**, provide a brief description of the conditions for its presence.

If you responded **yes** to either Subsection A **or** B, complete Table 4.0(2)F.

For pollutants identified in Table 4.0(2)F, indicate type of sample.

Grab ☐ Composite ☐

Date and time sample(s) collected:

TABLE 4.0(2)F - DIOXIN/FURAN COMPOUNDS

Compound	Toxic Equivalency Factors	Wastewater Concentration (ppq)	Wastewater Equivalents (ppq)	Sludge Concentration (ppt)	Sludge Equivalents (ppt)	MAL (ppq)
2,3,7,8 TCDD	1					10
1,2,3,7,8 PeCDD	0.5					50
2,3,7,8 HxCDDs	0.1					50
1,2,3,4,6,7,8 HpCDD	0.01					50
2,3,7,8 TCDF	0.1					10
1,2,3,7,8 PeCDF	0.05					50
2,3,4,7,8 PeCDF	0.5					50
2,3,7,8 HxCDFs	0.1					50
2,3,4,7,8 HpCDFs	0.01					50
OCDD	0.0003					100
OCDF	0.0003					100
PCB 77	0.0001					0.5
PCB 81	0.0003					0.5
PCB 126	0.1					0.5
PCB 169	0.03					0.5
Total						

*For PCBs, if all are non-detects, enter the highest non-detect preceded by a "<".

AR-6

TCEQ ED Internal Review of Draft Permit

PARIS FACILITY EXTENSION - TREATMENT PROCESS
TPDES PERMIT NO. WQ0016092001

PERMITTEE: Treasure Island Laguna Azure LLC
PLANT NAME Treasure Island WWTP
Application Type: New Permit ☒ Interim I ☐ Interim II ☐ Interim III ☐ Final

WASTEWATER TREATMENT

Primary Treatment
02 Preliminary treatment – bar screen
03 Preliminary treatment – grit removal
04 Preliminary treatment -
05 Preliminary treatment - others
B1 Imhoff tank
06 Scum removal
07 Flow equalization basins
08 Preaeration
09 Primary sedimentation
D2 Septic tank
A5 Facultative lagoon

Secondary Treatment
10Trickling filter – rock media
11 Trickling filter – plastic media
12 Trickling filter – redwood slats
13 Trickling filter – other media
14 Activate sludge – conventional
15 Activate sludge – complete mix
16 Activate sludge – contact
17 Activated sludge – extended aeration
18 Pure oxygen activate sludge
19 Bio-Disc (rotating biological filter)
20 Oxidation ditch
21 Clarification using tube settlers
22 Secondary clarification
B6 Constructed wetlands
E5 Natural treatment
E6 Overland flow

Advanced Treatment - Biological
23 Biological nitrification – separate
24 Biological nitrification - combined
25 Biological denitrification
26 Post aeration (reaeration)

Advanced Treatment –
27 Microstrainers – primary
28 Microstrainers – secondary
D1 Dunbar Beds
29 Sand filters
30 Mix media filters (sand and coal)
31 Other filtrations
B2 Bubble diffuser (compressor)
32 Activated carbon – granular
B3 Mechanical surface aerator
33 Activated carbon-powered
34 Two stage lime treatment of raw
35 Two stage tertiary lime treatment
36 Single stage lime treatment of raw
37 Single state tertiary lime treatment
38 Recarbonation
39 Neutralization
40 Alum addition to primary
41 Alum addition to secondary
42 Alum addition to separate state
43 Ferri-chloride addition to primary
44 Ferri-chloride addition to secondary
45 Ferri-chloride addition to separate
46 Other chemical additions
47 Ion exchange
48 Breakpoint chlorination
49 Ammonia stripping
50 Dechlorination

Disinfection
51 Chlorination for disinfection
52 Ozonation for disinfection
53 Other disinfection
D3 Ultra violet light

Land Treatment
54 Land treatment of primary effluent
55 Land treatment of secondary effluent
56 Land treatment of intermediate (less than secondary)

Other Treatment
57 Stabilization ponds
58 Aerated lagoons
59 Outfall pumping
60 Outfall diffuser
61 Effluent to other plants
62 Effluent outfall
63 Other treatment
64 Evapo-transpiration beds
64 Recalcination

Disposal Method
A7 Irrigation – public access
A8 Irrigation – agricultural
B4 Evapo-transpiration beds
B6 Constructed wetlands
C1 Irrigation – pastureland
D4 Pressure dosing system
D5 Percolation system
D8 Other reuse method
E1 Evaporation/plays
E2 Discharge only
E3 Discharge and (use other #)
E4 Injection well(s)

SLUDGE TREATMENT
65 Aerobic digestion – air
66 Aerobic digestion – oxygen
67 Composting
68 Anaerobic digestion
69 Sludge lagoons
70 Heat treatment – dryer
71 Chlorine oxidation of sludge
72 Lime stabilization
73 Wet air oxidation
74 Dewatering – sludge drying beds, sand
F2 Dewatering – sludge drying bed
75 Dewatering – mechanical-vacuum
76 Dewatering – mechanical – centrifuge
77 Dewatering – mechanical – filter press
78 Dewatering – others
79 Gravity thickening
80 Air flotation thickening
D6 Sludge holding tank

Incineration
81 Incineration – multiple hearth
82 Incineration – fluidized beds
83 Incineration – rotary kiln
84 Incineration –others
85 Pyrolysis
86 Co-incineration with solid waste
87 Co-pyrolysis with solid waste
88 Co-incineration - others

SLUDGE DISPOSAL
89 Co-disposal landfill
D7 Sludge – only monofill
90 Land application (permitted)
91 Commercial land application
92 Trenching
B5 Transport to another WWTP
F3 Transport to Regional compost facility
94 Other sludge handling
95 Digest gas utilization facilities
E7 Commercial land application
F4 Dedicated land disposal
F5 Marketing and distribution
F6 Marketing and distribution non-

MISCELLANEOUS
01 Pumping raw wastewater
96 Control/lab/maintenance buildings
97 Fully automated using digital control -
98 Fully automated using analog control
99 Semi-automated plant
A1 Manually operated and controlled
A2 Package plant
A3 Semi-package plant
A4 Custom built plant
A7 Irrigation – public access
A8 Irrigation – agriculture
A9 Effluent storage ponds (irrigation)
C1 Irrigation – pastureland
D8 Other reuse method
D9 Emergency holding ponds
E1 Evaporation or playa
E8 Monitoring wells
E9 Biomonitoring
F7 Stormwater (SSO)
F8 Unconventional

PERMIT Melinda Luxemburg, P.E.
Municipal Permits Team
Wastewater Permitting Section, Water Quality Division
Date: April 20, 2023

MUNICIPAL EPA REVIEW CHECKLIST

Permittee Name: Treasure Island Laguna Azure LLC
Permit Number: TPDES Permit No. WQ0016092001, EPA ID No. TX0142263

NOTE: Minor amendments, endorsements, and minor modifications (except for pretreatment) are exempt from EPA review. ***However, HSC permits Seg Nos. 1001, 1005, 1006, 1007, 1016, 2426, 2427, 2428, 2429, 2430, and 2436 require review by modeling to ensure that the loading is consistent with the revised WLE-1R, so you may need to check with the modeler or check the most recent modeling memo to confirm that the loading is consistent.***

For renewal, amendment or new permits check any items that apply to determine if the permit is subject to EPA review:

PLEASE CHECK ☒ ALL THE APPLICABLE BELOW:

Draft permit authorizes:

YES	NO	
☒	☐	Discharge from a designated major facility
☐	☒	Discharge from a POTW with an approved pretreatment program
☒	☐	Discharge from a facility with a daily/annual average flow >1.0 MGD
☐	☒	Discharge to a critical concern species watershed that requires EPA review
☐	☒	Discharge that includes a request for a water quality variance
☐	☒	Storm water discharge to high priority species watershed
☐	☒	First time implementation of a final TMDL for an existing facility
☐	☒	Prior to a final TMDL, new permit, or expanded discharge to an impaired listed 303(d) listed segment, and that has the potential to discharge any pollutant that is causing or contributing to the impairment.
☐	☒	After a final TMDL, new permit or expanded discharge to an impaired listed 303(d) listed segment where the TMDL does not allocate the loadings described in the draft permit
☐	☒	After a final TMDL, a permit with effluent limits that allow loadings in excess of those prescribed by the TMDL for the segment
☐	☒	After a final TMDL, a permit that allows **more** than a 3-year schedule for an existing facility to be in compliance with final effluent limits based on the TMDL allocation (new facilities have to be compliant upon discharge)
☐	☒	Discharge directly to territorial seas of the United States (from the coastline to 3 miles out but not including Bays and Estuaries)
☐	☒	Discharge or sewage sludge management that may affect another state or Mexico. For sewage sludge management, may affect means, accepts sewage sludge from another state or Mexico. For discharge, it means a discharge within 3 miles of a boundary with another state or Mexico.
☐	☒	Discharge from a Class I sludge management facility. (A Class I facility is a POTW or combination of POTWs operated by the same authority with a design flow of >5 MGD and that have IUs and are required to have an approved pretreatment program or are subject to pretreatment standards, **OR** any other treatment works treating domestic sewage sludge classified as a Class I sludge management facility by the Regional Administrator in conjunction with the TCEQ.)

If any column is marked "YES", EPA must receive a copy of the full permit package.
If all columns are marked "NO", EPA does not need to review the draft permit.

Permit Writer: Melinda Luxemburg, P.E.

Date: April 20, 2023

MUNICIPAL MAJOR/MINOR DETERMINATION

Permittee Name: Treasure Island Laguna Azure LLC

Permit Number: TPDES Permit No. WQ0016092001, EPA ID No. TX0142263

Type of Application: New Permit

Check Appropriate Classification:

☒ Major
☐ Minor

Permitted Flow: 1.4 MGD

Permit Writer: Melinda Luxemburg, P.E.

Date: April 20, 2023

Request for Comments on Draft Permit
TCEQ – Water Quality Division
Phone: (512)239-4671
Fax: (512)239-4430
Mailing Address: TCEQ, Water Quality Division, P.O. Box 13087, Austin, TX 78711-3087

TO: Region: **4**

Submitted by: **Melinda Luxemburg, P.E.** E-Mail ID: **melinda.luxemburg@tceq.texas.gov**

Phone: **(512) 239-4541**

Date Request Submitted:

Comments Deadline: Within 7 days

Date Application Received by TCEQ in Austin: **January 18, 2022**

REGIONAL OFFICES: The entity below has submitted an application for the project referenced below in accordance with regulations of the TCEQ. Please return comments ASAP, but no later than the comments deadline, which is 10 days from the submittal date. Permit disposition will proceed after comments are received or after the comments deadline has passed. If no comments are received within this time frame, we will assume you have no comments or objections to the project as proposed. Please return a complete copy of the form (both sides) with your comments.

PROJECT TYPE: **New Permit** TEAM ASSIGNED: **MUNICIPAL**

APPLICATION TYPE: ☒ **TPDES** ☐ **TLAP** REGULATED ENTITY NO.: **RN111409553**

PERMIT NO.: **WQ0016092001** CUSTOMER REFERENCE NO.: **CN605975267**

COMPANY NAME: **Treasure Island Laguna Azure LLC**

PLANT NAME: **Treasure Island WWTP**

ADDRESS: **2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201**

SEGMENT: **0821** COUNTY: **Grayson**

TECHNICAL CONTACT: **Mr. Jonathan Nguyen** PHONE: **512-685-5156**

PERMIT CLASSIFICATION: **MAJOR**

COMPLIANCE RATING: **CN605975267** = Not Applicable (N/A) / **RN111409553** = N/A

SUMMARY OF APPLICATION REQUEST: The applicant has applied for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.2 MGD in the Interim I phase, a daily average flow not to exceed 0.4 MGD in the Interim II phase, and an annual average flow not to exceed 1.4 MGD in the Final phase.

PERMIT WRITER COMMENTS: The requested effluent limitations, based on a 30-day average, of 10 mg/l carbonaceous biochemical oxygen demand, 5-day ($CBOD_5$), 15 mg/l total suspended solids (TSS), 3 mg/l ammonia-nitrogen (NH_3-N), and 4.0 mg/l minimum dissolved oxygen (DO) have been applied to the Interim I phase. However, the effluent limitations in the Interim II phase, based on a 30-day average, are 10 mg/l $CBOD_5$, 15 mg/l TSS, 3.0 mg/l NH_3-N, and **6.0** mg/l minimum DO and in the Final phase, based on a 30-day average, are 7 mg/l $CBOD_5$, 15 mg/l TSS, **2.0** mg/l NH_3-N, and **5.0** mg/l minimum DO, per the March 23, 2022, Modeling Memorandum. *E. coli* bacteria limits have been included for all phases in accordance with the recent amendments to 30 TAC Chapters 309 and 319. The draft permit includes all updates based on the 30 TAC § 312 rule change effective April 23, 2020.

RESPONSE TO REQUEST FOR COMMENTS ON DRAFT PERMIT

TO: **Melinda Luxemburg, P.E.**

FROM: Region: **4**

Copy of Application Received by your Office: ☐ YES ☐ NO Date Received: _____

COMPANY NAME: Treasure Island Laguna Azure LLC

PERMIT NO.: WQ0016092001

REGULATED ENTITY NO: RN111409553

Investigator's/Compliance Officer's Name (Please Print): _____

Phone: _____

Comments Deadline (from pg. 1):

Date of Last Site Visit: _____

COMMENTS ON CONDITIONS: (Please mark up the draft special conditions with your comments. Please address applicability and enforceability. List any additional conditions below):

Compliance Determination Conditions: _____

Operational Limitations: _____

General Comments: _____

AGENDA CAPTION FOR PERMIT NO. WQ0016092001

Treasure Island Laguna Azure LLC has applied for new Texas Pollutant Discharge Elimination System Permit No. WQ0016092001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 1,400,000 gallons per day. The facility will be located approximately 0.81 of a mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Firoj Vahora, Team Leader — Date: April 27, 2023
MAL 4/27/23 Municipal Team, Wastewater Permitting Section
From: Melinda Luxemburg, P.E., Municipal Permits Team

APPLICANT: Treasure Island Laguna Azure LLC
PLANT NAME: Treasure Island WWTP
TPDES PERMIT NO: WQ0016092001 — EPA ID No: TX0142263

FILE NAME: **H:\WQ_WQ Division-New Network Drive/Wastewater Permitting Section/MUNI/PERMIT FILES/_Working Files/WQ0016092001**

Admin Complete Date:	2/28/2022	Pretreatment Memo:	N/A
Standards Memo:	3/10/2022	Assign Date:	4/6/2022
Critical Condition Memo:	3/18/2022	Tech Complete Date:	4/28/2023
Modeling Memo:	3/23/2022	RFI Letter Date:	N/A
Biomonitoring Memo:	4/4/2022	Response Letter Date:	N/A

PERMIT TYPE

☐ Public Domestic
☒ Private Domestic

☒ Discharge (TPDES)
☐ Land Application

☒ Major (> 1 MGD)

PERMIT ACTION
New Permit

PERMIT PACKAGE

YES	NO	
☒	☐	Transmittal letter to applicant
☒	☐	Transmittal letter to EPA
☒	☐	Fact Sheet and ED Preliminary Decision for major TPDES Permit
☒	☐	Permit Draft
☒	☐	Biomonitoring Requirements for Major TPDES Permits
☐	☒	Pretreatment Requirements for POTWs
☐	☒	Authorization to land apply or dispose of Class B Biosolids or sewage sludge on property adjacent to WWTP in draft permit. Includes appropriate other requirements (including quarterly and annual reporting, soil monitoring, language in notice and fact sheet, attachments.
☒	☐	EPA REVIEW CHECKLIST
☒	☐	FACILITY PROCESS FORM for PARIS
☒	☐	TEXTOX Printout in file
☒	☐	NOTICE for admin complete on or after 9/1/99
☒	☐	CAPTION (also saved in **H:\EVERYONEwq\CAPTION**)
☒	☐	Legislative Notice (SB709) required **(saved in H:\WQ\Muni\LEGISLATIVE NOTICE)**
☒	☐	MAJOR/MINOR DETERMINATION if needed
☐	☒	LOCATED IN THE COASTAL ZONE (if located in coastal zone, include **CMP Threshold Sheet**)
☒	☐	SPELLCHECK: DRAFT PERMIT/TECH SUM/SOB/FACT SHEET/NOTICE/LETTER(S)
☒	☐	**SCHEDULE FOR ERC Part A: All major permits and permits in Edwards Aquifer area are scheduled for ERC**
☐	☒	Located in the Edwards Aquifer area:
☒	☐	**COMPLIANCE HISTORY:** ***CN605975267*** *= Not Applicable (N/A) /* ***RN111409553*** *= N/A*
☐	☒	ENFORCEMENT ORDER(S)

COMMENTS: The applicant has applied for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.2 MGD in the Interim I phase, a daily average

flow not to exceed 0.4 MGD in the Interim II phase, and an annual average flow not to exceed 1.4 MGD in the Final phase. The requested effluent limitations, based on a 30-day average, of 10 mg/l carbonaceous biochemical oxygen demand, 5-day ($CBOD_5$), 15 mg/l total suspended solids (TSS), 3 mg/l ammonia-nitrogen (NH_3-N), and 4.0 mg/l minimum dissolved oxygen (DO) have been applied to the Interim I phase. However, the effluent limitations in the Interim II phase, based on a 30-day average, are 10 mg/l $CBOD_5$, 15 mg/l TSS, 3.0 mg/l NH_3-N, and **6.0** mg/l minimum DO and in the Final phase, based on a 30-day average, are 7 mg/l $CBOD_5$, 15 mg/l TSS, **2.0** mg/l NH_3-N, and **5.0** mg/l minimum DO, per the March 23, 2022, Modeling Memorandum. *E. coli* bacteria limits have been included for all phases in accordance with the recent amendments to 30 TAC Chapters 309 and 319. The draft permit includes all updates based on the 30 TAC § 312 rule change effective April 23, 2020.

Melinda Luxemburg

From: Mimi Wallace
Sent: Thursday, May 4, 2023 10:53 AM
To: Melinda Luxemburg
Subject: 16092-001_ERC_WET_No comment

Melinda,
No comment, re: WET language.

- maw

Melinda Luxemburg

From:	Shemica Wilford
Sent:	Tuesday, May 2, 2023 4:15 PM
To:	Amancio Gutierrez; Andrew Gorton; April Hoh; Brenda Kouri; Brent Candler; Brian Sierant; Brittany Lee; Charles Caston; Cliff Moore; Colleen Cook; Dania Grundmann; Danielle Clements; Elaine Fowler; Erika Crespo; Firoj Vahora; Gregg Easley; Guillermo Reyes; Gunnar Dubke; Hannah Zellner; James Michalk; Jason Leifester; Jeff Paull; Jenna Lueg; Jesus Chavez; Josi Robertson; Joy Alabi; Julie Rueckheim; Kyle Linville; Louis Herrin; Matthew Udenenwu; Michael Pfeil; Michael Taylor; Michelle Labrie; Mike Lindner; Mimi Wallace; Nicole Reed; Peter Schaefer; Rebecca Villalba; Robert Sadlier; Westin Massey; Xing Lu
Cc:	Melinda Luxemburg; Ruiqiang Zong
Subject:	ERC FOR 5-9-2023
Attachments:	WQ0016092001.docx; ERC 5-9-2023.docx; WQA 5-9-2023.docx; WQ0016281001.docx

Please see the attached ERC memo, WQA form, and draft permits for ERC 5/9/2023.

Thank you,

Shemica Wilford
Customer Information Assistance (CIA)
Water Quality Division
Texas Commission on Environmental Quality (TCEQ)
Shemica.Wilford@tceq.texas.gov

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TO: Executive Review Committee Representative DATE: May 2, 2023

FROM: Matthew Udenenwu Section Manager, Wastewater Permitting Section

SUBJECT: Draft Permit(s) Ready for Filing with the Office of the Chief Clerk

The draft wastewater permits listed below are tentatively scheduled for filing with the TCEQ Chief Clerk's Office.

Please review the draft permits and provide any recommended changes to the designated staff member by May 9, 2023

The draft permits are included as attachments to the email. If you have any questions or problems accessing the draft permit(s).

INDUSTRIAL	STAFF	PERMIT NO.	COUNTY	APPLICATION
MUNICIPAL	**STAFF**	**PERMIT NO.**	**COUNTY**	**APPLICATION**
Treasure Island Laguna Azure LLC	M. Luxemburg	16092-001	Grayson	New
Gram Vikas Partners, Inc.	R. Zong	16281-001	Medina	New
STORMWATER	**STAFF**	**PERMIT NO.**	**COUNTY**	**APPLICATION**
SLUDGE	**STAFF**	**PERMIT NO.**	**COUNTY**	**APPLICATION**
PRETREATMENT SUB MOD	**STAFF**	**PERMIT NO.**	**COUNTY**	**APPLICATION**

ERC for: May 9, 2023

Permit Name	Permit No.	Standards Reviewer	Critical Condition	Modeling Reviewer	Toxicity Reviewer (Biomon)	Geology Reviewer (Ground)	Agronomist Reviewer (Soil)	Seg. No.	File Type
Treasure Island Laguna Azure LLC	16092-001	J. Lueg	NA	X.Lu	M. A. Wallace	NA	NA	0821	New
Gram Vikas Partners, Inc	16281-001	J. Paull	B. Christman	G. Dubke	NA	NA	NA	2114	New

Melinda Luxemburg

From: Melinda Luxemburg
Sent: Friday, April 28, 2023 6:18 PM
To: Shemica Wilford
Cc: Melinda Luxemburg
Subject: WQ0016092001 is also in teams and ready for email-out
Attachments: Blue Sheets.jpg; WQ0016092001.docx

Good afternoon Shemica,

The attached draft permit, fact sheet, NAPD, letters, and worksheets are located in Teams>Water Quality Division>Mailout-Draft Permit Package and at H:/WQ/Muni/ERC and Region Permits/WQ0016092001 and are ready for email-out. The draft permit is for a new major permit application and is **subject to ERC Part A** and **does require EPA review but not Title VI**. Contact info: Mr. Jonathan Nguyen (jnguyen@jonescarter.com) and Mr. Steve Maglisceau (steve.maglisceau@megatelhomes.com). I am also including a pdf of the blue sheets. Please let me know if you need anything else. Thank you, ML

Melinda Luxemburg, P.E.
Municipal Permits Team
Wastewater Permitting Section
Water Quality Division, TCEQ
(work 512-239-4541; cell 512-663-2388)
melinda.luxemburg@tceq.texas.gov

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TakeCareOfTexas.org

Customer Satisfaction Survey

TEXTOX MENU #3 - PERENNIAL STREAM OR RIVER

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

Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life
Table 2, 2018 Texas Surface Water Quality Standards for Human Health
"Procedures to Implement the Texas Surface Water Quality Standards," TCEQ, June 2010

PERMIT INFORMATION

Permittee Name:	Treasure Island Laguna Azure LLC
TPDES Permit No.:	WQ0016092001
Outfall No.:	001
Prepared by:	Melinda Luxemburg, P.E.
Date:	April 18, 2023

DISCHARGE INFORMATION

Receiving Waterbody:	West Prong Whites Creek
Segment No.:	0821
TSS (mg/L)	5
pH (Standard Units):	7.8
Hardness (mg/L as $CaCO_3$):	96
Chloride (mg/L):	8
Effluent Flow for Aquatic Life (MGD):	1.4
Critical Low Flow (7Q2) (cfs):	0.1
% Effluent for Chronic Aquatic Life (Mixing Zone):	95.59
% Effluent for Acute Aquatic Life (ZID):	98.86
Effluent Flow for Human Health (MGD):	1.4
Harmonic Mean Flow (cfs):	0.2
% Effluent for Human Health:	91.55
Human Health Criterion (select: PWS, FISH, or IWC)	FISH

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

Stream/River Metal	Intercept (b)	Slope (m)	Partition Coefficient (Kp)	Dissolved Fraction (Cd/Ct)	Source	Water Effect Ratio (WER)	Source
Aluminum	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Arsenic	5.68	-0.73	147826.36	0.575		1.00	Assumed
Cadmium	6.60	-1.13	645897.93	0.236		1.00	Assumed
Chromium (total)	6.52	-0.93	741238.38	0.212		1.00	Assumed
Chromium (trivalent)	6.52	-0.93	741238.38	0.212		1.00	Assumed
Chromium (hexavalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	6.02	-0.74	318245.45	0.386		1.00	Assumed
Lead	6.45	-0.80	777721.31	0.205		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	5.69	-0.57	195698.32	0.505		1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	6.38	-1.03	457152.29	0.304		1.00	Assumed
Zinc	6.10	-0.70	408057.15	0.329		1.00	Assumed

AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	FW Acute Criterion (µg/L)	FW Chronic Criterion (µg/L)	WLAa (µg/L)	WLAc (µg/L)	LTAa (µg/L)	LTAc (µg/L)	Daily Avg. (µg/L)	Daily Max. (µg/L)
Aldrin	3.0	N/A	3.03	N/A	1.74	N/A	2.56	5.41
Aluminum	991	N/A	1002	N/A	574	N/A	844	1786
Arsenic	340	150	598	273	343	210	309	654
Cadmium	8.2	0.239	35.3	1.06	20.2	0.81	1.20	2.53
Carbaryl	2.0	N/A	2.02	N/A	1.16	N/A	1.70	3.61
Chlordane	2.4	0.004	2.43	0.0042	1.39	0.0032	0.0047	0.0100
Chlorpyrifos	0.083	0.041	0.084	0.043	0.048	0.033	0.049	0.103
Chromium (trivalent)	551	72	2623	353	1503	272	399	845
Chromium (hexavalent)	15.7	10.6	15.9	11.1	9.1	8.5	12.6	26.6
Copper	13.7	9.1	35.8	24.8	20.5	19.1	28.1	59
Cyanide (free)	45.8	10.7	46.3	11.2	26.5	8.6	12.7	26.8
4,4'-DDT	1.1	0.001	1.11	0.0010	0.638	0.0008	0.0012	0.0025
Demeton	N/A	0.1	N/A	0.105	N/A	0.081	0.118	0.253
Diazinon	0.17	0.17	0.172	0.178	0.099	0.137	0.145	0.306
Dicofol (Kelthane)	59.3	19.8	60.0	20.7	34.4	15.9	23.4	49.6
Dieldrin	0.24	0.002	0.243	0.0021	0.139	0.0016	0.0024	0.0050
Diuron	210	70	212	73	122	56	83	175

Endosulfan I (*alpha*)	0.22	0.056	0.223	0.059	0.128	0.045	0.066	0.140
Endosulfan II (*beta*)	0.22	0.056	0.223	0.059	0.128	0.045	0.066	0.140
Endosulfan sulfate	0.22	0.056	0.223	0.059	0.128	0.045	0.066	0.140
Endrin	0.086	0.002	0.087	0.0021	0.050	0.0016	0.0024	0.0050
Guthion [Azinphos Methyl]	N/A	0.01	N/A	0.010	N/A	0.008	0.012	0.025
Heptachlor	0.52	0.004	0.53	0.0042	0.301	0.0032	0.0047	0.0100
Hexachlorocyclohexane (*gamma*) [Lindane]	1.126	0.08	1.14	0.084	0.653	0.064	0.095	0.200
Lead	62	2.41	305	12.3	175	9.5	13.9	29
Malathion	N/A	0.01	N/A	0.010	N/A	0.008	0.012	0.025
Mercury	2.4	1.3	2.43	1.36	1.39	1.05	1.54	3.26
Methoxychlor	N/A	0.03	N/A	0.031	N/A	0.024	0.036	0.075
Mirex	N/A	0.001	N/A	0.0010	N/A	0.0008	0.0012	0.0025
Nickel	452	50.2	905	104	519	80	118	249
Nonylphenol	28	6.6	28.3	6.9	16.2	5.32	7.8	16.5
Parathion [ethyl]	0.065	0.013	0.066	0.014	0.038	0.010	0.015	0.033
Pentachlorophenol	19.5	15.0	19.7	15.6	11.3	12.0	16.6	35.1
Phenanthrene	30	30	30.3	31.4	17.4	24.2	25.6	54.1
Polychlorinated Biphenyls [PCBs]	2.0	0.014	2.02	0.015	1.16	0.011	0.017	0.035
Selenium	20	5	20.2	5.23	11.6	4.03	5.9	12.5
Silver	0.8	N/A	3.79	N/A	2.17	N/A	3.19	6.8
Toxaphene	0.78	0.0002	0.789	0.00021	0.452	0.00016	0.00024	0.00050
Tributyltin [TBT]	0.13	0.024	0.132	0.025	0.075	0.019	0.028	0.060
2,4,5 Trichlorophenol	136	64	138	67	78.8	51.6	76	160
Zinc	113	114	348	363	199	279	293	620

HUMAN HEALTH

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*Water and Fish Criterion (µg/L)*	*Fish Only Criterion (µg/L)*	*Incidental Fish Criterion (µg/L)*	*WLAh (µg/L)*	*LTAh (µg/L)*	*Daily Avg. (µg/L)*	*Daily Max. (µg/L)*
Acrylonitrile	1.0	115	1150	125.62	116.82	171.73	363.33
Aldrin	1.146E-05	1.147E-05	1.147E-04	1.25E-05	1.17E-05	1.71E-05	3.62E-05
Anthracene	1109	1337	13370	1439	1338	1967	4161
Antimony	6	1071	10710	1169.9	1088.0	1599.4	3383.7
Arsenic	10	N/A	N/A	N/A	N/A	N/A	N/A
Barium	2000	N/A	N/A	N/A	N/A	N/A	N/A
Benzene	5	581	5810	634.6	590.2	867.6	1835.6
Benzidine	0.0015	0.107	1.07	0.1169	0.1087	0.1598	0.3381
Benzo(a)anthracene	0.024	0.025	0.25	0.027	0.025	0.037	0.079
Benzo(a)pyrene	0.0025	0.0025	0.025	0.0027	0.0025	0.004	0.008
Bis(chloromethyl)ether	0.0024	0.2745	2.745	0.2998	0.2789	0.410	0.867
Bis(2-chloroethyl)ether	0.60	42.83	428.3	46.78	43.51	63.96	135.31
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	6	7.55	75.5	8.2	7.7	11.3	23.9
Bromodichloromethane [Dichlorobromomethane]	10.2	275	2750	300.4	279.4	410.7	869
Bromoform [Tribromomethane]	66.9	1060	10600	1158	1077	1585	3349
Cadmium	5	N/A	N/A	N/A	N/A	N/A	N/A
Carbon Tetrachloride	4.5	46	460	50.7	46.7	68.7	145.3
Chlordane	0.0025	0.0025	0.025	0.0027	0.0025	0.004	0.008
Chlorobenzene	100	2737	27370	2990	2780	4087	8647
Chlorodibromomethane [Dibromochloromethane]	7.5	183	1830	199.9	185.9	273.3	578.2
Chloroform [Trichloromethane]	70	7697	76970	8408	7819	11494	24318
Chromium (hexavalent)	62	502	5020	548	510	750	1586
Chrysene	2.45	2.52	25.2	2.75	2.56	3.8	8.0
Cresols [Methylphenols]	1041	9301	93010	10160	9449	13889	29385
Cyanide (free)	200	N/A	N/A	N/A	N/A	N/A	N/A
4,4'-DDD	0.002	0.002	0.02	0.0022	0.0020	0.0030	0.0063
4,4'-DDE	0.00013	0.00013	0.0013	0.00014	0.00013	0.00019	0.0004
4,4'-DDT	0.0004	0.0004	0.004	0.0004	0.0004	0.0006	0.0013
2,4-D	70	N/A	N/A	N/A	N/A	N/A	N/A
Danitol (Fenpropathrin)	262	473	4730	517	481	706	1494
1,2-Dibromoethane [Ethylene Dibromide]	0.17	4.24	42.4	4.631	4.307	6.332	13.40
m-Dichlorobenzene [1,3-Dichlorobenzene]	322	595	5950	650	604	889	1880
o-Dichlorobenzene [1,2-Dichlorobenzene]	600	3299	32990	3604	3351	4926	10423
p-Dichlorobenzene [1,4-Dichlorobenzene]	75	N/A	N/A	N/A	N/A	N/A	N/A
3,3'-Dichlorobenzidine	0.79	2.24	22.4	2.45	2.28	3.35	7.08
1,2-Dichloroethane	5	364	3640	397.6	369.8	543.6	1150.0
1,1-Dichloroethylene [1,1-Dichloroethene]	7	55114	551140	60202.8	55988.6	82303.2	174124.4
Dichloromethane (Methylene Chloride)	5	13333	133330	14564.1	13546.6	19910.5	42123.6
1,2-Dichloropropane	5	259	2590	282.9	263.1	386.8	818.3
1,3-Dichloropropene [1,3-Dichloropropylene]	2.8	119	1190	129.99	120.89	177.7	376.0

Dicofol [Kelthane]	0.30	0.30	3	0.33	0.305	0.45	0.95
Dieldrin	2.0E-05	2.0E-05	2.0E-04	2.18E-05	2.03E-05	2.99E-05	6.32E-05
2,4-Dimethylphenol	444	8436	84360	9215	8570	12598	26652
Di-n-Butyl Phthalate	88.9	92.4	924	101	94	138	292
Dioxins/Furans [TCDD Equivalents]	7.80E-08	7.97E-08	7.97E-07	8.71E-08	8.10E-08	1.19E-07	2.52E-07
Endrin	0.02	0.02	0.2	0.022	0.020	0.030	0.063
Epichlorohydrin	53.5	2013	20130	2199	2045	3006	6360
Ethylbenzene	700	1867	18670	2039	1897	2788	5899
Ethylene Glycol	46744	1.68E+07	1.68E+08	18351168	17066586	25087882	53077083
Fluoride	4000	N/A	N/A	N/A	N/A	N/A	N/A
Heptachlor	8.0E-05	0.0001	0.001	0.00011	0.00010	0.00015	0.00032
Heptachlor Epoxide	0.00029	0.00029	0.0029	0.0003	0.0003	0.0004	0.0009
Hexachlorobenzene	0.00068	0.00068	0.0068	0.0007	0.0007	0.0010	0.0021
Hexachlorobutadiene	0.21	0.22	2.2	0.240	0.223	0.329	0.70
Hexachlorocyclohexane (alpha)	0.0078	0.0084	0.084	0.009	0.009	0.013	0.027
Hexachlorocyclohexane (beta)	0.15	0.26	2.6	0.284	0.264	0.388	0.82
Hexachlorocyclohexane (gamma) [Lindane]	0.2	0.341	3.41	0.372	0.346	0.509	1.08
Hexachlorocyclopentadiene	10.7	11.6	116	12.7	11.8	17.3	37
Hexachloroethane	1.84	2.33	23.3	2.55	2.37	3.48	7.4
Hexachlorophene	2.05	2.90	29	3.17	2.95	4.33	9.2
4,4'-Isopropylidenediphenol [Bisphenol A]	1092	15982	159820	17458	16236	23866	50493
Lead	1.15	3.83	38.3	20.5	19.0	28.0	59.2
Mercury	0.0122	0.0122	0.122	0.013	0.012	0.018	0.039
Methoxychlor	2.92	3.0	30	3.3	3.05	4.5	9.5
Methyl Ethyl Ketone	13865	9.92E+05	9.92E+06	1083593	1007741	1481380	3134075
Methyl tert -butyl ether [MTBE]	15	10482	104820	11449.8	10648.3	15653.0	33136
Nickel	332	1140	11400	2464	2291	3368	7126
Nitrate-Nitrogen (as Total Nitrogen)	10000	N/A	N/A	N/A	N/A	N/A	N/A
Nitrobenzene	45.7	1873	18730	2046	1903	2797	5917
N-Nitrosodiethylamine	0.0037	2.1	21	2.294	2.133	3.136	6.635
N-Nitroso-di-n-Butylamine	0.119	4.2	42	4.588	4.267	6.272	13.27
Pentachlorobenzene	0.348	0.355	3.55	0.39	0.36	0.53	1.12
Pentachlorophenol	0.22	0.29	2.9	0.317	0.295	0.43	0.92
Polychlorinated Biphenyls [PCBs]	6.4E-04	6.4E-04	6.40E-03	0.0007	0.0007	0.0010	0.0020
Pyridine	23	947	9470	1034.4	962.0	1414	2992
Selenium	50	N/A	N/A	N/A	N/A	N/A	N/A
1,2,4,5-Tetrachlorobenzene	0.23	0.24	2.4	0.262	0.244	0.36	0.76
1,1,2,2-Tetrachloroethane	1.64	26.35	263.5	28.78	26.77	39.35	83.2
Tetrachloroethylene [Tetrachloroethylene]	5	280	2800	305.9	284.4	418.2	884.6
Thallium	0.12	0.23	2.3	0.251	0.234	0.343	0.73
Toluene	1000	N/A	N/A	N/A	N/A	N/A	N/A
Toxaphene	0.011	0.011	0.11	0.012	0.011	0.016	0.035
2,4,5-TP [Silvex]	50	369	3690	403	375	551	1166
1,1,1-Trichloroethane	200	784354	7843540	856775	796800	1171296	2478049
1,1,2-Trichloroethane	5	166	1660	181.3	168.6	247.9	524.5
Trichloroethylene [Trichloroethene]	5	71.9	719	78.5	73.0	107.4	227.2
2,4,5-Trichlorophenol	1039	1867	18670	2039	1897	2788	5899
TTHM [Sum of Total Trihalomethanes]	80	N/A	N/A	N/A	N/A	N/A	N/A
Vinyl Chloride	0.23	16.5	165	18.023	16.762	24.640	52.129

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

Aquatic Life Parameter	*70% of Daily Avg. (µg/L)*	*85% of Daily Avg. (µg/L)*
Aldrin	1.79	2.17
Aluminum	591	718
Arsenic	216	263
Cadmium	0.84	1.02
Carbaryl	1.19	1.45
Chlordane	0.0033	0.0040
Chlorpyrifos	0.034	0.041
Chromium (trivalent)	280	340
Chromium (hexavalent)	8.8	10.7
Copper	19.6	23.8
Cyanide (free)	8.9	10.8
4,4'-DDT	0.0008	0.0010
Demeton	0.083	0.101
Diazinon	0.101	0.123
Dicofol [Kelthane]	16.4	19.9

Dieldrin	0.0017	0.0020
Diuron	58	70
Endosulfan I (alpha)	0.046	0.056
Endosulfan II (Beta)	0.046	0.056
Endosulfan sulfate	0.046	0.056
Endrin	0.0017	0.0020
Guthion (Azinphos Methyl)	0.008	0.010
Heptachlor	0.0033	0.0040
Hexachlorocyclohexane (*gamma*) (Lindane)	0.066	0.081
Lead	9.8	11.8
Malathion	0.008	0.010
Mercury	1.08	1.31
Methoxychlor	0.025	0.030
Mirex	0.0008	0.0010
Nickel	82	100
Nonylphenol	5.47	6.6
Parathion (ethyl)	0.011	0.013
Pentachlorophenol	11.6	14.1
Phenanthrene	17.9	21.7
Polychlorinated Biphenyls (PCBs)	0.012	0.014
Selenium	4.14	5.03
Silver	2.24	2.71
Toxaphene	0.00017	0.00020
Tributyltin (TBT)	0.020	0.024
2,4,5 Trichlorophenol	53.1	64
Zinc	205	249

Human Health *Parameter*	*70% of Daily Avg. (ug/L)*	*85% of Daily Avg. (ug/L)*
Acrylonitrile	120.21	145.97
Aldrin	1.20E-05	1.46E-05
Anthracene	1377	1672
Antimony	1119.5	1359.4
Arsenic	N/A	N/A
Barium	N/A	N/A
Benzene	607.3	737.5
Benzidine	0.1119	0.1358
Benzo(a)anthracene	0.026	0.032
Benzo(a)pyrene	0.0026	0.0032
Bis(chloromethyl)ether	0.2869	0.3484
Bis(2-chloroethyl)ether	44.77	54.37
Bis(2-ethylhexyl) phthalate (Di(2-ethylhexyl) phthalate)	7.9	9.6
Bromodichloromethane (Dichlorobromomethane)	287.5	349.1
Bromoform (Tribromomethane)	1108	1345
Cadmium	N/A	N/A
Carbon Tetrachloride	48.1	58.4
Chlordane	0.0026	0.0032
Chlorobenzene	2861	3474
Chlorodibromomethane (Dibromochloromethane)	191.3	232.3
Chloroform (Trichloromethane)	8046	9770
Chromium (hexavalent)	525	637
Chrysene	2.63	3.20
Cresols (Methylphenols)	9723	11806
Cyanide (free)	N/A	N/A
4,4'-DDD	0.0021	0.0025
4,4'-DDE	0.00014	0.00017
4,4'-DDT	0.0004	0.0005
2,4'-D	N/A	N/A
Danitol (Fenpropathrin)	494	600
1,2-Dibromoethane (Ethylene Dibromide)	4.432	5.382
m-Dichlorobenzene (1,3-Dichlorobenzene)	622	755
o-Dichlorobenzene (1,2-Dichlorobenzene)	3449	4188
p-Dichlorobenzene (1,4-Dichlorobenzene)	N/A	N/A
3,3'-Dichlorobenzidine	2.34	2.84
1,2-Dichloroethane	380.5	462.0
1,1-Dichloroethylene (1,1-Dichloroethene)	57612.2	69957.7
Dichloromethane (Methylene Chloride)	13937.4	16923.9
1,2-Dichloropropane	270.7	328.8
1,3-Dichloropropene (1,3-Dichloropropylene)	174.39	211.0

Dicofol [Kelthane]	0.314	0.38
Dieldrin	2.09E-05	2.54E-05
2,4-Dimethylphenol	8818	10708
Di-*n*-Butyl Phthalate	97	117
Dioxins/Furans [TCDD Equivalents]	8.33E-08	1.01E-07
Endrin	0.021	0.025
Epichlorohydrin	2104	2555
Ethylbenzene	1952	2370
Ethylene Glycol	17561517	21324700
Fluoride	N/A	N/A
Heptachlor	0.00010	0.00013
Heptachlor Epoxide	0.00030	0.00037
Hexachlorobenzene	0.0007	0.0009
Hexachlorobutadiene	0.230	0.279
Hexachlorocyclohexane (*alpha*)	0.009	0.011
Hexachlorocyclohexane (*beta*)	0.272	0.330
Hexachlorocyclohexane (gamma) [Lindane]	0.356	0.433
Hexachlorocyclopentadiene	12.1	14.7
Hexachloroethane	2.44	2.96
Hexachlorophene	3.03	3.68
4,4'-isopropylidenediphenol (Bisphenol A)	16706	20286
Lead	19.6	23.8
Mercury	0.013	0.015
Methoxychlor	3.14	3.8
Methyl Ethyl Ketone	1036956	1259173
Methyl *tert*-butyl ether [MTBE]	10957.1	13305.1
Nickel	2358	2863
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A
Nitrobenzene	1958	2377
N-Nitrosodiethylamine	2.195	2.666
N-Nitroso-di-*n*-Butylamine	4.390	5.331
Pentachlorobenzene	0.37	0.45
Pentachlorophenol	0.303	0.368
Polychlorinated Biphenyls [PCBs]	0.0007	0.0008
Pyridine	989.9	1202.1
Selenium	N/A	N/A
1,2,4,5-Tetrachlorobenzene	0.251	0.305
1,1,2,2-Tetrachloroethane	27.54	33.45
Tetrachloroethylene [Tetrachloroethylene]	292.7	355.4
Thallium	0.240	0.292
Toluene	N/A	N/A
Toxaphene	0.011	0.014
2,4,5-TP [Silvex]	386	468
1,1,1-Trichloroethane	819908	995602
1,1,2-Trichloroethane	173.5	210.7
Trichloroethylene [Trichloroethene]	75.2	91.3
2,4,5-Trichlorophenol	1952	2370
TTHM [Sum of Total Trihalomethanes]	N/A	N/A
Vinyl Chloride	17.248	20.944

Melinda Luxemburg

From: Shemica Wilford
Sent: Tuesday, May 2, 2023 4:15 PM
To: Brent Candler; Joy Thurston-Cook
Cc: Melinda Luxemburg; Ruiqiang Zong
Subject: RFC FOR ERC 5-9-2023
Attachments: WQ0016092001.docx; WQ0016281001.docx

Region 04
16092-001 Treasure Island Laguna Azure LLC

Region 13
16281-001 Gram Vikas Partners, Inc.

Thank you,

Shemica Wilford
Customer Information Assistance (CIA)
Water Quality Division
Texas Commission on Environmental Quality (TCEQ)
Shemica.Wilford@tceq.texas.gov

AR-7

Applicant Review of Draft Permit

Melinda Luxemburg

From:	Shemica Wilford
Sent:	Tuesday, May 2, 2023 4:15 PM
To:	jnguyen@jonescarter.com; steve.maglisceau@megatelhomes.com
Cc:	Melinda Luxemburg
Subject:	WQ0016092001 Treasure Island Laguna Azure LLC
Attachments:	WQ0016092001.pdf

To whom it may concern,

Attached for your review, is the letter, DRAFT permit, NAPD, and statement of basis/technical summary, for Permit WQ0016092001 Treasure Island Laguna Azure LLC.

Please submit any **comments and/or approval** no later than, ***Tuesday, May 9, 2023.*** If the comments and/ or approval are not received by the given deadline, it may cause significant delays in the permit process. Please contact Melinda Luxemburg with your comments and/ or approval to: Melinda.Luxemburg@tceq.texas.gov .

Thank you,

Shemica Wilford
Customer Information Assistance (CIA)
Water Quality Division
Texas Commission on Environmental Quality (TCEQ)
Shemica.Wiflord@tceq.texas.gov

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

Mr. Jonathan Nguyen
Permit Specialist, Jones & Carter, Inc.
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

Re: Treasure Island Laguna Azure LLC - TPDES Permit No. WQ0016092001, EPA ID No. TX0142263 (CN605975267; RN111409553)

Dear Mr. Nguyen:

Enclosed for your review and comment is a copy of a draft permit, Fact Sheet and Executive Director's Preliminary Decision for the above-referenced operation. This draft permit is subject to further staff review and modification; however, we believe it generally includes the terms and conditions that are appropriate to your discharge. **Please read the entire draft carefully and note the following:**

1. The draft permit will be issued to expire **five years from the date of issuance.**

2. The requested effluent limitations, based on a 30-day average, of 10 mg/l carbonaceous biochemical oxygen demand, 5-day ($CBOD_5$), 15 mg/l total suspended solids (TSS), 3 mg/l ammonia-nitrogen (NH_3-N), and 4.0 mg/l minimum dissolved oxygen (DO) have been applied to the Interim I phase. However, the effluent limitations in the Interim II phase, based on a 30-day average, are 10 mg/l $CBOD_5$, 15 mg/l TSS, 3.0 mg/l NH_3-N, and **6.0** mg/l minimum DO and in the Final phase, based on a 30-day average, are **7** mg/l $CBOD_5$, 15 mg/l TSS, **2.0** mg/l NH_3-N, and **5.0** mg/l minimum DO, per the March 23, 2022, Modeling Memorandum.

3. *E. coli* bacteria limits have been included in the draft permit in accordance with the recent amendments to 30 TAC Chapters 309 and 319, and the U.S. Environmental Protection Agency approved portions of the 2010 Texas Surface Water Quality Standards.

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

Also enclosed for your review and comment is a copy of the draft second notice, the Notice of Application and Preliminary Decision (NAPD), that was prepared for your application. Please review this notice and provide comments if there are any inaccuracies or any information that is not consistent with your application. Please do not publish the notice at this time; after the draft permit is filed with the Office of the Chief Clerk, you will receive instructions for publishing this notice in a newspaper from the Office of the Chief Clerk. Please note that these instructions will not be

mailed if the Office of the Chief Clerk has not received the requested proof that the first notice (Notice of Receipt and Intent to Obtain a Permit) has been published. This could cause delays in the processing of your application and the final issuance of the draft permit. When the NAPD notice is received, please publish promptly and submit proof of publication (affidavit and tearsheet) to the Office of the Chief Clerk. Failure to publish notice and submit proof of publication in a timely manner may result in returning of the application and loss of authorization to operate.

It is your responsibility to submit your comments on the draft permit prior to the deadline that is indicated in the email. Comments can be sent to melinda.luxemburg@tceq.texas.gov in place of or in addition to a hard copy.

If you have any comments or questions, please contact me at (512) 239-4541, or if by correspondence, include MC 148 in the letterhead address following my name.

Sincerely,

Melinda Luxemburg

Melinda Luxemburg, P.E., Permit Coordinator
Municipal Permits Team
Wastewater Permitting Section (MC 148)
Water Quality Division
Texas Commission on Environmental Quality

ML/SW

Enclosures

cc: Mr. Steven Maglisceau, Vice President, Treasure Island Laguna Azure LLC, 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201

Melinda Luxemburg

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Friday, June 2, 2023 9:58 AM
To: Melinda Luxemburg
Subject: RE: WQ0016092001 Treasure Island Laguna Azure LLC

Good morning Melinda,

Did I ever respond to this? If so, we approve the draft permit and notice.

Thanks!

Jonathan Nguyen
Permitting Specialist

Email: jnguyen@quiddity.com
T: (512) 685-5156

From: Melinda Luxemburg <melinda.luxemburg@tceq.texas.gov>
Sent: Tuesday, May 9, 2023 12:45 PM
To: Jonathan Nguyen <jnguyen@quiddity.com>
Cc: Alex S. Pfefferkorn PE <apfefferkorn@quiddity.com>; Kirby L. Taylor PE <ktaylor@quiddity.com>; Amy S. Hennard PG, PE <ahennard@quiddity.com>; Melinda Luxemburg <melinda.luxemburg@tceq.texas.gov>
Subject: RE: WQ0016092001 Treasure Island Laguna Azure LLC

Good afternoon Jonathan,

Thank you for your review and comments. Please see the corrected draft permit documents (attached). If you would like to follow the progress of this application/permit, you can view the status information from the TCEQ Commissioner's Integrated Database (CID). The steps to view the application/permit information are as follows. From the TCEQ Home page (Homepage - Texas Commission on Environmental Quality - www.tceq.texas.gov). Click on 'Commissioner Agenda meetings, work sessions, pending matters, filing documents...' under the Agency Deliberations and Decisions bar. Then click on 'View Pending Matters and File Documents' and then click on the bulleted item 'Track the status.' The TCEQ Commissioners' Integrated Database opens. In the Step Two box enter WQ0016092001 in the TCEQ ID Number: entry box. If you wish to see any filed comments, check the boxes for Include Filings on this item: and Include all correspondence from the public on this Item: in the Step Three (optional): box. Here is the link to the form: Search TCEQ Data - Texas Commission on Environmental Quality - www.tceq.texas.gov. Please take care and fill out our online customer satisfaction survey at your convenience. Thank you again, ML

Melinda Luxemburg, P.E.
Municipal Permits Team
Wastewater Permitting Section
Water Quality Division, TCEQ
(work 512-239-4541; cell 512-663-2388)
melinda.luxemburg@tceq.texas.gov

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TakeCareOfTexas.org

Customer Satisfaction Survey

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Tuesday, May 9, 2023 7:47 AM
To: Melinda Luxemburg <melinda.luxemburg@tceq.texas.gov>
Cc: Alex S. Pfefferkorn PE <apfefferkorn@quiddity.com>; Kirby L. Taylor PE <ktaylor@quiddity.com>; Amy S. Hennard PG, PE <ahennard@quiddity.com>
Subject: RE: WQ0016092001 Treasure Island Laguna Azure LLC

Good morning Melinda,

Only note is to update our company name in the draft NAPD. In the last sentence, change "Jones & Carter" to "Quiddity Engineering." Other than that, we approve the draft permit. Please let me know if you have any questions or need anything else from us.

Thanks!

Jonathan Nguyen
Permitting Specialist
Email: jnguyen@quiddity.com
T: (512) 685-5156

From: Shemica Wilford <Shemica.Wilford@tceq.texas.gov>
Sent: Tuesday, May 2, 2023 4:15 PM
To: Jonathan Nguyen <jnguyen@quiddity.com>; steve.maglisceau@megatelhomes.com
Cc: Melinda Luxemburg <melinda.luxemburg@tceq.texas.gov>
Subject: WQ0016092001 Treasure Island Laguna Azure LLC

To whom it may concern,

Attached for your review, is the letter, DRAFT permit, NAPD, and statement of basis/technical summary, for Permit WQ0016092001 Treasure Island Laguna Azure LLC.

Please submit any **comments and/or approval** no later than, ***Tuesday, May 9, 2023.*** If the comments and/ or approval are not received by the given deadline, it may cause significant delays in the permit process. Please contact Melinda Luxemburg with your comments and/ or approval to: Melinda.Luxemburg@tceq.texas.gov .

Thank you,

Shemica Wilford
Customer Information Assistance (CIA)
Water Quality Division
Texas Commission on Environmental Quality (TCEQ)
Shemica.Wilford@tceq.texas.gov

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Melinda Luxemburg

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Monday, March 27, 2023 9:08 AM
To: Melinda Luxemburg
Cc: Alex S. Pfefferkorn PE; Kirby L. Taylor PE
Subject: RE: Status of WQ0016092001 Draft Permit

Good morning Melinda,

Can you provide a status on this draft permit?

Please let me know if you have any questions or need anything from me.

Thank you!

Jonathan Nguyen
Permitting Specialist

QUIDDITY

jnguyen@quiddity.com
(512) 685-5156
3100 Alvin Devane Boulevard, Suite 150, Austin, Texas, 78741, United States

From: Melinda Luxemburg <melinda.luxemburg@tceq.texas.gov>
Sent: Tuesday, October 11, 2022 8:07 PM
To: Jonathan Nguyen <jnguyen@quiddity.com>
Cc: Alex Pfefferkorn <apfefferkorn@quiddity.com>; Kirby Taylor <ktaylor@quiddity.com>
Subject: RE: Status of WQ0016092001 Draft Permit

Good evening Jonathan,

My apologies for the late reply. I did return to drafting the permit amongst other priorities. I hope to complete the draft soon. Please take care and complete our online customer satisfaction survey by clicking on the following Customer Satisfaction Survey link. Thanks again, ML

Melinda Luxemburg, P.E.
Municipal Permits Team
Wastewater Permitting Section

Water Quality Division, TCEQ
(work 512-239-4541; cell 512-663-2388)
melinda.luxemburg@tceq.texas.gov

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TakeCareOfTexas.org

Customer Satisfaction Survey

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Monday, October 10, 2022 1:13 PM
To: Melinda Luxemburg <melinda.luxemburg@tceq.texas.gov>
Cc: Alex Pfefferkorn <apfefferkorn@quiddity.com>; Kirby Taylor <ktaylor@quiddity.com>
Subject: RE: Status of WQ0016092001 Draft Permit

Good afternoon Melinda,

I am following up on the status of this draft permit. Please let us know if you have any questions.

Thanks!

Jonathan Nguyen
Permitting Specialist
Email: jnguyen@quiddity.com
T: 512.685.5156

From: Melinda Luxemburg <melinda.luxemburg@tceq.texas.gov>
Sent: Tuesday, August 23, 2022 2:37 PM
To: Jonathan Nguyen <jnguyen@quiddity.com>
Cc: Alex Pfefferkorn <apfefferkorn@quiddity.com>; Kirby Taylor <ktaylor@quiddity.com>; Melinda Luxemburg <melinda.luxemburg@tceq.texas.gov>
Subject: RE: Status of WQ0016092001 Draft Permit

Good afternoon Jonathan,

Thank you for your email. I have been working on the draft permit, but I have temporarily been directed to other priorities. I will contact you if I have any further questions. Thanks again, ML

Melinda Luxemburg, P.E.
Municipal Permits Team
Wastewater Permitting Section
Water Quality Division, TCEQ
(work 512-239-4541; cell 512-663-2388)
melinda.luxemburg@tceq.texas.gov

Please take care and to fill out our online customer satisfaction survey click on the following Customer Satisfaction Survey.

Customer Satisfaction Survey

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Tuesday, August 23, 2022 1:52 PM
To: Melinda Luxemburg <melinda.luxemburg@tceq.texas.gov>
Cc: Alex Pfefferkorn <apfefferkorn@quiddity.com>; Kirby Taylor <ktaylor@quiddity.com>
Subject: RE: Status of WQ0016092001 Draft Permit

From: Jonathan Nguyen
Sent: Monday, July 11, 2022 2:45 PM
To: Melinda Luxemburg <melinda.luxemburg@tceq.texas.gov>
Cc: Alex Pfefferkorn <apfefferkorn@quiddity.com>; Kirby Taylor <ktaylor@quiddity.com>
Subject: RE: Status of WQ0016092001 Draft Permit

From: Melinda Luxemburg <melinda.luxemburg@tceq.texas.gov>
Sent: Monday, July 11, 2022 2:23 PM
To: Jose Alfonso Martinez <Jose.Martinez@tceq.texas.gov>; Jonathan Nguyen <jnguyen@quiddity.com>
Cc: Melinda Luxemburg <melinda.luxemburg@tceq.texas.gov>
Subject: RE: Status of WQ0016092001 Draft Permit

From: Jose Alfonso Martinez <Jose.Martinez@tceq.texas.gov>
Sent: Monday, July 11, 2022 1:52 PM
To: Jonathan Nguyen <jnguyen@quiddity.com>
Cc: Melinda Luxemburg <melinda.luxemburg@tceq.texas.gov>
Subject: Re: Status of WQ0016092001 Draft Permit

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Monday, July 11, 2022 1:13 PM
To: Jose Alfonso Martinez <Jose.Martinez@tceq.texas.gov>
Subject: Status of WQ0016092001 Draft Permit

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

Mr. Zach Ipour
Treasure Island Laguna Azure LLC
2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

Re: Treasure Island Laguna Azure LLC, TPDES Permit No. WQ0016092001
(CN605975267; RN111409553)

Dear Mr. Ipour:

Enclosed is a copy of the above referenced water quality permit issued on behalf of the Executive Director pursuant to Chapter 26 of the Texas Water Code.

Self-reporting or Discharge Monitoring Forms and instructions will be forwarded to you from the Water Quality Management Information Systems Team so that you may comply with monitoring requirements. For existing facilities, revised forms will be forwarded if monitoring requirements have changed.

Enclosed is a "Notification of Completion of Wastewater Treatment Facilities" form. Use this form (if needed) when the facility begins to operate or goes into a new phase. The form notifies the agency when the proposed facility is completed or when it is placed in operation. This notification complies with the special provision incorporated into the permit, as applicable.

Should you have any questions, please contact Ms. Melinda Luxemburg, P.E. of the Texas Commission on Environmental Quality's (TCEQ) Wastewater Permitting Section at (512) 239-4671 or if by correspondence, include (MC-148) in the letterhead address below.

Sincerely,

Robert Sadlier, Deputy Director
Water Quality Division

RS/ML/af

cc: Mr. Jonathan Nguyen, Permit Specialist, Jones & Carter, Inc.
3100 Alvin Devane Boulevard, Suite 150, Austin, Texas 78741

TPDES PERMIT NO. WQ0016092001
[For TCEQ office use only - EPA I.D. No. TX0142263]

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

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

Treasure Island Laguna Azure LLC

whose mailing address is

2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

is authorized to treat and discharge wastes from the Treasure Island Wastewater Treatment Facility, SIC Code 4952

located approximately 0.81 of a mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495

to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No. 0821 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:

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

   The daily average flow of effluent shall not exceed 0.20 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 556 gallons per minute (gpm).

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)	10 (17)	15	25	35	One/week	Grab
Total Suspended Solids	15 (25)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (5.0)	6	10	15	One/week	Grab
E. coli, colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/month	Grab

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 five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l 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 completion of expansion to the 0.4 million gallons per day (MGD) facility and lasting through the completion of expansion to the 1.4 MGD facility, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.40 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 833 gallons per minute (gpm).

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)	10 (33)	15	25	35	One/week	Grab
Total Suspended Solids	15 (50)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (10)	6	10	15	One/week	Grab
E. coli, colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/month	Grab

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 five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per week by grab sample.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the completion of expansion to the 1.4 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 1.4 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 3,889 gallons per minute (gpm).

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)	7 (82)	15	25	35	Two/week	Composite
Total Suspended Solids	15 (175)	25	40	60	Two/week	Composite
Ammonia Nitrogen	2 (23)	5	10	15	Two/week	Composite
E. coli, colony-forming units or most probable number per 100 ml	126	N/A	399	N/A	One/week	Grab

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

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 5.0 mg/l and shall be monitored twice per week by grab sample.

7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

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

1. Flow Measurements

   a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with one million gallons per day or greater permitted flow.

   b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

   c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.

   d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

   e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.

   f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

   a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.

      i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.

b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.

c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day.

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

e. Bacteria concentration (*E. coli* or Enterococci) - Colony Forming Units (CFU) or Most Probable Number (MPN) of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the 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;

        ii. the permit number(s);

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

        iv. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

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

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

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

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

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

4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

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

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

7. Documentation

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

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

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

      If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement

Division (MC 219) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

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

c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

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

10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.

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

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

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

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

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

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

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

i. Volume of waste and date(s) generated from treatment process;
ii. Volume of waste disposed of on-site or shipped off-site;
iii. Date(s) of disposal;
iv. Identity of hauler or transporter;
v. Location of disposal site; and
vi. Method of final disposal.

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

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

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SLUDGE PROVISIONS

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

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

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge or biosolids in accordance with 30 TAC § 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge or biosolids.

2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.

3. The land application of processed or unprocessed chemical toilet waste, grease trap waste, grit trap waste, milk solids, or similar non-hazardous municipal or industrial solid wastes, or any of the wastes listed in this provision combined with biosolids, WTP residuals or domestic septage is prohibited unless the grease trap waste is added at a fats, oil and grease (FOG) receiving facility as part of an anaerobic digestion process.

B. Testing Requirements

1. Sewage sludge or biosolids shall be tested once per term of the permit for the Interim I and II phases and annually for the Final phase 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	- once per term of the permit for the Interim I and II phases and annually for the Final phase
PCBs	- once per term of the permit for the Interim I and II phases and annually for the Final phase

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 once per term of the permit for the Interim I and II phases and annually for the Final phase 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.

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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 C (Interim I and II phases) and Category B (Final phase) facility must be operated by a chief operator or an operator holding a Class C license or higher in the Interim I [0.2 MGD] and II [0.4 MGD] phases and Class B license or higher in the Final [1.4 MGD] 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. Chronic toxic criteria apply at the edge of the chronic aquatic life mixing zone. The chronic aquatic life mixing zone is defined as 300 feet downstream and 100 feet upstream from the point of discharge to West Prong Whites Creek.

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) for all phases.

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

6. In accordance with 30 TAC § 319.9, a permittee that has at least twelve months of uninterrupted compliance with its bacteria limit may notify the commission in writing of its compliance and request a less frequent measurement schedule. To request a less frequent schedule, the permittee shall submit a written request to the TCEQ Wastewater Permitting Section (MC 148) for each phase that includes a different monitoring frequency. The request must contain all of the reported bacteria values (Daily Avg. and Daily Max/Single Grab) for the twelve consecutive months immediately prior to the request. If the Executive Director finds that a less frequent measurement schedule is protective of human health and the environment, the permittee may be given a less frequent measurement schedule. For this permit, 1/month may be reduced to 1/quarter for the Interim I (0.2 MGD) and Interim II (0.4 MGD) phases and 1/week may be reduced to 2/month in the Final (1.4 MGD) phase. **A violation of any bacteria limit by a facility that has been granted a less frequent measurement schedule will require the permittee to return to the standard frequency schedule and submit written notice to the TCEQ Wastewater Permitting Section (MC 148).** The permittee may not apply for another reduction in measurement frequency for at least 24 months from the date of the last violation. The Executive Director may establish a more frequent measurement schedule if necessary to protect human health or the environment.

7. Prior to construction of the treatment facilities for each phase (Interim I [0.2 MGD], II [0.4 MGD], and Final [1.4 MGD] phases) the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications, and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The permittee shall clearly show how the treatment system will meet the effluent limitations required on Page nos. 2, 2a, and 2b 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.

8. Within 120 days from the start-up of the facility, the permittee shall complete Attachment A with the analytical results for Outfall 001. The completed tables with the results of these analysis and laboratory reports shall be submitted to the Municipal Permits Team, Wastewater Permitting Section MC 148, TCEQ Water Quality Division. Based on a technical review of the submitted analytical results, an amendment may be initiated by TCEQ staff to include additional effluent limitations and/or monitoring requirements. Test methods utilized to complete the tables shall be according to the test procedures specified in the Definitions and Standard Permit Conditions section of this permit and sensitive enough to detect the parameters listed in Attachment A at the minimum analytical level (MAL).

9. Reporting requirements according to 30 TAC §§ 319.1-319.11 and any additional effluent reporting requirements contained in this permit are suspended from the effective date of the permit until plant startup or discharge from the facility described by this permit, whichever occurs first. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 4) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five days prior to plant startup or anticipated discharge, whichever occurs first, and prior to completion of each additional phase on Notification of Completion Form 20007.

BIOMONITORING REQUIREMENTS

CHRONIC BIOMONITORING REQUIREMENTS: FRESHWATER

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

1. Scope, Frequency, and Methodology

   a. The permittee shall test the effluent for toxicity in accordance with the provisions below. Such testing will determine if an appropriately dilute effluent sample adversely affects the survival, reproduction, or growth of the test organisms.

   b. Within 90 days of the initiation of discharge from the Final (1.4 MGD) phase, 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%, 40%, 55%, 74%, and 96% effluent. The critical dilution, defined as 96% 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 the young of surviving females in the water flea test; and the growth and survival endpoints for the fathead minnow test. However, if statistically significant lethal or nonlethal effects are exhibited at the critical dilution, a CV% greater than 40 shall not invalidate the test;

6) a percent minimum significant difference of 47 or less for water flea reproduction; and

7) a percent minimum significant difference of 30 or less for fathead minnow growth.

b. Statistical Interpretation

1) For the water flea survival test, the statistical analyses used to determine if there is a significant difference between the control and an effluent dilution shall be the Fisher's exact test as described in the manual referenced in in Part 1.b.

2) For the water flea reproduction test and the fathead minnow larval survival and growth tests, the statistical analyses used to determine if there is a significant difference between the control and an effluent dilution shall be in accordance with the manual referenced in Part 1.b.

3) The permittee is responsible for reviewing test concentration-response relationships to ensure that calculated test-results are interpreted and reported correctly. The document entitled "Method Guidance and Recommendation for Whole Effluent Toxicity (WET) Testing (40 CFR Part 136)" (EPA 821-B-00-004) provides guidance on determining the validity of test results.

4) If significant lethality is demonstrated (that is, there is a statistically significant difference in survival at the critical dilution when compared to the survival in the control), the conditions of test acceptability are met, and the survival of the test organisms are equal to or greater than 80% in the critical dilution and all dilutions below that, then the permittee shall report a survival No Observed Effect Concentration (NOEC) of not less than the critical dilution for the reporting requirements.

5) The NOEC is defined as the greatest effluent dilution at which no significant effect is demonstrated. The Lowest Observed Effect Concentration (LOEC) is defined as the lowest effluent dilution at which a significant effect is demonstrated. A significant effect is defined as a statistically significant difference between the survival, reproduction, or growth of the test organism in a specified effluent dilution when compared to the survival, reproduction, or growth of the test organism in the control.

6) The use of NOECs and LOECs assumes either a monotonic (continuous) concentration-response relationship or a threshold model of the concentration-response relationship. For any test result that demonstrates a non-monotonic (non-continuous) response, the NOEC should be determined based on the guidance manual referenced in Item 3.

7) Pursuant to the responsibility assigned to the permittee in Part 2.b.3), test results that demonstrate a non-monotonic (non-continuous) concentration-response relationship may be submitted, prior to the due date, for technical review. The guidance manual referenced in Item 3 will be used when making a determination of test acceptability.

8) TCEQ staff will review test results for consistency with rules, procedures, and permit requirements.

c. Dilution Water

1) Dilution water used in the toxicity tests must be the receiving water collected at a point upstream of the discharge point as close as possible to the discharge point but unaffected by the discharge. Where the toxicity tests are conducted on effluent discharges to receiving waters that are classified as intermittent streams, or where the toxicity tests are

conducted on effluent discharges where no receiving water is available due to zero flow conditions, the permittee shall:

a) substitute a synthetic dilution water that has a pH, hardness, and alkalinity similar to that of the closest downstream perennial water unaffected by the discharge; or

b) use the closest downstream perennial water unaffected by the discharge.

2) Where the receiving water proves unsatisfactory as a result of pre-existing instream toxicity (i.e. fails to fulfill the test acceptance criteria of Part 2.a.), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

a) a synthetic lab water control was performed (in addition to the receiving water control) which fulfilled the test acceptance requirements of Part 2.a;

b) the test indicating receiving water toxicity was carried out to completion (i.e., 7 days); and

c) the permittee submitted all test results indicating receiving water toxicity with the reports and information required in Part 3.

3) The synthetic dilution water shall consist of standard, moderately hard, reconstituted water. Upon approval, the permittee may substitute other appropriate dilution water with chemical and physical characteristics similar to that of the receiving water.

d. Samples and Composites

1) The permittee shall collect a minimum of three composite samples from Outfall 001. The second and third composite samples will be used for the renewal of the dilution concentrations for each toxicity test.

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

3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the first composite sample. The holding time for any subsequent composite sample shall not exceed 72 hours. Samples shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.

4) If Outfall 001 ceases discharging during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions, and the sample holding time are

waived during that sampling period. However, the permittee must have collected an effluent composite sample volume sufficient to complete the required toxicity tests with renewal of the effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report.

5) The effluent samples shall not be dechlorinated after sample collection.

3. Reporting

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

a. The permittee shall prepare a full report of the results of all tests conducted in accordance with the manual referenced in Part 1.b. for every valid and invalid toxicity test initiated whether carried to completion or not.

b. The permittee shall routinely report the results of each biomonitoring test on the Table 1 forms provided with this permit.

1) Annual biomonitoring test results are due on or before January 20th for biomonitoring conducted during the previous 12-month period.

2) Semiannual biomonitoring test results are due on or before July 20th and January 20th for biomonitoring conducted during the previous 6-month period.

3) Quarterly biomonitoring test results are due on or before April 20th, July 20th, October 20th, and January 20th for biomonitoring conducted during the previous calendar quarter.

4) Monthly biomonitoring test results are due on or before the 20th day of the month following sampling.

c. Enter the following codes for the appropriate parameters for valid tests only:

1) For the water flea, Parameter TLP3B, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

2) For the water flea, Parameter TOP3B, report the NOEC for survival.

3) For the water flea, Parameter TXP3B, report the LOEC for survival.

4) For the water flea, Parameter TWP3B, enter a "1" if the NOEC for reproduction is less than the critical dilution; otherwise, enter a "0."

5) For the water flea, Parameter TPP3B, report the NOEC for reproduction.

6) For the water flea, Parameter TYP3B, report the LOEC for reproduction.

7) For the fathead minnow, Parameter TLP6C, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

8) For the fathead minnow, Parameter TOP6C, report the NOEC for survival.

9) For the fathead minnow, Parameter TXP6C, report the LOEC for survival.

10) For the fathead minnow, Parameter TWP6C, enter a "1" if the NOEC for growth is less than the critical dilution; otherwise, enter a "0."

11) For the fathead minnow, Parameter TPP6C, report the NOEC for growth.

12) For the fathead minnow, Parameter TYP6C, report the LOEC for growth.

d. Enter the following codes for retests only:

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

2) For retest number 2, Parameter 22416, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

4. Persistent Toxicity

The requirements of this Part apply only when a test demonstrates a significant effect at the critical dilution. Significant 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 species that demonstrates a significant effect (lethal or sublethal) at the critical dilution. The two retests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two retests in lieu of routine toxicity testing. All reports shall be submitted within 20 days of test completion. Test completion is defined as the last day of the test.

b. If the retests are performed due to a demonstration of significant lethality, and one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5. The provisions of Part 4.a. are suspended upon completion of the two retests and submittal of the TRE action plan and schedule defined in Part 5.

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

c. If the two retests are performed due to a demonstration of significant sublethality, and one or both of the two retests specified in Part 4.a. demonstrates

significant lethality, the permittee shall again perform two retests as stipulated in Part 4.a.

d. If the two retests are performed due to a demonstration of significant sublethality, and neither test demonstrates significant lethality, the permittee shall continue testing at the quarterly frequency.

e. Regardless of whether retesting for lethal or sublethal effects, or a combination of the two, no more than one retest per month is required for a species.

5. Toxicity Reduction Evaluation

a. Within 45 days of the retest that demonstrates significant lethality, or within 45 days of being so instructed due to multiple toxic events, the permittee shall submit a general outline for initiating a TRE. The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.

b. Within 90 days of the retest that demonstrates significant lethality, or within 90 days of being so instructed due to multiple toxic events, the permittee shall submit a TRE action plan and schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical 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 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

			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

NUMBER OF YOUNG PRODUCED PER ADULT AT END OF TEST

REP	Percent effluent					
	0%	30%	40%	55%	74%	96%
A						
B						
C						
D						
E						
F						
G						
H						
I						
J						
Survival Mean						
Total Mean						
CV%*						
PMSD						

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

TABLE 1 (SHEET 2 OF 4)

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION TEST

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

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

   CRITICAL DILUTION (96%): _____ YES _____ NO

PERCENT SURVIVAL

	Percent effluent					
Time of Reading	0%	30%	40%	55%	74%	96%
24h						
48h						
End of Test						

2. Fisher's Exact Test:

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

   CRITICAL DILUTION (96%): _____ YES _____ NO

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

   a.) NOEC survival = _____% effluent

   b.) LOEC survival = _____% effluent

   c.) NOEC reproduction = _____% effluent

   d.) LOEC reproduction = _____% effluent

TABLE 1 (SHEET 3 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW LARVAE GROWTH AND SURVIVAL

		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%							
40%							
55%							
74%							
96%							
PMSD							

* Coefficient of Variation = standard deviation x 100/mean

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

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

   CRITICAL DILUTION (96%): _____ YES _____ NO

TABLE 1 (SHEET 4 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW GROWTH AND SURVIVAL TEST

FATHEAD MINNOW SURVIVAL DATA

Effluent Concentration	Percent Survival in replicate chambers					Mean percent survival			CV%*
	A	B	C	D	E	24h	48h	7 day	
0%									
30%									
40%									
55%									
74%									
96%									

* Coefficient of Variation = standard deviation x 100/mean

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

   Is the mean survival at 7 days significantly less than the control survival for the % effluent corresponding to lethality?

   CRITICAL DILUTION (96%): _____ YES _____ NO

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

   a.) NOEC survival = _____% effluent

   b.) LOEC survival = _____% effluent

   c.) NOEC growth = _____% effluent

   d.) LOEC growth = _____% effluent

24-HOUR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

The provisions of this section apply to Outfall 001 for 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. Within 90 days of the initiation of discharge from the Final (1.4 MGD) phase, 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.

      A valid test result must be submitted for each reporting period. The permittee must report, and then repeat, an invalid test during the same reporting period. The repeat test shall include the control and the 100% effluent dilution and use the appropriate number of organisms and replicates, as specified above. 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 (BMP), a chemical-specific (CS) limit, or other appropriate actions to address toxicity. The permittee may be required to conduct a toxicity reduction evaluation (TRE) after multiple toxic events.

2. Required Toxicity Testing Conditions

   a. Test Acceptance - The permittee shall repeat any toxicity test, including the control, if the control fails to meet a mean survival equal to or greater than 90%.

b. Dilution Water - In accordance with Part 1.c., the control and dilution water shall consist of standard, synthetic, moderately hard, reconstituted water.

c. Samples and Composites

1) The permittee shall collect one composite sample from Outfall 001.

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

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

4) If Outfall 001 ceases discharging during the collection of the effluent composite sample, the requirements for the minimum number of effluent portions are waived. However, the permittee must have collected a composite sample volume sufficient for completion of the required test. The abbreviated sample collection, duration, and methodology must be documented in the full report.

5) The effluent sample shall not be dechlorinated after sample collection.

3. Reporting

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

a. The permittee shall prepare a full report of the results of all tests conducted 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 a "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 a "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 a "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 a "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 analyses to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE action plan shall lead to the successful elimination of significant lethality for both test species defined in 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 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 TRE activities reports are due on or before April 20th, July 20th, October 20th, and January 20th. The report shall detail information regarding the TRE activities including:

1) results and interpretation of any chemical-specific analyses for the identified and suspected pollutant performed during the quarter;

2) results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;

3) any data and substantiating documentation that identifies the pollutant and source of effluent toxicity;

4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;

5) any data that identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to eliminate significant lethality; and

6) any changes to the initial TRE plan and schedule that are believed necessary as a result of the TRE findings.

e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species. Testing for the less sensitive species shall continue at the frequency specified in Part 1.b.

f. If the effluent ceases to effect significant lethality, i.e., there is a cessation of lethality, the permittee may end the TRE. A cessation of lethality is defined as no significant lethality for a period of 12 consecutive weeks with at least weekly testing. At the end of the 12 weeks, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b.

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

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

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

schedule for implementing the selected control mechanism. A copy of the TRE final report shall also be submitted to the U.S. EPA Region 6 office.

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

Attachment A
WQ0016092001
Treasure Island Laguna Azure LLC

DOMESTIC TECHNICAL REPORT 1.0

POLLUTANT ANALYSES REQUIREMENTS

Section 7. Pollutant Analysis of Treated Effluent

For pollutants identified in Table 1.0(2), indicate type of sample of Grab or Composite.

Date and time sample(s) collected:

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

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	Sample Type	MAL (µg/l)
$CBOD_5$, mg/l					50
Total Suspended Solids (TSS), mg/l					0.01
Ammonia Nitrogen (NH_3-N), mg/l					2.5
Nitrate Nitrogen, mg/l					10
Total Kjeldahl Nitrogen (TKN), mg/l					5
Sulfate, mg/l					0.5
Chloride, mg/l					3
Total Phosphorus, mg/l					10
pH, standard units (SU)					50
Dissolved Oxygen (DO), mg/l					5
Chlorine Residual, mg/l					5
E.coli (CFU or MPN/100 ml)					10
Total Dissolved Solids, mg/l					10
Oil & Grease, mg/l					10
Alkalinity ($CaCO_3$), mg/l					10

DOMESTIC WORKSHEET 4.0

POLLUTANT ANALYSES REQUIREMENTS*

Section 1. Toxic Pollutants

For pollutants identified in Table 4.0(1), indicate type of sample.

Grab ☐ Composite ☐

Date and time sample(s) collected:

Table 4.0(1) – Toxics Analysis

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acrylonitrile				50
Aldrin				0.01
Aluminum				2.5
Anthracene				10
Antimony				5
Arsenic				0.5
Barium				3
Benzene				10
Benzidine				50
Benzo(a)anthracene				5
Benzo(a)pyrene				5
Bis(2-chloroethyl)ether				10
Bis(2-ethylhexyl)phthalate				10
Bromodichloromethane				10
Bromoform				10
Cadmium				1
Carbon Tetrachloride				2
Carbaryl				5
Chlordane				0.2

Attachment A
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Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Chlorobenzene				10
Chlorodibromomethane				10
Chloroform				10
Chlorpyrifos				0.05
Chromium (Total)				3
Chromium (Tri) (*1)				N/A
Chromium (Hex)				3
Copper				2
Chrysene				5
p-Chloro-m-Cresol				10
4,6-Dinitro-o-Cresol				50
p-Cresol				10
Cyanide (*2)				10
4,4'- DDD				0.1
4,4'- DDE				0.1
4,4'- DDT				0.02
2,4-D				0.7
Demeton (O and S)				0.20
Diazinon				0.5/0.1
1,2-Dibromoethane				10
m-Dichlorobenzene				10
o-Dichlorobenzene				10
p-Dichlorobenzene				10
3,3'-Dichlorobenzidine				5
1,2-Dichloroethane				10
1,1-Dichloroethylene				10

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Dichloromethane				20
1,2-Dichloropropane				10
1,3-Dichloropropene				10
Dicofol				1
Dieldrin				0.02
2,4-Dimethylphenol				10
Di-n-Butyl Phthalate				10
Diuron				0.09
Endosulfan I (alpha)				0.01
Endosulfan II (beta)				0.02
Endosulfan Sulfate				0.1
Endrin				0.02
Ethylbenzene				10
Fluoride				500
Guthion				0.1
Heptachlor				0.01
Heptachlor Epoxide				0.01
Hexachlorobenzene				5
Hexachlorobutadiene				10
Hexachlorocyclohexane (alpha)				0.05
Hexachlorocyclohexane (beta)				0.05
gamma-Hexachlorocyclohexane (Lindane)				0.05
Hexachlorocyclopentadiene				10
Hexachloroethane				20
Hexachlorophene				10

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Lead				0.5
Malathion				0.1
Mercury				0.005
Methoxychlor				2
Methyl Ethyl Ketone				50
Mirex				0.02
Nickel				2
Nitrate-Nitrogen				100
Nitrobenzene				10
N-Nitrosodiethylamine				20
N-Nitroso-di-n-Butylamine				20
Nonylphenol				333
Parathion (ethyl)				0.1
Pentachlorobenzene				20
Pentachlorophenol				5
Phenanthrene				10
Polychlorinated Biphenyls (PCB's) **(*3)**				0.2
Pyridine				20
Selenium				5
Silver				0.5
1,2,4,5-Tetrachlorobenzene				20
1,1,2,2-Tetrachloroethane				10
Tetrachloroethylene				10
Thallium				0.5
Toluene				10
Toxaphene				0.3

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Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
2,4,5-TP (Silvex)				0.3
Tributyltin (see instructions for explanation)				0.01
1,1,1-Trichloroethane				10
1,1,2-Trichloroethane				10
Trichloroethylene				10
2,4,5-Trichlorophenol				50
TTHM (Total Trihalomethanes)				10
Vinyl Chloride				10
Zinc				5

(*1) Determined by subtracting hexavalent Cr from total Cr.

(*2) Cyanide, amenable to chlorination or weak-acid dissociable.

(*3) The sum of seven PCB congeners 1242, 1254, 1221, 1232, 1248, 1260, and 1016.

Section 2. Priority Pollutants

For pollutants identified in Tables 4.0(2)A-E, indicate type of sample.

Grab ☐ Composite ☐

Date and time sample(s) collected:

Table 4.0(2)A – Metals, Cyanide, Phenols

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Antimony				5
Arsenic				0.5
Beryllium				0.5
Cadmium				1
Chromium (Total)				3
Chromium (Hex)				3
Chromium (Tri) (*1)				N/A
Copper				2
Lead				0.5
Mercury				0.005
Nickel				2
Selenium				5
Silver				0.5
Thallium				0.5
Zinc				5
Cyanide (*2)				10
Phenols, Total				10

(*1) Determined by subtracting hexavalent Cr from total Cr.

(*2) Cyanide, amenable to chlorination or weak-acid dissociable

Attachment A
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Table 4.0(2)B – Volatile Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acrolein				50
Acrylonitrile				50
Benzene				10
Bromoform				10
Carbon Tetrachloride				2
Chlorobenzene				10
Chlorodibromomethane				10
Chloroethane				50
2-Chloroethylvinyl Ether				10
Chloroform				10
Dichlorobromomethane [Bromodichloromethane]				10
1,1-Dichloroethane				10
1,2-Dichloroethane				10
1,1-Dichloroethylene				10
1,2-Dichloropropane				10
1,3-Dichloropropylene [1,3-Dichloropropene]				10
1,2-Trans-Dichloroethylene				10
Ethylbenzene				10
Methyl Bromide				50
Methyl Chloride				50
Methylene Chloride				20
1,1,2,2-Tetrachloroethane				10
Tetrachloroethylene				10
Toluene				10
1,1,1-Trichloroethane				10
1,1,2-Trichloroethane				10
Trichloroethylene				10
Vinyl Chloride				10

Table 4.0(2)C – Acid Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
2-Chlorophenol				10
2,4-Dichlorophenol				10
2,4-Dimethylphenol				10
4,6-Dinitro-o-Cresol				50
2,4-Dinitrophenol				50
2-Nitrophenol				20
4-Nitrophenol				50
P-Chloro-m-Cresol				10
Pentalchlorophenol				5
Phenol				10
2,4,6-Trichlorophenol				10

Table 4.0(2)D – Base/Neutral Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acenaphthene				10
Acenaphthylene				10
Anthracene				10
Benzidine				50
Benzo(a)Anthracene				5
Benzo(a)Pyrene				5
3,4-Benzofluoranthene				10
Benzo(ghi)Perylene				20
Benzo(k)Fluoranthene				5
Bis(2-Chloroethoxy)Methane				10
Bis(2-Chloroethyl)Ether				10
Bis(2-Chloroisopropyl)Ether				10
Bis(2-Ethylhexyl)Phthalate				10
4-Bromophenyl Phenyl Ether				10
Butyl benzyl Phthalate				10
2-Chloronaphthalene				10
4-Chlorophenyl phenyl ether				10
Chrysene				5
Dibenzo(a,h)Anthracene				5
1,2-(o)Dichlorobenzene				10
1,3-(m)Dichlorobenzene				10
1,4-(p)Dichlorobenzene				10
3,3-Dichlorobenzidine				5
Diethyl Phthalate				10
Dimethyl Phthalate				10
Di-n-Butyl Phthalate				10
2,4-Dinitrotoluene				10
2,6-Dinitrotoluene				10
Di-n-Octyl Phthalate				10
1,2-Diphenylhydrazine (as Azo-benzene)				20
Fluoranthene				10
Fluorene				10
Hexachlorobenzene				5
Hexachlorobutadiene				10

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Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Hexachlorocyclo-pentadiene				10
Hexachloroethane				20
Indeno(1,2,3-cd)pyrene				5
Isophorone				10
Naphthalene				10
Nitrobenzene				10
N-Nitrosodimethylamine				50
N-Nitrosodi-n-Propylamine				20
N-Nitrosodiphenylamine				20
Phenanthrene				10
Pyrene				10
1,2,4-Trichlorobenzene				10

Attachment A
WQ0016092001
Treasure Island Laguna Azure LLC

Table 4.0(2)E - Pesticides

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Aldrin				0.01
alpha-BHC (Hexachlorocyclohexane)				0.05
beta-BHC (Hexachlorocyclohexane)				0.05
gamma-BHC (Hexachlorocyclohexane)				0.05
delta-BHC (Hexachlorocyclohexane)				0.05
Chlordane				0.2
4,4-DDT				0.02
4,4-DDE				0.1
4,4,-DDD				0.1
Dieldrin				0.02
Endosulfan I (alpha)				0.01
Endosulfan II (beta)				0.02
Endosulfan Sulfate				0.1
Endrin				0.02
Endrin Aldehyde				0.1
Heptachlor				0.01
Heptachlor Epoxide				0.01
PCB-1242				0.2
PCB-1254				0.2
PCB-1221				0.2
PCB-1232				0.2
PCB-1248				0.2
PCB-1260				0.2
PCB-1016				0.2
Toxaphene				0.3

Section 3. Dioxin/Furan Compounds

A. Are any of the following compounds used by a contributing industrial user or significant industrial user that is part of the collection system for the facility that you have reason to believe are present in the influent to the wastewater treatment plant?

Yes ☐ No ☐

If **yes**, identify which compound(s) are potentially sent to the facility.

☐ 2,4,5-trichlorophenoxy acetic acid
Common Name 2.4,5-T, CASRN 93-76-5

☐ 2-(2,4,5-trichlorophenoxy) propanoic acid
Common Name Silvex or 2,4,5-TP, CASRN 93-72-1

☐ 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dichloropropionate
Common Name Erbon, CASRN 136-25-4

☐ 0,0-dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate
Common Name Ronnel, CASRN 299-84-3

☐ 2,4,5-trichlorophenol
Common Name TCP, CASRN 95-95-4

☐ hexachlorophene
Common Name HCP, CASRN 70-30-4

For each compound identified, provide a brief description of the conditions of its/their presence at the facility.

B. Do you know or have any reason to believe that 2,3,7,8 Tetrachlorodibenzo-P-Dioxin (TCDD) or any congeners of TCDD may be present in your effluent?

Yes ☐ No ☐

If **yes**, provide a brief description of the conditions for its presence.

If you responded **yes** to either Subsection A **or** B, complete Table 4.0(2)F.

For pollutants identified in Table 4.0(2)F, indicate type of sample.

Grab ☐ Composite ☐

Date and time sample(s) collected:

TABLE 4.0(2)F - DIOXIN/FURAN COMPOUNDS

Compound	Toxic Equivalency Factors	Wastewater Concentration (ppq)	Wastewater Equivalents (ppq)	Sludge Concentration (ppt)	Sludge Equivalents (ppt)	MAL (ppq)
2,3,7,8 TCDD	1					10
1,2,3,7,8 PeCDD	0.5					50
2,3,7,8 HxCDDs	0.1					50
1,2,3,4,6,7,8 HpCDD	0.01					50
2,3,7,8 TCDF	0.1					10
1,2,3,7,8 PeCDF	0.05					50
2,3,4,7,8 PeCDF	0.5					50
2,3,7,8 HxCDFs	0.1					50
2,3,4,7,8 HpCDFs	0.01					50
OCDD	0.0003					100
OCDF	0.0003					100
PCB 77	0.0001					0.5
PCB 81	0.0003					0.5
PCB 126	0.1					0.5
PCB 169	0.03					0.5
Total						

*For PCBs, if all are non-detects, enter the highest non-detect preceded by a "<".

AR-8

TCEQ ED Notice to U.S. EPA with various Application Materials

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

Ms. Evelyn Rosborough (6WQ-CA)
U.S. Environmental Protection Agency
Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102

Re: Treasure Island Laguna Azure LLC
TPDES Draft Permit No. WQ0016092001, TX0142263
(CN605975267; RN111409553)

Dear Ms. Rosborough:

Enclosed is the draft proposed permit, Fact Sheet and Executive Director's Preliminary Decision, and application material for the draft TPDES Permit No. WQ0016092001 as required under the TCEQ/EPA Memorandum of Agreement. Please review and provide any written comments, objections (general or interim) or recommendations with respect to the draft permit within forty-five days from the receipt of this draft permit to me.

If you need additional information or have any questions, please call Ms. Melinda Luxemburg, P.E. of my staff by telephone at (512) 239-4541, by e-mail at melinda.luxemburg@tceq.texas.gov, by fax at (512) 239-4430 or if by correspondence, include MC 148 in the letterhead address following her name. Thank you for your cooperation in this matter.

Sincerely,

Firoj Vahora

Firoj Vahora, Team Leader
Municipal Permits Team
Wastewater Permitting Section
Water Quality Division

FV/ML
Enclosures

ATTACHMENT 1

EPA - REGION 6
NPDES PERMIT CERTIFICATION CHECKLIST

In accordance with the MOA established between the State of Texas and the United States Environmental Protection Agency, Region 6, the Texas Commission on Environmental Quality submits the following draft Texas Pollutant Discharge Elimination System (TPDES) permit for Agency review.

Major ☒ POTW ☒ Private Domestic ☐ Non-POTW ☐

Permittee	Treasure Island Laguna Azure LLC		
SIC Code	4952		
Regul. Activity	Domestic Wastewater Permit		
EPA ID No.	TX0142263	**TPDES Permit No.**	WQ0016092001
Segment No.	0821	**Basin**	Trinity River Basin
Receiving Water	to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon		

Permit Action:	**New**	☒
	Renewal WITH changes	☐
	Renewal without changes (permit and WQS)	☐
	Major Amendment with renewal	☐
	Amendment/Modification WITHOUT renewal, proceed directly to Question 26 below	☐

	Answer the following	Yes	No	N/A
1.	Are there known or potential interstate water issues associated with this permit?	☐	☒	☐
2.	Is there known or potential third-party interest/environmental concern regarding this permit action?	☐	☒	☐
3.	Does this facility discharge to a 303(d) listed waterbody segment?	☐	☒	☐
	If **YES**, does the facility discharge any of the pollutant(s) of concern identified in the 303(d) listing?	☐	☐	☒
4.	Is this permit consistent with the approved WQMP?	☒	☐	☐
5.	Are discharges continuous?	☒	☐	☐
6.	Does the facility discharge or propose to discharge process wastewaters?	☐	☒	☐
7.	Are discharges **directly** to a classified waterbody segment?	☐	☒	☐
8.	Does the facility discharge to a water body segment which has a finalized TMDL? If **YES**, does the permit implement the TMDL consistent with the WLAs?	☐ ☐	☒ ☐	☐ ☒
9.	Does the fact sheet/technical summary/statement of basis document the rationale for the inclusion/omission of permit conditions for each 303(d) listed pollutant of concern or TMDL pollutant?	☐	☐	☒

ATTACHMENT 1
EPA - REGION 6
NPDES PERMIT CERTIFICATION CHECKLIST
Page 2 of 2

		Yes	No	N/A
10.	Has a priority watershed of critical concern been identified by the U.S. Fish and Wildlife Service for this segment?	☐	☒	☐
11.	Is there a thermal component to the discharges from this facility?	☐	☒	☐
12.	Does this permit authorize ammonia discharges > 4.0 mg/l at the edge of the mixing zone?	☐	☒	☐
13.	Does this permit require testing for Whole Effluent Toxicity in accordance with the state's standard practices and implementation plan? If **YES**, were there any toxicity failures in the previous three years?	☒ ☐	☐ ☐	☐ ☒
14.	If this facility has completed and implemented a Toxicity Reduction Evaluation (TRE), has any subsequent toxicity been identified?	☐	☐	☒
15.	Does this permit propose to grant a variance request *(WQS, FDF, etc.)* or does it incorporate a proposed or final approval of a variance request?	☐	☒	☐
16.	If a POTW is ≥ 5 MGD, does it have an approved Pretreatment Program?	☐	☐	☒
17.	Since the last permit issuance, has the POTW had a new Pretreatment Program approved or a Pretreatment Program modification approved?	☐	☐	☒
18.	Does this permit contain authorization for wet weather-related peak-flow discharges?	☐	☒	☐
19.	Does this permit include a bypass of any treatment unit or authorize overflows in the system?	☐	☒	☐
20.	Does this permit include provisions for effluent trading?	☐	☒	☐
21.	Does this permit contain specific issues on which EPA and the state are not in agreement regarding the permitting approach?	☐	☒	☐
22.	Is this facility subject to a national effluent limitations guideline? Please specify:	☐	☒	☐
23.	Does this permit contain first-time implementation of a new federal guideline, policy, regulation, etc.? Please specify:	☐	☒	☐
24.	Is this a new facility or an expansion of an existing facility?	☒	☐	☐
25.	Does this permit incorporate any exceptions to the standards or regulations?	☐	☒	☐
26.	Is this a permit modification/amendment? Please specify:	☐	☒	☐

Name: Melinda Luxemburg, P.E.

Date: April 20, 2023

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For draft Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016092001, Environmental Protection Agency (EPA) I.D. No. TX0142263, to discharge to water in the state.

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

Applicant: Treasure Island Laguna Azure LLC
2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

Prepared By: Melinda Luxemburg, P.E.
Municipal Permits Team
Wastewater Permitting Section (MC 148)
Water Quality Division
(512) 239-4541

Date: April 20, 2023

Permit Action: New Permit

1. EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The draft permit includes an expiration date of **five years from the date of issuance.**

2. APPLICANT ACTIVITY

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.2 million gallons per day (MGD) in the Interim I phase, a daily average flow not to exceed 0.4 MGD in the Interim II phase, and an annual average flow not to exceed 1.4 MGD in the Final phase. The Treasure Island Wastewater Treatment Plant (WWTP) will serve a residential subdivision located approximately 3.79 miles northwest of the City of Van Alstyne.

3. FACILITY AND DISCHARGE LOCATION

The plant site is located approximately 0.81 of a mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495.

Outfall Location:

Outfall Number	Latitude	Longitude
001	33.455858 N	96.631606 W

The treated effluent will be discharged to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No.

0821 of the Trinity River Basin. The unclassified receiving water use is high aquatic life use for West Prong Whites Creek. The designated uses for Segment No. 0821 are primary contact recreation, public water supply, and high aquatic life use.

4. TREATMENT PROCESS DESCRIPTION AND SEWAGE SLUDGE DISPOSAL

The Treasure Island WWTP Interim I (0.2 MGD), Interim II (0.4 MGD), and Final (1.4) MGD phase facilities will operate a suspended growth activated sludge process in a single-stage nitrification mode. The number and type of treatment units in the Interim I phase will include a manual bar screen, two aeration basins, one clarifier, two multi-stage aerobic digesters, and one chlorine contact basin. The number and type of treatment units in the Interim II phase will include one elevated screening structure with a manual bar screen and flow splitting weirs, four aeration basins, two clarifiers, four multi-stage aerobic digesters, and two chlorine contact basins. The number and type of treatment units in the Final phase will include one elevated screening structure with a manual bar screen and flow splitting weirs, three 0.46 MGD treatment trains with each train consisting of an aeration basin and secondary clarifier , the treated wastewater will be routed to two newly constructed multi-stage aerobic digesters, and then to onenewly constructed chlorine contact basin. The facility has not been constructed.

The liquid stabilized sludge generated from the treatment facility will be hauled to a permitted land application site (to be determined) for disposal by a licensed sludge hauler (to be determined).

5. SUMMARY OF SELF-REPORTED EFFLUENT ANALYSES

Self-reporting data is not available since the facility is not in operation.

6. DRAFT PERMIT CONDITIONS AND MONITORING REQUIREMENTS

Flows are expressed in million gallons per day (MGD). Mass-based limits are expressed as pounds per day (lbs/day). All pH values are expressed in standard units (SU). Concentration-based limits are expressed as milligrams per liter (mg/l). Bacteria levels are expressed in colony forming units (CFU) or most probable number (MPN) per 100 ml. The average value for bacteria (in CFU or MPN per 100 ml) is calculated via geometric mean. The parameters limited in the permit include the following: five-day carbonaceous biochemical oxygen demand ($CBOD_5$), total suspended solids (TSS), ammonia nitrogen (NH_3-N), minimum dissolved oxygen (DO), *Escherichia coli (E. coli)* bacteria, and potential hydrogen (pH). The effluent limitations and monitoring requirements for those parameters that are limited in the draft permit are as follows:

A. INTERIM I PHASE EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

The daily average flow of effluent shall not exceed 0.20 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 556 gallons per minute (gpm).

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	10	17	15	25

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
TSS	15	25	25	40
NH_3-N	3	5	6	10
DO, minimum	4.0	N/A	N/A	N/A
E. coli, CFU or MPN per 100 ml	126	N/A	N/A	399

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

The effluent shall contain a 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 five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Continuous
$CBOD_5$	One/week
TSS	One/week
NH_3-N	One/week
DO	One/week
E. coli, CFU or MPN per 100 ml	One/month

B. INTERIM II PHASE EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

The daily average flow of effluent shall not exceed 0.40 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 833 gpm.

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	10	33	15	25
TSS	15	50	25	40
NH_3-N	3	10	6	10
DO, minimum	6.0	N/A	N/A	N/A
E. coli, CFU or MPN per 100 ml	126	N/A	N/A	399

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

The effluent shall contain a 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 five times per week by grab sample at each chlorine contact chamber. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Continuous

Parameter	Monitoring Requirement
$CBOD_5$	One/week
TSS	One/week
NH_3-N	One/week
DO	One/week
E. coli, CFU or MPN per 100 ml	One/month

C. FINAL III PHASE EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

The annual average flow of effluent shall not exceed 1.4 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 3,889 gpm.

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	7	82	15	25
TSS	15	175	25	40
NH_3-N	2	23	5	10
DO, minimum	5.0	N/A	N/A	N/A
E. coli, CFU or MPN per 100 ml	126	N/A	N/A	399

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

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

Parameter	Monitoring Requirement
$CBOD_5$	Two/week
TSS	Two/week
NH_3-N	Two/week
DO	Two/week
E. coli, CFU or MPN per 100 ml	One/week

D. SEWAGE SLUDGE REQUIREMENTS

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. The liquid stabilized sludge generated from the treatment facility will be hauled to a permitted land application site (to be determined) for disposal by a licensed sludge hauler (to be determined). The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or a facility that further processess sludge.

E. WHOLE EFFLUENT TOXICITY (BIOMONITORING) REQUIREMENTS

(1) The draft permit includes 7-day chronic freshwater biomonitoring requirements to be initiated within 90 days of initial discharge of the Final (1.4 MGD) phase as follows. The permit requires five dilutions in addition to the control (0% effluent) to be used in the toxicity tests. These additional effluent concentrations shall be 30%, 40%, 55%, 74%, and 96%. The low-flow effluent concentration (critical dilution) is defined as 96% effluent. The critical dilution is in accordance with the "Aquatic Life Criteria" section of the "Water Quality Based Effluent Limitations/Conditions" section.

(a) Chronic static renewal survival and reproduction test using the water flea (*Ceriodaphnia dubia*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.

(b) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.

(2) The draft permit includes the following minimum 24-hour acute freshwater biomonitoring requirements at a frequency of once per six months:

(a) Acute 24-hour static toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*).

(b) Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*).

F. BUFFER ZONE REQUIREMENTS

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).

G. SUMMARY OF CHANGES FROM APPLICATION

The Interim I (0.2 MGD) phase, Interim II (0.4 MGD) phase, and the Final (1.4 MGD) phase include, based on a 30-day average (calculated via geometric mean) bacteria effluent limitations of 126 CFU or MPN of *E. coli* per 100 ml. The *E. coli* bacteria limits have been added to the draft permit in accordance with the recent amendments to 30 TAC Chapters 309 and 319.

The requested effluent limitations, based on a 30-day average, of 10 mg/l $CBOD_5$, 15 mg/l TSS, 3 mg/l NH_3-N, and 4.0 mg/l minimum DO have been applied to the Interim I phase. However, the effluent limitations in the Interim II phase, based on a 30-day average, are 10 mg/l $CBOD_5$, 15 mg/l TSS, 3.0 mg/l NH_3-N, and **6.0** mg/l minimum DO and in the Final phase, based on a 30-day average, are 7 mg/l $CBOD_5$, 15 mg/l TSS,

2.0 mg/l NH_3-N, and **5.0** mg/l minimum DO, per the March 23, 2022, Modeling Memorandum.

7. DRAFT PERMIT RATIONALE

A. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

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

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

Consistent with the procedures for pH screening that were submitted to EPA with a letter dated May 28, 2014, and approved by EPA in a letter dated June 2, 2014, requiring a discharge to an unclassified water body to meet pH limits of 6.0 – 9.0 standard units (SU) reasonably ensures instream compliance with *Texas Surface Water Quality Standards* (TSWQS) pH criteria. Therefore, the technology-based pH limitations of 6.0 to 9.0 SU will reasonably ensure compliance with the TSWQS.

B. WATER QUALITY SUMMARY AND COASTAL MANAGEMENT PLAN

(1) WATER QUALITY SUMMARY

The treated effluent will be discharged to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No. 0821 of the Trinity River Basin. The unclassified receiving water use is high aquatic life use for West Prong Whites Creek. The designated uses for Segment No. 0821 are primary contact recreation, public water supply, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in West Prong Whites Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic-dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS's) biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998, update). To make this determination for TPDES permits, TCEQ and EPA

only considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Segment No. 0821 is not currently listed on the State's inventory of impaired and threatened waters (the 2020 CWA § 303(d) list). However, the East Fork Trinity River above Lake Lavon (0821D) is listed for bacteria in a portion of the East Fork Trinity River extending from the confluence with Lake Lavon (Segment No. 0821) to the upper end of the water body (National Hydrography Dataset [NHD] reach code [RC] 12030106000074) in Grayson County, Texas (Assessment Unit 0821D_01). This facility is designed to provide adequate disinfection and, when operated properly, should not add to the bacterial impairment of the NHD RC 12030106000074 portion of the East Fork Trinity River above Lake Lavon (0821D). In addition, in order to ensure that the proposed discharge meets the stream bacterial standard, an effluent limitation of 126 colony-forming units (CFU) or most probable number (MPN) of *Escherichia coli* (*E. coli*) per 100 ml bacteria effluent limitation has been added to the draft permit. Therefore, the proposed discharge is not expected to contribute to the bacteria impairment of the NHD RC 12030106000074 portion of the East Fork Trinity River above Lake Lavon (0821D).

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

(2) CONVENTIONAL PARAMETERS

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

The effluent limitations in the draft permit have been reviewed for consistency with the WQMP. The proposed effluent limitations are contained in the WQMP Update approved by EPA on August 11, 2022.

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

(3) COASTAL MANAGEMENT PLAN

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

C. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS

(1) GENERAL COMMENTS

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

(2) AQUATIC LIFE CRITERIA

(a) SCREENING

Discharge is to West Prong Whites Creek, a perennial freshwater stream in which the discharge point is greater than three miles to Whites Creek. Water quality-based effluent limitations are calculated from freshwater aquatic life criteria found in Table 1 of the Texas Surface Water Quality Standards (30 TAC Chapter 307).

Acute freshwater criteria are applied at the edge of the zone of initial dilution (ZID), and chronic freshwater criteria are applied at the edge of the aquatic life mixing zone. The ZID for this discharge is defined as 20 feet upstream and 60 feet downstream from the point where the discharge inters West Prong Whites Creek. The aquatic life mixing zone for this discharge is defined as 100 feet upstream and 300 feet downstream from the point where the discharge enters West Prong Whites Creek

TCEQ uses the mass balance equation to estimate dilutions at the edge of the ZID and aquatic life mixing zone during critical conditions. The estimated dilution at the edge of the aquatic life mixing zone is calculated using the permitted flow of 1.4 MGD and the 7-day, 2-year (7Q2) flow of 0.1 cubic feet per second (cfs) for West Prong Whites Creek. The estimated dilution at the edge of the ZID is calculated using the permitted flow of 1.4 MGD and 25% of the 7Q2 flow. The following critical effluent percentages are being used:

Acute Effluent %	98.86%	Chronic Effluent %	95.59%

Waste load allocations (WLAs) are calculated using the above estimated effluent percentages, criteria outlined in the Texas Surface Water Quality Standards, and partitioning coefficients for metals (when appropriate and designated in the implementation procedures). The WLA is the end-of-

pipe effluent concentration that can be discharged when, after mixing in the receiving stream, instream numerical criteria will not be exceeded. From the WLA, a long-term average (LTA) is calculated using a log normal probability distribution, a given coefficient of variation (0.6), and a 90th percentile confidence level. The LTA is the long-term average effluent concentration for which the WLA will never be exceeded using a selected percentile confidence level. The lower of the two LTAs (acute and chronic) is used to calculate a daily average and daily maximum effluent limitation for the protection of aquatic life using the same statistical considerations with the 99th percentile confidence level and a standard number of monthly effluent samples collected (12). Assumptions used in deriving the effluent limitations include segment values for hardness, chlorides, pH, and TSS according to the segment-specific values contained in the TCEQ guidance document "Procedures to Implement the Texas Surface Water Quality Standards, June 2010." The segment values are 96 mg/l for hardness (as calcium carbonate), 8 mg/l chlorides, 7.8 standard units for pH, and 5.0 mg/l for TSS. For additional details on the calculation of water quality-based effluent limitations, refer to the TCEQ guidance document.

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

(b) PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations because the facility is not in operation. Therefore, Other Requirement No. 8 has been included in the draft, requiring the permittee to conduct effluent data sampling and analysis upon commencement of discharge via Outfall 001. Upon review of the effluent data, the permit may be reopened to include additional monitoring requirements or limits for the protection of aquatic life, as needed.

(3) AQUATIC ORGANISM BIOACCUMULATION CRITERIA

(a) SCREENING

Discharge is to West Prong Whites Creek, a perennial freshwater stream in which the discharge point is greater than three miles to Whites Creek.

Water quality-based effluent limitations for the protection of human health are calculated using criteria for the consumption of freshwater fish tissue found in Table 2 of the Texas Surface Water Quality Standards (30 TAC Chapter 307). Freshwater fish tissue bioaccumulation criteria are

applied at the edge of the human health mixing zone. The human health mixing zone for this discharge is identical to the aquatic life mixing zone.

TCEQ uses the mass balance equation to estimate dilution at the edge of the human health mixing zone during average flow conditions.

The estimated dilution at the edge of the human health mixing zone is calculated using the permitted flow of 1.4 MGD and the harmonic mean flow of 0.2 cfs for West Prong Whites Creek. The following effluent percentage is being used:

Human Health Effluent % 91.55%

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

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

(b) PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations because the facility is not in operation. Therefore, Other Requirement No. 8 has been included in the draft, requiring the permittee to conduct effluent data sampling and analysis upon commencement of discharge via Outfall 001. Upon review of the effluent data, the permit may be reopened to include additional monitoring requirements or limits for human health protection, as needed.

(4) DRINKING WATER SUPPLY PROTECTION

(a) SCREENING

Water Quality Segment No. 0821, which receives the discharge from this facility, is designated as a public water supply. The discharge point is located at a distance greater than three miles from the classified segment. Screening reported analytical data of the effluent against water quality-based effluent limitations calculated for the protection of a drinking water supply is not applicable due to the distance between the discharge point and the classified segment.

(b) PERMIT ACTION

None.

(5) WHOLE EFFLUENT TOXICITY (BIOMONITORING) CRITERIA

(a) SCREENING

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

The draft permit includes 7-day chronic freshwater biomonitoring requirements to be initiated within 90 days of initial discharge of the Final (1.4 MGD) phase.

(b) PERMIT ACTION

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

No analytical data is available because the facility is not in operation.

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

(a) SCREENING

No analytical data is available because the facility is not in operation.

The draft permit includes 24-hour acute freshwater biomonitoring requirements to be initiated within 90 days of initial discharge of the Final (1.4 MGD) phase.

(b) PERMIT ACTION

The draft permit includes 24-hour 100% acute biomonitoring tests to be initiated within 90 days of initial discharge of the Final (1.4 MGD) phase and then for the life of the permit.

8. WATER QUALITY VARIANCE REQUESTS

No variance requests have been received.

9. PROCEDURES FOR FINAL DECISION

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

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

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

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

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

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

For additional information about this application, contact Melinda Luxemburg, P.E. at (512) 239-4541.

10. ADMINISTRATIVE RECORD

The following items were considered in developing the draft permit:

A. APPLICATION

Application received on January 18, 2022, and additional information received on February 25, 2022.

B. MEMORANDA

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

C. MISCELLANEOUS

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

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective March 1, 2018, as approved by EPA Region 6.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective March 6, 2014, as approved by EPA Region 6, for portions of the 2018 standards not approved by EPA Region 6.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective July 22, 2010, as approved by EPA Region 6, for portions of the 2014 standards not yet approved by EPA Region 6.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective August 17, 2000, and Appendix E, effective February 27, 2002, for portions of the 2010 standards not yet approved by EPA Region 6.

Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition (EPA-821-R-02-013).

Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition (EPA-821-R-02-012).

Procedures to Implement the Texas Surface Water Quality Standards, TCEQ, June 2010, as approved by EPA Region 6.

Procedures to Implement the Texas Surface Water Quality Standards, TCEQ, January 2003, for portions of the 2010 IPs not approved by EPA Region 6.

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

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

Attachment A: Calculated Water Quality Based Effluent Limitations

TEXTOX MENU #3 - PERENNIAL STREAM OR RIVER

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

Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life
Table 2, 2018 Texas Surface Water Quality Standards for Human Health (Fish Only)
"Procedures to Implement the Texas Surface Water Quality Standards," TCEQ, June 2010

PERMIT INFORMATION

Permittee Name:	Treasure Island Laguna Azure LLC
TPDES Permit No.:	WQ0016092-001
Outfall No.:	001
Prepared by:	Melinda Luxemburg, P.E.
Date:	April 18, 2023

DISCHARGE INFORMATION

Receiving Waterbody:	West Prong Whites Creek
Segment No.:	0821
TSS (mg/L):	5
pH (Standard Units):	7.8
Hardness (mg/L as $CaCO_3$):	96
Chloride (mg/L):	8
Effluent Flow for Aquatic Life (MGD):	1.4
Critical Low Flow [7Q2] (cfs):	0.1
% Effluent for Chronic Aquatic Life:	95.59
% Effluent for Acute Aquatic Life:	98.86
Effluent Flow for Human Health (MGD):	1.4
Harmonic Mean Flow (cfs):	0.2
% Effluent for Human Health:	91.55
Human Health Criterion (select:PWS, FISH, or INC)	FISH

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

Stream/River Metal	*Intercept (b)*	*Slope (m)*	*Partition Coefficient (Kp)*	*Dissolved Fraction (Cd/Ct)*	*Source*	*Water Effect Ratio (WER)*	*Source*
Aluminum	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Arsenic	5.68	-0.73	147826.36	0.575		1.00	Assumed
Cadmium	6.60	-1.13	645897.93	0.236		1.00	Assumed
Chromium (total)	6.52	-0.93	741238.38	0.212		1.00	Assumed
Chromium (trivalent)	6.52	-0.93	741238.38	0.212		1.00	Assumed
Chromium (hexavalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	6.02	-0.74	318245.45	0.386		1.00	Assumed
Lead	6.45	-0.80	777721.31	0.205		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	5.69	-0.57	195698.32	0.505		1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	6.38	-1.03	457152.29	0.304		1.00	Assumed
Zinc	6.10	-0.70	408057.15	0.329		1.00	Assumed

Attachment A: Calculated Water Quality Based Effluent Limitations

AQUATIC LIFE -

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*FW Acute Criterion (µg/L)*	*FW Chronic Criterion (µg/L)*	*WLAa (µg/L)*	*WLAc (µg/L)*	*LTAa (µg/L)*	*LTAc (µg/L)*	*Daily Avg. (µg/L)*	*Daily Max. (µg/L)*
Aldrin	3.0	N/A	3.03	N/A	1.74	N/A	2.56	5.41
Aluminum	991	N/A	1002	N/A	574	N/A	844	1786
Arsenic	340	150	598	273	343	210	309	654
Cadmium	8.2	0.239	35.3	1.06	20.2	0.81	1.20	2.53
Carbaryl	2.0	N/A	2.02	N/A	1.16	N/A	1.70	3.61
Chlordane	2.4	0.004	2.43	0.0042	1.39	0.0032	0.0047	0.0100
Chlorpyrifos	0.083	0.041	0.084	0.043	0.048	0.033	0.049	0.103
Chromium (trivalent)	551	72	2623	353	1503	272	399	845
Chromium (hexavalent)	15.7	10.6	15.9	11.1	9.1	8.5	12.6	26.6
Copper	13.7	9.1	35.8	24.8	20.5	19.1	28.1	59
Cyanide (free)	45.8	10.7	46.3	11.2	26.5	8.6	12.7	26.8
4,4'-DDT	1.1	0.001	1.11	0.0010	0.638	0.0008	0.0012	0.0025
Demeton	N/A	0.1	N/A	0.105	N/A	0.081	0.118	0.251
Diazinon	0.17	0.17	0.172	0.178	0.099	0.137	0.145	0.306
Dicofol (Kelthane	59.3	19.8	60.0	20.7	34.4	15.9	23.4	49.6
Dieldrin	0.24	0.002	0.243	0.0021	0.139	0.0016	0.0024	0.0050
Diuron	210	70	212	73	122	56	83	175
Endosulfan I (*alpha*)	0.22	0.056	0.223	0.059	0.128	0.045	0.066	0.140
Endosulfan II (*beta*)	0.22	0.056	0.223	0.059	0.128	0.045	0.066	0.140
Endosulfan sulfate	0.22	0.056	0.223	0.059	0.128	0.045	0.066	0.140
Endrin	0.086	0.002	0.087	0.0021	0.050	0.0016	0.0024	0.0050
Guthion (Azinphos Methyl)	N/A	0.01	N/A	0.010	N/A	0.008	0.012	0.025
Heptachlor	0.52	0.004	0.53	0.0042	0.301	0.0032	0.0047	0.0100
Hexachlorocyclohexane (*gamma*)(Lindane)	1.126	0.08	1.14	0.084	0.653	0.064	0.095	0.200
Lead	62	2.41	305	12.3	175	9.5	13.9	29
Malathion	N/A	0.01	N/A	0.010	N/A	0.008	0.012	0.025
Mercury	2.4	1.3	2.43	1.36	1.39	1.05	1.54	3.26
Methoxychlor	N/A	0.03	N/A	0.031	N/A	0.024	0.036	0.075
Mirex	N/A	0.001	N/A	0.0010	N/A	0.0008	0.0012	0.0025
Nickel	452	50.2	905	104	519	80	118	249
Nonylphenol	28	6.6	28.3	6.9	16.2	5.32	7.8	16.5
Parathion (ethyl)	0.065	0.013	0.066	0.014	0.038	0.010	0.015	0.033
Pentachlorophenol	19.5	15.0	19.7	15.6	11.3	12.0	16.6	35.1
Phenanthrene	30	30	30.3	31.4	17.4	24.2	25.6	54.1
Polychlorinated Biphenyls (PCBs)	2.0	0.014	2.02	0.015	1.16	0.011	0.017	0.035
Selenium	20	5	20.2	5.23	11.6	4.03	5.9	12.5
Silver	0.8	N/A	3.79	N/A	2.17	N/A	3.19	6.8
Toxaphene	0.78	0.0002	0.789	0.00021	0.452	0.00016	0.00024	0.00050
Tributyltin (TBT)	0.13	0.024	0.132	0.025	0.075	0.019	0.028	0.060
2,4,5 Trichlorophenol	136	64	138	67	78.8	51.6	76	160
Zinc	113	114	348	363	199	279	293	620

Attachment A: Calculated Water Quality Based Effluent Limitations

HUMAN HEALTH (APPLIES FOR FRESHWATER FISH TISSUE) CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	Water and Fish Criterion (ug/L)	Fish Only Criterion (ug/L)	Incidental Fish Criterion (ug/L)	WLAh (ug/L)	LTAh (ug/L)	Daily Avg. (ug/L)	Daily Max. (ug/L)
Acrylonitrile	1.0	115	1150	125.62	116.82	171.73	363.33
Aldrin	1.146E-05	1.147E-05	1.147E-04	1.25E-05	1.17E-05	1.71E-05	3.62E-05
Anthracene	1109	1317	13170	1439	1338	1967	4161
Antimony	6	1071	10710	1169.9	1088.0	1599.4	3383.7
Arsenic	10	N/A	N/A	N/A	N/A	N/A	N/A
Barium	2000	N/A	N/A	N/A	N/A	N/A	N/A
Benzene	5	581	5810	634.6	590.2	867.6	1835.6
Benzidine	0.0015	0.107	1.07	0.1169	0.1087	0.1598	0.3381
Benzo(a)anthracene	0.024	0.025	0.25	0.027	0.025	0.037	0.079
Benzo(a)pyrene	0.0025	0.0025	0.025	0.0027	0.0025	0.004	0.008
Bis(chloromethyl)ether	0.0024	0.2745	2.745	0.2998	0.2789	0.410	0.867
Bis(2-chloroethyl)ether	0.60	42.83	428.3	46.78	43.51	63.96	135.31
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	6	7.55	75.5	8.2	7.7	11.3	23.9
Bromodichloromethane [Dichlorobromomethane]	10.2	275	2750	300.4	279.4	410.7	869
Bromoform [Tribromomethane]	66.9	1060	10600	1158	1077	1583	3349
Cadmium	5	N/A	N/A	N/A	N/A	N/A	N/A
Carbon Tetrachloride	4.5	46	460	50.2	46.7	68.7	145.3
Chlordane	0.0025	0.0025	0.025	0.0027	0.0025	0.004	0.008
Chlorobenzene	100	2737	27370	2990	2780	4087	8647
Chlorodibromomethane [Dibromochloromethane]	7.5	183	1830	199.9	185.9	273.3	578.2
Chloroform [Trichloromethane]	70	7697	76970	8408	7819	11494	24318
Chromium (hexavalent)	67	502	5020	548	510	750	1586
Chrysene	2.45	2.52	25.2	2.75	2.56	3.8	8.0
Cresols [Methylphenols]	1041	9301	93010	10160	9449	13889	29385
Cyanide (free)	200	N/A	N/A	N/A	N/A	N/A	N/A
4,4'-DDD	0.002	0.002	0.02	0.0022	0.0020	0.0030	0.0063
4,4'-DDE	0.00013	0.00013	0.0013	0.00014	0.00013	0.00019	0.0004
4,4'-DDT	0.0004	0.0004	0.004	0.0004	0.0004	0.0006	0.0013
2,4'-D	70	N/A	N/A	N/A	N/A	N/A	N/A
Danitol [Fenpropathrin]	262	473	4730	517	481	706	1494
1,2-Dibromoethane [Ethylene Dibromide]	0.17	4.24	42.4	4.631	4.307	6.332	13.40
m-Dichlorobenzene [1,3-Dichlorobenzene]	322	595	5950	650	604	889	1880
o-Dichlorobenzene [1,2-Dichlorobenzene]	600	3299	32990	3604	3351	4926	10423
p-Dichlorobenzene [1,4-Dichlorobenzene]	75	N/A	N/A	N/A	N/A	N/A	N/A
3,3'-Dichlorobenzidine	0.79	2.24	22.4	2.45	2.28	3.35	7.08
1,2-Dichloroethane	5	364	3640	397.6	369.8	543.6	1150.0
1,1-Dichloroethylene [1,1-Dichloroethene]	7	55114	551140	60202.8	55988.6	82303.2	174124.4
Dichloromethane [Methylene Chloride]	5	13333	133330	14564.1	13544.6	19910.5	42123.6
1,2-Dichloropropane	5	259	2590	282.9	263.1	386.8	818.3
1,3-Dichloropropene [1,3-Dichloropropylene]	2.8	119	1190	129.99	120.89	177.7	376.0
Dicofol [Kelthane]	0.30	0.30	3	0.33	0.305	0.45	0.95
Dieldrin	2.0E-05	2.0E-05	2.0E-04	2.18E-05	2.03E-05	2.99E-05	6.32E-05
2,4-Dimethylphenol	444	8436	84360	9215	8570	12598	26652
Di-*n*-Butyl Phthalate	88.9	92.4	924	101	94	138	292
Dioxins/Furans [TCDD Equivalents]	7.80E-08	7.97E-08	7.97E-07	8.71E-08	8.10E-08	1.19E-07	2.52E-07

Attachment A: Calculated Water Quality Based Effluent Limitations

HUMAN HEALTH (APPLIES FOR FRESHWATER FISH TISSUE) CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	Water and Fish Criterion (µg/L)	Fish Only Criterion (µg/L)	Incidental Fish Criterion (µg/L)	WLAh (µg/L)	LTAh (µg/L)	Daily Avg. (µg/L)	Daily Max. (µg/L)
Endrin	0.02	0.02	0.2	0.022	0.020	0.030	0.063
Epichlorohydrin	53.5	2013	20130	2199	2045	3006	6360
Ethylbenzene	700	1867	18670	2039	1897	2788	5899
Ethylene Glycol	46744	1.68E+07	1.68E+08	18351168	17066586	25087882	53077083
Fluoride	4000	N/A	N/A	N/A	N/A	N/A	N/A
Heptachlor	8.0E-05	0.0001	0.001	0.00011	0.00010	0.00015	0.00032
Heptachlor Epoxide	0.00029	0.00029	0.0029	0.0003	0.0003	0.0004	0.0009
Hexachlorobenzene	0.00068	0.00068	0.0068	0.0007	0.0007	0.0010	0.0021
Hexachlorobutadiene	0.21	0.22	2.2	0.240	0.223	0.329	0.70
Hexachlorocyclohexane (*alpha*)	0.0078	0.0084	0.084	0.009	0.009	0.013	0.027
Hexachlorocyclohexane (*beta*)	0.15	0.26	2.6	0.284	0.264	0.388	0.82
Hexachlorocyclohexane (gamma) [Lindane]	0.2	0.341	3.41	0.372	0.346	0.509	1.08
Hexachlorocyclopentadiene	10.7	11.6	116	12.7	11.8	17.3	37
Hexachloroethane	1.84	2.33	23.3	2.55	2.37	3.48	7.4
Hexachlorophene	2.05	2.90	29	3.17	2.95	4.33	9.2
4,4'-Isopropylidenediphenol [Bisphenol A]	1092	15982	159820	17458	16236	23866	50493
Lead	1.15	3.83	38.3	20.5	19.0	28.0	59.2
Mercury	0.0122	0.0122	0.122	0.013	0.012	0.018	0.039
Methoxychlor	2.92	3.0	30	3.3	3.05	4.5	9.5
Methyl Ethyl Ketone	13865	9.92E+05	9.92E+06	1083593	1007741	1481380	3134075
Methyl *tert*-butyl ether [MTBE]	15	10482	104820	11449.8	10648.3	15653.0	33116
Nickel	332	1140	11400	2464	2291	3368	7126
Nitrate-Nitrogen (as Total Nitrogen)	10000	N/A	N/A	N/A	N/A	N/A	N/A
Nitrobenzene	45.7	1873	18730	2046	1903	2797	5917
N-Nitrosodiethylamine	0.0037	2.1	21	2.294	2.133	3.136	6.635
N-Nitroso-di-*n*-Butylamine	0.119	4.2	42	4.588	4.267	6.272	13.27
Pentachlorobenzene	0.348	0.355	3.55	0.39	0.36	0.53	1.12
Pentachlorophenol	0.22	0.29	2.9	0.317	0.295	0.43	0.92
Polychlorinated Biphenyls [PCBs]	6.4E-04	6.4E-04	6.40E-03	0.0007	0.0007	0.0010	0.0020
Pyridine	23	947	9470	1034.4	962.0	1414	2992
Selenium	50	N/A	N/A	N/A	N/A	N/A	N/A
1,2,4,5-Tetrachlorobenzene	0.23	0.24	2.4	0.262	0.244	0.36	0.76
1,1,2,2-Tetrachloroethane	1.64	26.35	263.5	28.78	26.77	39.35	83.2
Tetrachloroethylene [Tetrachloroethylene]	5	280	2800	305.9	284.4	418.1	884.6
Thallium	0.12	0.23	2.3	0.251	0.234	0.343	0.73
Toluene	1000	N/A	N/A	N/A	N/A	N/A	N/A
Toxaphene	0.011	0.011	0.11	0.012	0.011	0.016	0.035
2,4,5-TP [Silvex]	50	369	3690	403	375	551	1166
1,1,1-Trichloroethane	200	784354	7843540	856775	796800	1171296	2478049
1,1,2-Trichloroethane	5	166	1660	181.3	168.6	247.9	524.5
Trichloroethylene [Trichloroethene]	5	71.9	719	78.5	73.0	107.4	227.2
2,4,5-Trichlorophenol	1039	1867	18670	2039	1897	2788	5899
TTHM [Sum of Total Trihalomethanes]	80	N/A	N/A	N/A	N/A	N/A	N/A
Vinyl Chloride	0.23	16.5	165	18.023	16.762	24.640	52.129

Attachment A: Calculated Water Quality Based Effluent Limitations

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

Aquatic Life *Parameter*	*70% of Daily Avg. (µg/L)*	*85% of Daily Avg. (µg/L)*
Aldrin	1.79	2.17
Aluminum	591	718
Arsenic	216	263
Cadmium	0.84	1.02
Carbaryl	1.19	1.45
Chlordane	0.0033	0.0040
Chlorpyrifos	0.034	0.041
Chromium (+3)	280	340
Chromium (+6)	8.8	10.7
Copper	19.6	23.8
Cyanide (free)	8.9	10.8
4,4'-DDT	0.0008	0.0010
Demeton	0.083	0.101
Diazinon	0.101	0.123
Dicofol	16.4	19.9
Dieldrin	0.0017	0.0020
Diuron	58	70
Endosulfan (alpha)	0.046	0.056
Endosulfan (beta)	0.046	0.056
Endosulfan sulfate	0.046	0.056
Endrin	0.0017	0.0020
Guthion	0.008	0.010
Heptachlor	0.0033	0.0040
Hexachlorocyclohexane (Lindane)	0.066	0.081
Lead	9.8	11.8
Malathion	0.008	0.010
Mercury	1.08	1.31
Methoxychlor	0.025	0.030
Mirex	0.0008	0.0010
Nickel	82	100
Nonylphenol	5.47	6.6
Parathion (ethyl)	0.011	0.013
Pentachlorophenol	11.6	14.1
Phenanthrene	17.9	21.7
Polychlorinated Biphenyls (PCBs)	0.012	0.014
Selenium	4.14	5.03
Silver	2.24	2.71
Toxaphene	0.00017	0.00020
Tributyltin (TBT)	0.020	0.024
2,4,5 Trichlorophenol	53.1	64
Zinc	205	249

Attachment A: Calculated Water Quality Based Effluent Limitations

Human Health	70% of Daily Avg.	85% of Daily Avg.
Parameter	*(µg/L)*	*(µg/L)*
Acrylonitrile	120.21	145.97
Aldrin	1.20E-05	1.46E-05
Anthracene	1377	1672
Antimony	1119.5	1359.4
Arsenic	N/A	N/A
Barium	N/A	N/A
Benzene	607.3	737.5
Benzidine	0.1119	0.1358
Benzo(a)anthracene	0.026	0.032
Benzo(a)pyrene	0.0026	0.0032
Bis(chloromethyl)ether	0.2869	0.3484
Bis(2-chloroethyl)ether	44.77	54.37
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	7.9	9.6
Bromodichloromethane [Dichlorobromomethane]	287.5	349.1
Bromoform [Tribromomethane]	1108	1345
Cadmium	N/A	N/A
Carbon Tetrachloride	48.1	58.4
Chlordane	0.0026	0.0032
Chlorobenzene	2861	3474
Chlorodibromomethane [Dibromochloromethane]	191.3	232.3
Chloroform [Trichloromethane]	8046	9770
Chromium (hexavalent)	525	637
Chrysene	2.63	3.20
Cresols (Methylphenols)	9723	11806
Cyanide (free)	N/A	N/A
4,4'-DDD	0.0021	0.0025
4,4'-DDE	0.00014	0.00017
4,4'-DDT	0.0004	0.0005
2,4'-D	N/A	N/A
Danitol [Fenpropathrin]	494	600
1,2-Dibromoethane [Ethylene Dibromide]	4.432	5.382
m-Dichlorobenzene [1,3-Dichlorobenzene]	622	755
o-Dichlorobenzene [1,2-Dichlorobenzene]	3449	4188
p-Dichlorobenzene [1,4-Dichlorobenzene]	N/A	N/A
3,3'-Dichlorobenzidine	2.34	2.84
1,2-Dichloroethane	380.5	462.0
1,1-Dichloroethylene [1,1-Dichloroethene]	57612.2	69957.7
Dichloromethane [Methylene Chloride]	13937.4	16923.9
1,2-Dichloropropane	270.7	328.8
1,3-Dichloropropene [1,3-Dichloropropylene]	124.39	151.0
Dicofol [Kelthane]	0.314	0.38
Dieldrin	2.09E-05	2.54E-05
2,4-Dimethylphenol	8818	10708
Di-*n*-Butyl Phthalate	97	117
Dioxins/Furans (TCDD Equivalents)	8.33E-08	1.01E-07

Attachment A: Calculated Water Quality Based Effluent Limitations

Human Health *Parameter*	*70% of Daily Avg.* *(µg/L)*	*85% of Daily Avg.* *(µg/L)*
Endrin	0.021	0.025
Epichlorohydrin	2104	2555
Ethylbenzene	1952	2370
Ethylene Glycol	17561517	21324700
Fluoride	N/A	N/A
Heptachlor	0.00010	0.00013
Heptachlor Epoxide	0.00030	0.00037
Hexachlorobenzene	0.0007	0.0009
Hexachlorobutadiene	0.230	0.279
Hexachlorocyclohexane (*alpha*)	0.009	0.011
Hexachlorocyclohexane (*beta*)	0.272	0.330
Hexachlorocyclohexane (*gamma*) [Lindane]	0.356	0.433
Hexachlorocyclopentadiene	12.1	14.7
Hexachloroethane	2.44	2.96
Hexachlorophene	3.03	3.68
4,4'-Isopropylidenediphenol [Bisphenol A]	16706	20286
Lead	19.6	23.8
Mercury	0.013	0.015
Methoxychlor	3.14	3.8
Methyl Ethyl Ketone	1036966	1259173
Methyl *tert*-butyl ether [MTBE]	10957.1	13305.1
Nickel	2358	2863
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A
Nitrobenzene	1958	2377
N-Nitrosodiethylamine	2.195	2.666
N-Nitroso-di-*n*-Butylamine	4.390	5.331
Pentachlorobenzene	0.37	0.45
Pentachlorophenol	0.303	0.368
Polychlorinated Biphenyls [PCBs]	0.0007	0.0008
Pyridine	989.9	1202.1
Selenium	N/A	N/A
1,2,4,5-Tetrachlorobenzene	0.251	0.305
1,1,2,2-Tetrachloroethane	27.54	33.45
Tetrachloroethylene [Tetrachloroethylene]	292.7	355.4
Thallium	0.240	0.292
Toluene	N/A	N/A
Toxaphene	0.011	0.014
2,4,5-TP [Silvex]	386	468
1,1,1-Trichloroethane	819908	995602
1,1,2-Trichloroethane	173.5	210.7
Trichloroethylene [Trichloroethene]	75.2	91.3
2,4,5-Trichlorophenol	1952	2370
TTHM [Sum of Total Trihalomethanes]	N/A	N/A
Vinyl Chloride	17.248	20.944

AR-9

Notice of Application and Preliminary Decision Documentation, and Applicant's Verification of Second Notice

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

JUNE 23, 2023

MR JONATHAN NGUYEN
JONES & CARTER INC
3100 ALVIN DEVANE BLVD STE 150
AUSTIN, TX 78741-7409

RE: Applicant Name: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC
Facility Location: GRAYSON COUNTY
Permit Number: WQ0016092001
Customer Reference Number: CN605975267
Regulated Entity Number: RN111409553
Type of Authorization: NEW

DEAR MR NGUYEN:

The executive director has completed the technical review of the above referenced application and has prepared a preliminary decision and draft permit.

You are now required to publish another notice of your proposed activity. To help you meet the requirements associated with this notice, we have included the following items:

- Instructions for Public Notice
- Notice for Newspaper Publication
- Publisher's Affidavit
- Draft Permit
- Executive Director's Preliminary Decision
- Public Notice Verification Form

You must follow all the directions in the enclosed instructions. The most common mistakes are the unauthorized changing of notice, wording, or font. If you fail to follow these instructions, you may be required to republish the notices.

The following requirements are also described in the enclosed instructions. However, due to their importance, they are highlighted here as well.

- You must publish the enclosed notice as soon as possible, but no later than 45 days from the date on the cover letter. **You may be required to publish the notice in more than one newspaper, including a newspaper published in an alternative language, to satisfy all of the notice requirements.**

- On or before the date you publish notice, you must place the following items in a public place in the county where the facility is or will be located: (a) a copy of your permit application, including any subsequent revisions; (b) the executive director's preliminary decision as contained in the technical summary and fact sheet; and (c) the draft permit, including any subsequent revisions. These items must be accessible to the public for review and copying, must be updated to reflect changes to the application, and must remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.

- For each publication, submit proof of publication of the notice that shows the publication date and newspaper name to the Office of the Chief Clerk within **30 calendar days** after notice is published in the newspaper.

- Return the original enclosed Public Notice Verification and the Publisher's Affidavits to the Office of the Chief Clerk within **30 calendar days** after the notice is published in the newspaper.

If you do not comply with all the requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions.

If you have any questions regarding publication requirements, please contact the Office of Legal Services at 512-239-0600. If you have any questions regarding the content of the notice, please contact the individual in the permitting area assigned to your application.

Sincerely,

Laurie Gharis

Laurie Gharis
Chief Clerk

Enclosures (3)

Texas Commission on Environmental Quality
Instructions for Public Notice for a Water Quality Permit
Notice of Application and Preliminary Decision (NAPD)

The executive director has completed the technical review of your application and issued a preliminary decision. You must comply with the following instructions. There are seven (7) steps involved in publishing notice. Complete each step.

1. **REVIEW THE NOTICE FOR ACCURACY**

   Read the enclosed notice carefully and notify the Wastewater Permitting Section at 512-239-4671 immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. Do not change the text or formatting of the notice or affidavit of publication without prior approval from the TCEQ. Changing the text or formatting of the notice may require new publication at your expense and delay processing of your application.

2. **PUBLISH THE NOTICE IN THE NEWSPAPER**

   You must publish the enclosed notice as soon as possible, but no later than 45 days from the date on the cover letter.

   For renewal applications, you must publish at least once in the same newspaper that you published the Notice of Receipt of Application and Intent to Obtain Permit.

   For all other applications, you must publish at least once in a newspaper regularly published or circulated within each county where the facility and discharge point are located or proposed to be located.

   The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., bold, italics). Failure to do so may require re-notice.

3. **PUBLISH THE NOTICE IN AN ALTERNATIVE LANGUAGE**

   You must publish notice in an alternative language IF: either the elementary or middle school nearest to the facility or proposed facility is required to provide a "bilingual education program" (BEP) as required by Texas Education Code (TEC), Chapter 29, Subchapter B, and 19 Tex. Admin. Code §89.1205(a) AND one of the following conditions is met:

   - students are enrolled in a program at that school;
   - students from that school attend a bilingual education program at another location; or
   - the school that otherwise would be required to provide a bilingual education program has been granted an exception from the requirements to provide the program as provided for in 19 Tex. Admin. Code §89.1207(a).

   A "bilingual education program" is different from an "English as a second language program" (ESL). An ESL program alone, will not require public notice in an alternative language.

   If triggered, you must publish the notice in a newspaper or publication primarily published in the alternative language taught in the bilingual education program. Publication in an alternative language section or insert within a large publication which is not printed primarily in that alternative language does not satisfy these

requirements. The newspaper or publication must be of general circulation in the county in which the facility and discharge point are located or proposed to be located. If the facility and discharge point are located or proposed to be located in a municipality, and there exists a newspaper or publication of general circulation in the municipality, you must publish the notice only in the newspaper or publication in the municipality.

You must demonstrate a good faith effort to identify a newspaper or publication in the required language. If there is no general circulation newspaper or publication printed in such language, then publishing in that language is not required. You have the burden to demonstrate compliance with these requirements.

If you are required to publish notice in Spanish, you must translate the site-specific information in the notice that is specific to your application, at your own expense. You may then insert the Spanish translation of your site-specific information into a Spanish template developed by the TCEQ. The Spanish templates are available on the TCEQ website at www.tceq.texas.gov/permitting/wastewater/review/napd/wqspanish_napd.html. If you are required to publish notice in a language other than Spanish, you must translate the entire public notice, at your own expense.

4. **PUT THE APPLICATION IN A PUBLIC PLACE**

You must put a copy of the following documents in the public place identified in the enclosed notice:

- the complete application,
- the executive director's preliminary decision as contained in the technical summary and fact sheet,
- the draft permit, and
- any subsequent revisions to these documents.

This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.

For confidential information contained in the application, you must indicate which specific portions of the application cannot be made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087."

5. **PROVIDE PROOF OF PUBLICATION**

For each newspaper in which you published, you must submit proof of publication. Proof of publication must include the following:

- a completed Publisher's Affidavit (enclosed); and
- a copy of the published notice which shows the notice, the date published, and the newspaper name. The copy must be on standard-size 8½ x 11" paper and must show the actual size of the published notice. Do not reduce the image when making copies. Published notices longer than 11" must be

copied onto multiple 8½ x 11" pages. Or you can submit the original newspaper clipping.

If you are required to publish notice in an alternative language and are unable to do so, complete and submit the Alternative Language Exemption form (enclosed).

6. PROVIDE PROOF OF APPLICATION VIEWING LOCATION

You must submit a completed Public Notice Verification Form (enclosed), which certifies that the complete application and draft permit were placed at the public place identified in the enclosed notice.

7. SUBMIT PROOFS TO TCEQ

Scan and email the proof of publication documents (Step 5) and the completed Public Notice Verification Form (Step 6) within 30 days of publication to PROOFS@tceq.texas.gov;

Or Mail to:

TCEQ
Office of the Chief Clerk, MC 105
Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087

Additional Information

If you fail to publish the notice or submit proofs within the timeframes noted above, the TCEQ may suspend further processing on your application or take other actions in accordance with 30 Tex. Admin. Code §39.405(a).

If you have any questions regarding publication requirements, please contact the Office of Legal Services at 512-239-0600. If you have any questions regarding the content of the notice, please contact the Wastewater Permitting Section at 512-239-4671. When contacting TCEQ regarding this application, please refer to the permit number at the top of the enclosed notice.

If you wish to obtain an electronic copy of the notice, please visit our web site at www.tceq.texas.gov/agency/decisions/cc/cc_db.html or www.tceq.texas.gov/agency/decisions/cc/eda.html. Please be aware that formatting codes may be lost and that any notices downloaded from these web sites must be reformatted by you so that your downloaded copy looks like the notice document you received from us.

Texas Commission on Environmental Quality

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER

NEW

PERMIT NO. WQ0016092001

APPLICATION AND PRELIMINARY DECISION. Treasure Island Laguna Azure LLC, 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016092001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 1,400,000 gallons per day. TCEQ received this application on January 18, 2022.

The facility will be located approximately 0.81 of a mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495. The treated effluent will be discharged to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No. 0821 of the Trinity River Basin. The unclassified receiving water use is high aquatic life use for West Prong Whites Creek. The designated uses for Segment No. 0821 are primary contact recreation, public water supply, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in West Prong Whites Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application. https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-96.631606%2C33.455858&level=12

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Van Alstyne Public Library, 151 West Cooper Street, Van Alstyne, Texas.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that wee raised in timely filed comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.texas.gov/goto/comment within 30 days from the date of newspaper publication of this notice.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Treasure Island Laguna Azure LLC at the address stated above or by calling Mr. Jonathan Nguyen, Quiddity Engineering, at 512-685-5156.

Issuance Date: June 23, 2023

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC
PERMIT NO.: WQ0016092001
CCO#: 126991
NOTICE OF APPLICATION AND PRELIMINARY DECISION

PUBLISHER'S AFFIDAVIT FOR ALL APPLICATIONS FOR WATER QUALITY PERMITS OTHER THAN RENEWALS

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, on this day personally appeared

_____, who being by me duly
(name of person representing newspaper)

sworn, deposes and says that (s)he is the _____
(title of person representing newspaper)

of the _____; that this newspaper is
(name of newspaper)

regularly published or circulated in _____ County/Counties, Texas,
(same county as proposed facility)

and that the enclosed notice was published in said newspaper on the following date(s):

_____.
(date or dates, of publication in the newspaper)

_____
Newspaper Representative's Signature

Subscribed and sworn to before me this the _____ day of _____,

20_____, to certify which witness my hand and seal of office.

_____
(Seal) Notary Public in and for the State of Texas

_____
Print or Type Name of Notary Public

My Commission Expires _____

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC
PERMIT NO.: WQ0016092001
CCO#: 126991
NOTICE OF APPLICATION AND PRELIMINARY DECISION

ALTERNATIVE LANGUAGE PUBLISHER'S AFFIDAVIT

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, on this day personally appeared

_____, who being by me duly
(name of person representing newspaper)

sworn, deposes and says that (s)he is the _____
(title of person representing newspaper)

of the _____; that this newspaper is
(name of newspaper)

generally circulated in _____ County, Texas,
(same county as proposed facility)

and is published primarily in _____ language;
(alternative language)

the enclosed notice was published in said newspaper on the following date(s):

_____.
(date or dates, of publication in the newspaper)

_____
Newspaper Representative's Signature

Subscribed and sworn to before me this the _____ day of _____,

20_____, to certify which witness my hand and seal of office.

_____
(Seal) Notary Public in and for the State of Texas

_____
Print or Type Name of Notary Public

My Commission Expires _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Notice of Application and Preliminary Decision (NAPD)
Water Quality Permit

All applicants must complete this page.

Applicant Name: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC

Site or Facility Name: TREASURE ISLAND WWTP

Water Quality Permit Number: WQ0016092001

Regulated Entity Number: RN111409553 Customer Number: CN605975267

PUBLIC VIEWING LOCATION

I certify that a copy of the complete water quality application and draft permit, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1st day of publication until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings (SOAH).

Name of Public Place: _____

Address of Public Place: _____

Applicant or Applicant Representative Signature: _____

Title: _____ Date: _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Notice of Application and Preliminary Decision (NAPD)
Water Quality Permit

Complete this page only if you are required to publish in an alternative language and are not able to do so.

Applicant Name: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC

Site or Facility Name: TREASURE ISLAND WWTP

Water Quality Permit Number: WQ0016092001

Regulated Entity Number: RN111409553 Customer Number: CN605975267

ALTERNATIVE LANGUAGE EXEMPTION

I certify that I have conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located or proposed to be located and was unable to publish the notice in the required alternative language because:

☐ A newspaper or publication could not be found in any of the alternative languages in which notice is required.

☐ The publishers of the newspapers listed below refused to publish the notice as requested, and another newspaper or publication in the same language and of general circulation could not be found in the municipality or county in which the facility is located or proposed to be located.

Newspaper Name: _____

Language: _____

Applicant or Applicant Representative Signature: _____

Title: _____ Date: _____

DRAFT NOTICE, DO NOT PUBLISH UNTIL YOU RECEIVE THE OFFICIAL VERSION AND INSTRUCTIONS FROM TCEQ's OFFICE OF THE CHIEF CLERK.

Texas Commission on Environmental Quality

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER

NEW

PERMIT NO. WQ0016092001

APPLICATION AND PRELIMINARY DECISION. Treasure Island Laguna Azure LLC, 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016092001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 1,400,000 gallons per day. TCEQ received this application on January 18, 2022.

The facility will be located approximately 0.81 of a mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495. The treated effluent will be discharged to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No. 0821 of the Trinity River Basin. The unclassified receiving water use is high aquatic life use for West Prong Whites Creek. The designated uses for Segment No. 0821 are primary contact recreation, public water supply, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in West Prong Whites Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.
https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-96.631606%2C33.455858&level=12

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

this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Van Alstyne Public Library, 151 West Cooper Street, Van Alstyne, Texas.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that wee raised in timely filed comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ

Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.texas.gov/goto/comment within 30 days from the date of newspaper publication of this notice.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Treasure Island Laguna Azure LLC at the address stated above or by calling Mr. Jonathan Nguyen, Jones & Carter, Inc., at 512-685-5156.

Issuance Date: _____

AGENDA CAPTION FOR PERMIT NO. WQ0016092001

Treasure Island Laguna Azure LLC has applied for new Texas Pollutant Discharge Elimination System Permit No. WQ0016092001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 1,400,000 gallons per day. The facility will be located approximately 0.81 of a mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495.

Kim Moore

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Thursday, August 17, 2023 11:21 AM
To: Kim Moore
Cc: Amy S. Hennard PG, PE
Subject: RE: WQ0016092001 NAPD Affidavit
Attachments: Aug 12 -2023 archive_B0812SB005.pdf; 1855155 Treasure Island Affidavit.pdf

Good morning Kim,

Attached is the newspaper tear sheet and affidavit. Please let me know if you have any questions.

Thank you!

Jonathan Nguyen
Permitting Specialist
Email: jnguyen@quiddity.com
T: (512) 685-5156

From: Kim Moore <Kim.Moore@tceq.texas.gov>
Sent: Friday, August 4, 2023 10:54 AM
To: Jonathan Nguyen <jnguyen@quiddity.com>
Subject: RE: WQ0016092001 NAPD Affidavit

Thanks for the update.

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Friday, August 4, 2023 10:42 AM
To: Kim Moore <Kim.Moore@tceq.texas.gov>
Subject: RE: WQ0016092001 NAPD Affidavit

Good morning Kim,

We are working on republishing. I will keep you updated.

Thanks,

Jonathan Nguyen
Permitting Specialist
Email: jnguyen@quiddity.com
T: (512) 685-5156

From: Kim Moore <Kim.Moore@tceq.texas.gov>
Sent: Thursday, August 3, 2023 1:21 PM
To: Jonathan Nguyen <jnguyen@quiddity.com>
Subject: RE: WQ0016092001 NAPD Affidavit

Good Afternoon Jonathan,
I received the proofs, however the newspaper tearsheet does not match the WQ0016092001.
Please resubmit the correct newspaper tearsheet.
Thank you,
Kim

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Tuesday, August 1, 2023 9:36 AM
To: PROOFS <PROOFS@tceq.texas.gov>
Cc: Amy S. Hennard PG, PE <ahennard@quiddity.com>
Subject: WQ0016092001 NAPD Affidavit

Attached is the public notice verification form, newspaper tear sheet, and affidavit for the above referenced permit. Let us know if you have any questions.

Thanks!

Jonathan Nguyen
Permitting Specialist

QUIDDITY

jnguyen@quiddity.com
(512) 685-5156
3100 Alvin Devane Boulevard, Suite 150, Austin, Texas, 78741, United States

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Disclaimer

This e-mail and any attachments are intended only for the named recipient(s) and may contain information that is legally privileged, confidential, or exempt from disclosure under applicable law. If you have received this message in error, or are not the named recipient(s), you may not retain copy or use this e-mail or any attachment for any purpose or disclose all or any part of the contents to any other person. Any such dissemination, distribution or copying of this e-mail or its attachments is strictly prohibited. Please immediately notify the sender and permanently delete this e-mail and any attachment from your computer and/or electronic devices. Any personal views or opinions expressed by the writer may not necessarily reflect the views or opinions of Quidolty Engineering, Inc.

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TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC
PERMIT NO.: WQ0016092001
CCO#: 126991
NOTICE OF APPLICATION AND PRELIMINARY DECISION

PUBLISHER'S AFFIDAVIT
FOR ALL APPLICATIONS FOR WATER QUALITY PERMITS OTHER THAN RENEWALS

STATE OF TEXAS §

COUNTY OF Grayson §

Before me, the undersigned authority, on this day personally appeared

Max Tezkol, who being by me duly
(name of person representing newspaper)

sworn, deposes and says that (s)he is the Legal Account
(title of person representing newspaper)

of the The Dallas Morning News; that this newspaper is
(name of newspaper)

regularly published or circulated in Grayson County/Counties, Texas,
(same county as proposed facility)

and that the enclosed notice was published in said newspaper on the following date(s):

08/12/2023.
(date or dates, of publication in the newspaper)

Newspaper Representative's Signature

Subscribed and sworn to before me this the 12th day of August,

2023, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

(Seal)

Rebecca Elizabeth Neal Tezkol
Print or Type Name of Notary Public

REBECCA ELIZABETH NEAL TEZKOL
Notary ID #133110603
My Commission Expires
May 19, 2025

My Commission Expires 05/19/2025

Marketplace

214.745.8123

legal

LEGAL NOTICE
Application has been made with the Texas Alcoholic Beverage Commission for a WINE AND MALT BEVERAGE RETAILER'S OFF-PREMISE PERMIT (BQ) for PUSA GROUP LLC dba MY T QUICK, to be located at 119 HENSLEY DR, GRAND PRAIRIE, DALLAS-TX 7050. The Officers of said corporation are SHIRAN KHYAJU MANAGING MEMBER/OWNER and SANDEEP POKHREL MANAGING MEMBER/OWNER.

CITY OF DALLAS

NOTICE OF PUBLIC HEARING
FOR THE PROPOSED BUDGET

Energy Environment Economy
Business

services

Download our app at dallasnews.com

JUMBLE

HSOCA
NEAYH
LCAITI
WRCEYS

Georgia Carroll-Warren

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Tuesday, August 1, 2023 9:36 AM
To: PROOFS
Cc: Amy S. Hennard PG, PE
Subject: WQ0016092001 NAPD Affidavit
Attachments: WQ0016092001 NAPD Affidavit.pdf

Attached is the public notice verification form, newspaper tear sheet, and affidavit for the above referenced permit. Let us know if you have any questions.

Thanks!

Jonathan Nguyen
Permitting Specialist

QUIDDITY

jnguyen@quiddity.com
(512) 685-5156
3100 Alvin Devane Boulevard, Suite 150, Austin, Texas, 78741, United States

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Notice of Application and Preliminary Decision
(NAPD)
Water Quality Permit

All applicants must complete this page.

Applicant Name: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC

Site or Facility Name: TREASURE ISLAND WWTP

Water Quality Permit Number: WQ0016092001

Regulated Entity Number: RN111409553 Customer Number: CN605975267

PUBLIC VIEWING LOCATION

I certify that a copy of the complete water quality application and draft permit, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1st day of publication until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings (SOAH).

Name of Public Place: Van Alstyne Public Library

Address of Public Place: 151 West Cooper Street, Van Alstyne, TX 75495

Applicant or Applicant Representative Signature: [signature]

Title: Permitting Specialist Date: 8/1/2023

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC
PERMIT NO.: WQ0016092001
CCO#: 126991
NOTICE OF APPLICATION AND PRELIMINARY DECISION

PUBLISHER'S AFFIDAVIT FOR ALL APPLICATIONS FOR WATER QUALITY PERMITS OTHER THAN RENEWALS

STATE OF TEXAS §

COUNTY OF Grayson §

Before me, the undersigned authority, on this day personally appeared

Max Tezkol, who being by me duly
(name of person representing newspaper)

sworn, deposes and says that (s)he is the Legal Account
(title of person representing newspaper)

of the The Dallas Morning News; that this newspaper is
(name of newspaper)

regularly published or circulated in Grayson County/Counties, Texas,
(same county as proposed facility)

and that the enclosed notice was published in said newspaper on the following date(s):

07/07/2023.
(date or dates, of publication in the newspaper)

Newspaper Representative's Signature

Subscribed and sworn to before me this the 7th day of July,

20 23, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

(Seal)

Rebecca Elizabeth Neal Tezkol
Print or Type Name of Notary Public

REBECCA ELIZABETH NEAL TEZKOL
Notary ID #133110603
My Commission Expires
May 19, 2025

My Commission Expires 05/19/2025

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legal

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Bids & Proposals

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER

NEW PERMIT NO. WQ0016152001

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS, TEXAS

Bids & Proposals | Bids & Proposals | Bids & Proposals

Bids & Proposals | Bids & Proposals

Legal Notices | Legal Notices

JUMBLE — THAT SCRAMBLED WORD GAME

HAWTE

RIWLH

DAREIT

CLROSL

Answer: ALIAS REACH TOWARD EXCEED — RAISED THE BAR

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

INTEROFFICE MEMORANDUM

To: Laurie Gharis, Chief Clerk **Date:** 6/15/2023

Thru: Firoj Vahora, Team Leader
Wastewater Permitting Section

From: Abigail Flores
Customer Information and Assistance Team
Water Quality Division

TCEQ 000
15JUN 22 14:57

Subject:

Permit No. WQ0016092001 (EPA ID No.) TX0142263

CN No. 605975267 **RN No.** 111409553

Applicant: Treasure Island Laguna Azure LLC

Transmittal of an application for issuance of notice for a Texas Pollutant Discharge Elimination System (TPDES) Permit

Transmitted herewith for re-filing with the Texas Commission on Environmental Quality (TCEQ) is an application and draft permit for a TPDES permit. The application contains all the information deemed necessary by the Executive Director of the Commission. If you have any questions, please contact Mr. Firoj Vahora by telephone at (512) 239-4671.

APPLICATION TYPE:

- ☑ New
- ☐ Major Amendment
- ☐ Renewal
- ☐ Minor Amendment
- ☐ Minor Modification
- ☐ New TPDES Permit for which there is an active State Permit
- ☐ Staff Initiated Amendment

Type: ☑ Domestic ☐ Industrial

☒ **The application file contains the following documents needed by the Chief Clerk for further processing:**

- ☒ draft permit
- ☒ notice of application to be issued and mailed by Chief Clerk
- ☒ instructions for further processing of application by Chief Clerk

☒ **This application will have a bilingual notice to be published**

☒ **Processing of the application by the Chief Clerk needs to be completed as indicated below:**

☒ Issue the notice: ☐ for public comments (interim notice for TPDES transition only) *(notice previously published in the newspaper and no major changes to the draft permit have been made other than shell and boiler plate)*

☒ giving opportunity to comment and request hearing (full notice requirements) *(Previous notice was issued and mailed but never published; or, first time filing of draft with OCC; or major changes were made to the draft permit requiring a new notice to giving opportunity to request hearing)*

☐ Mail by certified mail, the items indicated by an (*) to the Services indicated below:

Need Notice Only	Notice Waived	Need draft permit, application and notice	Not Applicable	Agencies
☐	X	☐	☐	*National Marine Fisheries Service (Coastal Areas)
☑ (only applies to new & major amend)	☐ (only applies to renewals & minor amend)	☐	☐	Texas Historical Commission
X	☐	☐	☐	U.S. Fish & Wildlife Service
X	☐	☐	☐	*U.S. Army Corps of Engineers
☐	☐	☐	X	*State or Federal Affected Indian Reservation: _____
☐	☐	☐	X	Advisory Council on Historical Preservation
X	☐	☐	☐	Designated 208 Planning Agency
X	☐	☐	☐	Environmental Protection Agency (EPA)
☐	☐	X	☐	Texas Parks and Wildlife Department
☑ (only applies to new & major amend)	☐	☐	☐ (only applies to renewals and minor amend)	Adjacent Landowner's List
☐	☐	☐	☒	Attached list of Industrial Users identified in an application of a POTW
X	☐	☐	☐	EPA area mailing list
X	☐	☐	☐	TCEQ standard mailing list (county, city, comments, etc.)
☐	☐	☐	☒	Other _____

Notice Instructions with Comment Period:

☑ Send notice to applicant with instructions to publish in the newspaper.

(The facility is classified by EPA as a Major and notice was published giving opportunity to request hearing, but they must publish the interim short notice giving opportunity to request public meeting/public comments.) *Or (Notice has never been published so publishing in the newspaper giving opportunity to request hearing is needed.)*

☑ Comment period is 30 days from the date the notice was published in the newspaper.

☐ Send notice **not requiring** them to publish in the newspaper - only mailed notice.

(Facilities classified by EPA as a minor are not required to publish the interim short notice if the previous full notice had been published - only mailed notice is required).

☐ Comment period is 30 days from the date the notice is mailed.
☐ Comment period is 10 days from the date the notice is mailed (minor modification only)

☐ Publish notice in the Texas Register

(applies only to facilities classified by EPA as major with minor amendment application)

☐ Comment period is 30 days from the date the notice is published in the Texas Register.

☑ EPA was mailed draft on 6/19/2023; EPA has 45 days from date of receipt to file comments

Or

☐ EPA waived review of draft

☐ Hearing Requests were previously received;
If draft permit was subject to EPA's review, notify Industrial/Municipal Permit Team Leader that the item is ready to be set on **Commissioner's Agenda**; Permitting will verify that EPA's comment period has expired and no changes are necessary.

Or

☒ No Hearing Requests were previously received;
If draft permit was subject to EPA's review, notify Industrial/Municipal Permit Team Leader that the item is ready to be set on **Executive Director's Agenda** for final approval; Permitting will verify that EPA's comment period has expired and no changes are necessary.

☐ **Special processing required**

☐ **Since notice was previously mailed, include the attached "special letter" with the notice.**

☒ **Once permit is issued and final processing is complete:**
X After **final** action by the Executive Director/Commission (issued, denied, remanded to ED) the permit file needs to be returned to the Registration, Review and Reporting, Applications Team within five days after permit issuance.

Applicant & Their Contacts during Application Process
Mailing List for Notice

TCEQ Proposed Permit No. WQ0016092001

Applicant Information

Legal Name of Facility Owner Treasure Island Laguna Azure LLC

Operator (if required to be co-permittee) N/A

Permit Mailing Address 2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

Customer No.: CN605975267 Regulated Entity No.: RN111409553

Contact Information

Applicant's Representative(s) or Contact Person during Application Process

Mr. Jonathan Nguyen
Permit Specialist
Jones & Carter, Inc.
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

Phone: 512-685-5156
Email: jnguyen@jonescarter.com

Notice To Be Published By

Mr. Jonathan Nguyen
Permit Specialist
Jones & Carter, Inc.
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

Phone: 512-685-5156
Email: jnguyen@jonescarter.com

Mailing Lists

Fixed State Mailing List (By Chief Clerk) SB 709 (X) HB 801 ( ) N/A ( ) Minor Amendment

County Mailing List Grayson

City to Be Notified for Plant Van Alstyne

City to Be Notified for Outfall and/or Disposal Site Van Alstyne

Coastal Zone Management Plan ( ) Yes (X) No

Notice to GLO ( ) Yes (X) No

Adjacent/Downstream Landowners List plus Interested Persons

Landowner Mailing List Attached (X) Yes ( ) No

Bilingual Notice Required ( ) Yes (X) No

Notify Following County Judges Only If They Officially Requested To Be Notified Of All Permit Actions (Only Applies To Facilities with A Flow of 5 MGD or Greater) N/A

WQ STANDARD MAIL LIST

NHPD

APPLICANT:
MR JONATHAN NGUYEN
JONES & CARTER INC
3100 ALVIN DEVANE BLVD STE 150
AUSTIN, TX 78741-7409

Other Applicant Representatives:

PERMIT #: WQ0016092001
BASIN:
REGION: 4
COUNTY: GRAYSON

PERMITTEE: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC

TO BE PUBLISHED BY: MR JONATHAN NGUYEN

DATE NOTICE MAILED: 06/23/2023
CCO #: 126991
NOTICE TECH INITIALS: GCARROLL

EVELYN ROSBOROUGH
USEPA REGION 6
1445 ROSS AVE STE 1200
MAIL CODE 6WQ
DALLAS TX 75202-2733
rosborough.evelyn@epa.gov
(Rosborough only gets notices with TPDES language.)

CYRUS REED PHD
LONE STAR CHAPTER SIERRA CLUB
PO BOX 4998
AUSTIN TX 78765
cyrus.reed@sierraclub.org

MYRON J HESS
1705 MARGARET ST
AUSTIN TX 78704
myron@myronhess.com

AMANDA FULLER
NATIONAL WILDLIFE FEDERATION
505 E HUNTLAND DR STE 485
AUSTIN TX 78752
fullera@nwf.org

ANNE ROGERS
COASTAL FISHERIES DIVISION – FPP
TEXAS PARKS AND WILDLIFE
INTERAGENCY MAIL
wqnotices@tpwd.state.tx.us

SARA THORNTON
LLOYD GOSSELINK ROCHELLE & TOWNSEND
816 CONGRESS AVE STE 1900
AUSTIN TX 78701
sthornton@lglawfirm.com

RAILROAD COMMISSION OF TEXAS
TECHNICAL PERMITTING, ENVIRONMENTAL SUPPORT
INTERAGENCY MAIL

DONNA MCCARVER
ARCHEOLOGY DIVISION
TEXAS HISTORICAL COMMISSION
INTERAGENCY MAIL
donna.mccarver@thc.texas.gov

NICHOLE SAUNDERS
ENVIRONMENTAL DEFENSE FUND
5400 MUSKET RDG
AUSTIN, TX 78759
nsaunders@edf.org

DAVID T VILLARREAL PH.D.
ENVIRONMENTAL QUALITY PROGRAM
TEXAS DEPARTMENT OF AGRICULTURE
INTERAGENCY MAIL

HEIDI BOJES PH.D.
TEXAS DEPARTMENT OF STATE HEALTH SERVICES
INTERAGENCY MAIL
heidi.bojes@dshs.state.tx.us
(Bojes gets IHW, MSW, and WQ notices.)

TONY WILLIAMS
GRANT PROGRAM AND SUPPORT DIVISION
COASTAL RESOURCES PROGRAM
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federal.consistency@glo.texas.gov
(WILLIAMS only gets notices with CMP language.)

MICHAEL BOOTH
5701 W SLAUGHTER A130-404
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THE HONORABLE DREW SPRINGER
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THE HONORABLE REGGIE SMITH
TEXAS HOUSE OF REPRESENTATIVES
DISTRICT ROOM E1.312
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reggie.smith@house.texas.gov

16092

STATE

6/23/23

CITY OF VAN ALSTYNE
HEALTH OFFICIAL
PO BOX 247
VAN ALSTYNE TX 75495-0247

CITY OF VAN ALSTYNE
MAYOR
PO BOX 247
VAN ALSTYNE TX 75495-0247

City

GRAYSON COUNTY HEALTH DEPARTME
515 N WALNUT ST
SHERMAN TX 75090-4952

GRAYSON COUNTY JUDGE
COUNTY COURTHOUSE - JUSTICE
100 W HOUSTON ST STE 15
SHERMAN TX 75090-5958

RED RIVER AUTHORITY OF TEXAS
PO BOX 240
WICHITA FALLS TX 76307-0240

PUBLIC HEALTH REGION 2/3
TEXAS DEPARTMENT OF STATE HEAL
1301 S BOWEN RD STE 200
ARLINGTON TX 76013-2262

TEXOMA COUNCIL OF GOVERNMENTS
1117 GALLAGHER DR STE 100
SHERMAN TX 75090-3107

US ARMY CORPS OF ENGINEERS
TULSA DISTRICT - CESWT
2488 E 81ST ST
TULSA OK 74137-4290

FIELD SUPERVISOR
US FISH & WILDLIFE SERVICE
STE 140
2005 NE GREEN OAKS BLVD
ARLINGTON TX 76006-2601

GLENN C CLINGENPEEL
TRINITY RIVER AUTHORITY OF TEX
5300 S COLLINS ST
ARLINGTON TX 76018-1710

CAROLYN FRUTHALER MD DIR
GRAYSON COUNTY HEALTH AUTHORIT
515 N WALNUT ST
SHERMAN TX 75090-4952

JOHN R PIPES
COOKE COUNTY ENVIRO HEALTH
COOKE CO COURTHOUSE
100 S DIXON ST
GAINESVILLE TX 76240-4717

DREW SATTERWHITE PE GENERA
RED RIVER GROUNDWATER CONSERVA
PO BOX 1214
SHERMAN TX 75091-1214

MS JESSICA STAGGS SUPERVISO
DALLAS WATER UTILITIES
4334 SCOTTSDALE DR
DALLAS TX 75227-4044

County

THE HONORABLE REGGIE SMITH STATE
TEXAS HOUSE OF REPRESENTATIVES
PO BOX 2910
AUSTIN TX 78768-2910

KATRINA ARSENAULT
320 WILLIAMSBURG DR
VAN ALSTYNE TX 75495-2782

JERRY W CHAPMAN GENERAL MANAGER
GREATER TEXOMA UTILITY AUTHORITY
5100 AIRPORT DR
DENISON TX 75020-8448

WAYMAN W CHILCUTT
616 COUNTY ROAD 4505
WHITEWRIGHT TX 75491-7512

WAYMAN W CHILCUTT
PO BOX 86
WHITESBORO TX 76273-0086

WAYMAN W CHILCUTT
616 COUNTY ROAD 4505
WHITEWRIGHT TX 75491-7512

WAYMAN W CHILCUTT
PO BOX 86
WHITESBORO TX 76273-0086

DEIRDRE DIAMOND
2105 BLEDSOE RD
GUNTER TX 75058-3015

MR JIM DUBOIS
500 BRYN MAWR LN
VAN ALSTYNE TX 75495-7085

MRS CAROLYN FLECK
1146 HODGINS RD
VAN ALSTYNE TX 75495-3228

BILLY & CATHEY HAMILTON
104 GOLDEN RD
SHERMAN TX 75090-7514

MR NEAL HUNTER
1783 HACKBERRY RD
VAN ALSTYNE TX 75495-2387

IP/PWS

6/23/23

KIMBERLY G KELLEY
BLDG 1, STE 300
3711 S MOPAC EXPY
AUSTIN TX 78746-8013

MR RICHARD LINNEBUR
1170 HODGINS RD
VAN ALSTYNE TX 75495-3228

JUSTIN POWERS
25 HINTON CT
VAN ALSTYNE TX 75495-7095

EMILY W ROGERS
BICKERSTAFF HEATH DELGADO ACOSTA LLP
BLDG 1 STE 300
3711 S MOPAC EXPY
AUSTIN TX 78746-8013

NANCY JAN SHAW
1603 HACKBERRY RD
VAN ALSTYNE TX 75495-3398

KIM SIEDELMANN
831 BELMONT LN
VAN ALSTYNE TX 75495-7021

THE HONORABLE REGGIE SMITH STATE
TEXAS HOUSE OF REPRESENTATIVES
421 N CROCKETT ST
SHERMAN TX 75090-0019

CHRISTI SWEET
201 HOMESTEAD CT
VAN ALSTYNE TX 75495-7133

16092

IP/PROT

6/23/23

MICHAEL A & STELLA J TURNER
1017 HODGINS RD
VAN ALSTYNE TX 75495

MOTL KATHRYN E & PEGGY J CRABTREE ESTATE
561 FIELDER RD
VAN ALSTYNE TX 75495

MURRAY D & ANITA M PARHAM
113 WATER CRESS CIR
JERSEY VILLAGE TX 77064

PATRICIA BOWDEN CRAIG
4307 WILLIFORD WOODS
SACHSE TX 75048

PATSY L KIRBY
8187 FARMINGTON RD
VAN ALSTYNE TX 75495

PETER M ZIELINSKI
296 HARRISON CIRCLE
VAN ALSTYNE TX 75495

RASOR W H III AND SMITH LAURA RASOR AND MBA MCKINNEY PROPERTIES II LTD
1800 LOVERS LEAP LN
VAN ALSTYNE TX 75495

RICHARD M & TRACY LINNEBUR
1783 HACKBERRY RD
VAN ALSTYNE TX 75495

RICK K WALKER
P O BOX 1179
PILOT POINT TX 76258

ROBERT P & KATHY L BECK
2208 HOBKIRKS HILL
MCKINNEY TX 75070

SAMUEL J ATKINS III
1347 LOVERS LEAP LANE
VAN ALSTYNE TX 75495

SCOTT RANDOLPH
260 HARRISON CR
VAN ALSTYNE TX 75495

SUZANNE CLAY
1765 BOST RD
VAN ALSTYNE TX 75495

TERRY CROSBY
9650 FARMINGTON RD
VAN ALSTYNE TX 75495

THOMAS N & MARY CHAPMAN
687 FIELDER RD
VAN ALSTYNE TX 75495

WENDELL STEPHENS
PO BOX 980
VAN ALSTYNE TX 75495

WILLIAM H RASOR & LURA RASOR SMITH
1800 LOVERS LEAP
VAN ALSTYNE TX 75495

WP0016092001

L/O

6/23/23

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ANTHONY A GRISOLIA
2128 HODGINS
VAN ALSTYNE TX 75495

BARRY R & MARY E WHITE
408 HARRISON CIR
VAN ALSTYNE TX 75495

BILLIE RUTH MOORE
2252 HODGINS RD
VAN ALSTYNE TX 75495

BILLY N HALE
400 HALE PL
VAN ALSTYNE TX 75495

BJ & KENDRA BOATMAN
1983 BOST RD
VAN ALSTYNE TX 75495

BRAD BUTLER & KIMBERLY FLETCHER
PO BOX 1385
VAN ALSTYNE TX 75495

BROWN WILLIAM LIVING TRUST
4535 MILL CREEK ROAD
DALLAS TX 75244

BURT K HAMULA
740 EVERGREEN LN
MEAD OK 73449

CHRIS PAUL & DEBORAH ROSE DORAK
388 HARRISON CIRCLE
VAN ALSTYNE TX 75495

DAMON & KERI L LEINART
360 HARRISON CIR
VAN ALSTYNE TX 75495

DAVID MICHAEL MCMAKIN
PO BOX 1516
VAN ALSTYNE TX 75495

DOUGLAS SCOTT & NANCY SHAW
1603 HACKBERRY
VAN ALSTYNE TX 75495

FLORA NEOMA BURK
9759 FARMINGTON RD
VAN ALSTYNE TX 75495

GARY LYNN TOMBERLIN
9669 FARMINGTON RD
VAN ALSTYNE TX 75495

GERONIMO S SANTIBANEZ
10040 FARMINGTON RD
VAN ALSTYNE TX 75495

GOLDEN CORNER LTD
8320 BARBER OAK DR
PLANO TX 75025

JAMES GRISOLIA
2038 HODGINS RD
VAN ALSTYNE TX 75495

JAMES MCNEME V
1971 HACKBERRY RD
VAN ALSTYNE TX 75495

JAMES PARK FIELDER III
PO BOX 638
VAN ALSTYNE TX 75495

JOHN W CRAIG
4307 WILLIFORD ROAD
SACHSE TX 75048

KATHRYN E HIEGERT SMITH
735 S BRIDGEFARMER RD
MCKINNEY TX 75069

KERRY CRAIG PAREDES
313 WILLIAMSBURG
VAN ALSTYNE TX 75495

L RANDOLPH & DEBRA S PETTIT
P O BOX 763
VAN ALSTYNE TX 75495

LARRY L FLECK
1146 HODGINS RD
VAN ALSTYNE TX 75495

LOREN L DEMERS
783 FIELDER RD
VAN ALSTYNE TX 75495

LORETTA CALLAHAN WALKER
9898 FARMINGTON RD
VAN ALSTYNE TX 75495

MACIEK P & CATHY NAZARKO
PO BOX 279
VAN ALSTYNE TX 75495

MARILEE SPECIAL UTILITY DISTRICT
PO BOX 1017
CELINA TX 75009

MATT CAVENDER
15371 US HWY 75
VAN ALSTYNE TX 75495

MBA MCKINNEY PROPERTIES II LTD
PO BOX 8137
WACO TX 76714

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AR-10

Notice of Public Meeting

Texas Commission on Environmental Quality

NOTICE OF PUBLIC MEETING
FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER

NEW

PERMIT NO. WQ0016092001

APPLICATION. Treasure Island Laguna Azure LLC, 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016092001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 1,400,000 gallons per day. TCEQ received this application on January 18, 2022.

The facility will be located approximately 0.81 of a mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495. The treated effluent will be discharged to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No. 0821 of the Trinity River Basin. The unclassified receiving water use is high aquatic life use for West Prong Whites Creek. The designated uses for Segment No. 0821 are primary contact recreation, public water supply, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in West Prong Whites Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.
https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-96.631606%2C33.455858&level=12

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

PUBLIC COMMENT / PUBLIC MEETING. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Monday, October 9, 2023, at 7:00 PM
Days Inn by Wyndham Sherman, "Dallas" Meeting Room
3605 South US Highway 75
Sherman, Texas 75090

INFORMATION. Members of the public are encouraged to submit written comments anytime during the meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.texas.gov/goto/comment. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040. *Si desea información en Español, puede llamar 1-800-687-4040.* General information about the TCEQ can be found at our web site at https://www.tceq.texas.gov.

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Van Alstyne Public Library, 151 West Cooper Street, Van Alstyne, Texas. Further information may also be obtained from Treasure Island Laguna Azure LLC at the address stated above or by calling Mr. Jonathan Nguyen, Quiddity Engineering, at 512-685-5156.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or 1-800-RELAY-TX (TDD) at least five business days prior to the meeting.

Issuance Date: August 24, 2023

Comisión de Calidad Ambiental de Texas

AVISO DE REUNIÓN PÚBLICA
PARA EL PERMISO TPDES PARA AGUAS RESIDUALES MUNICIPALES

NUEVO

PERMISO N.º WQ0016092001

SOLICITUD. Treasure Island Laguna Azure LLC, 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201, ha solicitado a la Comisión de Calidad Ambiental de Texas (TCEQ, por sus siglas en inglés) el nuevo Permiso N.º WQ0016092001, autorizar la descarga de aguas residuales domésticas tratadas a un caudal promedio anual que no exceda los 1,400,000 galones por día. TCEQ recibió esta solicitud el 18 de enero del 2022.

La instalación estará ubicada aproximadamente a 0.81 de milla al noreste de la intersección de Farmington Road y Hodgins Road, en el Condado de Grayson, Texas 75495. El efluente tratado se descargará a West Prong Whites Creek, de allí a Whites Creek, de allí a East Fork Trinity River sobre el lago Lavon, de allí al lago Lavon en el segmento N.º 0821 de la Cuenca del Río Trinity. El uso no clasificado del agua receptora es un alto uso de vida acuática para West Prong Whites Creek. Los usos designados para el segmento N.º 0821 son recreación de contacto primario, suministro público de agua y alto uso de vida acuática. Las limitaciones de efluentes en el bosquejo del permiso mantendrán y protegerán los usos existentes en la corriente. De acuerdo con 30 Código Administrativo de Texas, Sección 307.5 y los Procedimientos de la TCEQ para implementar los Estándares de Calidad de Aguas Superficiales de Texas (junio del 2010), se realizó una revisión antidegradación de las aguas receptoras. Una revisión antidegradación de Nivel 1 ha determinado preliminarmente que los usos existentes de la calidad del agua no se verán afectados por esta acción de permiso. Se mantendrán criterios numéricos y narrativos para proteger los usos existentes. Una revisión de Nivel 2 ha determinado preliminarmente que no se espera una degradación significativa de la calidad del agua en West Prong Whites Creek, que se ha identificado que tiene un alto uso de vida acuática. Los usos existentes se mantendrán y protegerán. La determinación preliminar puede ser reexaminada y puede ser modificada si se recibe nueva información. Este enlace a un mapa electrónico de la ubicación general del sitio o instalación se proporciona como cortesía pública y no forma parte de la solicitud o aviso. Para conocer la ubicación exacta, consulte la solicitud.
https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-96.631606%2C33.455858&level=12

El Director Ejecutivo de la TCEQ ha completado la revisión técnica de la solicitud y ha preparado un bosquejo de permiso. El bosquejo de permiso, si se aprueba, establecería las condiciones bajo las cuales la instalación debe operar. El Director Ejecutivo ha adoptado una decisión preliminar de que este permiso, si se expide, cumple todos los requisitos legales y reglamentarios.

COMENTARIO PÚBLICO / REUNIÓN PÚBLICA. Se llevará a cabo una reunión pública que constará de dos partes, un Período de Discusión Informal y un Período de Comentarios Formales. Una reunión pública no es una audiencia de caso impugnado en virtud de la Ley de Procedimiento Administrativo. Durante el Período de Discusión Informal, se alentará al público a hacer preguntas al solicitante y al personal de la TCEQ sobre la solicitud de permiso. Los comentarios y preguntas presentados oralmente durante el Período de Discusión Informal no serán considerados antes de que se llegue a una decisión sobre la solicitud de permiso y no se dará una respuesta formal. Las respuestas se proporcionarán oralmente durante el Período de Discusión Informal. Durante el Período de Comentarios Formales sobre la solicitud de permiso, los miembros del público pueden declarar sus comentarios formales oralmente en el registro oficial. El Director Ejecutivo preparará una respuesta por escrito a todas las observaciones oportunas, pertinentes y materiales, o significativas. Todos los comentarios formales serán considerados antes de llegar a una decisión sobre la solicitud de permiso. Se enviará una copia de la respuesta por escrito a cada persona que presente un comentario formal o que haya solicitado estar en la lista de correo para esta solicitud de permiso y proporcione una dirección postal. Solo se pueden considerar las cuestiones relevantes y materiales planteadas durante el Período de Comentarios Formales si se concede una audiencia de caso impugnado sobre esta solicitud de permiso.

La Reunión Pública se convocará:

lunes 9 de octubre del 2023, a las 7:00 PM
Days Inn by Wyndham Sherman, "Dallas" Meeting Room
3605 South US Highway 75
Sherman, Texas 75090

INFORMACIÓN. Se alienta a los miembros del público a enviar comentarios por escrito en cualquier momento durante la reunión o por correo antes del cierre del período de comentarios públicos a Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, TX 78711-3087 o electrónicamente en www.tceq.texas.gov/goto/comment. Si necesita más información sobre la solicitud de permiso o el proceso de permisos, llame al Programa de Educación Pública de la TCEQ, al número gratuito, al 1-800-687-4040. *Si desea información en español, puede llamar 1-800-687-4040.* Puede encontrar información general sobre la TCEQ en nuestro sitio web en https://www.tceq.texas.gov.

La solicitud de permiso, la decisión preliminar del Director Ejecutivo y el bosquejo del permiso están disponibles para ver y copiar en Van Alstyne Public Library, 151 West Cooper Street, Van Alstyne, Texas. También se puede obtener más información de Treasure Island Laguna Azure LLC en la dirección indicada anteriormente o llamando al Sr. Jonathan Nguyen, Quiddity Engineering, al 512-685-5156.

Las personas con discapacidades que necesiten acomodaciones especiales en la reunión deben llamar a la Oficina del Secretario Oficial al (512) 239-3300 o 1-800-RELAY-TX (TDD) al menos cinco días hábiles antes de la reunión.

Fecha de Emisión: 24 de agosto del 2023

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Instructions to Publish Notice for Public Meeting

The Executive Director has determined that a public meeting should be held for your permit application. The Chief Clerk has issued mailed notice, and now you must publish notice of the meeting in a newspaper.

Newspaper Notice

Please publish the enclosed notice of public meeting, at your expense, in a newspaper that is regularly published or circulated within each county where the proposed facility is located and in each county affected by the discharge. **The entire notice must be published once, including all text from 'NOTICE OF PUBLIC MEETING . . .' through the issued date. While it is not required, we recommend that the notice be at least 15 square inches (96.8 square centimeters), with the shortest dimension at least three inches (7.6 centimeters) in size.** Also, if feasible, we recommend that the notice be published in a regular section of the paper, rather than in the classified advertising section. Please publish the notice as soon as possible, but not later than 30 calendar days prior to the date of the public meeting.

Proof of Publication

Please submit an **original newspaper clipping** of the published notice, and a sworn affidavit completed by the newspaper giving the date on which the notice was published and listing the pertinent counties of newspaper circulation. The enclosed affidavit includes all the information needed. Therefore, please ask the newspaper to use this form. Please file the newspaper clipping and affidavit of publication with the Office of the Chief Clerk within 10 days after the notice is published.

Submission Requirements

The newspaper clipping and affidavit should be mailed to:

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

Please send an original newspaper clipping, rather than photocopies. Also, please be sure the affidavit of publication is completely filled out and is properly executed.

Failure to Publish and Submit Proof of Publication

Proper notice of the public meeting must be given before the public meeting can be held. If you fail to publish the notice or submit the affidavit, we may have to postpone the public meeting, and delay issuance of your permit. Ultimately, your application could be returned. If your application is returned, and you wish to continue with your project, you will need to submit a new application.

If you are unable publish the notice according to the instructions above, please notify us immediately so that we may reschedule the public meeting.

Please Review the Notice

We have included in the notice all the information which we believe is necessary. Please read it carefully and notify us immediately if it contains any errors or omissions.

Please Attend the Public Meeting

The Commission asks that you or your representative appear at the public meeting. Unless you are represented at the meeting, processing of your application may be suspended.

When contacting the Commission regarding this application, please refer to the permit number. If you have questions or need assistance regarding this notice, please contact the Office of the Chief Clerk at (512)239-3300.

Enclosures

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 ATTN: GCW
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: TREASURE ISLAND LAGUNA AZURE LLC
PERMIT NO.: WQ0016092001 CCO#: 126991
NOTICE OF PUBLIC MEETING

AFFIDAVIT OF PUBLICATION
FOR WATER QUALITY APPLICATION PUBLIC MEETING

STATE OF TEXAS '

COUNTY OF _____ '

Before me, the undersigned authority, on this day personally appeared

_____, who being by me duly
(name of newspaper representative)

sworn, deposes and says that (s)he is the _____
(title of newspaper representative)

of the _____; that said newspaper is
(name of newspaper)

regularly published in _____ County, Texas, and is a newspaper that is regularly published or generally circulated within _____

_____County/Counties;

and that the attached notice was published in said newspaper on the following date(s): _____

_____
Newspaper Representative's Signature

Subscribed and sworn to before me this the _____ day of _____,
20_____, to certify which witness my hand and seal of office.

_____
(Seal) Notary Public in and for the State of Texas

_____
Print or Type Name of Notary Public

My Commission Expires _____

WQ STANDARD MAIL LIST

PUBLIC MEETING

APPLICANT:
Steve Maglisceau
Megatel Homes, LLC
2101 Cedar Springs Road, Suite 700
Dallas, TX 75201

Other Applicant Representatives:
Jonathan Nguyen
<jnguyen@quiddity.com>
Steve Maglisceau [Megatel Homes, LLC]
<Steve.Maglisceau@megatelhomes.com>;
Derek L. Seal
<dseal@mcginnislaw.com>

Derek Seal
McGinnis Lochridge
1111 West 6th Street, Bldg. B, Ste. 400
Austin, TX 78703

PERMIT #: WQ0016092001
BASIN:
REGION: 4
COUNTY: GRAYSON

PERMITTEE: TREASURE ISLAND LAGUNA AZURE LLC

TO BE PUBLISHED BY: JONATHAN NGUYEN

DATE NOTICE MAILED: 08/24/2023

CCO #: 126991

NOTICE TECH INITIALS: GCW

EVELYN ROSBOROUGH
USEPA REGION 6
1445 ROSS AVE STE 1200
MAIL CODE 6WQ
DALLAS TX 75202-2733
rosborough.evelyn@epa.gov
(Rosborough only gets notices with TPDES language.)

CYRUS REED PHD
LONE STAR CHAPTER SIERRA CLUB
PO BOX 4998
AUSTIN TX 78765
cyrus.reed@sierraclub.org

MYRON J HESS
1705 MARGARET ST
AUSTIN TX 78704
myron@myronhess.com

AMANDA FULLER
NATIONAL WILDLIFE FEDERATION
505 E HUNTLAND DR STE 485
AUSTIN TX 78752
fullera@nwf.org

ANNE ROGERS
COASTAL FISHERIES DIVISION - FPP
TEXAS PARKS AND WILDLIFE
INTERAGENCY MAIL
wqnotices@tpwd.state.tx.us

SARA THORNTON
LLOYD GOSSELINK ROCHELLE & TOWNSEND
816 CONGRESS AVE STE 1900
AUSTIN TX 78701
sthornton@lglawfirm.com

RAILROAD COMMISSION OF TEXAS
TECHNICAL PERMITTING, ENVIRONMENTAL SUPPORT
INTERAGENCY MAIL

DONNA MCCARVER
ARCHEOLOGY DIVISION
TEXAS HISTORICAL COMMISSION
INTERAGENCY MAIL
donna.mccarver@thc.texas.gov

NICHOLE SAUNDERS
ENVIRONMENTAL DEFENSE FUND
5400 MUSKET RDG
AUSTIN, TX 78759
nsaunders@edf.org

DAVID T VILLARREAL PH.D.
ENVIRONMENTAL QUALITY PROGRAM
TEXAS DEPARTMENT OF AGRICULTURE
INTERAGENCY MAIL

HEIDI BOJES PH.D.
TEXAS DEPARTMENT OF STATE HEALTH SERVICES
INTERAGENCY MAIL
heidi.bojes@dshs.state.tx.us
(Bojes gets IHW, MSW, and WQ notices.)

TONY WILLIAMS
GRANT PROGRAM AND SUPPORT DIVISION
COASTAL RESOURCES PROGRAM
TEXAS GENERAL LAND OFFICE
INTERAGENCY MAIL
federal.consistency@glo.texas.gov
(WILLIAMS only gets notices with CMP language.)

MICHAEL BOOTH
5701 W SLAUGHTER A130-404
AUSTIN TX 78749

THE HONORABLE DREW SPRINGER
TEXAS SENATE
DISTRICT ROOM E1.712
TEXAS STATE CAPITOL
drew.springer@senate.texas.gov

THE HONORABLE REGGIE SMITH
TEXAS HOUSE OF REPRESENTATIVES
DISTRICT ROOM E1.312
TEXAS STATE CAPITOL
reggie.smith@house.texas.gov

WQ0016092001 STATE 8/21/23

CITY OF VAN ALSTYNE
HEALTH OFFICIAL
PO BOX 247
VAN ALSTYNE TX 75495-0247

CITY OF VAN ALSTYNE
MAYOR
PO BOX 247
VAN ALSTYNE TX 75495-0247

CITY

GRAYSON COUNTY HEALTH DEPARTME
515 N WALNUT ST
SHERMAN TX 75090-4952

GRAYSON COUNTY JUDGE
COUNTY COURTHOUSE - JUSTICE
100 W HOUSTON ST STE 15
SHERMAN TX 75090-5958

RED RIVER AUTHORITY OF TEXAS
PO BOX 240
WICHITA FALLS TX 76307-0240

PUBLIC HEALTH REGION 2/3
TEXAS DEPARTMENT OF STATE HEAL
1301 S BOWEN RD STE 200
ARLINGTON TX 76013-2262

TEXOMA COUNCIL OF GOVERNMENTS
1117 GALLAGHER DR STE 100
SHERMAN TX 75090-3107

US ARMY CORPS OF ENGINEERS
TULSA DISTRICT - CESWT
2488 E 81ST ST
TULSA OK 74137-4290

FIELD SUPERVISOR
US FISH & WILDLIFE SERVICE
STE 140
2005 NE GREEN OAKS BLVD
ARLINGTON TX 76006-2601

GLENN C CLINGENPEEL
TRINITY RIVER AUTHORITY OF TEX
5300 S COLLINS ST
ARLINGTON TX 76018-1710

CAROLYN FRUTHALER MD DIR
GRAYSON COUNTY HEALTH AUTHORIT
515 N WALNUT ST
SHERMAN TX 75090-4952

JOHN R PIPES
COOKE COUNTY ENVIRO HEALTH
COOKE CO COURTHOUSE
100 S DIXON ST
GAINESVILLE TX 76240-4717

DREW SATTERWHITE PE GENERA
RED RIVER GROUNDWATER CONSERVA
PO BOX 1214
SHERMAN TX 75091-1214

MS JESSICA STAGGS SUPERVISO
DALLAS WATER UTILITIES
4334 SCOTTSDALE DR
DALLAS TX 75227-4044

COUNTY

THE HONORABLE REGGIE SMITH STATE
TEXAS HOUSE OF REPRESENTATIVES
PO BOX 2910
AUSTIN TX 78768-2910

KATRINA ARSENAULT
320 WILLIAMSBURG DR
VAN ALSTYNE TX 75495-2782

JERRY W CHAPMAN GENERAL MANAGER
GREATER TEXOMA UTILITY AUTHORITY
5100 AIRPORT DR
DENISON TX 75020-8448

WAYMAN W CHILCUTT
616 COUNTY ROAD 4505
WHITEWRIGHT TX 75491-7512

WAYMAN W CHILCUTT
PO BOX 86
WHITESBORO TX 76273-0086

WAYMAN W CHILCUTT
616 COUNTY ROAD 4505
WHITEWRIGHT TX 75491-7512

WAYMAN W CHILCUTT
PO BOX 86
WHITESBORO TX 76273-0086

DEIRDRE DIAMOND
2105 BLEDSOE RD
GUNTER TX 75058-3015

MR JIM DUBOIS
500 BRYN MAWR LN
VAN ALSTYNE TX 75495-7085

MRS CAROLYN FLECK
1146 HODGINS RD
VAN ALSTYNE TX 75495-3228

MR JAMES ANTHONY GRISOLIA
2038 HODGINS RD
VAN ALSTYNE TX 75495-2228

BILLY & CATHEY HAMILTON
104 GOLDEN RD
SHERMAN TX 75090-7514

APPLICANT

WQ0016092001

8/21/23

MR NEAL HUNTER
1783 HACKBERRY RD
VAN ALSTYNE TX 75495-2387

LAUREN J KALISEK
LLOYD GOSSELINK ROCHELLE & TOWNSEND
STE 1900
816 CONGRESS AVE
AUSTIN TX 78701-2442

KIMBERLY G KELLEY
BLDG 1, STE 300
3711 S MOPAC EXPY
AUSTIN TX 78746-8013

MR RICHARD LINNEBUR
1170 HODGINS RD
VAN ALSTYNE TX 75495-3228

JUSTIN POWERS
25 HINTON CT
VAN ALSTYNE TX 75495-7095

EMILY W ROGERS
BICKERSTAFF HEATH DELGADO ACOSTA LLP
BLDG 1 STE 300
3711 S MOPAC EXPY
AUSTIN TX 78746-8013

NANCY JAN SHAW
1803 HACKBERRY RD
VAN ALSTYNE TX 75495-3398

KIM SIEDELMANN
831 BELMONT LN
VAN ALSTYNE TX 75495-7021

THE HONORABLE REGGIE SMITH STATE
TEXAS HOUSE OF REPRESENTATIVES
421 N CROCKETT ST
SHERMAN TX 75090-0019

CHRISTI SWEET
201 HOMESTEAD CT
VAN ALSTYNE TX 75495-7133

WQ0016092001 IP/PM2OT 8/21/23

MICHAEL A & STELLA J TURNER
1017 HODGINS RD
VAN ALSTYNE TX 75495

MOTL KATHRYN E & PEGGY J CRABTREE ESTATE
561 FIELDER RD
VAN ALSTYNE TX 75495

MURRAY D & ANITA M PARHAM
113 WATER CRESS CIR
JERSEY VILLAGE TX 77064

PATRICIA BOWDEN CRAIG
4307 WILLIFORD WOODS
SACHSE TX 75048

PATSY L KIRBY
8187 FARMINGTON RD
VAN ALSTYNE TX 75495

PETER M ZIELINSKI
296 HARRISON CIRCLE
VAN ALSTYNE TX 75495

RASOR W H III AND SMITH LAURA RASOR AND MBA MCKINNEY PROPERTIES II LTD
1800 LOVERS LEAP LN
VAN ALSTYNE TX 75495

RICHARD M & TRACY LINNEBUR
1783 HACKBERRY RD
VAN ALSTYNE TX 75495

RICK K WALKER
P O BOX 1179
PILOT POINT TX 76258

ROBERT P & KATHY L BECK
2208 HOBKIRKS HILL
MCKINNEY TX 75070

SAMUEL J ATKINS III
1347 LOVERS LEAP LANE
VAN ALSTYNE TX 75495

SCOTT RANDOLPH
260 HARRISON CR
VAN ALSTYNE TX 75495

SUZANNE CLAY
1765 BOST RD
VAN ALSTYNE TX 75495

TERRY CROSBY
9650 FARMINGTON RD
VAN ALSTYNE TX 75495

THOMAS N & MARY CHAPMAN
687 FIELDER RD
VAN ALSTYNE TX 75495

WENDELL STEPHENS
PO BOX 980
VAN ALSTYNE TX 75495

WILLIAM H RASOR & LURA RASOR SMITH
1800 LOVERS LEAP
VAN ALSTYNE TX 75495

WQ0016092001

L/O

8/22/23

ANTHONY A GRISOLIA
2128 HODGINS
VAN ALSTYNE TX 75495

BARRY R & MARY E WHITE
408 HARRISON CIR
VAN ALSTYNE TX 75495

BILLIE RUTH MOORE
2252 HODGINS RD
VAN ALSTYNE TX 75495

BILLY N HALE
400 HALE PL
VAN ALSTYNE TX 75495

BJ & KENDRA BOATMAN
1983 BOST RD
VAN ALSTYNE TX 75495

BRAD BUTLER & KIMBERLY FLETCHER
PO BOX 1385
VAN ALSTYNE TX 75495

BROWN WILLIAM LIVING TRUST
4535 MILL CREEK ROAD
DALLAS TX 75244

BURT K HAMULA
740 EVERGREEN LN
MEAD OK 73449

CHRIS PAUL & DEBORAH ROSE DORAK
388 HARRISON CIRCLE
VAN ALSTYNE TX 75495

DAMON & KERI L LEINART
360 HARRISON CIR
VAN ALSTYNE TX 75495

DAVID MICHAEL MCMAKIN
PO BOX 1516
VAN ALSTYNE TX 75495

DOUGLAS SCOTT & NANCY SHAW
1603 HACKBERRY
VAN ALSTYNE TX 75495

FLORA NEOMA BURK
9759 FARMINGTON RD
VAN ALSTYNE TX 75495

GARY LYNN TOMBERLIN
9669 FARMINGTON RD
VAN ALSTYNE TX 75495

GERONIMO S SANTIBANEZ
10040 FARMINGTON RD
VAN ALSTYNE TX 75495

GOLDEN CORNER LTD
8320 BARBER OAK DR
PLANO TX 75025

JAMES GRISOLIA
2038 HODGINS RD
VAN ALSTYNE TX 75495

JAMES MCNEME V
1971 HACKBERRY RD
VAN ALSTYNE TX 75495

JAMES PARK FIELDER III
PO BOX 638
VAN ALSTYNE TX 75495

JOHN W CRAIG
4307 WILLIFORD ROAD
SACHSE TX 75048

KATHRYN E HIEGERT SMITH
735 S BRIDGEFARMER RD
MCKINNEY TX 75069

KERRY CRAIG PAREDES
313 WILLIAMSBURG
VAN ALSTYNE TX 75495

L RANDOLPH & DEBRA S PETTIT
P O BOX 763
VAN ALSTYNE TX 75495

LARRY L FLECK
1146 HODGINS RD
VAN ALSTYNE TX 75495

LOREN L DEMERS
783 FIELDER RD
VAN ALSTYNE TX 75495

LORETTA CALLAHAN WALKER
9898 FARMINGTON RD
VAN ALSTYNE TX 75495

MACIEK P & CATHY NAZARKO
PO BOX 279
VAN ALSTYNE TX 75495

MARILEE SPECIAL UTILITY DISTRICT
PO BOX 1017
CELINA TX 75009

MATT CAVENDER
15371 US HWY 75
VAN ALSTYNE TX 75495

MBA MCKINNEY PROPERTIES II LTD
PO BOX 8137
WACO TX 76714

Georgia Carroll-Warren

From: TexReg@sos.texas.gov
Sent: Wednesday, August 30, 2023 11:54 AM
To: Mehgan Taack
Subject: TEXAS REGISTER ACKNOWLEDGMENT OF RECEIPT

ACKNOWLEDGMENT OF RECEIPT

Please note that this email acknowledges receipt of your filing only.
If we find that the document or submission form does not conform to statutory filing requirements or our administrative rules, we may refuse to accept it for filing and publication.
If we refuse your filing, we will notify you.

TRD Number: 202303205
For Issue of: 09/08/2023

Submission Date: 2023-08-30 11:44 AM
Receipt Date: 2023-08-30 11:53 AM

Miscellaneous Document Submission

Agency Name: Texas Commission on Environmental Quality
Agency Code: 0152
Liaison: Mehgan Taack
Title of Document: NOTICE OF PUBLIC MEETING
FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER NEW PERMIT NO. WQ0016092001

File Name: 2PM083023.docx

Georgia Carroll-Warren

To:	jnguyen@quiddity.com; Steve.Maglisceau@megatelhomes.com; dseal@mcginnislaw.com
Subject:	PUBLIC MEETING NOTICE - TREASURE ISLAND LAGUNA AZURE LLC - PROPOSED PERMIT NO. WQ0016092001
Attachments:	WQ0016092001_PUBLIC MEETING.pdf; public-mtg-affidavit - WQ0016092001.pdf; PM publication-instructions - WQ0016092001.pdf; WQ0016092001_PUBLIC MEETING_ES.docx; WQ0016092001_PUBLIC MEETING.docx
Importance:	High

Good Morning:

Please find attached document for the **NOTICE OF PUBLIC MEETING FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER NEW – PROPOSED PERMIT NUMBER WQ0016092001** for **TREASURE ISLAND LAGUNA AZURE LLC.**

- Issued Notice (PDF + Word version of English and Spanish notice)
- Affidavit
- Publishing Instructions

Hard copy of the attached document will be mailed via first class mail to Steve Maglisceau and Derek Seal. Publication of the English notice is required.

The Public Meeting is to be held:

Monday, October 9, 2023, at 7:00 PM
Days Inn by Wyndham Sherman, "Dallas" Meeting Room
3605 South US Highway 75
Sherman, Texas 75090

Please confirm receipt of this email. Should you have any questions or concerns, please contact me by email.

Thank you for your assistance.

Georgia Carroll-Warren
Texas Commission on Environmental Quality (TCEQ)
Office of the Chief Clerk, Notice Team Work Leader
Phone: (512) 239-3314
georgia.carroll-warren@tceq.texas.gov

Georgia Carroll-Warren

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Monday, August 21, 2023 7:34 AM
To: Deanna Avalos
Cc: Steve Maglisceau [Megatel Homes, LLC]; Alex S. Pfefferkorn PE; Seal, Derek L.
Subject: RE: Request Applicant Review of Draft Public Meeting Notice: Treasure Island Laguna Azure LLC; Permit No. WQ0016092001
Attachments: WQ0016092001_Treasure Island PM Notice.docx

Good morning,

I have reviewed the notice and found no errors. It is approved.

Steve Maglisceau
Megatel Homes, LLC
2101 Cedar Springs Road, Suite 700
Dallas, TX 75201

Derek Seal
McGinnis Lochridge
1111 West 6th Street, Bldg. B, Ste. 400
Austin, TX 78703

Please let us know if you have any questions or need any additional information.

Thank you!

Jonathan Nguyen
Permitting Specialist

QUIDDITY

jnguyen@quiddity.com
(512) 685-5156
3100 Alvin Devane Boulevard, Suite 150, Austin, Texas, 78741, United States

From: Deanna Avalos <Deanna.Avalos@tceq.texas.gov>
Sent: Friday, August 18, 2023 10:48 AM
To: Jonathan Nguyen <jnguyen@quiddity.com>
Cc: Steve Maglisceau [Megatel Homes, LLC] <Steve.Maglisceau@megatelhomes.com>; Alex S. Pfefferkorn PE <apfefferkorn@quiddity.com>; Seal, Derek L. <dseal@mcginnislaw.com>
Subject: Request Applicant Review of Draft Public Meeting Notice: Treasure Island Laguna Azure LLC; Permit No. WQ0016092001

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good day Jonathan,

Attached is the draft Public Meeting Notice for Treasure Island Laguna Azure LLC; Permit No. WQ0016092001.

Please respond with approval as is or with corrections **ASAP, but no later than COB on Tuesday, August 22, 2023**. Once the notice is complete, the Office of the Chief Clerk will officially issue the notice to the Applicant/Representatives and to persons that have written to TCEQ regarding the permit.

Please respond with the best contact and mailing address for the applicant's copy of the mailed notice.

The notice will not be considered complete until I receive an email response from you.

Thank you,
Deanna Avalos
TCEQ Office of the Chief Clerk
Deanna.Avalos@tceq.texas.gov

Georgia Carroll-Warren

From: Deanna Avalos
Sent: Monday, August 21, 2023 10:29 AM
To: Georgia Carroll-Warren
Cc: Brad Patterson
Subject: DUE DATE: Thursday, 08/24/2023: Request Issuance of Public Meeting Notice: Treasure Island Laguna Azure LLC; Permit No. WQ0016092001
Attachments: WQ0016092001_Treasure Island PM Notice.docx; WQ0016092001_Treasure Island PM Notice (Spanish).docx; RE: Request Applicant Review of Draft Public Meeting Notice: Treasure Island Laguna Azure LLC; Permit No. WQ0016092001

Georgia,

Attached is the final English and Spanish Public Meeting Notices for Treasure Island Laguna Azure LLC; Permit No. WQ0016092001. Also attached is the applicant approval.

Please mail on Thursday, August 24, 2023. Also send a courtesy email of the notice (plus publication instructions) on the same day as mail out to the applicant contact(s). Publication is required for the English notice.

The contact(s) information is as follows:

Email:
Jonathan Nguyen <jnguyen@quiddity.com>
Steve Maglisceau [Megatel Homes, LLC] <Steve.Maglisceau@megatelhomes.com>;
Derek L. Seal <dseal@mcginnislaw.com>

Phone:
Jonathan Nguyen at 512-685-5156

Address:
Steve Maglisceau
Megatel Homes, LLC
2101 Cedar Springs Road, Suite 700
Dallas, TX 75201

Derek Seal
McGinnis Lochridge
1111 West 6th Street, Bldg. B, Ste. 400
Austin, TX 78703

Please let me know if you have any questions.

Thank you,
Deanna

Brad Patterson

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Thursday, August 31, 2023 10:15 AM
To: PROOFS
Cc: Alex S. Pfefferkorn PE; Amy S. Hennard PG, PE
Subject: WQ0016092001 Public Meeting Notice Affidavit
Attachments: Aug 25 - 2023 archive_B0825SB006.pdf; public-mtg-affidavit-signed - WQ0016092001.pdf

Good morning,

Attached is the newspaper sheet and the affidavit for the above referenced public meeting notification. Please let us know if you have any questions.

Thank you!

Jonathan Nguyen
Permitting Specialist

QUIDDITY

jnguyen@quiddity.com
(512) 685-5156
3100 Alvin Devane Boulevard, Suite 150, Austin, Texas, 78741, United States

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 ATTN: GCW
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: TREASURE ISLAND LAGUNA AZURE LLC
PERMIT NO.: WQ0016092001 CCO#: 126991
NOTICE OF PUBLIC MEETING

AFFIDAVIT OF PUBLICATION FOR WATER QUALITY APPLICATION PUBLIC MEETING

STATE OF TEXAS '

COUNTY OF GRAYSON,

Before me, the undersigned authority, on this day personally appeared

Max Tezkol, who being by me duly
(name of newspaper representative)

sworn, deposes and says that (s)he is the Legal Account
(title of newspaper representative)

of the The Dallas Morning News; that said newspaper is
(name of newspaper)

regularly published in Grayson County, Texas, and is a newspaper that is regularly published or generally circulated within Grayson, Dallas, Tarrant, Rockwall, Collin, Denton Kaufman, Ellis, Parker, Wise, Johnson, & Somervell County/Counties; and that the attached notice was published in said newspaper on the following date(s): 08/25/2023

Newspaper Representative's Signature

Subscribed and sworn to before me this the 25th day of August, 2023, to certify which witness my hand and seal of office.

(Seal)

Notary Public in and for the State of Texas

Rebecca Elizabeth Neal Tezkol
Print or Type Name of Notary Public

My Commission Expires 05/19/2025

REBECCA ELIZABETH NEAL TEZKOL
Notary ID #133110603
My Commission Expires
May 19, 2025

BS 08-25-2022 Set 16:28:03
Sent By: twright@dallasnews.com News

APP-0510

AR-11

Notice of Executive Director's Decision and Response to Comments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 16, 2024

TO: All interested persons.

RE: Treasure Island Laguna Azure, LLC
TPDES Permit No. WQ0016092001

Decision of the Executive Director.

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

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Van Alstyne Public Library, 151 West Cooper Street, Van Alstyne, Texas.

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

How to Request a Contested Case Hearing.

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

The request must include the following:

(1) Your name, address, daytime telephone number, and, if possible, a fax number.

(2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.

(3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

(4) If the request is made by a group or association, the request must identify:

(A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;

(B) the comments on the application submitted by the group that are the basis of the hearing request; and

(C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

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

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

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

How to Request Reconsideration of the Executive Director's Decision.

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

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date

of this letter. You may submit your request electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html or by mail to the following address:

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

Processing of Requests.

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

How to Obtain Additional Information.

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

Sincerely,

Laurie Gharis

Laurie Gharis
Chief Clerk

LG/mb

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
Treasure Island Laguna Azure, LLC
TPDES Permit No. WQ0016092001

The Executive Director has made the Response to Public Comment (RTC) for the application by Treasure Island Laguna Azure, LLC for TPDES Permit No. WQ0016092001 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 (WQ0016092001) 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 Van Alstyne Public Library, 151 West Cooper Street, Van Alstyne, Texas.

MAILING LIST
for
Treasure Island Laguna Azure, LLC
TPDES Permit No. WQ0016092001

FOR THE APPLICANT:

Zack Ipour
Treasure Island Laguna Azure, LLC
2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

Jonathan Nguyen, Permit Specialist
Jones & Carter, Inc.
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

INTERESTED PERSONS:

See Attached List

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

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

Harrison Cole Malley, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Melinda Luxemburg, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division MC-148
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

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

FOR THE CHIEF CLERK
via electronic mail:

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

AGUIRRÉ , KIM
501 MEADOWVIEW CIR
VAN ALSTYNE TX 75495-3210

ALBRIGHT , STEFANIE P
BICKERSTAFF HEATH DELGADO ACOSTA LLP
STE C400
1601 S MOPAC EXPY
AUSTIN TX 78746-7009

ALCALA , AMBER
213 CORNSTALK WAY
VAN ALSTYNE TX 75495-7137

ARSENAULT , KATRINA LYNN
320 WILLIAMSBURG DR
VAN ALSTYNE TX 75495-2782

ATCHISON , JIM MAYOR
CITY OF VAN ALSTYNE
PO BOX 247
VAN ALSTYNE TX 75495-0247

ATCHISON , JIM MAYOR
CITY OF VAN ALSTYNE
152 N MAIN ST
VAN ALSTYNE TX 75495-9700

BARKER, SHAY & HIGGINBOTHAM,JOHNNY
10264 FARMINGTON RD
VAN ALSTYNE TX 75495-3230

BARNARD , ANN
376 MAJORS RD
VAN ALSTYNE TX 75495-3341

BARNARD , CANDICE
376 MAJORS RD
VAN ALSTYNE TX 75495-3341

BERRY , JEANNINE
41 BLACKTHORN DR
VAN ALSTYNE TX 75495-3316

BINGHAM , TONYA
324 NEWPORT DR
VAN ALSTYNE TX 75495-2785

BLACKSHEAR , KENDA R
308 NEWPORT DR
VAN ALSTYNE TX 75495-2785

BOATMAN , BOBBY
1983 BOST RD
VAN ALSTYNE TX 75495-2221

BOREL , RENAE & RICH
245 WHITES HILL RD
VAN ALSTYNE TX 75495-4354

BOREL , RICH
245 WHITES HILL RD
VAN ALSTYNE TX 75495

BOURLAND , RICKEY
3436 CEDAR MEADOWS LN
VAN ALSTYNE TX 75495-2237

BRENNAN , GAY
847 TATE CIR
SHERMAN TX 75090

BUTLER , BRAD & MARLA
1246 HODGINS RD
VAN ALSTYNE TX 75495-2227

CAMPEAU , STEPHEN
600 WILLIAMS WAY
VAN ALSTYNE TX 75495-2885

COLEMAN , RYAN & SARAH
53 KENTUCKY CT
VAN ALSTYNE TX 75495-7146

COLEMAN , RYAN
53 KENTUCKY CT
VAN ALSTYNE TX 75495

COOLEY , KRISTEN
91 OWEN LN
VAN ALSTYNE TX 75495-4321

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STATE REPRESENTATIVE REGGIE SMITH
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DAHLEN , LEE
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VAN ALSTYNE TX 75495-4438

DEBACKER , CRYSTAL
121 WINCHESTER ST
VAN ALSTYNE TX 75495-2224

DUBOIS , MR JIM
500 BRYN MAWR LN
VAN ALSTYNE TX 75495-7085

FLECK , MRS CAROLYN
1146 HODGINS RD
VAN ALSTYNE TX 75495-3228

FROST , ROBIN & TIM
1394 HACKBERRY RD
VAN ALSTYNE TX 75495-2309

GAUER , EDGAR J
510 SANFORD CIR
VAN ALSTYNE TX 75495-2302

GEDDIE , MICHAEL
340 SHERBROOK ST
VAN ALSTYNE TX 75495-2747

GIBSON , RYAN
949 S DALLAS ST
VAN ALSTYNE TX 75495-4438

GORSKI , LINDA
128 HARVEST MEADOWS LN
VAN ALSTYNE TX 75495-7131

GRISOLIA , MATT
2156 HODGINS RD
VAN ALSTYNE TX 75495-2229

GRISOLIA , MR JAMES ANTHONY
2038 HODGINS RD
VAN ALSTYNE TX 75495-2228

HAMILTON , PAIGE
201 IVY PKWY
VAN ALSTYNE TX 75495-4477

HARDING , DALE & MARGO
671 MEADOWVIEW CIR
VAN ALSTYNE TX 75495-2295

HARIMARAN, KRISKNAPRIYA &
SRIVASTAVA,AMIT
33 GALVAN LN

HARLOW , ANDREW
388 HARRISON CIR
VAN ALSTYNE TX 75495-4331

VAN ALSTYNE TX 75495-4316

HARRELSON , KEVIN
10200 FARMINGTON RD
VAN ALSTYNE TX 75495-3230

HARRIS , ANNA
343 MAGNOLIA DR
VAN ALSTYNE TX 75495-7126

HASSELMAN , IAN
1825 HACKBERRY RD
VAN ALSTYNE TX 75495-2388

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120 WINCHESTER ST
VAN ALSTYNE TX 75495-2218

HENDERSON , DAVID & MARILYN
514 MEADOWVIEW CIR
VAN ALSTYNE TX 75495-3211

HOLMES , WHITNEY
1429 HANOVER LN
VAN ALSTYNE TX 75495-7091

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504 SEA SIDE LN
MCKINNEY TX 75072-1908

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1783 HACKBERRY RD
VAN ALSTYNE TX 75495-2387

HUNTER , MR NEAL
1783 HACKBERRY RD
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145 WHITES HILL RD
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KRUSING , DANIELLE
402 PURDUE DR
VAN ALSTYNE TX 75495-7075

LADD , CHANDLER
866 BALLARD RD
VAN ALSTYNE TX 75495-2744

LAUERHAHS , MIKE & VAL
149 MEADOWVIEW CIR
VAN ALSTYNE TX 75495-2291

LINNEBUR , MR RICHARD
1170 HODGINS RD
VAN ALSTYNE TX 75495-3228

LOWRANCE , JANEL & JOHN
275 WINCHESTER ST
VAN ALSTYNE TX 75495-2231

MACKINDER , MICHAEL
89 BLACKTHORN DR
VAN ALSTYNE TX 75495-3316

MALONE , MIKE C
13075 FM 121
VAN ALSTYNE TX 75495-3326

MARTIN , CHARLES
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VAN ALSTYNE TX 75495-2048

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137 PARKER RD
VAN ALSTYNE TX 75495-3374

MATTISON , CIERRA
191 WHITES HILL RD
VAN ALSTYNE TX 75495-4310

MAXWELL , BRUCE
100 THOMPSON DR
VAN ALSTYNE TX 75495-2788

MCCRARY , CHRISTY
393 HARRISON CIR
VAN ALSTYNE TX 75495-4330

MCCRARY , MR JOHN
393 HARRISON CIR
VAN ALSTYNE TX 75495-4330

MCDONALD , JAY
979 HODGINS RD
VAN ALSTYNE TX 75495-2234

MCKINNEY , PATTY
164 HARRISON CIR
VAN ALSTYNE TX 75495-4327

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152 N MAIN ST
VAN ALSTYNE TX 75495-9700

MORRISON , BILL
263 WHITES HILL RD
VAN ALSTYNE TX 75495-4354

MOSBY , JOHN

MOSTER , CHARLIE

NABORS , KRISTEN

191 WATERS HILL
VAN ALSTYNE TX

350 REDWOOD DR
VAN ALSTYNE TX 75495-3346

121 THOMPSON DR
VAN ALSTYNE TX 75495-2789

NASH , BECKY & JEREMY
1790 HACKBERRY RD
VAN ALSTYNE TX 75495-2375

NAVARRETE , KATRICIA
322 MAGNOLIA DR
VAN ALSTYNE TX 75495-7124

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VAN ALSTYNE TX 75495-3320

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113 PROVIDENCE DR
VAN ALSTYNE TX 75495-2796

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VAN ALSTYNE TX 75495-2220

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159 PARKER RD
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166 OWEN LN
VAN ALSTYNE TX 75495-4323

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VAN ALSTYNE TX 75495-7123

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VAN ALSTYNE TX 75495-2388

SCHOENER , BRANDY MARIE
1229 BENWICK DR
VAN ALSTYNE TX 75495-3056

SHAW , NANCY JAN
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VAN ALSTYNE TX 75495-3398

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VAN ALSTYNE TX 75495-7021

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VAN ALSTYNE TX 75495-2647

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VAN ALSTYNE TX 75495-3398

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1028 CEDAR VISTA DR
VAN ALSTYNE TX 75495-2238

STONE , MEAGAN
1028 CEDAR VISTA DR
VAN ALSTYNE TX 75495-2238

SWEET , CHRISTI
201 HOMESTEAD CT
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THOMAS , LEE
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VAN ALSTYNE TX 75495-2792

TUTTLE , CHARLIE
208 BLACKTHORN DR
VAN ALSTYNE TX 75495-3320

TURNER , MIKE
1017 HODGINS RD
VAN ALSTYNE TX 75495-2235

VOGEL , KIM
14 GALVAN LN
VAN ALSTYNE TX 75495-4315

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WATSON , JAMES
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VAN ALSTYNE TX 75495-3322

WEAVER , LANISHA
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VAN ALSTYNE TX 75495-3404

WELBORN , NATASHA
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TPDES PERMIT NO. WQ0016092001

APPLICATION BY	§	BEFORE THE
TREASURE ISLAND LAGUNA AZURE LLC	§	TEXAS COMMISSION ON
TPDES PERMIT NO. WQ0016092001	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment on the application by Treasure Island Laguna Azure LLC (Treasure Island, Applicant) for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016092001 and on the ED's preliminary decision on the application. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the ED prepares a response to all timely, relevant, and material, or significant comments. The Office of the Chief Clerk (OCC) received timely comments and hearing requests from Representative Reggie Smith, Kim Siedelmann, Justin Powers, Jim Dubois, Katrina Lynn Arsenault, Tonya Bingham, Stefanie Hauser, Nancy Jan Shaw, Emily W. Rogers (City of Van Alstyne), Richard Linnebur, Carolyn Fleck, Neal Hunter, James Anthony Grisolia, Laruen J. Kalisek (representing North Texas Municipal Water District (NTMWD), Winter Morris, Michael Geddie, Laura Mitchell, Greg Bates, Chandler Ladd, Tracie Zweifel-Gibson, Ryan Gibson, Jennifer Null, Kyle Henrichsen, Brandy Marie Schoener, Andrew Harlow, Mary Taylor, Wilson Taylor, Lee Dahlen, Deb Dahlen, Kristen Cooley, A Concerned Citizen, Katricia Navarrete, Charlie Moster, Lanisha Weaver, John McCrary, Christy McCrary, Stephen Campeau, Natasha Welborn, Kenda R Blackshear, Greg Peters (City of Anna), Mark S. McKinney, David Stone, Meagan Stone, Jennifer Lynn Nowakowski, , Angelica Pena, Kim Reed, Lon Reed, Joanna Hasselman, Bobby Boatman, Mike Lauerhahs, Val Lauerhahs, Candice Barnard, Jay McDonald, Sarah Coleman, Ryan Coleman, Jenny Vonbehren, Rich Borel, Renae Borel, Bill Morrison, Erica Northrup, Edgar J. Gauer, Paige Hamilton, Crystal DeBacker, Lane H. Jones (City Manager of Van Alstyne), Matt Grisolia, Ann Barnard, Jim Jerome, Ricky Bourland, Jim Atchison (Mayor of Van Alstyne), Charlie Tuttle, Lee Thomas, John Spies, Whitney Holmes, Mark Houser, David G. Sileven, Wilson Taylor, James Watson, Len McManus, Jeff Whitmire (Grayson County), and John Mosby. This response addresses all timely public comments received, whether withdrawn or not.

For more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found on the TCEQ website at www.tceq.texas.gov.

I. BACKGROUND

The Applicant applied for new TPDES permit No. WQ0016092001 to authorize a discharge of treated domestic wastewater (effluent) at a daily average flow limit in Interim I Phase of 0.20 million gallons per day (MGD), at a daily average flow limit in Interim II Phase of 0.40 MGD, and at a daily average flow limit in the Final Phase of 1.40 MGD (proposed discharge) from the Applicant's Wastewater Treatment Facility (WWTF), Treasure Island WWTP (Treasure Island facility). The draft permit authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill,

wastewater treatment facility, or facility that further processes sludge.

Description of Facility/Discharge Route

If this draft permit is ultimately issued, the Treasure Island facility will be located approximately 0.81 of a mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495 and will be a suspended growth activated sludge process plant operated in a single-stage nitrification mode. The treatment units in the Interim I phase will include a manual bar screen, two aeration basins, one clarifier, two multi-stage aerobic digesters, and a chlorine contact basin. The treatment units in the Interim II phase will include one elevated screening structure with a manual bar screen and flow splitting weirs, four aeration basins, two clarifiers, four multi-stage aerobic digesters, and two chlorine contact basins. The treatment units in the Final phase will include one elevated screening structure with a manual bar screen and flow splitting weirs, three 0.46 MGD treatment trains with each train consisting of an aeration basin and secondary clarifier , two multi-stage aerobic digesters, and a chlorine contact basin. The discharge route for the proposed discharge is to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No. 0821 of the Trinity River Basin (proposed discharge route).

Technical Review

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

The unclassified receiving water use is high aquatic life use for West Prong Whites Creek. The designated uses for Segment No. 0821 are primary contact recreation, public water supply, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 Texas Administrative Code (TAC) Section 307.5 and the TCEQ's IPs an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in West Prong Whites Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The technical review process for surface water quality is conducted by staff in the ED's Water Quality Division (WQD staff) on the Standards Implementation Team (Standards Team) and WQD staff in the Water Quality Assessment Section (Modeling

Team). With the goal of the technical review being to maintain a level of water quality sufficient to protect the existing uses of the receiving surface waters, WQD staff reviewed the application in accordance with the TSWQS and TCEQ's IPs.

The first component of the ED's technical review involved WQD staff on the Standards Team reviewing the classifications, designations, and descriptions of the receiving surface waters for the proposed discharge. Along with other available information, reviewing the receiving waters for the proposed discharge allows the Standards Team to preliminarily determine the aquatic life uses in the area of the proposed discharge's possible impact and assign the corresponding minimum DO criterion as stipulated at 30 TAC § 307.5 (TSWQS) and in the TCEQ's IPs. For applications for new discharges, the Standards Team performs an antidegradation analysis of the proposed discharge, and per 30 TAC § 307.5 (TSWQS) and the TCEQ's IPs, an antidegradation review of the receiving waters was performed that included nutrient screenings. A nutrient screening indicates that no nutrient limitations are warranted at this time and based on Best Professional Judgment (BPJ), no limit is needed.

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

The second component of the ED's technical review involved WQD staff on the Modeling Team performing water quality modeling to assess effluent limits required to protect the aquatic life uses of the receiving waterbodies. The proposed permit's water quality-related effluent limits, established by the Modeling Team's QUAL-TX modeling results, will maintain and protect the existing instream uses. Similarly, conventional effluent parameters such as minimum dissolved oxygen (DO), Five-day Carbonaceous Biochemical Oxygen Demand ($CBOD_5$), Total Suspended Solids (TSS), and Ammonia Nitrogen (NH_3-N), are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan.

Based on model results, the effluent limits below are predicted to be **necessary** to maintain dissolved oxygen level above the criteria stipulated by the Standards Implementation Team for West Prong Whites Creek is high aquatic life use and 5.0 milligrams per liter (mg/L) dissolved oxygen.

0.20 MGD phase:	**10 mg/L $CBOD_5$, 3 mg/L NH_3-N, and 4.0 mg/L DO**
0.40 MGD phase:	**10 mg/L $CBOD_5$, 3 mg/L NH_3-N, and 6.0 mg/L DO**
1.40 MGD phase:	**7 mg/L $CBOD_5$, 2 mg/L NH_3-N, and 5.0 mg/L DO**

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

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

Additionally, in all phases of the proposed permit, the effluent must contain a chlorine residual of at least 1.0 mg/l and must not exceed a total chlorine residual of 4.0 mg/after a detention time of at least 20 minutes (based on peak flow) and must be monitored five time per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the ED.

Segment No. 0821 is not currently listed on the State's inventory of impaired and threatened waters (the 2022 Clean Water Act § 303(d) list). However, the East Fork Trinity River above Lake Lavon (0821D) is listed for "bacteria in water" in a portion of the East Fork Trinity River extending from the confluence with Lake Lavon (Segment No. 0821) to the upper end of the water body (National Hydrography Dataset [NHD] reach code [RC] 12030106000074) in Grayson County, Texas (Assessment Unit 0821D_01). This facility is designed to provide adequate disinfection and, when operated properly, should not add to the bacterial impairment of the NHD RC 12030106000074 portion of the East Fork Trinity River above Lake Lavon (0821D). In addition, in order to ensure that the proposed discharge meets the contact recreation use standard, an effluent limitation of 126 colony-forming units (CFU) or most probable number (MPN) of *Escherichia coli* (*E. coli*) per 100 ml bacteria effluent limitation has been added to the draft permit. Therefore, the proposed discharge is not expected to contribute to the bacteria impairment of the NHD RC 12030106000074 portion of the East Fork Trinity River above Lake Lavon (0821D).

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

Procedural Background

TCEQ received the application on January 18, 2022, and declared it administratively complete on February 28, 2022. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in *The Dallas Morning News* on March 2, 2022. The ED completed the technical review of the application on April 27, 2023, and prepared the proposed draft permit, which if approved, establishes the conditions under which the facility must operate. The Applicant published the Notice of Application and Preliminary Decision (NAPD) in *The Dallas Morning News* on August 12, 2023.

A public meeting was scheduled for October 9, 2023. Publication of the Notice of Public Meeting was published on August 25, 2023, in *The Dallas Morning News*. A public meeting was held on October 9, 2023, at Days Inn by Wyndham Sherman, "Dallas" Meeting Room, 3605 South US Highway 75 Sherman, Texas 75090.

The public comment period ended on October 9, 2023. This application was filed after September 1, 2015; therefore, this application is subject to the procedural

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

Access to Rules, Laws, and Records

Please consult the following websites to access the rules and regulations applicable to this permit.

- Secretary of State website: www.sos.state.tx.us
- TCEQ rules in 30 TAC: www.sos.state.tx.us/tac (select "TAC Viewer" on the right, then "Title 30 Environmental Quality")
- Texas statutes: www.statutes.legis.state.tx.us
- TCEQ website: www.tceq.texas.gov/rules/indxpdf.html (for downloadable rules in Microsoft Word or Adobe PDF formats, select "Rules," then "Current Rules and Regulations," then "Download TCEQ Rules")
- Federal rules in Title 40 of the Code of Federal Regulations: www.ecfr.gov/current/title-40
- Federal environmental laws: www.epa.gov/lawsregs

Commission records for this application are available for viewing and copying at TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk, for the current application until final action is taken). Some documents located at the Office of the Chief Clerk may also be located in the TCEQ Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. The permit application has been available for viewing and copying at Van Alstyne Public Library, 151 West Cooper Street, Van Alstyne, Texas, since publication of the NORI. The final permit application, proposed permit, statement of basis/technical summary, and the ED's preliminary decision are now available for viewing and copying at the same location since publication of the NAPD.

The draft permit does not limit anyone's ability to seek legal remedies from the Applicants regarding any potential trespass, nuisance, or other cause of action in response to the proposed facility's activities that may result in injury to human health or property or interfere with the normal use and enjoyment of property.

II. COMMENTS AND RESPONSES

COMMENT: 1:

Jim Dubois, Katrina Lynn Arsenault, Emily W. Rogers (City of Van Alstyne), Laruen J. Kalisek (NTMWD), Brandy Marie Schoener, Wilson Taylor, Kristen Cooley, Katricia Navarrete, Christy McCrary, John McCrary, Natasha Welborn, Jennifer Lynn Nowakowski, and David G. Sileven raised concerns about the draft permit's potential impact on water quality and aesthetics of the receiving waters.

RESPONSE 1:

TCEQ is responsible for the protection of water quality with federal regulatory authority over discharges of pollutants to Texas surface water, with specific exceptions for oil and gas exploration and development activities. The TCEQ has a legislative responsibility to protect water quality in the State of Texas and to authorize wastewater discharge TPDES permits under Texas Water Code (TWC) Chapter 26, and 30 TAC Chapters 305, 307 and 309, including specific statues regarding wastewater treatment systems under 30 TAC Chapters 217 and 309.

The proposed draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that Treasure Island operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010) is designed to ensure compliance with the TSWQS (30 TAC Chapter 307).

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

As part of the application process, TCEQ staff must determine the uses of the receiving waters and set effluent limits that are protective of those uses. In order to achieve the goal of maintaining a level of water quality sufficient to protect existing water body uses, the proposed permit contains several water quality specific parameter requirements that limit the potential impact of the discharge on the receiving waters.

In accordance with 30 TAC § 307.5 and the TCEQ *Procedures for the Implementation of the Texas Surface Water Quality Standards* (IPs), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in West Prong Whites Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. The preliminary determination can be reexamined and may be modified if new information is received.

Effluent limitations in the draft permit for the conventional effluent parameters (i.e. BOD_5, TSS, and minimum DO) are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

TCEQ does not have the authority to address aesthetic concerns as part of the wastewater permitting process. TWC Chapter 26 and applicable wastewater regulations do not authorize the TCEQ to consider issues such as aesthetics, traffic, noise, light pollution, or property values. Additionally, the draft permit does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other

causes of action in response to activities that may or actually do result in injury or adverse effects on human health or welfare, animal life, vegetation or property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation, or property.

COMMENT: 2:

Jim Dubois, Nancy Jan Shaw, Laruen J. Kalisek (NTMWD), and John Mosby expressed concerns about the draft permit's effluent limits, including phosphorous.

RESPONSE 2:

ED staff conducted a technical review of the application in accordance with the TSWQS and IPs. The technical review process is to determine the draft permit's consistency with all applicable statutory and regulatory requirements. ED staff completed this review and developed effluent limits consistent with the aforementioned requirements so that the draft permit will maintain a level of water quality sufficient to protect the existing uses of the receiving surface waters.

The first component of the ED's technical review involved WQD staff on the Standards Team reviewing the classifications, designations, and descriptions of the receiving surface waters for the proposed discharge. Along with other available information, reviewing the receiving waters for the proposed discharge allows the Standards Team to preliminarily determine the aquatic life uses in the area of the proposed discharge's possible impact and assign the corresponding minimum DO criterion as stipulated at 30 TAC § 307.5 (TSWQS) and in the TCEQ's IPs. For applications for new discharges, the Standards Team performs an antidegradation analysis of the proposed discharge, and per 30 TAC § 307.5 (TSWQS) and the TCEQ's IPs, an antidegradation review of the receiving waters was performed that included nutrient screenings. A nutrient screening indicates that no nutrient limitations are warranted at this time and based on Best Professional Judgment (BPJ), no limit is needed.

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

The second component of the ED's technical review involved WQD staff on the Modeling Team performing water quality modeling to assess effluent limits required to protect the aquatic life uses of the receiving waterbodies. The proposed permit's water quality-related effluent limits, established by the Modeling Team's QUAL-TX modeling results, will maintain and protect the existing instream uses. Similarly, conventional effluent parameters such as minimum dissolved oxygen (DO), Five-day Carbonaceous Biochemical Oxygen Demand ($CBOD_5$), Total Suspended Solids (TSS), and Ammonia Nitrogen (NH_3-N), are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan.

Based on model results, the effluent limits below are predicted to be **necessary** to maintain dissolved oxygen level above the criteria stipulated by the Standards Implementation Team for West Prong Whites Creek is high aquatic life use and 5.0 mg/L dissolved oxygen.

0.20 MGD phase: **10 mg/L $CBOD_5$, 3 mg/L NH_3-N, and 4.0 mg/L DO**
0.40 MGD phase: **10 mg/L $CBOD_5$, 3 mg/L NH_3-N, and 6.0 mg/L DO**
1.40 MGD phase: **7 mg/L $CBOD_5$, 2 mg/L NH_3-N, and 5.0 mg/L DO**

Coefficients and kinetics used in the model are a combination of estimated and standardized default values and values derived from the waste load evaluation. The results of this evaluation can also be reexamined upon receipt of information that conflicts with the assumptions employed in this analysis.

Based on the TCEQ Water Quality Assessment model results, total phosphorus (TP) from this facility was not a concern based on characteristics of the receiving waters. These characteristics include an intermittent stream with relatively heavy shading from tree canopy, mud or sand bottom, and turbid waters, which are not typically conducive to increased algal growth; similar facilities that discharge to the same receiving waters do not have TP limits. This preliminary determination can be reexamined and may be modified if new information is received.

COMMENT: 3:

Nancy Jan Shaw, Tracie Zweifel-Gibson, Ryan Gibson, Jennifer Null, Lee Dahlen, Deb Dahlen, Kristen Cooley, Mike Lauerhahs, Val Lauerhahs, Kyle, Henrichsen, Katricia Navarrete, Erica Northrup, and David G. Sileven stated that they had concerns regarding the draft permit's potential health impacts.

RESPONSE 3:

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

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

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

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

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

The TSWQS is a primary mechanism for the TCEQ to protect human health,

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

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

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

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

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

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

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

Additional protection of human health comes from the rule in 30 TAC § 309.3(g)(1) (Disinfection), which requires disinfection of domestic wastewater into water in the state in a manner conducive to the protection of both public health and aquatic life. The rules do not mandate a specific method of disinfection, as a permittee may disinfect domestic wastewater through use of 1) chlorination, 2) ultra-violet light, or 3) an equivalent method of disinfection with prior approval from the ED. Whichever

form is used, the design criteria for chemical disinfection by chlorine, including safety requirements, in 30 TAC Chapter 217, Subchapter K must be observed. Therefore, in accordance with the TCEQ rules (30 TAC § 309.3(g)(1)), the proposed permit requires the treated effluent to be disinfected prior to discharge in a manner conducive to protect both the public health and aquatic life.

For this facility, the Applicant has chosen chlorine disinfection. Chlorination may be via gaseous, liquid, or tablet forms. Chlorine is one of the most practical and effective means of disinfection because it can kill disease-causing bacteria and nuisance organisms and can eliminate certain noxious odors during disinfection.[2] The effluent from the Wilco 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]

TCEQ does not anticipate that there will be any industrial wastewater, insecticides, and banned chemicals not allowed to be disposed of and routed to a water treatment plant; therefore, hazardous liquids and chemicals are not expected to be discharged into the collection system and enter the treatment system of the proposed facility. Additionally, Minor municipal facilities with conventional domestic sewage do not typically contain toxic compounds in measurable quantities that might result in toxic effects in the receiving waterbodies, unless there are significant industrial users contributing wastewater.

Therefore, human health and water quality will be protected as long as the Applicant operates the proposed facility in compliance with TCEQ's rules and the terms and conditions of the proposed permit.

COMMENT: 4:

Kristen Cooley, Candice Barnard, Joanna Hasselman, Katricia Navarrete, Bobby Boatman, Ann Barnard, expressed concerns about the draft permit's potential impact on livestock, wildlife, and migratory birds.

RESPONSE 4:

The TSWQS in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals.[4] The effluent limits in the draft permit are set to maintain and protect the existing instream uses.

The proposed draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that the Treasure Island operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the IPs is designed to ensure compliance with the TSWQS (30 TAC Chapter 307).

Specifically, the methodology is designed to ensure that no source will be

[2] U.S. EPA *Wastewater Technology Fact Sheet- Chlorine Disinfection* (EPA 832-F-99-062)
[3] The Vantage Austin, LLC Draft Permit, Effluent Limitations and Monitoring Requirements, p.2; *see also* 30 TEX. ADMIN. CODE § 309.3(G)(2)
[4] 30 TEX. ADMIN. CODE § 307.6(b)(4).

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.

As part of the application process, TCEQ staff must determine the uses of the receiving waters and set effluent limits that are protective of those uses. In order to achieve the goal of maintaining a level of water quality sufficient to protect existing water body uses, the proposed permit contains several water quality specific parameter requirements that limit the potential impact of the discharge on the receiving waters.

The ED has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements regarding impacts to these organisms. The TCEQ also submitted the draft permit to the U.S. Environmental Protection Agency (EPA) Region 6 for review. The EPA reviewed the draft permit and did not have any objections to the issuance of the draft permit.

The Texas Parks and Wildlife Department (TPWD) is the state agency that oversees and protects wildlife and their habitat. It can be contacted by calling 1-800-792-1112 or by mail at 4200 Smith School Road, Austin, Texas 78744. The TPWD received notice of the Treasure Island's permit application.

Regarding impacts on migratory birds, as specified in the TSWQS, water in the state must be maintained to preclude adverse toxic effects on aquatic life, terrestrial life, livestock, and domestic animals resulting from contact, consumption of aquatic organisms, or consumption of water. The TCEQ does not have specific water-quality based effluent limitations for water consumed by wildlife, however, the TCEQ Water Quality Assessment Section has determined that the draft permit meets the requirements of the TSWQS, which are established to protect human health and terrestrial and aquatic life. Aquatic organisms are more sensitive to water quality components than terrestrial organisms; therefore, terrestrial wildlife would not be negatively impacted by the discharge from this facility if the applicant maintains and operates the facility in accordance with TCEQ rules and the provisions in the permit.

COMMENT: 5:

Kim Siedelmann, Justin Powers, Tonya Bingham, Stefanie Hauser, James Anthony Grisolia, Chandler Ladd, Edgar J. Gauer, Paige Hamilton, Kim Reed, Lon Reed, Tracie Zweifel-Gibson, Ryan Gibson, and Kenda R Blackshear provided comments of general opposition to the permit.

RESPONSE 5:

The ED acknowledges the comments in opposition to the proposed permit.

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).

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 what is proposed in the application, the Location Standards of the TCEQ rules, and the impact of the discharge on the WQ uses of the receiving streams starting at the outfall. Likewise, the TCEQ's WQ authority does not 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.

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.

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. The rules related to applications for TCEQ authorizations for business entities require registration to do business in Texas with the Texas Secretary of State. The TCEQ rules related to operating a WWTF, found at 30 TAC Chapter 30 (Occupational Licenses and Registrations), do not require an Applicant to have previous experience in operating a WWTF. Other Requirement No.1 of the proposed permit provides that the Applicant must employ or contract with one or more licensed WWTF operators, or companies specializing in Wastewater System operations, holding a valid license or registration according to the requirements of 30 TAC Chapter 30, specifically subchapter J (Wastewater Operators and Operations Companies).

COMMENT 6:

Justin Powers, Jim Dubois, Jennifer Lynn Nowakowski, Jim Jerome, and Lee Thomas expressed concerns about the proposed facility's future growth and plant's capacity to process wastewater.

RESPONSE 6:

The Application states in the Domestic Technical Report, Worksheet 1.1 in the application, in September 2035, there will be total 3,060 single family units, 1,500 apartment units, and 6 commercial connections. For design purposes, the wastewater flow for residential and apartment connections is 300 gallons per day per connection (gpd/conn) and 185 gpd/conn, respectively, which is equivalent to 1,400,000 gpd (1.40 MGD) for total 4,566 connections. This information is also necessary so that the Applicant can plan for expansion of the proposed facility because whenever flow measurements for the proposed facility reach 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. 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.[3]"

The operational requirements of any existing facility specify that whenever flow measurements for any domestic wastewater treatment facility reach 75 percent of the permitted daily average flow for three consecutive months, the permittee must initiate engineering and financial planning for expanding and/or upgrading the domestic wastewater treatment and/or collection facilities.

COMMENT 7:

Justin Powers, Nancy Jan Shaw, Brandy Marie Schoener, Mark S. McKinney, and Bobby Boatman expressed concerns about the suitability of the discharge route and its ability to handle effluent.

RESPONSE 7:

TCEQ does not have the authority to mandate a different discharge location or discharge route of the wastewater treatment plant if the applicant's proposed discharge location and discharge route comply with the TWC Chapter 26 and 30 TAC Chapter 309, relating to "Domestic Wastewater Effluent Limitations and Plant Siting." The TCEQ does not have jurisdiction over zoning.

The discharge route is reviewed and approved by the Water Quality Standards Reviewer based on the information provided in the application. The application requires specific coordinates for the proposed outfall location. Based on the coordinates and maps submitted with the application the discharge route is traced using mapping tools. The proposed discharge route is "to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No. 0821 of the Trinity River Basin".

However, if Treasure Island updates its application with a different location or a different discharge route, the Executive Director will reevaluate the discharge route to make sure that the draft permit contains appropriate limits and conditions for the revised discharge location or route. Additionally, new landowners may need to be notified of a change of the facility location or the discharge route.

COMMENT 8:

Jim Dubois, Katrina Lynn Arsenault, Tonya Bingham, Nancy Jan Shaw, Emily W. Rogers (City of Van Alstyne), Joanna Hasselman, James Anthony Grisolia, Laruen J. Kalisek (NTMWD), Greg Bates, Tracie Zweifel-Gibson, Ryan Gibson, Kyle Henrichsen, Andrew Harlow, Mary Taylor, Lee Dahlen, Deb Dahlen, Katricia Navarrete, Natasha Welborn, Greg Peters (City of Anna), Mark S. McKinney, John Spies, Jennifer Lynn Nowakowski, Angelica Pena, Bobby Boatman, Ryan Coleman, Erica Northrup, Jim Jerome, Jim Atchison (Mayor of Van Alstyne), Charlie Tuttle, Lee Thomas, Whitney Holmes, Mark Houser, David G. Sileven, Len McManus (Engr City of VA), Jeff Whitmire (Grayson County), John Mosby, and Lane H. Jones provided comments and questions related to regionalization.

[3] 30 TEX. ADMIN. CODE § 305.126(a).

RESPONSE 8:

Under section 26.081 of the Texas Water Code, the TCEQ must "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." Additionally, section 26.0282 of the Texas Water Code provides the following:

> 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 areawide or regional waste collection, treatment, and disposal systems not designated as such by commission order pursuant to provisions of this subchapter. This section is expressly directed to the control and treatment of conventional pollutants normally found in domestic wastewater.

The ED evaluates regionalization inquiries when an applicant files an application for a new permit or an application for a major amendment to an existing permit to increase flow. In these instances, if there is a wastewater treatment facility or collection system within three miles of the proposed facility, the applicant is required to provide information to the ED as to whether the nearby facility has sufficient existing capacity to accept the additional volume of wastewater proposed in the application. If such a facility exists and it is willing to accept the proposed waste, the applicant must provide an analysis of expenditures required to connect to the existing wastewater treatment facility. Additionally, the applicant is required to provide copies of all correspondence with the owners of the existing facilities within three miles of the proposed facility regarding connecting to their systems.

TCEQ's policy on regionalization does not require the agency to deny a wastewater discharge application on the basis that there is a pending application for a regional plant within three miles of a proposed facility. Additionally, the fact that a facility or collection system is located within three miles of a proposed facility is not an automatic basis to deny an application. For example, the ED has approved new discharges or major amendments to increase flow in situations where the applicant has provided an economic justification by demonstrating that connecting to the existing facility would be prohibitively expensive.

On page 22 of the Domestic Technical Report 1.1 in the application, the Applicant answered that there is one (1) domestic wastewater treatment facilities or collection systems located within three (3) miles of the proposed facility. On July 27, 2021, the Applicant mailed a certified letter requesting service to 'The City of Howe and Howe Commercial Ltd' public sewer supply system within the 3-mile radius. According to the Applicant, there was no response from 'The City of Howe and Howe Commercial Ltd'. Accordingly, the ED concluded that the Applicant's draft permit in this case is consistent with the Commission's regionalization policy.

COMMENT 9:

Emily W. Rogers, Candice Barnard, Joanna Hasselman, Jim Dubois, Katrina Lynn Arsenault, Nancy Jan Shaw, Jim Jerome, Mary Taylor, Lanisha Weaver, Matt Grisolia,

Ricky Bourland, John Spies, and John Mosby expressed concerns regarding the draft permit and development's potential impacts on groundwater and local aquifers.

RESPONSE 9:

In regard to concern for groundwater, Texas Water Code § 26.401(b) provides that "it is the goal of groundwater policy in this state that the existing quality of groundwater not be degraded." Under TWC § 26.401(c)(1), it is the State of Texas's policy that "discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard." The TCEQ has the responsibility to regulate the discharges of pollutants into water in the state. The Executive Director has determined that if a permit is protective of surface water quality, groundwater quality in the vicinity will not be impacted by the discharge.

The Executive Director has determined that the draft permit is in accordance with the TSWQS, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The Executive Director has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge. Therefore, the permit limits given in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation will also protect groundwater. Regarding the potential for groundwater contamination, the proposed permit amendment includes effluent limits and monitoring requirements for five-day carbonaceous biochemical oxygen demand, total suspended solids, ammonia nitrogen, *E. coli*, dissolved oxygen, chlorine residual, and pH to ensure that the wastewater treatment facility meets state and federal water quality standards for the protection of surface water quality, groundwater, and human health.

COMMENT 10:

Emily W. Rogers, Candice Barnard, Katrina Lynn Arsenault, Neal Hunter, Nancy Jan Shaw, Richard Linnebur, Carolyn Fleck, John McCrary, Christy McCrary, Natasha Welborn, and Jim Atchison (Mayor of Van Alstyne) stated they are concerned that the draft permit could negatively impact the local drinking water sources and aquifers. They also provided comments regarding concerns they have about the source of the development's water supply.

RESPONSE 10:

TCEQ does not have the authority to address the source of the applicant's water supply as part of the wastewater permitting process. While the Texas Legislature has given the TCEQ the responsibility to protect water quality, the water quality permitting process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters.

COMMENT 11:

Emily W. Rogers (City of Van Alstyne), Bobby Boatman, Natasha Welborn, Jim Jerome, and David G. Sileven requested information regarding the applicant's

compliance history and experience as a facility operator.

RESPONSE 11:

During the technical review of the application, TCEQ reviewed Treasure Island's compliance history according to the rules in 30 TAC Chapter 60. The compliance history is reviewed for the company and site for the five-year period prior to the date the permit application was received by the Executive Director. The compliance history includes multimedia compliance-related components about the site under review. These components include the following: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs and early compliance.

A company and site may have one of the following classifications and ratings:

1. a ***high performer classification***, has a rating of fewer than 0.10 points and is considered to have an above-satisfactory compliance record;
2. a ***satisfactory performer classification***, has a rating between 0.10 points to 55 points and is considered to generally comply with environmental regulations; or
3. an ***unsatisfactory performer classification***, has a rating above 55 points and is considered to perform below minimal acceptable performance standards established by the commission.[6]

This permit application is for a new permit and as such there is no compliance history report available for this applicant.

The draft permit includes several permit provisions to ensure the proper operation of the facility. For example, Operation Requirement No. 1, which requires the Applicant to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained at all times; Operational Requirement No. 9, which requires that domestic wastewater treatment plants to be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined by 30 TAC Chapter 30; and Other Requirement No. 1, which requires Applicants to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations, and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

This Category C (Interim I and II phases) and Category B (Final phase) facility must be operated by a chief operator or an operator holding a Class C license or higher in the Interim I [0.2 MGD] and II [0.4 MGD] phases and Class B license or higher in the Final [1.4 MGD] 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

[6] 30 TEX. ADMIN. CODE § 60. 2 (Compliance History Classification).

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.

All of these permit provisions are designed to help prevent unauthorized discharges of raw sewage. If an unauthorized discharge occurs, the Applicant is required to report it to TCEQ within 24 hours.

If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to TCEQ by calling the TCEQ Environmental Complaint Line at 1-888-777-3186. Calls will be routed automatically to the closest TCEQ regional office. Complaints may also be filed online at tceq.texas.gov/compliance/complaints.

COMMENT 12:

Richard Linnebur, Carolyn Fleck, and Neal Hunter provided comments stating that the adjacent landowners list for the application was incorrect.

RESPONSE 12:

To the ED's knowledge, the applicants provided all the affected landowner information required by section 1 in the application's attachment F, the adjacent landowners map, and attachment C, the adjacent landowner list, both of which were supplemented in a filing dated January 18, 2022. The Treasure Island has provided a total of 44 landowners in the application as part of the requirement.

Additionally, TCEQ's notice rules for a new permit or major amendment require mailed notice of the NORI and NAPD to landowners named on the application map and persons on the mailing list maintained by the Office of the Chief Clerk. [7] The applicant is required to submit a landowner map as part of the application materials. The landowner map must include the property boundaries of landowners surrounding the applicant's property and the property boundaries of all landowners surrounding the discharge point and on both sides of the discharge route for one full stream mile downstream of the discharge point. The landowner map provided by the Treasure Island did indicate 'Mr. Richard Linnebur' as being an adjacent landowner. However, Carolyn Fleck, and Neal Hunter were not listed as landowners. Therefore, they were not included on the mailing list for the NORI. Any persons who submit a comment or contested case hearing request prior to the end of the public comment period are added to the mailing list for that permit action.

In accordance TCEQ's notice rules, two public notices were published for the submitted application. The Treasure Island published the NORI in *The Dallas Morning News* on March 9, 2023, and the NAPD in *The Dallas Morning News* on August 12, 2023.

COMMENT 13:

Jim Dubois, Katrina Lynn Arsenault, James Anthony Grisolia, Tracie Zweifel-Gibson, Ryan Gibson, Jennifer Null, Wilson Taylor, Lee Dahlen, Deb Dahlen, and Charlie Tuttle raised concerns about the draft permit's potential to create nuisance odors.

[7] *See* 30 TEX. ADMIN. CODE §§ 39.413, 39.418, 39.419, and 39.551.

RESPONSE 13:

All wastewater treatment facilities have the potential to generate odors. To control and abate odors TCEQ rules require domestic WWTPs to meet buffer zone requirements for the abatement and control of nuisance odor according to 30 TAC § 309.13(e), which provides three options for applicants to satisfy the nuisance odor abatement and control requirements. The Treasure Island can comply with the rule by: 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 Treasure Island; or 3) providing nuisance odor control.[8]

According to its application, the Treasure Island intends to comply with the requirement to abate and control nuisance of odor by locating the treatment units at least 150 feet from the nearest property line.[9] This requirement is incorporated in the draft permit.[10] Therefore, nuisance odor is not expected to occur as a result of the permitted activities at the facility if the permittee operates the facility in compliance with TCEQ's rules and the terms and conditions of the draft permit.

Further, the Treasure Island proposes in its application that the Treasure Island WWTP will be an activated sludge process plant operated in the extended aeration mode. The activated sludge process is the most frequently used biological wastewater treatment process for treating domestic wastewater, and the use of the extended aeration variation has been known to produce highly treated effluent with low biosolids production. When properly treated by the proposed wastewater treatment process, the effluent is not expected to have an offensive odor.

If anyone experiences nuisance odor conditions or any other suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to TCEQ by calling the TCEQ Environmental Complaint Line at 1-888-777-3186. Calls will be routed automatically to the closest TCEQ regional office. Complaints may also be filed online at tceq.texas.gov/compliance/complaints.

Moreover, the permit does not limit the ability of an individual to seek legal remedies against the Treasure Island regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

COMMENT 14:

James Anthony Grisolia expressed concerns about the draft permit's impact on air quality.

RESPONSE 14:

TCEQ is the state agency that is responsible for enforcing air pollution laws. Certain types of facilities have been found to not make significant contributions of air contaminants to the atmosphere. Such facilities are permitted by rule under the Texas Clean Air Act, found in Chapter 382 of the Texas Health and Safety Code, and TCEQ air quality rules. Wastewater treatment facilities performing only the functions listed in 30 TAC § 106.532 are permitted by rule. That includes domestic facilities, like the

[8] 30 TEX. ADMIN. CODE § 309.13(e).
[9] Treasure Island Permit Application, Administrative Report, 1.1, Item No. 2(b), page 2, and Attachment E.
[10] Treasure Island Draft Permit, Other Requirements, Item No. 4, page 34.

proposed facility in this case. Pursuant to section 382.057 of the Texas Health and Safety Code, the activities listed in 30 TAC § 106.532 have been reviewed and determined not to make a significant contribution of air contaminants to the atmosphere.

COMMENT 15:

Laruen J. Kalisek (NTMWD), and Mary Taylor provided comments regarding the draft permit's compliance with TCEQ's rules, specifically regarding the requirements of 30 TAC Chapters 21, 39, 281, and 305.

RESPONSE 15:

The ED has reviewed the draft permit and has determined that it complies with all applicable rules and statutes, including the requirements of 30 TAC Chapters 39, 281, and 305. Chapter 21, relating to water quality fees, is not part of the review process for a TPDES permit.

COMMENT 16:

Winter Morris stated that the GPS link provided in the notices was not functioning properly.

RESPONSE 16:

The TCEQ included the link to an electronic map showing the facility's general location. This link was provided in the Notice of Receipt of Application and Intent to Obtain Water Quality Permit (NORI) and Notice of Application and Preliminary Decision (NAPD) as a public courtesy and is not part of the application or notice.

https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-96.631606%2C33.455858&level=12

According to the application the location of the proposed facility is:

'approximately 0.81 of a mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495'.

COMMENT 17:

Laura Mitchell expressed concerns about a MUD application and the possibility that it will be serviced by the proposed treatment facility.

RESPONSE 17:

District creation is not part of the review process for wastewater applications. The Commission reviews district creations separately from TPDES authorizations and will not take a district creation into consideration when determining if a TPDES permit should be issued.

COMMENT 18:

Kyle Henrichsen, Kristen Cooley, Jenny Vonbehren, Joanna Hasselman, Lanisha Weaver, and Charlie Tuttle expressed concerns about the draft permit's environmental impacts.

RESPONSE 18:

Treated effluent discharged into water in the state from a facility regulated under the Texas Pollutant Discharge Elimination System is required to meet the Texas Surface Water Quality Standards, which can be found in title 30, chapter 307 of the Texas Administrative Code. The Standards and other applicable state and federal rules are protective of aquatic life, human health, and the environment, including the receiving waters' designated uses. In this case, that includes the designated uses for Segment No. 0821 are primary contact recreation, public water supply, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. The proposed permit was drafted to ensure that the effluent limits and conditions meet the Texas Surface Water Quality Standards. The TCEQ does not anticipate that pollutants in the treated effluent will have an adverse effect on the receiving waters or their designated uses under the proposed permit's terms.

The ED has determined that the proposed permit is protective of the environment, water quality, aquatic life, and human health and that it will meet the applicable TCEQ rules and requirements if Treasure Island facility operates and maintains the facility as required by the proposed permit and TCEQ rules. However, if you believe the facility is not operating in accordance with its permit and TCEQ rules, you can report complaints about the facility, including but not limited to complaints about odor, to the TCEQ using the contact information provided above in section I.C. Noncompliance with the permit may result in enforcement action against Treasure Island.

COMMENT 19:

Kristen Cooley, and John Mosby provided comments in which they raised concerns about the draft permit's impact on aquatic life.

RESPONSE 19:

The proposed permit was drafted in accordance with 30 TAC § 307.5 and the TCEQ *Procedures for the Implementation of the Texas Surface Water Quality Standards* (June 2010). The Texas Surface Water Quality Standards provide that surface waters cannot be toxic to aquatic or terrestrial organisms.[1] While the TSWQS and the IPs do not specifically designate criteria for the protection of cattle or livestock, they do designate criteria for the protection of aquatic life that should preclude negative impacts to the health and performance of cattle or wildlife.

The draft permit was developed to protect aquatic life and human health in accordance with the TSWQS. As part of the application review process, TCEQ must determine the uses of the receiving water and set effluent limitations that are protective of those uses, including aquatic and terrestrial life uses. The Commission does not have specific water-quality based effluent limitations for cattle. However, the Executive Director has determined that the proposed draft permit for the facility meets the requirements of the TSWQS, which are established to protect human health, terrestrial, and aquatic life. Aquatic organisms are more sensitive to water quality components than terrestrial organisms.

The draft permit includes effluent limits and monitoring requirements for $CBOD_5$, TSS, NH_3-N, DO, *E. coli*, chlorine residual, and pH to ensure that discharges

[1] 30 TEX. ADMIN. CODE § 307.4.

from the proposed wastewater treatment plant meet water quality standards for the protection of surface water, groundwater, and human health in accordance with TCEQ rules and policies. The proposed draft permit includes requirements for the disposal of domestic sludge generated from the WWTF based on TCEQ rules. The Executive Director expects that human health, and the environment will be protected if Treasure Island operates and maintains the facility as permitted and in accordance with TCEQ rules. Any noncompliance with the terms of the draft permit could result in an enforcement action against the Treasure Island.

COMMENT 20:

Kristen Cooley, a Concerned Citizen, Charlie Moster, John McCrary, Christy McCrary, Jennifer Lynn Nowakowski, and Jenny Vonbehren requested that the applicant pursue alternative means of treating the wastewater.

RESPONSE 20:

The TCEQ does not have the authority to mandate the method of disposal of treated effluent if the applicant adheres to the rules and provisions under TWC Chapter 26 and 30 TAC Chapters 217, 305, 307 and 309.

COMMENT 21:

Nancy Jan Shaw and Lanisha Weaver provided comments in which they expressed concerns about negative economic impacts.

RESPONSE 21:

The TCEQ does not have the authority to address these types of issues as part of the wastewater permitting process. TWC Chapter 26 and applicable wastewater regulations do not authorize the TCEQ to consider issues such as aesthetics, traffic, noise, light pollution, economic impacts, or property values.

Additionally, the draft permit does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or actually do result in injury or adverse effects on human health or welfare, animal life, vegetation or property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation, or property.

COMMENT 22:

Katrina Lynn Arsenault, Candice Barnard, Jennifer Lynn Nowakowski, and Jim Jerome requested information about how TCEQ would measure compliance and how TCEQ's enforcement procedures would work should the applicant violate the terms of the permit.

RESPONSE 22:

The draft permit contains multiple requirements related to preventing unauthorized discharges at the proposed facility. For example, Permit Condition No. 2.g prohibits unauthorized discharges, Operational Requirement No. 1 requires the permittee to properly operate and maintain the facility at all times, and Operational Requirement No. 4 requires the permittee to install safeguards that will prevent the discharge of untreated wastewater during a power failure. Under Monitoring and Reporting Requirement No. 1, the Applicant must submit their effluent test results to

TCEQ each month. If an unauthorized discharge that endangers human health or the environment occurs, the Applicant is required to report it to TCEQ within 24 hours under Monitoring and Reporting Requirement No. 7. This must be followed up by a written report within five working days that includes a description of the potential danger to human health and the environment, the timeframe for when the problem will be corrected, and the steps the Applicant will take to mitigate any damage and prevent this type of problem from reoccurring. Failure to comply with TCEQ rules or the permit may subject the Applicant to enforcement action.

TCEQ's Office of Compliance and Enforcement ensures ongoing compliance with applicable state and federal regulations. As part of that responsibility, the Region 4 Dallas Office is required to conduct a mandatory comprehensive compliance investigation at minor facilities (facilities with a permitted flow of less than 1.0 MGD) once every five fiscal years. Additional mandatory investigations can be required if the facility is considered to be in significant noncompliance with its permit, which is determined by TCEQ's Compliance Monitoring Section and is based on self-reported effluent violations. If citizens observe any unauthorized discharges or other permit violations, the violations can be reported to the Region 4 Office at 817-588-5700. If the proposed facility is found to be out of compliance with the draft permit, the Applicant may be subject to enforcement action. Records relating to the facility are public record and may be accessed at TCEQ's main office at 12100 Park 35 Circle in Austin.

Furthermore, 30 TAC Chapter 319 outlines specific instances in which facility owners are required to notify members of the public in the event of unauthorized discharges as well as sanitary sewer overflows. Under 30 TAC § 319.302(b), the owner of a facility, through its responsible individual, must notify appropriate local government officials and the local media for spills regardless of volume, that the facility owner knows or has reason to know will adversely affect a public or private source of drinking water.

COMMENT 23:

Matt Grisolia and Candice Barnard provided comment stating concerns about how the draft permit could impact agriculture.

RESPONSE 23:

The Texas Surface Water Quality Standards (TSWQS) provide "Water in the state must be maintained to preclude adverse toxic effects on aquatic life, terrestrial life, livestock, or domestic animals, resulting from contact, consumption of aquatic organisms, consumption of water, or any combination of the three. 30 TAC § 307.6(b)(4))" The draft permit was developed in accordance with the TSWQS to be protective of water quality in the receiving waters including waters located downstream of the permitted outfall, provided that Treasure Island operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. To ensure compliance with the TSWQS (30 TAC Chapter 307), the Executive Director follows the methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (IPs; June 2010).

Specifically, the methodology is designed to ensure that no facility will be allowed to discharge 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. Compliance with the TSWQS ensures protection of the existing uses of the receiving waters, including agriculture and crops.

COMMENT 24:

Matt Grisolia, Jim Jerome, Erica Northrup, and John Whitmire provided comments expressing concerns about how PFAS and pharmaceuticals would be treated if they are received in the water treatment facility.

RESPONSE 24:

Neither TCEQ nor EPA has promulgated rules or criteria limiting emerging contaminants in wastewater. Removal of some emerging contaminants has been documented during municipal wastewater treatment; however, standard removal efficiencies have not been established. In addition, there are currently no federal or state effluent limits for emerging contaminants in wastewater. So, while the EPA and other agencies continue to study the presence of PFAS, there is currently no clear regulatory regime available to address the treatment of PFAS in domestic wastewater.

COMMENT 25:

Charlie Tuttle expressed concerns about the proposed facility generating noise and its aesthetic impact on the local community.

RESPONSE 25:

TCEQ's jurisdiction over the permitting process is established by the Texas Legislature and is limited to controlling the discharge of pollutants into and protecting the quality of water in the state. Pursuant to TCEQ's rules under 30 TAC Chapter 309, Subchapter B, the TCEQ has the authority to condition the issuance of a wastewater discharge permit on the selection of a site that minimizes certain nuisance conditions. However, the TCEQ does not have the authority to address concerns about noise pollution and its aesthetic impact on the local community when determining whether to grant a discharge permit application. The draft permit does not limit the ability of an individual to seek legal remedies against the applicant regarding any potential trespass, nuisance, or other cause of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

COMMENT 26:

Justin Powers, Jim Dubois, Katrina Lynn Arsenault (City Council), Tonya Bingham, Stefanie Hauser, Stefanie Hauser, Nancy Jan Shaw, Emily W. Rogers (City of Van Alstyne), Richard Linnebur, Carolyn Fleck, Neal Hunter, John Spies, Laura Mitchell, Katricia Navarrete, John McCrary, Christy McCrary, Stephen Campeau, Rep. Reggie Smith, Bobby Boatman, Ryan Coleman, Ricky Bourland, Charlie Tuttle, Lee Thomas, Jeff Whitmire (Grayson County), and Lane H. Jones expressed several concerns regarding the draft permit's impact on local infrastructure, including roads, schools, and emergency services.

RESPONSE 26:

TCEQ does not have the authority to address traffic and local infrastructure, including roads, schools, and emergency service concerns as part of the wastewater

permitting process. While the Texas Legislature has given the TCEQ the responsibility to protect water quality, the water quality permitting process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. The TCEQ cannot consider issues such as noise and traffic in the review of a TPDES application. For concerns about traffic, roads, and emergency services please contact Grayson county.

COMMENT 27:

Justin Powers, Candice Barnard, Jim Dubois, Tonya Bingham, Stefanie Hauser, Nancy Jan Shaw, Richard Linnebur, Ryan Coleman, Carolyn Fleck, Neal Hunter, Tracie Zweifel-Gibson, Ryan Gibson, Jennifer Null, Andrew Harlow, Deb Dahlen, Lee Dahlen, Bobby Boatman, and Matt Grisolia expressed concerns about the development project and its impact on population density.

RESPONSE 27:

TCEQ does not have jurisdiction to address these types of issues, such as increasing or decreasing population density in certain areas as part of the wastewater permitting process. While the Texas Legislature has given the TCEQ the responsibility to protect water quality, the water quality permitting process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. The TCEQ cannot consider issues such as property values and a neighborhood's appearance when reviewing wastewater applications and preparing draft permits. However, the draft permit does not authorize any invasion of personal rights or any violation of federal, state, or local laws. It also does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or actually do result in injury or adverse effects on human health or welfare, animal life, vegetation, or use and enjoyment of property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation, or property.

COMMENT 28:

Justin Powers, Crystal DeBacker, Katrina Lynn Arsenault, Nancy Jan Shaw, Wilson Taylor, Katricia Navarrete, John McCrary, Mike Lauerhahs, Val Lauerhahs, Christy McCrary, Stephen Campeau, Rep. Reggie Smith, Erica Northrup, Charlie Tuttle, Lee Thomas, David G. Sileven, and James Watson stated that the development project and proposed facility would have an impact on taxes and property values.

RESPONSE 28:

TCEQ does not have the authority to address these types of issues such as increasing taxes and property values as part of the wastewater permitting process. TWC Chapter 26 and applicable wastewater regulations do not authorize the TCEQ to consider issues such as aesthetics, traffic, noise, light pollution, or property values. The water quality permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. The TCEQ does not have jurisdiction under the Texas Water Code or its regulations to address or consider property values or the marketability of adjacent property when determining whether to approve or deny a permit application. Additionally, the TCEQ does not have the authority to address concerns about the

impact of the facility on the economy, businesses, tourism, or the resale of homes as part of the wastewater permitting process. The scope of the TCEQ's regulatory jurisdiction does not affect or limit the ability of a landowner to seek relief from a court in response to activities that interfere with landowner's use and enjoyment of his property.

COMMENT 29:

Jim Dubois, Nancy Jan Shaw, Kim Reed, Lon Reed, Candice Barnard, Rich Borel, Renae Borel, Richard Linnebur, Carolyn Fleck, Bill Morrison, Wilson Taylor, Katricia Navarrete, Mark S. McKinney, Bobby Boatman, Erica Northrup, and Ann Barnard provided comments stating that they are concerned that the draft could contribute to flooding and erosion.

RESPONSE 29:

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. The TCEQ does not have jurisdiction to address flooding or erosion issues in the wastewater permitting process. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes and coastal waters.

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

While the TCEQ does not have jurisdiction to regulate flooding in the context of a wastewater discharge permit to the extent that a concern over flooding also involves water quality, the Applicant is always required to comply with all the numeric and narrative effluent limitations and other conditions in the proposed permit, including during flooding conditions. Likewise, the proposed permit includes effluent limits and other requirements that the Applicant must meet even during rainfall events and periods of flooding. According to the application, the Treasure Island 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, please contact the local floodplain administrator for this area. If you need help finding the local floodplain administrator, please call the TCEQ Resource Protection Team at (512) 239-4691. For Grayson County Floodplain Management call 903-813-5275. Additionally, the Federal Emergency Management Agency (FEMA) has programs designed to mitigate damage caused by flooding, that can be found at the following website: https://www.fema.gov/floodplain-management.

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

COMMENT 30:

Nancy Jan Shaw, Michael Geddie, Jennifer Null, Brandy Marie Schoener, Mary Taylor, Wilson Taylor, John McCrary, Joanna Hasselman, Christy McCrary, Kim Reed, Lon Reed, David Stone, Meagan Stone, Jennifer Lynn Nowakowski, and David G. Sileven provided comments in which they expressed their concerns about the draft permit damaging their property.

RESPONSE 30:

TPDES permits establish terms and conditions that are intended to provide water quality pollution control. Therefore, the ED's review of an application for a TPDES permit focuses on controlling the discharge of pollutants into water in the state. In the wastewater permitting process TCEQ does not have the authority to regulate flooding or erosion on the discharge route. The draft permit includes effluent limits and other requirements that it must meet even during rainfall events and periods of flooding. Additionally, according to the application, the proposed facility is located above the 100-year flood plain. For additional protection, the draft permit includes Other Requirement No. 5, which requires the Applicants to provide protection for the facility from a 100-year flood. Finally, the draft permit does not authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. As stated in subsection C of the Background Information (Access to Rules, Laws, and Records), the proposed permit does not limit any landowner's ability to seek private action against the Applicants.

The Texas Surface Water Quality Standards (TSWQS) found in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable, or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, endangering livestock, or domestic animals. The effluent limits in the draft permit are set to maintain and protect the existing instream uses. The draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that Treasure Island facility operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010) is designed to ensure compliance with the TSWQS (30 TAC Chapter 307). Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater that: 1) results in instream aquatic toxicity; 2) causes a violation of an applicable narrative or numerical state water quality standard; 3) results in the endangerment of a drinking water supply; or 4) results in aquatic bioaccumulation that threatens human health. Considering overflow, the facility's design will undergo

further review during the Plans and Specifications Team's review under section 217.6 of TCEQ's rules, which must be completed prior to facility construction. The facility has been designed to serve a certain number of connections, so excessive inflows should not be an issue. To ensure the facility will continue to have sufficient capacity as its customer base grows, Operational Requirement No. 8 of the draft permit will require the applicants to start planning a facility expansion when the facility reaches 75% of its capacity and obtain authorization to construct the facility expansion when it reaches 90% of its capacity.

In addition, the draft permit does not limit any affected person's ability to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that interfere with the normal use and enjoyment of property. If anyone experiences nuisance odor conditions or any other suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to TCEQ by calling the TCEQ Environmental Complaint Line at 1-888-777-3186. Calls will be routed automatically to the closest TCEQ regional office. Complaints may also be filed online at tceq.texas.gov/compliance/complaints.

COMMENT 31:

Candice Barnard requested information about whether an Environmental Impact Statement or "study" has been done.

RESPONSE 31:

The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into their decision-making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. To meet this requirement, federal agencies must prepare detailed statements which include an Environmental Assessment and either a Finding of No Significant Impact or Environmental Impact Statement. However, these requirements pertain to a proposed major, federal action. This wastewater treatment facility is not a federal action and therefore an EA is not required.

III. CHANGES MADE TO THE PERMIT IN RESPONSE TO COMMENT

No changes to the draft permit have been made in response to public comments.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel
Executive Director

Charmaine Backens, Deputy Director
Environmental Law Division

Harrison Cole Malley, Staff Attorney
Environmental Law Division
State Bar No. 24116710
P.O. Box 13087, MC 173
Austin, Texas 78711 3087
Telephone No. 512-239-1439

REPRESENTING THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on August 9, 2024, the Executive Director's Response to Public Comment for Permit No. WQ0016092001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.

Harrison Cole Malley, Staff Attorney
State Bar No. 24116710

AR-10

Contested Case Hearing Requests and Public Official Comments

Thomas Lee

From:	PUBCOMMENT-OCC
Sent:	Wednesday, July 12, 2023 10:08 AM
To:	PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject:	FW: Public comment on Permit Number WQ0016092001

H

From: rnndallas@gmail.com <rnndallas@gmail.com>
Sent: Tuesday, July 11, 2023 10:27 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016092001

REGULATED ENTY NAME TREASURE ISLAND WWTP

RN NUMBER: RN111409553

PERMIT NUMBER: WQ0016092001

DOCKET NUMBER:

COUNTY: GRAYSON

PRINCIPAL NAME: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC

CN NUMBER: CN605975267

NAME: Katrina Arsenault

EMAIL: rnndallas@gmail.com

COMPANY:

ADDRESS: 320 WILLIAMSBURG DR
VAN ALSTYNE TX 75495-2782

PHONE: 9036249911

FAX:

COMMENTS: My name is Katrina Arsenault. I have been a resident of Van Alstyne, Texas for over 24 years. I request a contested case hearing on this application. My property is within seven miles downstream of the Treasure Island Laguna Azure wastewater treatment plant and discharge point. I'm concerned that the proposed discharge and wastewater treatment plant will directly and negatively alter our community. Specifically, I'm concerned the wastewater discharge will have a negative impact on the water quality in Van Alstyne. I'm concerned the wastewater discharge will deteriorate the groundwater in the area. Finally, I'm concerned about odors from the facility. Because of the proximity of my

property to the proposed wastewater treatment plant and discharge, I'm an affected person and request that the Commission grant my hearing request. Sincerely, Katrina Arsenault

8

TCEQ Registration Form

October 09, 2023

Treasure Island Laguna Azure LLC

Proposed Water Quality Permit Number
WQ0016092001

PLEASE PRINT

Name: Katrine Arsenault

Mailing Address: 320 Williamsburg Dr.

Physical Address (if different): _____

City/State: Van Alstyne TX **Zip:** 75495

This information is subject to public disclosure under the Texas Public Information Act

Email: RNNDALLAS@GMAIL.COM

Phone Number: (903) 624-9911

- Are you here today representing a municipality, legislator, agency, or group? ☑ Yes ☐ No

  If yes, which one? Van Alstyne City Council

☒ **Please add me to the mailing list.**

☒ **I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.**

☐ **I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.**

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Monday, March 21, 2022 1:30 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Proposed permit number: WQ0016092001

From: Mehgan Taack <Mehgan.Taack@tceq.texas.gov>
Sent: Monday, March 21, 2022 12:57 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: FW: Proposed permit number: WQ0016092001

From: Susie Smith <Susie.Smith@tceq.texas.gov>
Sent: Monday, March 21, 2022 12:56 PM
To: Mehgan Taack <Mehgan.Taack@tceq.texas.gov>
Subject: FW: Proposed permit number: WQ0016092001

From: Katrina Arsenault <rndallas@gmail.com>
Sent: Thursday, March 17, 2022 9:28 PM
To: Susie Smith <Susie.Smith@tceq.texas.gov>
Subject: Proposed permit number: WQ0016092001

I am a 23 year resident of
320 Williamsburg Drive
Van Alstyne, Texas. 75495

The City Of Van Alstyne can adequately supply surface water to this development area. This company does not need to tap into our water aquifers for water service and a treatment plant is not wanted and not necessary. Thank you for your time. Please don't let this company destroy our resources.

Katrina Arsenault

9036249911
RNnDallas@gmail.com

Renee Lyle

From:	PUBCOMMENT-OCC
Sent:	Tuesday, October 10, 2023 2:03 PM
To:	PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject:	FW: Public comment on Permit Number WQ0016092001

RFR

From: steviewonder93@gmail.com <steviewonder93@gmail.com>
Sent: Friday, October 6, 2023 6:07 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016092001

REGULATED ENTY NAME TREASURE ISLAND WWTP

RN NUMBER: RN111409553

PERMIT NUMBER: WQ0016092001

DOCKET NUMBER:

COUNTY: GRAYSON

PRINCIPAL NAME: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC

CN NUMBER: CN605975267

NAME: Stephen Campeau

EMAIL: steviewonder93@gmail.com

COMPANY:

ADDRESS: 600 WILLIAMS WAY
VAN ALSTYNE TX 75495-2885

PHONE: 5403226586

FAX:

COMMENTS: I would like to protest this entire development. I believe this upcoming meeting is just about the waste management plant. However, my entire family is vehemently opposed to the entire idea. The massive growth this will cause, the taxation on Van Alstyne's (and Grayson county's) water and energy infrastructure, the inability to build the appropriate roads are not wanted. We request this development be reconsidered and not developed.

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

RE: Application by Treasure Island Laguna Azure LLC.
To the Texas Commission on Environmental Quality for new Texas Commission Elimination System ("TPDES") Permit No. WQ0016092001

Dear Chief Clerk Gharis,

My name is Jim DuBois. My address is 500 Bryn Mawr Ln. Van Alstyne Texas, 75495 My Phone number is 817-271-4626

I request a contested case hearing on this application. My property is downstream from the proposed site of the proposed Treasure Island Azure wastewater treatment plant and discharge point. I am concerned that due to the magnitude of this project it will have a negative effect on me and my property. Specifically. I am concerned that the wastewater discharge permit limits are not protective of the water quality. I am also concerned the wastewater discharge will negatively affect the groundwater in the area. The water table in this area is already overtaxed by the onslaught of MUD's in the area. Some of the existing COOPs are limiting water usage. The magnitude of this development will only add to that stress. A development of this size should be annexed into a city that has access to a more consistent water supply and better wastewater management facilities.
Further, with a development this size. Odors will be a detrimental factor to the quality of life for their residents as well as those of us who live down wind form them.

Because of these factors, I am affected by this permit request and respectfully request you grant my request for a contested hearing.

Sincerely,

Jim DuBois
500 Bryn Mawr Ln.
Van Alstyne Texas 75495

Jim DuBois
500 Bryn mowr ln
Van Alstyne, TX 75495

NORTH TEXAS TX-P&DC
DALLAS TX 750
5 JUL 2023 PM 8 L

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TCEQ MAIL CENTER
DA

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

78711-308787

APP-0557

5

TCEQ Registration Form

October 09, 2023

Treasure Island Laguna Azure LLC

Proposed Water Quality Permit Number
WQ0016092001

PLEASE PRINT

Name: Jim DuBou

Mailing Address: 500 Bayou Manor Ln

Physical Address (if different): _____

City/State: Van Alstyne Tx **Zip:** 75495

This information is subject to public disclosure under the Texas Public Information Act

Email: jmdubou@sbcglobal.net

Phone Number: (817) 391-4626

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

  If yes, which one? _____

☒ **Please add me to the mailing list.**

☒ **I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.**

☐ **I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.**

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Monday, March 21, 2022 1:32 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Treasure Island Megatel

-----Original Message-----
From: Mehgan Taack <Mehgan.Taack@tceq.texas.gov>
Sent: Monday, March 21, 2022 12:15 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: FW: Treasure Island Megatel

-----Original Message-----
From: Susie Smith <Susie.Smith@tceq.texas.gov>
Sent: Monday, March 21, 2022 12:12 PM
To: Mehgan Taack <Mehgan.Taack@tceq.texas.gov>
Subject: FW: Treasure Island Megatel

Hi Mehgan,

I have a few emails, including the one below, regarding proposed permit number: WQ0016092001. Should I forward them to you?

Thank you,
Susie

-----Original Message-----
From: Jim DuBois <jimdubois@sbcglobal.net>
Sent: Friday, March 18, 2022 7:39 AM
To: Susie Smith <Susie.Smith@tceq.texas.gov>
Subject: Treasure Island Megatel

I am extremely concerned about the proposed Megatel development at Farmington Rd. and 75. One of the main issues of note to Van Alstyne is Treasure Island, the housing development within the community which is proposed to host 4,000 single family homes on very small lots and 2,000 apartments. With those numbers the development itself would have a higher population than the City of Van Alstyne, utilizing the City's resources without paying taxes to support roads, parks, etc. The numbers would pose a considerable drain on the City's resources.

One of the main objections, however, is that as a Municipal Utility District the project would tap into Van Alstyne's water supply by drilling into the City's aquifers and also building its own wastewater plant. The wastewater treatment plant is not needed because the City of Van Alstyne can provide these services. TCEQ, the Texas Commission on Environmental Quality, is a governing authority in this area and the City and the VAISD have each passed resolutions opposing this project. I strongly support our city leaders and wholeheartedly object to this development.

However, if they choose to be annexed into the city and develop within the city ordinances, I could possibly support a revised proposal

For wastewater treatment plant objections reference proposed permit number:
WQ0016092001

Sincerely
Jim DuBois
500 Bryn Mawr Ln
Van Alstyne, Texas 75495
817-271-4626

Lloyd Gosselink
ATTORNEYS AT LAW
Ms. Kalisek's Direct Line: (512) 322-5847
Email: lkalisek@lglawfirm.com

816 Congress Avenue, Suite 1900
Austin, Texas 78701
512.322.5800 p
512.472.0532 f
lglawfirm.com

July 21, 2023

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

VIA FIRST CLASS MAIL AND ELECTRONIC FILING

RE: Treasure Island Laguna Azure LLC – Application for New TPDES Permit
Proposed Permit Treasure Island WWTP TPDES Permit No. WQ0016092001
Request for Contested Case Hearing (446-13/-69)

Dear Ms. Gharis:

On behalf of North Texas Municipal Water District ("NTMWD"), please consider this letter as providing comments on and a formal request for a contested case hearing on the above-referenced Texas Pollutant Discharge Elimination System ("TPDES") permit application ("Application") filed with the Texas Commission on Environmental Quality ("TCEQ") by Treasure Island Laguna Azure LLC ("Applicant") and the associated draft permit for the proposed TPDES Permit No. WQ0016092001 ("Draft Permit").

I. REQUEST FOR CONTESTED CASE HEARING

NTMWD is a conservation and reclamation district under Article XVI, Section 59 of the Texas Constitution that was created by the Texas Legislature in 1951 to serve regional water and wastewater needs in the area north and east of Dallas. Today, NTMWD provides wastewater service to this area from fourteen (14) NTMWD-owned or operated wastewater treatment plants ("WWTP"). Many of these WWTPs operate in and discharge to tributaries of the Trinity River, including the East Fork Trinity River.[1] Flows from the Sister Grove Regional Waste Resource Recovery Facility ("RWRRF") discharge into the Trinity River Basin.[2]

[1] Sister Grove Regional Waste Resource Recovery Facility Phase I Facilities, TPDES Permit No. 15693001; Wilson Creek WWTP, TPDES Permit No. WQ0012446001; Rowlett Creek WWTP, TPDES Permit No. WQ0010363001; Floyd Branch WWTP, TPDES Permit No. WQ0010257001; South Mesquite Creek RWWTP, TPDES Permit No. WQ0010221001; Seis Lagos WWTP, TPDES Permit No. WQ0011451001; Squabble Creek WWTP, TPDES Permit No. WQ0010262001; Buffalo Creek WWTP, TPDES Permit No. WQ00102047001; Frisco Cottonwood Creek WWTP, TPDES Permit No. WQ0010172002; Stewart Creek West WWTP, TPDES Permit No. WQ0014008001; Farmersville No. 1 WWTP, TPDES Permit No. WQ0010442001; Bear Creek WWTP, TPDES Permit No. WQ0014577001; Panther Creek WWTP, TPDES Permit No. WQ0014245001; Sabine Creek WWTP TPDES Permit No. WQ0014469001.

[2] The Sister Grove RWRRF is estimated to come online in early 2024.

NTMWD's provision of regional service on this scale is due to its historic recognition and legal designation by the TCEQ's predecessor agency as the regional service provider for the service area at issue in the Application. In 1972, the Texas Water Quality Board issued an order ("1972 Order"), pursuant to a 1969 amendment to the 1967 Texas Water Quality Control Act, designating NTMWD as the regional wastewater service provider for the watershed area of the East Fork Trinity River.[3] **Attachment A** is a copy of the 1972 Order. This designation is memorialized in current TCEQ regulations.[4]

TCEQ received this application on January 18, 2022. The Application is for a new TPDES permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 1,400,000 gallons per day. The TPDES permit authorizes discharge into West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No. 0821 of the Trinity River Basin. The Applicant asserts that the proposed WWTP will service the Applicant's residential subdivision and will be located approximately 0.81 miles northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas.

NTMWD requests a contested case hearing, as NTMWD is an "affected person" within the meaning of 30 TEX. ADMIN. CODE §§ 55.103 and 55.203. An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by issuance of the Draft Permit.[5] All relevant factors must be considered by the TCEQ in determining affected persons status, including: (1) whether the interest claimed is one protected by the law under which the Application will be considered; (2) distance restrictions or other limitations imposed by law on the affected interest; (3) whether a reasonable relationship exists between the interest claimed and the activity regulated; (4) the likely impact of the regulated activity on the health, safety, and use of property of the person; (5) the likely impact of the regulated activity on use of the impacted natural resource by the person; (6) whether the requestor submitted comments on the Application that were not withdrawn; and, (7) *for governmental entities, their statutory authority over or interest in the issues relevant to the Application.*[6] Additionally, the TCEQ may consider: (1) the merits of the Application, including whether the Application meets the requirements for permit issuance; (2) the Executive Director's ("ED's") analysis and opinions; and (3) other expert reports, affidavits, opinions, and data.[7]

---

[3] Texas Water Quality Board, Order No. 72-0426-17 (Apr. 26, 1972); *see* Texas Water Quality Act of 1967, 60th Leg., R.S., ch. 313 (amended 1969, 1971, and 1985) (current version at Tex. Water Code §§ 26.081-.087); Act of May 13, 1969, 61st Leg., ch. 760, §§ 1.02, 3.29 (amended 1971 and 1985) (current version at Tex. Water Code §§ 26.081-.087).
[4] 30 Tex. Admin. Code §§ 351.31—.35.
[5] 30 Tex. Admin. Code § 55.103.
[6] *Id.* § 55.203(c) (emphasis added).
[7] *Id.* § 55.203(d).

II. NTMWD HAS A PERSONAL JUSTICIABLE INTEREST AFFECTED BY THE APPLICATION AND DRAFT PERMIT

A. The Applicants' proposed WWTP seeks to collect, transport, treat, and discharge wastewater within the area designated by TCEQ as the Regional Area over which NTMWD is the designated regional entity.

NTMWD is an affected person, because the proposed action would interfere with its statutory right, privilege, and economic interest as the TCEQ-designated regional entity to collect, transport, treat, and discharge wastewater within the Regional Area.[8] Specifically, the Application indicates that the proposed WWTP will allow the Applicant to collect, transport, and treat wastewater from the Applicant's residential subdivision located approximately 3.79 miles northwest of the City of Van Alstyne, in Grayson County, Texas, which is located in the watershed area of the East Fork Trinity River, and therefore falls within the Regional Area designated to NTMWD.[9] Further, the service area of the proposed WWTP overlaps with a portion of the proposed service area of City of Anna's Hurricane Creek Regional WWTP, with whom NTMWD has a regionalization agreement (as indicated in **Attachment B**), and is fully within the proposed service area of NTMWD's Sister Grove RWRRF (as indicated in **Attachment C**). NTMWD and the City of Anna are coordinating on planning service to this area. In short, granting the TPDES permit to the Applicants violates applicable statutory requirements pertaining to the state's regionalization policy in Texas Water Code ("TWC") Chapter 26 as well as the TCEQ's own regionalization regulations at 30 TEX. ADMIN. CODE Chapter 351, Subchapter C.[10]

TWC Chapter 26 provides the TCEQ the authority to—whenever it deems necessary in the interest of serving the waste disposal needs of the state, and to prevent pollution and maintain and enhance the quality of state water—designate a regional entity to provide wastewater service.[11] Moreover, the specified duties of the regional entity indicate that NTMWD "shall provide regional wastewater collection and treatment service to all legal entities requiring such services within the defined area, upon such terms as may be agreed upon by the parties or as may be ordered by the [TCEQ] if agreement cannot be reached."[12] NTMWD has expended significant time, effort, and resources over the intervening four decades in planning, financing, and constructing the infrastructure needed to serve the Regional Area, and such efforts would be undermined by approval of the Application.

---

[8] *Id.* §§ 351.31—.35; Texas Water Quality Board, Order No. 72-0426-17 (Apr. 26, 1972).
[9] *Id.*
[10] Tex. Water Code §§ 26.003, .081. See specifically TWC Section 26.084, authorizing the TCEQ to refuse to grant a permit for a system in a designated regional area unless the permit complies and is consistent with the TCEQ's regionalization order.
[11] *Id.* §§ 26.081-.087.
[12] *Id.* § 351.35 (emphasis added); *see also* Texas Water Quality Board, Order No. 72-0426-17 (Apr. 26, 1972).

For the reasons set forth herein, NTMWD is an affected person, as defined by 30 TEX. ADMIN. CODE §§ 55.103 and 55.203. NTMWD has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest that is not common to the general public and that would be adversely affected should the Draft Permit be issued. The Applicant's proposed WWTP seeks to collect, transport, treat, and discharge wastewater within the designated NTMWD Regional Area and calls into question the need for the permit and/or whether the permit conditions should be changed or altered given the availability of NTMWD's nearby regional system pursuant to TEXAS WATER CODE § 26.0282.

B. The Application did not adequately analyze nearby WWTPs or Collections Systems available to serve Applicant's proposed service area.

The proposed service area is partially located within the extraterritorial jurisdiction of the City of Van Alstyne and is within 3 miles of the City of Van Alstyne and the City of Howe's incorporated boundaries (as indicated in **Attachment D**). The City of Van Alstyne holds a Certificate of Convenience and Necessity for the nearby sewer, indicating a collections system may be available. The Applicant failed to include a list of collection systems and only noted nearby WWTP locations on the included map (Attachment M of the Application). The Application does not include any response from the City of Howe, nor does it include any form of communication to the City of Van Alstyne regarding connection to collection systems that could eliminate the need for the proposed WWTP.

C. The Application will impact water quality in the Trinity River Basin (in NTMWD's Regional Area).

NTMWD is an affected person because the proposed action would interfere with the water quality of its drinking water supply. Lavon Lake is a vital resource for North Texas and serves as NTMWD's primary drinking water supply. The proposed WWTP will affect the water quality in the Trinity River Basin, including phosphorus and bacteria in the basin. NTMWD has expended significant time, effort, and resources over many years planning, financing, and constructing infrastructure that discharges into the Trinity River Basin, particularly into Lavon Lake. The Lavon Lake Watershed Protection Plan specifically addresses the importance of ensuring that discharges into Lavon Lake do not cause detrimental effects to water quality. NTMWD's efforts would be undermined if the TCEQ issues the Draft Permit without regard to the availability of service from the NTMWD system.

The Application proposes for the WWTP to discharge into West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No. 0821 of the Trinity River Basin. Segment No. 0821 is impaired for bacteria. The Draft Permit does not contain limits for total phosphorous. The permit conditions

should take into consideration the impaired listing for bacteria and include a permit limit for phosphorus for all phases to comply with TCEQ regulations and state water quality statutory requirements.

III. DISPUTED FACTS AND LAW TO BE REFERRED FOR A CONTESTED CASE HEARING.

In addition to the foregoing bases to grant NTMWD's hearing request, NTMWD reasserts that it is an affected person and thus entitled to a hearing, because the of the proximity of the proposed WWTP and proposed development to NTMWD's nearby regional system and impacts to the NTMWD drinking water supply. In accordance with 30 TEX. ADMIN. CODE § 55.201(d)(4)(B), NTMWD requests that the following issues be referred to a contested case hearing:

1. Whether there is a need for the Draft Permit given the proximity of NTMWD's regional system.

2. Whether the application should be denied or the Draft Permit terms and conditions altered given the proximity of collection systems not identified in the Application.

3. Whether the Draft Permit satisfies water quality standards and is protective of the environment, especially in regards to phosphorous and bacteria.

4. Whether the Application meets the requirements in 30 Texas Administrative Code Chapters 21, 39, 281, and 305.

In short, an additional treatment and disposal facility within this area is not necessary. It is not in the public interest for TCEQ to issue a new discharge authorization when wastewater services are available within three miles of the proposed WWTP.

IV. CONCLUSION

For the foregoing reasons and because this request substantially complies with the requirements of a contested case hearing request per 30 TEX. ADMIN. CODE § 55.201, NTMWD files these comments on and requests a contested case hearing in this matter regarding the above-listed issues. NTMWD reserves the right to raise and pursue any and all issues that may be relevant to its interest in the event of a contested case hearing. All official communication may be directed to my attention at:

Ms. Lauren J. Kalisek
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5847
Email: lkalisek@lglawfirm.com

I appreciate your attention to this request. Please do not hesitate to contact me if you have questions.

Sincerely,

Lauren Kalisek

Lauren J. Kalisek

LJK
8634557

Attachment A

Texas Water Quality Board
P.O. Box 13246, Capitol Station
Austin, Texas 78711

Order No. 72-0426-17

AN ORDER of the Texas Water Quality Board defining that area of the East Fork of the Trinity River in which the implementation of regional or area-wide sewerage system is necessary to protect the quality of the waters in the State; designating the North Texas Municipal Water District as the governmental entity to design, construct and provide operation for the system; and directing the Executive Director to send copies of the Order to parties who might reasonably be affected by this Order.

PREAMBLE

It is the policy of the State of Texas 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 waters in the State (Sec. 21.201, Texas Water Code). In accordance with this policy, a public hearing was held in Garland, Texas on December 10, 1971 to receive evidence concerning the creation of an area-wide sewerage system for the watershed area of the East Fork of the Trinity River that lies in Dallas, Kaufman, Rockwall, and Collin Counties, Texas. Notice of the public hearing was given to all local governments which, in the opinion of the Board, would be reasonably affected by its actions.

The Board finds: (a) that the described territory Is within a standard metropolitan statistical area as defined by Section 21.201 (d), Texas Water Code; (b) that an area-wide system is necessary and desirable to prevent pollution and maintain and enhance the quality of water in the State; (c) that there is a system which the North Texas Municipal Water District proposes to construct, which in the reasonably foreseeable future, will be capable of serving the waste collection, treatment and disposal needs of all or part of the area defined below; (d) that the North Texas Municipal Water District is agreeable to sponsoring the area-wide system and providing the services; and (e) the Board intends to consider, after appropriate notice and hearings, taking the actions made available under Section 21.204, Texas Water Code.

BE IT ORDERED BY THE TEXAS WATER QUALITY BOARD:

1. The watershed area of the East Fork of the Trinity River that lies in Dallas, Kaufman, Rockwall, and Collin Counties is hereby designated as an area in which the implementation of a regional or area-wide system is necessary or desirable to effectuate the policy stated in Sec. 21.201, Texas Water Code.

2. The North Texas Municipal Water District is designated as the governmental entity to design, construct and be the operating agency for a regional sewerage system in the defined area and to provide the services therefor.

3. The Duck Creek site described in the North Central Texas Council of Government's Upper Trinity River Basin Comprehensive Sewerage Plan will not be designated as a regional sewage treatment center.

4. After development of the area-wide system, the North Texas Municipal Water District shall provide regional wastewater collection and treatment service to all legal entities requiring such services within the defined area, upon such terms as may be agreed upon by the parties or as may be ordered by the Board if agreement cannot be reached.

5. The Executive Director is directed to send a copy of this Order to the North Texas Municipal Water District, the City of Garland, and other parties who might reasonably be affected by this Order.

Passed and approved this 26th day of April, 1972.

(SEAL) s/ Gordan Fulcher

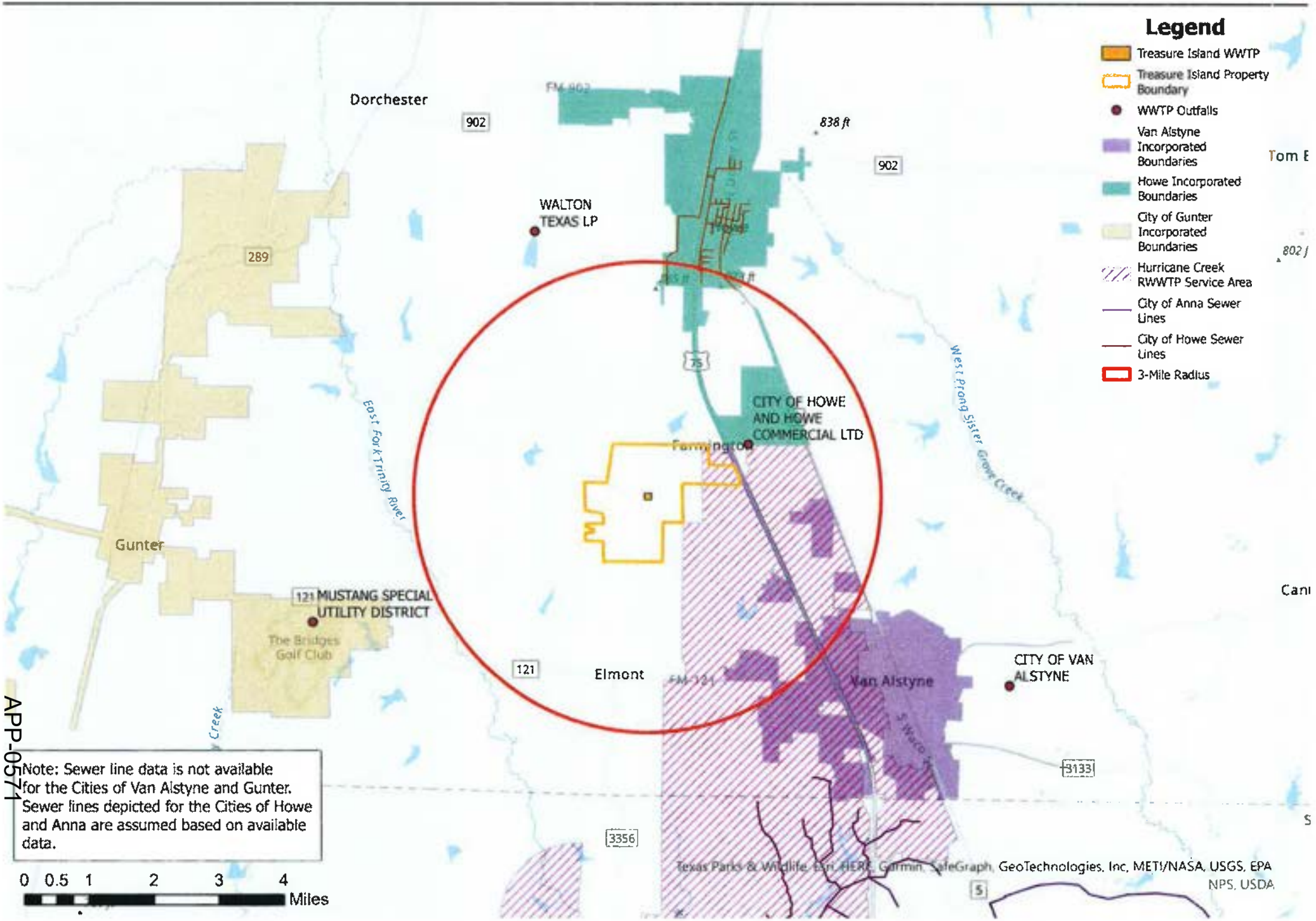
CHAIRMAN

ATTEST:

s/Hugh C. Yantis, Jr.,
EXECUTIVE DIRECTbR

Attachment B

Proposed Treasure Island WWTP
Nearby WWTPs and Collection Systems

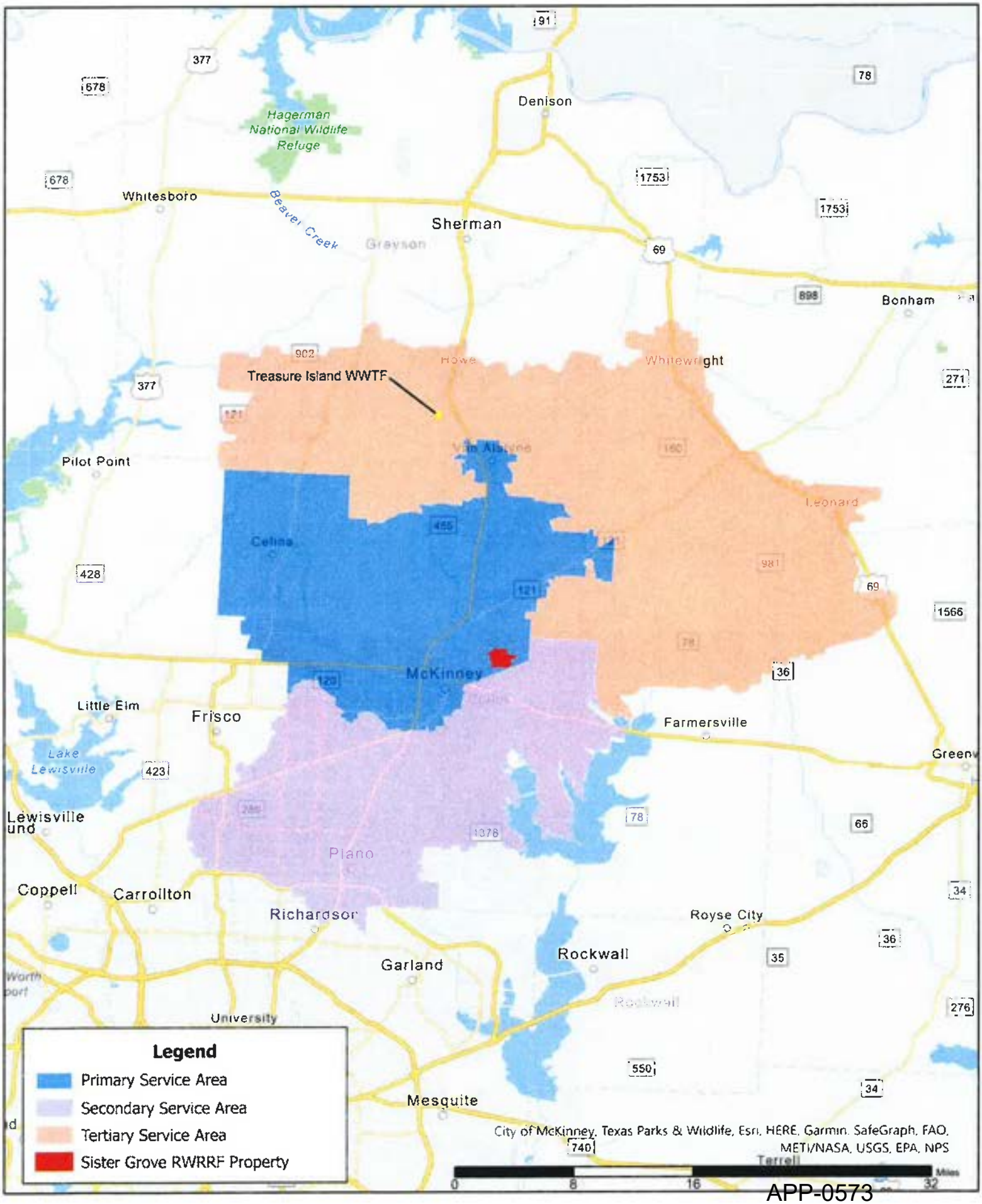


Note: Sewer line data is not available for the Cities of Van Alstyne and Gunter. Sewer lines depicted for the Cities of Howe and Anna are assumed based on available data.

APP-0571

Attachment C

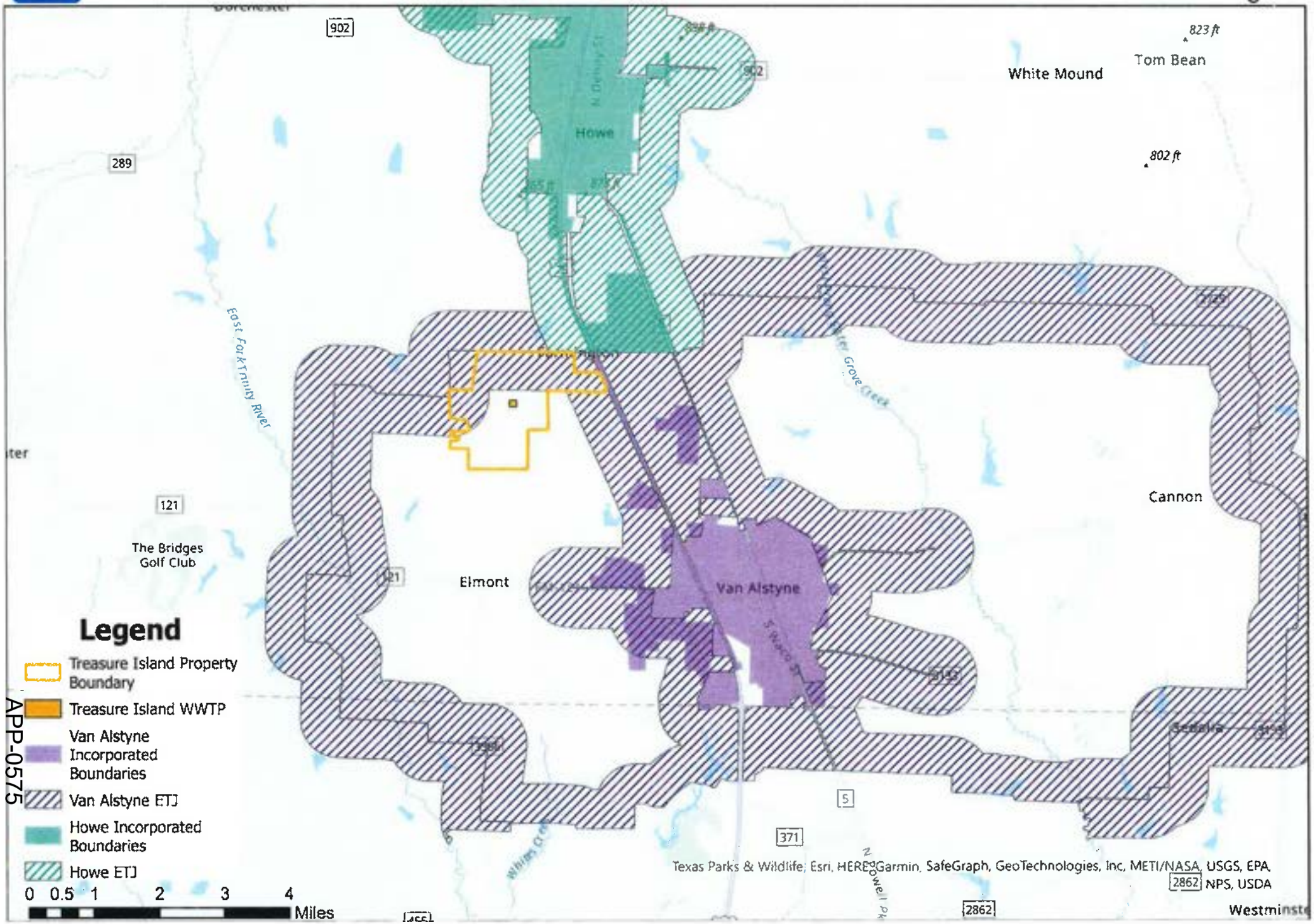
Sister Grove Regional Water Resource Recovery Facility
Service Area



APP-0573

Attachment D

Proposed Treasure Island WWTP
Incorporated Boundaries and ETJ Boundaries



APP-0575

Lloyd Gosselink
ATTORNEYS AT LAW
Ms. Kalisek's Direct Line: (512) 322-5847
lkalisek@lglawfirm.com

816 Congress Avenue, Suite 1900
Austin, Texas 78701
512.322.5800 p
512.472.0532 f
lglawfirm.com

May 16, 2024

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

VIA ELECTRONIC FILING

RE: Treasure Island Laguna Azure LLC – Application for New TPDES Permit
Proposed Permit Treasure Island WWTP TPDES Permit No. WQ0016092001
Withdrawal of Protest and Hearing Request

Dear Ms. Gharis:

This letter is submitted on behalf of my client, the North Texas Municipal Water District ("District"), as formal notice that the District unconditionally withdraws its comments, protest, and request for a contested case hearing with respect to the above-referenced application.

Please do not hesitate to contact me if you have any questions or if I can be of assistance. Thank you for your attention to this matter.

Sincerely,

Lauren Kalisek

Lauren J. Kalisek

LJK/yw

cc: Mr. Jerry Allen, *North Texas Municipal Water District*
Mr. R.J Muraski, *North Texas Municipal Water District*
Ms. Lora Naismith, *Lloyd Gosselink Rochelle & Townsend*

Jennifer Cox

From:	PUBCOMMENT-OCC
Sent:	Monday, September 16, 2024 3:12 PM
To:	PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject:	FW: Public comment on Permit Number WQ0016092001
Attachments:	Request for a Contested Case Hearing (2nd) City of Van Alstyne on Treasure Island Laguna Azure TPDES Permit WQ001160920013.pdf

H

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: rfburk@bickerstaff.com <rfburk@bickerstaff.com>
Sent: Monday, September 16, 2024 10:44 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016092001

REGULATED ENTY NAME TREASURE ISLAND WWTP

RN NUMBER: RN111409553

PERMIT NUMBER: WQ0016092001

DOCKET NUMBER:

COUNTY: GRAYSON

PRINCIPAL NAME: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC

CN NUMBER: CN605975267

NAME: Emily Rogers

EMAIL: rfburk@bickerstaff.com

COMPANY: Bickerstaff Heath Delgado Acosta LLP

ADDRESS: Two Barton Skyway 1601 S MoPac Expwy Ste C400
Austin TX 78746

PHONE: 5124728021

FAX:

COMMENTS: Please see attached letter.

Bickerstaff
Heath Delgado Acosta LLP

September 16, 2024

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

Re: Application by Treasure Island Laguna Azure LLC to the Texas Commission on Environmental Quality for new Texas Commission Elimination System ("TPDES") Permit No. WQ0016092001

Dear Chief Clerk Gharis:

The City of Van Alstyne, Texas (the "City") offers the below comments and formally requests a contested case hearing on the above-referenced application. Please direct all future correspondence on this application to either Emily Rogers or Stefanie Albright, attorneys for the City, at Two Barton Skyway, 101 S. MoPac Expressway, Suite C400, Austin, Texas 78746. Our daytime phone number is (512) 472-8021 and fax number is (512) 320-5638.

Treasure Island Laguna Azure LLC ("Treasure Island" or "Applicant") applied to the Texas Commission on Environmental Quality ("TCEQ") for new TPDES Permit No. WQ0016092001 (the "Application"), seeking to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 1,400,000 gallons per day. The City is an affected person within the definition of that term by the Texas Administrative Code and re-urges its opposition the issuance of the permit for the following reasons.

I. The City is an Affected Person

The City is an "affected person" entitled to a contested case hearing on issues raised in this hearing request pursuant to 30 TEX. ADMIN. CODE § 55.203 because the City has interests related to legal rights, duties, privileges, powers, or economic interests affected by the application that are not common to the general public. The Applicant's proposed wastewater plant and associated discharge will be located within the extraterritorial jurisdiction ("ETJ") of the City. Local governments, such as the City, with authority under state law over issues contemplated by an application, may be considered affected persons under 30 TEX. ADMIN. CODE § 55.203(b). The City has authority to protect the public health and safety within its extraterritorial jurisdiction and to regulate development within its extraterritorial jurisdiction. *See, e.g.*, TEX. LOC. GOV'T CODE §§ 42.001, 212.044. Various city functions and services – including water and sewer services, emergency services, and health and safety concerns – may be affected by the proposed discharge and are not adequately addressed by the Application. Further, the City's primary source of drinking water is groundwater withdrawn from the Trinity Aquifer and the Woodbine Aquifer.

The proposed discharge will traverse the area over both the Trinity Aquifer and the Woodbine Aquifer, the primary source of drinking water for the City. Additionally, the proposed discharge is upstream of an additional drinking water source, Lake Lavon.[1] This discharge could negatively affect the water quality of the Trinity Aquifer, the Woodbine Aquifer, and Lake Lavon. The City has an interest in protecting the water quality of its drinking water supply.

Further, the City has water and sewer facilities and infrastructure within three (3) miles of the development to be served by the proposed wastewater treatment plant. that would be impacted by the Application. As a regional water and sewer service provider, the City has an interest to ensure that new development in its extraterritorial jurisdiction regionalize with existing systems to the greatest extent possible in order to protect the public health, safety, and welfare of its citizens. *See* TEXAS WATER CODE § 26.081(a). The City therefore has an interest in ensuring that the creation and operation of the proposed wastewater treatment plant and associated discharge is protective of the public health and safety within its ETJ. Thus, the City has authority under state law over the issues contemplated by this Application, has interests not common to the general public, and is therefore an affected person. 30 TEX. ADMIN. CODE § 55.203.

For these reasons, the City requests that the Commission find that the City is an affected person and grant its request for a contested case hearing.

II. Comments

A. Granting this Application would be contrary to the State of Texas' policy regarding regionalization of wastewater systems. *See* TEX. WATER CODE §§ 26.003, 26.081, and 26.0282.

i. Purpose of the regionalization policy.

The Texas Legislature has directed the TCEQ to observe its regionalization policy by encouraging interested and affected persons to cooperate in using regional systems. TEX. WATER CODE §§ 26.0282, 26.081. The TCEQ has the authority to deny the issuance of a wastewater discharge permit if there is an existing, available regional wastewater collection, treatment, and disposal system. *Id.*[2] The purpose of regionalization is to protect the health, safety, and public welfare of the citizens of this state. Providing wastewater service through a regional facility in a watershed helps protect the water quality of that watershed by limiting the number of potential sources of pollution. These larger facilities are able to use their economies of scale to provide economical service to customers in the area and are generally more financially capable. Moreover,

[1] The City receives drinking water from NTMWD through the Greater Texoma Utility Authority. The Greater Texoma Utility Authority purchases water provided to the City from NTMWD at the Wylie Water Treatment Plant, which is located on and treats surface water from Lake Lavon.

[2] *See also In Re: Application of MidTex Partners, LTD., for Water Quality Permit No. 14472-001, Authorizing the Disposal of Treated Domestic Wastewater*, SOAH Docket No. 582-06-1581, TCEQ Docket No. 2005-1720-MWD.

regional providers, like the City, tend to have greater expertise in operating and maintaining wastewater systems and treatment facilities.

ii. Overview of the City's wastewater systems and Treasure Island's proposed plant.

The City has professionally operated its wastewater treatment plants for over 20 years, with current capacity of 0.95 MGD. The City also has plans to connect to the City of Anna's regional sewer collection system. The City has an existing wastewater treatment collection system located less than three (3) miles from the Applicant's proposed development that the Applicant intents to service with this wastewater treatment plant. Treasure Island, a subdivision developer, has represented to the City that it intends to ultimately build the development to comprise of approximately 4,000 homes and 2,000 apartments. Constructing and operating a small package wastewater plant for development when the City has a larger, centralized, professionally operated and managed wastewater collection system nearby, with available capacity to serve the development, and with which the City has extensive operational experience, is counter to the goals of regionalization and will likely have a detrimental effect on the public health, safety, and welfare of the City's citizens. Further, the City has informed the Applicant that the City is willing and able to provide that service to the development.

iii. Requiring regionalization is a broader policy issue.

To the City, the State's regionalization policy goes beyond Treasure Island's Application. If the TCEQ grants the Application, the TCEQ signals that the Texas Legislature's regionalization policy has no practical effect and that entities like the City cannot safely plan for and invest in their regional systems. If the TCEQ does not implement the State's regionalization policy in its review and approval process and allows entities that are inexperienced in the operation of wastewater treatment systems to move forward with multiple redundant facilities, the City could see many small package plants appear within its ETJ and in the vicinity of City's regional plant. The TCEQ has an opportunity with this Application to reassert the validity of the regionalization policy and to send a message that developers and other entities should connect to existing systems when those regional systems are able and willing to serve.

iv. The Applicant has not demonstrated that it should be excepted from the State's regionalization policy.

Applicant has not demonstrated that its plan to serve the wastewater needs of the development through a package plant should be granted an exception to the State's regionalization policy. As previously mentioned, the City has nearby facilities and the capacity to provide service to the proposed area. Treasure Island has failed to show that connecting to the City is too costly, thereby making service from the City unavailable. Rather, the Applicant simply stated in the Application that a permitted wastewater collection system located within three (3) miles of the proposed development does not have the capacity to accept or is not willing to expand to accept the wastewater from the proposed development." *See* Domestic Wastewater Permit Application, Technical Reports, page 22. To the contrary, the City indicated to Applicant that the City has the capacity, and is willing, to provide continuous and adequate wastewater service to the

development. The City also is in the process of negotiating an interlocal agreement with the City of Anna that outlines a regional wastewater system that include a regional plant that will have capacity to serve the proposed development.

The City therefore requests that the TCEQ deny the Application on the basis that it would be contrary to the State of Texas' policy regarding regionalization.

B. Issuance of the Permit could negatively impact the City's drinking water sources.

The proposed discharge point is an unnamed tributary that feeds into West Prong Whites Creek then to East Fork Trinity River Above Lake Lavon, before discharging into Lake Lavon. The East Fork Trinity River Above Lake Lavon, which is in Segment 0821D of the Trinity River Basin, is included in the State's inventory of impaired or threatened waters for the amount of bacteria in the segment. *See* 2022 Clean Water Act Section 303(d). The Application reflects that Treasure Island's proposed facilities will discharge more of that pollutant of concern into Segment 0821D. *See* Draft Proposed Permit, Attachment 1, EPA – Region 6 NPDES Permit Certification Checklist. The tributaries in Segment 0821D traverse over both the Trinity Aquifer and the Woodbine Aquifer, which are the City's primary sources for drinking water. Further, Lake Lavon receives flow from Segment 0821D of the Trinity River Basin, and is an additional drinking water source for the City.[3]

Treasure Island proposes to discharge treated effluent of up to 1,400,000 more gallons per day into an impaired segment of water that traverses the area above the Trinity and Woodbine aquifers and that is a tributary of the City's drinking water supply lake. Treasure Island's proposed discharge may negatively affect the water quality of the Trinity and Woodbine Aquifers, and Lake Lavon, and therefore the City's ability to meet its citizens' drinking supply needs. The City therefore requests that the TCEQ require a full study on the Application's effect on the water quality in the eventual disposal point and the drinking water sources – the Trinity Aquifer, the Woodbine Aquifer, and Lake Lavon.

C. Issuance of the Permit could negatively affect the water quality in the receiving stream and Lake Lavon and may not comply with the State's water quality standards.

Aside from the City's water quality standard concerns for its public water supply, detailed above, the City is concerned that the application and the proposed permit do not comply with the state's water quality standards and that the discharge limits are not sufficiently stringent to protect the water quality in the receiving stream and Lake Lavon. The proposed permit does not fully contemplate the potential impacts of the direct discharge to the receiving stream and Lake Lavon. The City is also concerned that the proposed discharge limits do not comply with the antidegradation requirements. The Application and Draft Permit do not fully contemplate the potential impacts of the discharge from a development to the receiving waters, including on the use as a primary contact recreation source and as a healthy ecosystem for aquatic life. Further,

[3] The City's partners that also use Lake Lavon as a drinking water source are Collin Grayson Municipal Alliance, the City of Melissa, the City of Anna, and the City of Howe.

TCEQ's standard review of water quality impacts to receiving streams rely on standard modeling inputs that often significantly deviate from site-specific condition. This results in inaccurate modeling results that can minimize actual impacts of the proposed discharge to water quality in the receiving waters and Lake Lavon.

Additionally, emerging contaminants that are often present in treated effluent – including pharmaceuticals, hormones, antibiotic, steroids viruses, health care products, and many more – that are refractory during wastewater treatments, tend to persist in an aquatic environment and could end up in the City's drinking water supply. Small package wastewater plants of the kind proposed by Applicant typically do not remove such contaminants.

D. The Applicant is not an experienced facility and system operator.

The Applicant is a residential property developer who has not demonstrated any experience or expertise in operating and maintaining wastewater systems and treatment facilities. In contrast, as detailed above, the City has been professionally operating wastewater treatment plants for over 20 years. Further, the City has the capacity to provide service to the area proposed as the development and is willing to provide that service. This, in conjunction with the City's regionalization arguments above, demonstrates that the TCEQ should deny the permit for Treasure Island to individually operate a package plant in favor of a larger, more experienced provider serving the development.

For these reasons, the City re-urges its request that the Commission find that the City is an affected person and grant its request for a contested case hearing on the Application in order to address the concerns raised herein.

Sincerely,

Emily W. Rogers

Emily W. Rogers
Stefanie P. Albright
Attorneys for City of Van Alstyne

EWR/rfb

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Tuesday, April 19, 2022 2:57 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016092001
Attachments: City of Van Alstyne Comment on Treasure Island Laguna Azure TPDES Permit WQ00116092001.PDF

MWD
126991

H

From: rfburk@bickerstaff.com <rfburk@bickerstaff.com>
Sent: Tuesday, April 19, 2022 2:32 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016092001

REGULATED ENTY NAME TREASURE ISLAND WWTP

RN NUMBER: RN111409553

PERMIT NUMBER: WQ0016092001

DOCKET NUMBER:

COUNTY: GRAYSON

PRINCIPAL NAME: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC

CN NUMBER: CN605975267

FROM

NAME: Emily Rogers

EMAIL: rfburk@bickerstaff.com

COMPANY: Bickerstaff Heath Delgado Acosta LLP

ADDRESS: 3711 S MOPAC EXPY STE 300
AUSTIN TX 78746-8013

PHONE: 5124728021

FAX:

COMMENTS: Please see attached letter.

Bickerstaff
Heath Delgado Acosta LLP

April 19, 2022

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

Re: Application by Treasure Island Laguna Azure LLC to the Texas Commission on Environmental Quality for new Texas Commission Elimination System ("TPDES") Permit No. WQ0016092001

Dear Chief Clerk Gharis:

The City of Van Alstyne, Texas (the "City") offers the below comments and formally requests a contested case hearing on the above-referenced application. Please direct all future correspondence on this application to either Emily Rogers or Joshua Katz, attorneys for the City, at 3711 S. MoPac Expressway, Building One, Suite 300, Austin, TX 78746. Our daytime phone number is (512) 472-8021 and fax number is (512) 320-5638.

Treasure Island Laguna Azure LLC ("Treasure Island" or "Applicant") applied to the Texas Commission on Environmental Quality ("TCEQ") for new TPDES Permit No. WQ0016092001 (the "Application"), seeking to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 1,400,000 gallons per day. The City of Van Alstyne is an affected person within the definition of that term by the Texas Administrative Code and opposes the issuance of the permit for the following reasons.

I. The City is an Affected Person

The City is an "affected person" entitled to a contested case hearing on issues raised in this hearing request pursuant to 30 TEX. ADMIN. CODE § 55.203 because the City has interests related to legal rights, duties, privileges, powers, or economic interests affected by the application that are not common to the general public. The Applicant's proposed wastewater plant and associated discharge will be located within the extraterritorial jurisdiction ("ETJ") of the City. Local governments, such as the City, with authority under state law over issues contemplated by an application, may be considered affected persons under 30 TEX. ADMIN. CODE § 55.203(b). The City has authority to protect the public health and safety within its extraterritorial jurisdiction and to regulate development within its extraterritorial jurisdiction. *See, e.g.,* TEX. LOC. GOV'T CODE §§ 42.001, 212.044. Various city functions and services – including water and sewer services, emergency services, and health and safety concerns – may be affected by the proposed discharge and are not adequately addressed by the Application. Further, the City's primary source of drinking water is groundwater withdrawn from the Trinity Aquifer and the Woodbine Aquifer.

The proposed discharge will traverse the area over both the Trinity Aquifer and the Woodbine Aquifer, the primary source of drinking water for the City. Additionally, the proposed discharge is upstream of an additional drinking water source, Lake Lavon.[1] This discharge could negatively affect the water quality of the Trinity Aquifer, the Woodbine Aquifer, and Lake Lavon. The City has an interest in protecting the water quality of its drinking water supply.

Further, the City has water and sewer facilities and infrastructure within three (3) miles of the development to be served by the proposed wastewater treatment plant. that would be impacted by the Application. As a regional water and sewer service provider, the City has an interest to ensure that new development in its extraterritorial jurisdiction regionalize with existing systems to the greatest extent possible in order to protect the public health, safety, and welfare of its citizens. *See* TEXAS WATER CODE § 26.081(a). The City therefore has an interest in ensuring that the creation and operation of the proposed wastewater treatment plant and associated discharge is protective of the public health and safety within its ETJ. Thus, the City has authority under state law over the issues contemplated by this Application, has interests not common to the general public, and is therefore an affected person. 30 TEX. ADMIN. CODE § 55.203.

For these reasons, the City requests that the Commission find that the City is an affected person and grant its request for a contested case hearing.

II. Comments

A. Granting this Application would be contrary to the State of Texas' policy regarding regionalization of wastewater systems. *See* TEX. WATER CODE §§ 26.003, 26.081, and 26.0282.

i. Purpose of the regionalization policy.

The Texas Legislature has directed the TCEQ to observe its regionalization policy by encouraging interested and affected persons to cooperate in using regional systems. TEX. WATER CODE §§ 26.0282, 26.081. The TCEQ has the authority to deny the issuance of a wastewater discharge permit if there is an existing, available regional wastewater collection, treatment, and disposal system. *Id.*[2] The purpose of regionalization is to protect the health, safety, and public welfare of the citizens of this state. Providing wastewater service through a regional facility in a watershed helps protect the water quality of that watershed by limiting the number of potential sources of pollution. These larger facilities are able to use their economies of scale to provide economical service to customers in the area and are generally more financially capable. Moreover,

[1] The City receives drinking water from NTMWD through the Greater Texoma Utility Authority. The Greater Texoma Utility Authority purchases water provided to the City from NTMWD at the Wylie Water Treatment Plant, which is located on and treats surface water from Lake Lavon.

[2] *See also In Re: Application of MidTex Partners, LTD., for Water Quality Permit No. 14472-001, Authorizing the Disposal of Treated Domestic Wastewater*, SOAH Docket No. 582-06-1581, TCEQ Docket No. 2005-1720-MWD.

regional providers, like the City, tend to have greater expertise in operating and maintaining wastewater systems and treatment facilities.

ii. Overview of the City's wastewater systems and Treasure Island's proposed plant.

The City has professionally operated its wastewater treatment plants for over 20 years, with current capacity of 0.95 MGD. The City also has plans to connect to the City of Anna's regional sewer collection system. The City has an existing wastewater treatment collection system located less than three (3) miles from the Applicant's proposed development that the Applicant intents to service with this wastewater treatment plant. Treasure Island, a subdivision developer, has represented to the City that it intends to ultimately build the development to comprise of approximately 4,000 homes and 2,000 apartments. Constructing and operating a small package wastewater plant for development when the City has a larger, centralized, professionally operated and managed wastewater collection system nearby, with available capacity to serve the development, and with which the City has extensive operational experience, is counter to the goals of regionalization and will likely have a detrimental effect on the public health, safety, and welfare of the City's citizens. Further, the City has informed the Applicant that the City is willing and able to provide that service to the development.

iii. Requiring regionalization is a broader policy issue.

To the City, the State's regionalization policy goes beyond Treasure Island's Application. If the TCEQ grants the Application, the TCEQ signals that the Texas Legislature's regionalization policy has no practical effect and that entities like the City cannot safely plan for and invest in their regional systems. If the TCEQ does not implement the State's regionalization policy in its review and approval process and allows entities that are inexperienced in the operation of wastewater treatment systems to move forward with multiple redundant facilities, the City could see many small package plants appear within its ETJ and in the vicinity of City's regional plant. The TCEQ has an opportunity with this Application to reassert the validity of the regionalization policy and to send a message that developers and other entities should connect to existing systems when those regional systems are able and willing to serve.

iv. The Applicant has not demonstrated that it should be excepted from the State's regionalization policy.

Applicant has not demonstrated that its plan to serve the wastewater needs of the development through a package plant should be granted an exception to the State's regionalization policy. As previously mentioned, the City has nearby facilities and the capacity to provide service to the proposed area. Treasure Island has failed to show that connecting to the City is too costly, thereby making service from the City unavailable. Rather, the Applicant simply stated in the Application that a permitted wastewater collection system located within three (3) miles of the proposed development does not have the capacity to accept or is not willing to expand to accept the wastewater from the proposed development." *See* Domestic Wastewater Permit Application, Technical Reports, page 22. To the contrary, the City indicated to Applicant that the City has the capacity, and is willing, to provide continuous and adequate wastewater service to the

development. The City also is in the process of negotiating an interlocal agreement with the City of Anna that outlines a regional wastewater system that include a regional plant with a capacity of 16 MGD that will have capacity to serve the proposed development.

The City therefore requests that the TCEQ deny the Application on the basis that it would be contrary to the State of Texas' policy regarding regionalization.

B. Issuance of the Permit could negatively affect the City's drinking water sources.

The proposed discharge point is an unnamed tributary that feeds into West Prong Whites Creek then to East Fork Trinity River Above Lake Lavon, before discharging into Lake Lavon. The East Fork Trinity River Above Lake Lavon, which is in Segment 0821D of the Trinity River Basin, is included in the State's inventory of impaired or threatened waters for the amount of bacteria in the segment. *See* 2020 Clean Water Act Section 303(d). The Application reflects that Treasure Island's proposed facilities will discharge more of that pollutant of concern into Segment 0821D. *See* Draft Proposed Permit, Attachment 1, EPA – Region 6 NPDES Permit Certification Checklist. The tributaries in Segment 0821D traverse over both the Trinity Aquifer and the Woodbine Aquifer, which are the City's primary sources for drinking water. Further, Lake Lavon receives flow from Segment 0821D of the Trinity River Basin, and is an additional drinking water source for the City.[3]

Treasure Island proposes to discharge treated effluent of up to 1,400,000 more gallons per day into an impaired segment of water that traverses the area above the Trinity and Woodbine aquifers, that is a tributary of the City's drinking water supply lake. Treasure Island's proposed discharge may negatively affect the water quality of the Trinity and Woodbine Aquifers, and Lake Lavon, and therefore the City's ability to meet its citizens' drinking supply needs. The City therefore requests that the TCEQ require a full study on the Application's effect on the water quality in the eventual disposal point and the drinking water sources – the Trinity Aquifer, the Woodbine Aquifer, and Lake Lavon.

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Aside from the City's water quality standard concerns for its public water supply, detailed above, the City is concerned that the application and the proposed permit do not comply with the state's water quality standards and that the discharge limits are not sufficiently stringent to protect the water quality in the receiving stream and Lake Lavon. The proposed permit does not fully contemplate the potential impacts of the direct discharge to the receiving stream and Lake Lavon. Additionally, emerging contaminants that are often present in treated effluent – including pharmaceuticals, hormones, antibiotic, steroids viruses, health care products, and many more – that are refractory during wastewater treatments, tend to persist in an aquatic environment and

[3] The City's partners that also use Lake Lavon as a drinking water source are Collin Grayson Municipal Alliance, the City of Melissa, the City of Anna, and the City of Howe.

could end up in the City's drinking water supply. Small package wastewater plants of the kind proposed by Applicant typically do not remove such contaminants.

D. The Applicant is not an experienced facility and system operator.

The Applicant is a residential property developer who has not demonstrated any experience or expertise in operating and maintaining wastewater systems and treatment facilities. In contrast, as detailed above, the City has been professionally operating wastewater treatment plants for over 20 years, with current wastewater capacity of 0.95 MGD. Further, the City has the capacity to provide service to the area proposed as the development and is willing to provide that service. This, in conjunction with the City's regionalization arguments above, demonstrates that the TCEQ should deny the permit for Treasure Island to individually operate a package plant in favor of a larger, more experienced provider serving the development.

For these reasons, the City requests that the Commission find that the City is an affected person and grant its request for a contested case hearing on the Application in order to address the concerns raised herein.

Sincerely,

Emily W. Rogers

Emily W. Rogers
Joshua D. Katz
Attorneys for City of Van Alstyne

EWR/rfb

Jennifer Cox

From: PUBCOMMENT-OCC
Sent: Friday, September 13, 2024 4:52 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Your scan (Scan to My Email)
Attachments: scan_106457_2024-09-13-10-41-07.pdf

RFR

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: CHIEFCLK <chiefclk@tceq.texas.gov>
Sent: Friday, September 13, 2024 2:13 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: FW: Your scan (Scan to My Email)

From: Jan Shaw <jshaw@mckinneyisd.net>
Sent: Friday, September 13, 2024 10:43 AM
To: CHIEFCLK <chiefclk@tceq.texas.gov>
Subject: FW: Your scan (Scan to My Email)

Please let me know if you have any questions.

From: noreply ops <noreplyops@mckinneyisd.net>
Sent: Friday, September 13, 2024 10:42 AM
To: Jan Shaw <jshaw@mckinneyisd.net>
Subject: Your scan (Scan to My Email)

Request Reconsideration of the Executive Director's Decision

Hello .

My name is Nancy Jan Shaw

Address 1603 Hackberry

Van Alstyne Texas 75495

903-271-5903

Email njshaw2507@gmail.com

RE: Treasure Island Laguna Azure LLC

TPDES Permit No. WO0016092001

The granting of the permit for the disposal of waste for a large development which backs up to my property will have an economic impact on the value of my property along with an environmental catastrophe. In open meetings with this company, they were asked if they had any experience in this type of waste removal and nothing was said. Many residents along this creek acknowledged that just the weeks before the meeting they had had flooding on their property just from heavy rains. The City of Van Alstyne has requested that the development would best be served to use the city's waste removal system. With thousands of homes and apartments we are not talking about a small septic system. They talked about pump trucks for the removal but are you aware the roads around that sight have signs up no truck traffic and they were placed by the county commissioners. Why this is even up for discussion or debate I really cannot understand. Where will TCEQ or Treasure Island Laguna be when the first major environmental disaster happens because it is not if it is when. Please, I beg you to think about the long-range environmental problems and see that when a local city wants to help because they know it is in the best interest of its citizens cannot you TCEQ not see the same interest.

Jan Shaw

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 16, 2024

TO: All interested persons.

RE: Treasure Island Laguna Azure, LLC
TPDES Permit No. WQ0016092001

Decision of the Executive Director.

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

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Van Alstyne Public Library, 151 West Cooper Street, Van Alstyne, Texas.

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

How to Request a Contested Case Hearing.

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

The request must include the following:

(1) Your name, address, daytime telephone number, and, if possible, a fax number.

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
Treasure Island Laguna Azure, LLC
TPDES Permit No. WQ0016092001

The Executive Director has made the Response to Public Comment (RTC) for the application by Treasure Island Laguna Azure, LLC for TPDES Permit No. WQ0016092001 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 (WQ0016092001) 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 Van Alstyne Public Library, 151 West Cooper Street, Van Alstyne, Texas.

(2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.

(3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

(4) If the request is made by a group or association, the request must identify:

(A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;

(B) the comments on the application submitted by the group that are the basis of the hearing request; and

(C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

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

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

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

How to Request Reconsideration of the Executive Director's Decision.

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

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date

of this letter. You may submit your request electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html or by mail to the following address:

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

Processing of Requests.

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

How to Obtain Additional Information.

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

Sincerely,

Laurie Gharis

Laurie Gharis
Chief Clerk

LG/mb

Enclosure

Request Reconsideration of the Executive Director's Decision

Reviewed By GCW

SEP 13 2024 RFR

Hello

My name is Nancy Jan Shaw

Address 1603 Hackberry

Van Alstyne Texas 75495

903-271-5903

Email njshaw2507@gmail.com

RE: Treasure Island Laguna Azure LLC

TPDES Permit No. WO0016092001

The granting of the permit for the disposal of waste for a large development which backs up to my property will have an economic impact on the value of my property along with an environmental catastrophe. In open meetings with this company, they were asked if they had any experience in this type of waste removal and nothing was said. Many residents along this creek acknowledged that just the weeks before the meeting they had had flooding on their property just from heavy rains. The City of Van Alstyne has requested that the development would best be served to use the city's waste removal system. With thousands of homes and apartments we are not talking about a small septic system. They talked about pump trucks for the removal but are you aware the roads around that sight have signs up no truck traffic and they were placed by the county commissioners. Why this is even up for discussion or debate I really cannot understand. Where will TCEQ or Treasure Island Laguna be when the first major environmental disaster happens because it is not if it is when. Please, I beg you to think about the long-range environmental problems and see that when a local city wants to help because they know it is in the best interest of its citizens cannot you TCEQ not see the same interest.

Jan Shaw

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August 16, 2024

TO: All interested persons.

RE: Treasure Island Laguna Azure, LLC
TPDES Permit No. WQ0016092001

Decision of the Executive Director.

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

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Van Alstyne Public Library, 151 West Cooper Street, Van Alstyne, Texas.

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

How to Request a Contested Case Hearing.

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

The request must include the following:

(1) Your name, address, daytime telephone number, and, if possible, a fax number.

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
Treasure Island Laguna Azure, LLC
TPDES Permit No. WQ0016092001

The Executive Director has made the Response to Public Comment (RTC) for the application by Treasure Island Laguna Azure, LLC for TPDES Permit No. WQ0016092001 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 (WQ0016092001) 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 Van Alstyne Public Library, 151 West Cooper Street, Van Alstyne, Texas.

(2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.

(3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

(4) If the request is made by a group or association, the request must identify:

(A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;

(B) the comments on the application submitted by the group that are the basis of the hearing request; and

(C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

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

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

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

How to Request Reconsideration of the Executive Director's Decision.

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

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date

of this letter. You may submit your request electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html or by mail to the following address:

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

Processing of Requests.

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

How to Obtain Additional Information.

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

Sincerely,

Laurie Gharis

Laurie Gharis
Chief Clerk

LG/mb

Enclosure

Georgia Carroll-Warren

From: Jan Shaw <jshaw@mckinneyisd.net>
Sent: Friday, September 13, 2024 11:31 AM
To: Georgia Carroll-Warren
Subject: RE: test

It should be WQ

From: Jan Shaw
Sent: Friday, September 13, 2024 11:28 AM
To: Georgia Carroll-Warren <Georgia.Carroll-Warren@tceq.texas.gov>
Subject: RE: test

From: Georgia Carroll-Warren <Georgia.Carroll-Warren@tceq.texas.gov>
Sent: Friday, September 13, 2024 11:27 AM
To: Jan Shaw <jshaw@mckinneyisd.net>
Subject: test

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(1)

TCEQ Registration Form

October 09, 2023

Treasure Island Laguna Azure LLC

Proposed Water Quality Permit Number

WQ0016092001

PLEASE PRINT

Name: Jan Shaw

Mailing Address: 1603 Hackberry

Physical Address (if different): _____

City/State: Van Alstyne **Zip:** 75495

This information is subject to public disclosure under the Texas Public Information Act

Email: njshaw250n@gmail.com

Phone Number: (903) 271 5905

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

  If yes, which one? _____

☑ **Please add me to the mailing list.**

☑ **I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.**

☑ **I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.**

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

Jan Shaw

I appreciate the Texas Department of Environmental Quality has allowed us to speak on the Megatel project here in Van Alstyne. I want to start by saying that my speaking tonight only deals with the proposal that Megatel has presented to TCEQ. The North Texas Municipal Water District along with the City of Van Alstyne have objected to the plan and has offered to allow them to tie into the city sewer system. The proposal that Megatel has offered is nothing but a catastrophe waiting to happen. Is this a precedent that the TCEQ is going to allow to every major developer in the years going forward? From Van Alstyne along Whites Creek there are major developers not only in Van Alstyne but also in Anna and Melissa which Whites Creek flows through. This system could oversee over 3500 homes and an unknown number of apartments. This could entail four people per home up to almost 16000 people, which is around the population of the town Anna as of 2021. This could lead to an environmental catastrophe not only for our town but for the all the towns that Whites Creek flows through, even into Collin County. I called your department and a gentleman started talking about what the average household would use. Keep in mind that this is a lagoon community where more water would be needed and processed plus. Last week we received per kten around 3.2 inches of rain in our area. I respect that this builder wants to build these homes, but I feel that it can be done in a responsible way and not subject us all to a hazardous situation that could be catastrophic along with the possible trucking and odors this could entail. I have pictures to provide of this small creek that I would be happy to show you. Please ask TCEQ to look at not only what is best for the individuals in this room but for those possible 16000 people that at risk also of an environmental nightmare. Thank you.

3 miles let Van Alstyne handle it

njshaw2507@gmail.com
1603 Hackberry
Van Alstyne TX 75495

WQ0016092001
126991

Debbie Zachary

From:	PUBCOMMENT-OCC
Sent:	Thursday, August 4, 2022 12:08 PM
To:	PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Cc:	Laurie Gharis; Deornette Monteleone
Subject:	FW: COMM email
Attachments:	doc11299620220803142512.pdf

-----Original Message-----
From: Laurie Gharis <Laurie.Gharis@tceq.texas.gov>
Sent: Wednesday, August 3, 2022 2:21 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>; Deornette Monteleone <Deornette.Monteleone@tceq.texas.gov>
Subject: COMM email

Laurie Gharis
Office of the Chief Clerk
Texas Commission on Environmental Quality Office Phone: 512-239-1835 Cell Phone: 512-739-4582

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

-----Original Message-----
From: irgw55@tceq.texas.gov <irgw55@tceq.texas.gov>
Sent: Wednesday, August 3, 2022 3:25 PM
To: Laurie Gharis <Laurie.Gharis@tceq.texas.gov>
Subject:

TASKalfa 8001i
[00:17:c8:27:e3:b3]

APP-0605

There has been concern voiced within the community regarding the prosed Megatel Development at Farmington Road and Highway seventy-five. One of the main issues of note to Van Alstyne is Treasure Island, the housing development within the community which is proposed to host 4,000 single family homes on very small lots and 2,000 apartments. With those number the development itself would have a higher population than the City of Van Alstyne, utilizing the City's resources without paying taxes to support roads, parks, etc. The numbers would pose a considerable drain on the City's resources.

One of the main objections, however, is that as a Municipal Utility District the project would tap into Van Alstyne's waster supply by drilling into the City's aquifers and also building its own wastewater plant. The wastewater treatment plant is not needed because the City of Van Alstyne I have heard can provide these services. TCEQ the Texas Commission on Environmental Quality, is a governing authority in this area and the City and the VAISD have each passed resolutions opposing this project. We have been asked as citizens to voice our concerns

For wastewater treatment plant objections reference proposed permit number:

WQ0016092001

My name is Jan Shaw and my property backs up to the proposed project.

My phone number is 903-271-5903

My address is 1603 Hackberry

Van Alstyne Texas 75495

My email is njshaw2507@gmail.com

This project would be a drain on the natural resources in our area. The small water company is Mustang (was Marilee) and they have continuance water breaks and on many days the water pressure is weak. The proposal to pump the waster water down Whites Creeks is insane. I see it as being an environmental nightmare waiting to happen with all those homes and apartments. This creek at best may be five feet deep and three feet across. It leads to many ponds in the area that back up to homes. To pump possible 1.4 million gallons a day is crazy. In the 27 years I have lived her the creek has flooded many times with just large rainstorms. I beg you to see what they are proposing, and I know you will see how insane it is. I saw the pictures of the creek in their proposal, and they are so fuzzy you could never get a good prospectus on how horrible it would be. Some of the owners listed in the report that back up to the property have moved and for myself my husband is listed, and he has been dead for over a year Douglas Scott Shaw. Please review this request

MWD
126991

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WQ0016092001

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Van Alstyne Texas 75495

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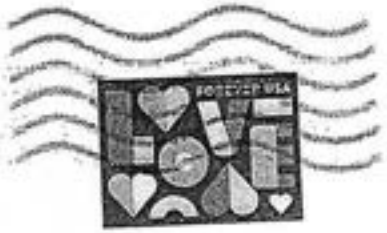
1603 Hackberry
Van Alstyne Tx
75495

NORTH TEXAS TX P&DC
DALLAS TX 750
5 APR 2022 PM 3 L



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

APR 07 2022

78711-308787

APP-0608

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Monday, April 4, 2022 7:26 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016092001

NWD
126991

From: njshaw2507@gmail.com <njshaw2507@gmail.com>
Sent: Monday, April 4, 2022 6:04 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016092001

REGULATED ENTY NAME TREASURE ISLAND WWTP

RN NUMBER: RN111409553

PERMIT NUMBER: WQ0016092001

DOCKET NUMBER:

COUNTY: GRAYSON

PRINCIPAL NAME: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC

CN NUMBER: CN605975267

FROM

NAME: Nancy Jan Shaw

EMAIL: njshaw2507@gmail.com

COMPANY:

ADDRESS: 1603 HACKBERRY RD
VAN ALSTYNE TX 75495-3398

PHONE: 9032715903

FAX:

COMMENTS: There has been concern voiced within the community regarding the prosed Megatel Development at Farmington Road and Highway seventy-five. One of the main issues of note to Van Alstyne is Treasure Island, the housing development within the community which is proposed to host 4,000 single family homes on very small lots and 2,000 apartments. With those number the development itself would have a higher population than the City of Van Alstyne, utilizing the City's resources without paying taxes to support roads, parks, etc. The numbers would pose a

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Treasure Island Laguna Azure,LLC TPDES Permit No. WQ0016092001

JIM WATSON <janjim49@hotmail.com>
Thu 9/12/2024 10:00 PM
To:JIM WATSON <janjim49@hotmail.com>

To: Laurie Gharis, Chief Clerk
TCEQ, MC-105
PO Box 13087
Austin, TX 78711-3087

Reviewed By GW
SEP 17 2024 H

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2024 SEP 16 AM 10:28
CHIEF CLERKS OFFICE

From: James and Janice Watson
257 Blackthorn Drive
Van Alstyne, 75495
Lot 13R Blackthorn Meadows, Phase 2 Addition

We request a contested case hearing on the above permit. Our property includes much of the creek area and a portion of the east bank. We believe that the proposed volume of water will cause irreparable damage to the creek environment and to our property.
We have summed up our concerns with the following points:

Wildlife

Currently our area of the creek is heavily forested. A walk along the creek will reveal deer, coyote, racoon and other smaller wildlife rely on the creek environment. Bobcats, roadrunners, hawks and many other species of birds live there. Turning over the stones will frequently reveal fossilized animals (mostly shellfish). The bank on a portion of our property approaches forty feet in height with at least one cave.

Environment

As with most creeks, there is erosion along the bank. Trees, thorns, ferns and other plant life grow along the banks. This spring's heavy rains caused the creek to rise further than normal and the creek showed the effects of heavy water, but as always, the rains become less frequent and the creek level subsides. Our fear is that the additional volume of constant water flow will accelerate the erosion along the banks and cause the loss of plant life and the caving of the bank walls.

Property Access

In the current situation we can access our property by simply crossing the creek. When the additional volume of water begins flowing we will not have access to our property on the east side of the creek.

Liability

We are concerned about liability from two points:

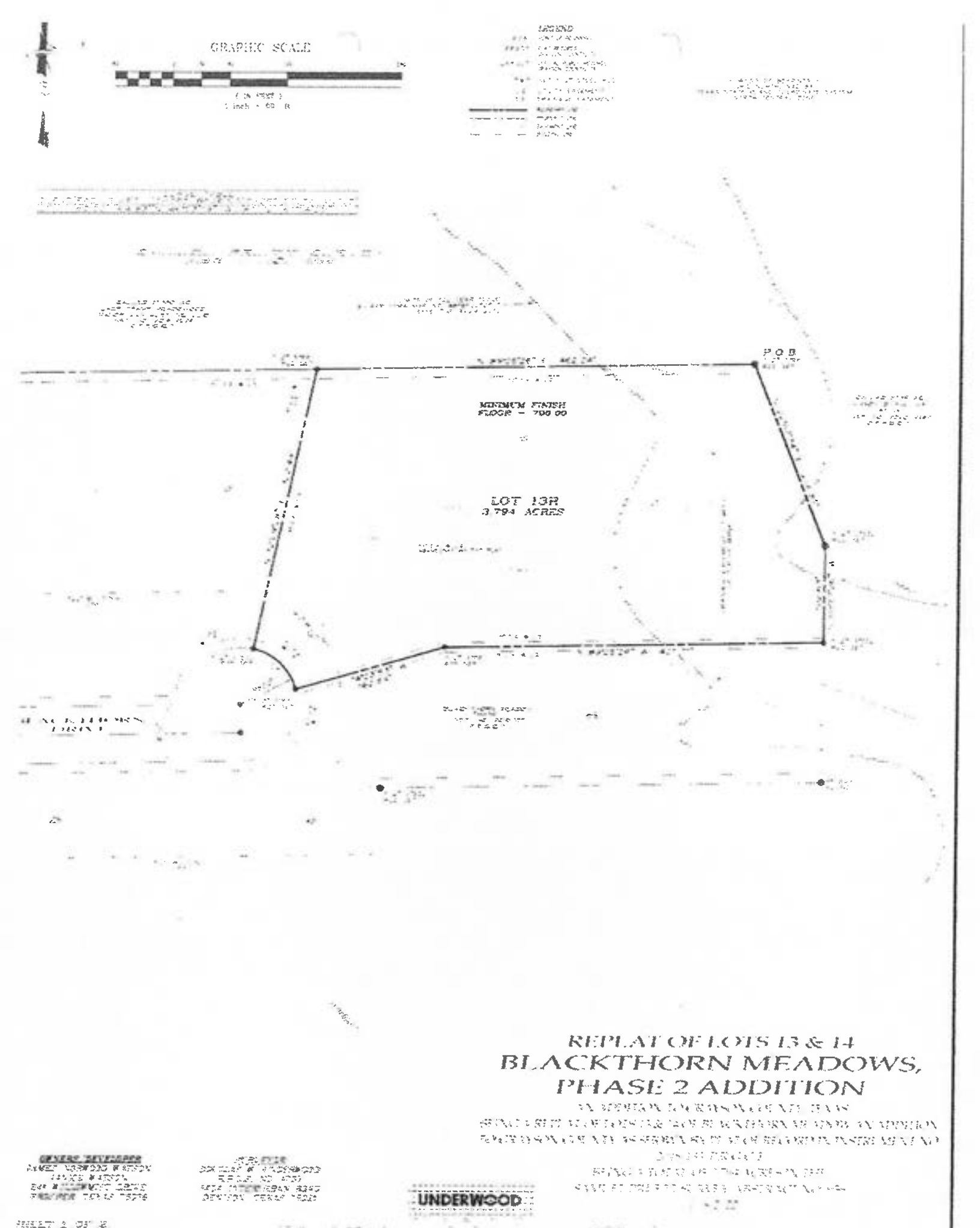
1. When the additional volume of water accelerates the ecological damage along the creek, who is responsible for the cleanup and erosion repair along the creek, property owners, Grayson County taxpayers, or Tresure Island Laguna Azure, LLC?
2. When the inevitable upset occurs in the treatment plant, who is responsible for the cleanup and repair? Has a plan been devised to take care of affected property owners or will each property

owner need to hire attorneys to reach settlements? Will the Grayson County taxpayers foot the bill?

As you can see, we have many concerns about the granting of the permit. We are not opposed to growth coming to Van Alstyne. We feel that Van Alstyne is perfect for anyone desiring less traffic, better schools, cleaner air, and a healthy family environment. However, we are opposed to a for profit corporation circumvents existing infrastructure at the expense of other residents. I will send you additional photographs by mail.

Thank You,

Janice & James Watson



REPLAT OF LOTS 13 & 14
BLACKTHORN MEADOWS, PHASE 2 ADDITION

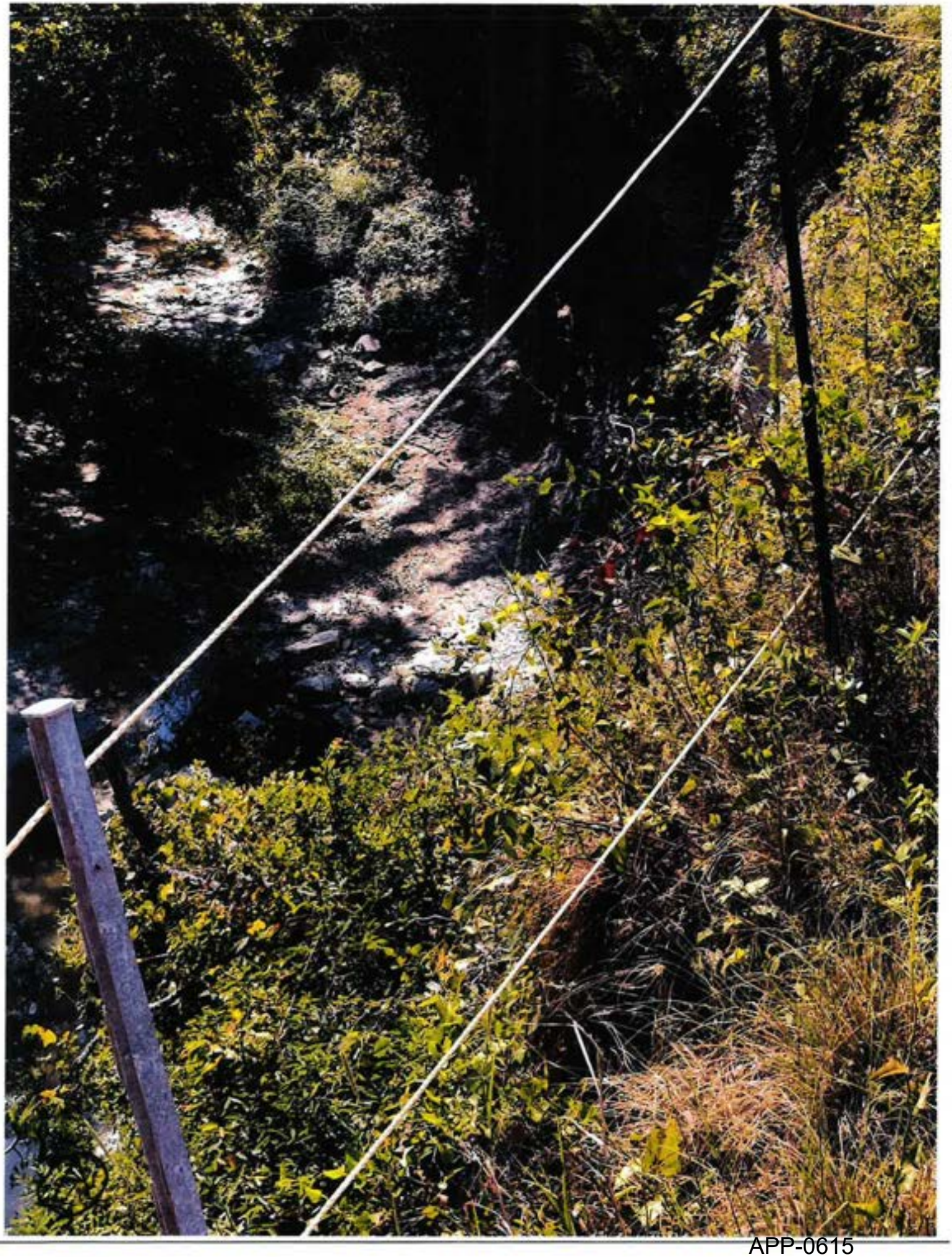
OWNER/DEVELOPER

UNDERWOOD

APP-0613

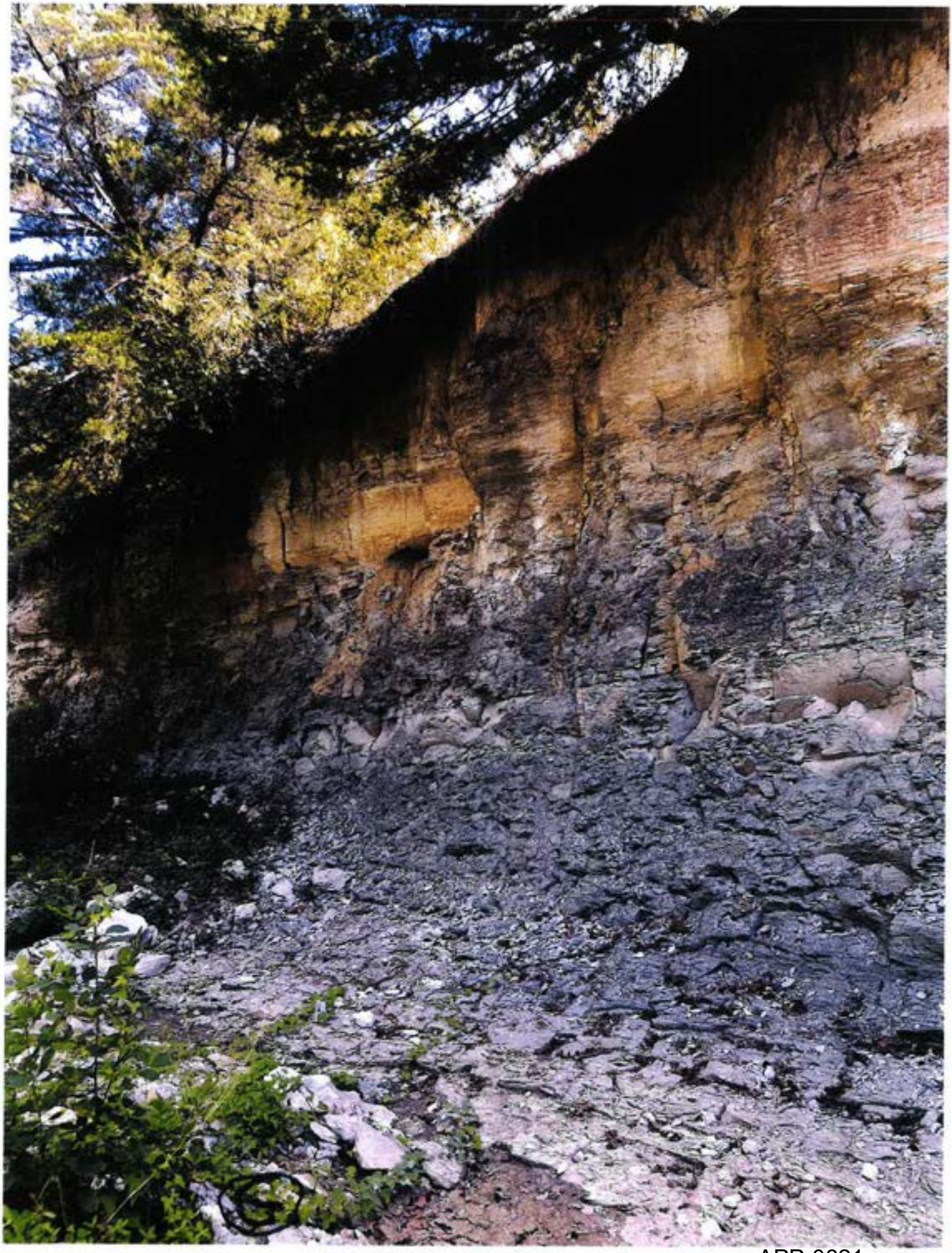
Attached Photos

- Platte
- A: Looking down at the creekbed plus or minus 40' below
- B: Walking down path to creek
- C: Creek Level
- D: Creek Level looking south; view of the bluff
- E: Animal tracks at creek edge
- F: Another view of bluff
- G: Ledges along bluff
- H: Ferns and other plants along the creek bed
- I: Tree above the creek
- J: View of creek looking north; High line from this spring's rains are evident
- K-N: evidence of his year's rainfall; much of the bank will have accelerated erosion due to constant increased volume of water.



APP-0619

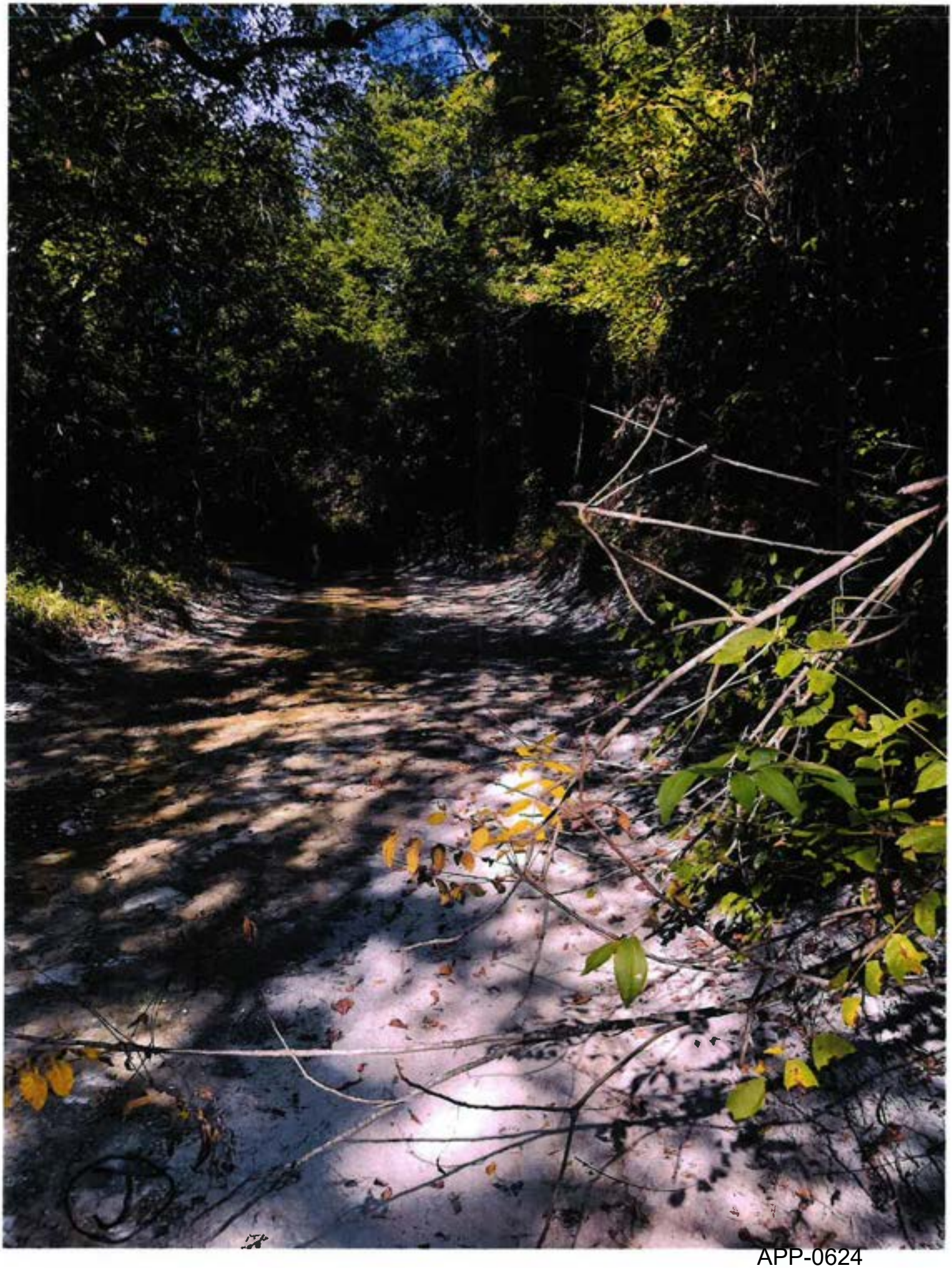

11



APP-0621

APP-0622

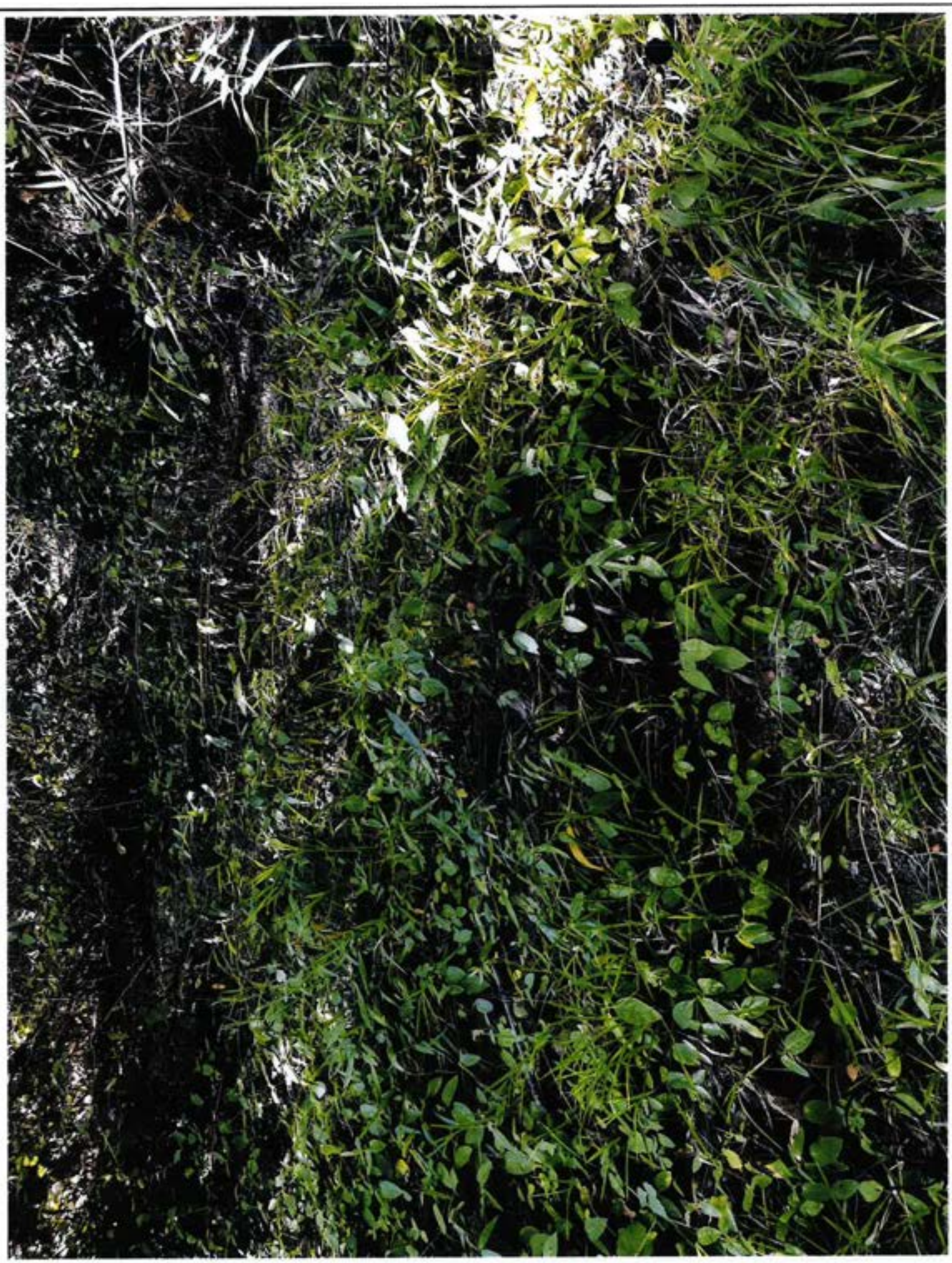
APP-0623



APP-0625

APP-0626

APP-0627



WATSON
257 BLACKTHORN DRIVE
VAN ALSTYNE, TX 75495

Retail

78711

U.S. POSTAGE PAID
PM
VAN ALSTYNE, TX 754
SEP 13, 2024

$9.60

RDC 03 0 Lb 4.10 Oz S2324E500501-02

APP-0629

Package Tracking Label

Recipient: CHIEF CLERK
Location: TX, BLDG F, 1ST, 105

Personnel Id:
Received Date: Sep 16, 2024 8:35 AM

9505510118924257577878

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2024 SEP 16 AM 10:27
CHIEF CLERKS OFFICE

LAURIE GHARIS, CHIEF CLERK
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

EXPECTED DELIVERY DAY: 09/16/24

USPS TRACKING® #

9505 5101 1892 4257 5778 78

Treasure Island Laguna Azure,LLC TPDES Permit No. WQ0016092001 Reviewed By GCW

JIM WATSON <janjim49@hotmail.com>

SEP 17 2024 H

Thu 9/12/2024 10:00 PM

To:JIM WATSON <janjim49@hotmail.com>

To: Laurie Gharis, Chief Clerk
TCEQ, MC-105
PO Box 13087
Austin, TX 78711-3087

Fax 512-239-3311

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Thank You,

Janice & James Watson

Laurie Gharis

From: eFax Corporate <message@inbound.efax.com>
Sent: Friday, September 13, 2024 4:00 PM
To: Fax3311
Subject: Corporate eFax message from "unknown" - 2 page(s)
Attachments: FAX_20240913_1726261188_914.pdf

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Service Notification

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TCEQ Registration Form

October 09, 2023

Treasure Island Laguna Azure LLC

Proposed Water Quality Permit Number

WQ0016092001

PLEASE PRINT

Name: JAMES WATSON

Mailing Address: 257 BLACKTHORN DR 75415

Physical Address (if different): _____

City/State: Van Alstyne **Zip:** 75495

*****This information is subject to public disclosure under the Texas Public Information Act*****

Email: JANjim49@hotmail.com

Phone Number: (469) 406-4211

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

  If yes, which one? _____

☑ **Please add me to the mailing list.**

☑ **I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.**

☐ **I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.**

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

Texas House of Representatives

CAPITOL OFFICE
P.O. Box 2910
Austin, Texas 78768-2910
512-463-0297

DISTRICT OFFICE
300 N. Travis St., Suite 3
Sherman, Texas 75090

Reggie Smith
District 62
DELTA · FANNIN · FRANKLIN · GRAYSON

October 9, 2023

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

Opposition to Pending Application of Permit Number WQ0016092001 for Treasure Island Laguna Azure, LLC

Good evening. I have the honor to represent the residents of the City of Van Alstyne, the Van Alstyne Independent School District, and the individuals of Grayson County that will be effected by this project.

I would like to thank you for granting our requests for a public meeting on the pending application of permit number WQ0016092001.

I apologize that I could not be here to testify in person this evening. Due to a third called legislative session, I am currently in Austin working on several legislative items placed on the call.

Numerous constituents have reached out to me and my office over the past several months voicing their concerns with the project relating to this permit application. The current and future growth of Grayson County requires much care and consideration in the planning process to ensure that each project is efficiently and effectively completed.

From the start of this project I, along with other local leaders, have felt that the current plan, including the creation of a wastewater facility, is not in the best interest of the surrounding communities.

If this project comes to fruition, the community that this wastewater treatment facility will serve, will have a population greater than that of Van Alstyne. A population of that size will ultimately result in the residents of the planned community affecting the resources of Van Alstyne while not contributing tax dollars for things such as wear and tear on city roads.

The topic of vital water resources is also something that is a concern when discussing the future of the Treasure Island Laguna Azure permit request. The community along with the wastewater treatment facility will tap into the City of Van Alstyne's water aquifer. This could quite literally drain a valuable resource for residents of the city.

REGGIE.SMITH@HOUSE.TEXAS.GOV

Along with concerns raised by the city, the Van Alstyne Independent School District also has concerns with the construction of the community that this wastewater treatment facility is planned for. The estimated 12,000 residents to the area will severely strain the resources of VAISD. The additional 4,000 proposed homes would require at least two additional elementary schools and one junior high school. We simply do not have the resources in place for a project this size.

I would like to note that both the City of Van Alstyne and Van Alstyne ISD also oppose the plan as it currently is. To echo my previous statement, while we all support and welcome growth to the county, we must do this with care and by making the best choices for current and future residents.

Rather than going forward with the current project, including this application, I feel that it is in the best interest of our community to pause this project and I encourage Treasure Island Laguna Azure to work with the City of Van Alstyne and VAISD to come up with a plan that addresses the concerns raised.

Thank you again for holding this public hearing and for listening to the concerns of my constituents and myself.

Sincerely,

Representative Reggie Smith
House District 62

Renee Lyle

From:	PUBCOMMENT-OCC
Sent:	Tuesday, October 10, 2023 2:30 PM
To:	PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Cc:	Laurie Gharis; Deornette Monteleone
Subject:	FW: Public comment on Permit Number WQ0016092001
Attachments:	TCEQ - Treasure Island Letter.pdf

From: reggie.smith@house.texas.gov <reggie.smith@house.texas.gov>
Sent: Monday, October 9, 2023 6:57 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016092001

REGULATED ENTY NAME TREASURE ISLAND WWTP

RN NUMBER: RN111409553

PERMIT NUMBER: WQ0016092001

DOCKET NUMBER:

COUNTY: GRAYSON

PRINCIPAL NAME: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC

CN NUMBER: CN605975267

NAME: THE HONORABLE Reggie Smith

EMAIL: reggie.smith@house.texas.gov

COMPANY: Texas House of Representatives

ADDRESS: PO BOX 2910 Room E1.314
AUSTIN TX 78768-2910

PHONE: 5124630297

FAX:

COMMENTS: Please see the attached letter.

Texas House of Representatives

CAPITOL OFFICE
P.O. Box 2910
Austin, Texas 78768-2910
512-463-0297

DISTRICT OFFICE
300 N. Travis St., Suite 3
Sherman, Texas 75090
903-891-7297

Reggie Smith
District 62
DELTA · FANNIN · FRANKLIN · GRAYSON

October 9, 2023

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

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REGGIE.SMITH@HOUSE.TEXAS.GOV

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Thank you again for holding this public hearing and for listening to the concerns of my constituents and myself.

Sincerely,

Representative Reggie Smith
House District 62

Texas House of Representatives

CAPITOL OFFICE
P.O. Box 2910
Austin, Texas 78768-2910
512-463-0297

DISTRICT OFFICE
421 N. Crockett
Sherman, Texas 75092
903-893-7297

Reggie Smith
District 62
FANNIN · GRAYSON

March 22, 2022

Mr. Toby Baker, Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

TPEDS Permit No. WQ0016092001

Dear Mr. Baker:

Treasure Island Laguna Azure, LLC has applied for a Texas Pollutant Discharge Elimination System Permit within the City of Van Alstyne's ETJ in Grayson County. I have been contacted by many constituents who are concerned about this proposed plant and development. I therefore respectfully request that TCEQ hold a public meeting regarding this application.

Thank you for your consideration, and please contact Sara Hays in my office with any questions.

Best regards,

Reggie Smith
House District 62

Lori Rowe

From:	PUBCOMMENT-OCC
Sent:	Tuesday, March 22, 2022 1:47 PM
To:	PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Cc:	Laurie Gharis; Deornette Monteleone
Subject:	FW: Public comment on Permit Number WQ0016092001
Attachments:	Treasure Island Wastewater Permit March 2022.pdf

MWD
126991

PM

From: reggie.smith@house.texas.gov <reggie.smith@house.texas.gov>
Sent: Tuesday, March 22, 2022 11:59 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016092001

REGULATED ENTY NAME TREASURE ISLAND WWTP

RN NUMBER: RN111409553

PERMIT NUMBER: WQ0016092001

DOCKET NUMBER:

COUNTY: GRAYSON

PRINCIPAL NAME: TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC

CN NUMBER: CN605975267

FROM

NAME: THE HONORABLE Reggie Smith

E-MAIL: reggie.smith@house.texas.gov

COMPANY: TX House of Representatives District 62

ADDRESS: PO BOX 2910
AUSTIN TX 78768-2910

PHONE: 5124630297

FAX:

COMMENTS: Treasure Island Laguna Azure, LLC has applied for a Texas Pollutant Discharge Elimination System Permit within the City of Van Alstyne's ETJ in Grayson County. I have been contacted by many constituents who are concerned about this proposed plant and the plans for this development. I therefore respectfully request that TCEQ hold a public

meeting regarding this application. Thank you for your consideration, and please contact Sara Hays in my office with any questions. Reggie Smith House District 62

AR-11

TCEQ Commission Agenda Letter and Briefing Deadlines

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

October 11, 2024

TO: Persons on the Attached Mailing List

RE: Docket No. 2024-1612-MWD
Treasure Island Laguna Azure LLC fka Canary Island Laguna Azure LLC (Applicant)
Request(s) filed on TPDES Permit No. WQ0016092001

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **November 20, 2024**. The meeting will begin at 9:30 a.m. Due to an ongoing construction project, the agenda meeting will be held in **Room 244 of the Texas Workforce Commission** located at 101 East 15th Street in Austin, Texas. The agenda meeting may be held in person, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at https://www.tceq.texas.gov/goto/agendas eight days before the Agenda.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration on **October 25, 2024**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on **November 8, 2024**.

All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at www.tceq.texas.gov/goto/efilings or by filing an original with the Chief Clerk of the TCEQ. The mailing address of the Chief Clerk is: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 [Fax number (512) 239-3311]. On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Applicant, and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, other requesters, and the Applicant at their addresses listed on the attached mailing list.

The procedures for evaluating hearing requests/requests for reconsideration are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F (§§55.200-211) of the

commission's rules. The procedures for filing and serving responses and replies are located in 30 TAC Chapters 1 (§§1.10-11) and 55 (§55.209) of the commission's rules.

The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h). Copies of these rules may be obtained by calling the Public Education Program toll free at 1-800-687-4040.

The commissioners will not take oral argument or additional comment on this matter at the public meeting. Therefore, it is important to address the sufficiency of the requests in timely filed written responses and requesters' replies. At the public meeting, the commissioners may ask questions of the Applicant, requesters, or TCEQ staff. The commissioners will make a decision on the request(s) during the meeting and will base that decision on the timely written requests, public comments, any written responses and replies, any responses to questions during the meeting, and applicable statutes and rules. Copies of all timely public comments and requests have been forwarded to the Alternative Dispute Resolution Program to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests and requests for reconsideration. To obtain additional information, or to ask questions about anything in this letter, please call the Public Education Program toll free at 1-800-687-4040.

Sincerely,

Laurie Gharis

Laurie Gharis
Chief Clerk

Enclosures: Copies of protestant correspondence to Applicant, Executive Director, Office of Public Interest Counsel, and Alternative Dispute Resolution.

ATTACHMENT
Procedures Concerning Requests for Reconsideration and Requests for Contested Case Hearing

The purpose of this document is to describe commission procedures for evaluating requests for reconsideration and requests for contested case hearing. This document is not intended to be a comprehensive guide to public participation at the TCEQ.

The three commissioners determine the validity of requests for reconsideration and requests for contested case hearing and vote to grant or deny the requests during a public meeting. These public meetings are usually held every other Wednesday in Austin. Prior to the meeting, the following occurs:

(1) the written requests are distributed to the executive director, the public interest counsel, and the Applicant. These persons may file a response at least 23 days before the meeting;
(2) the requester may then file a reply to the responses at least 9 days before the meeting. This is the requester's opportunity to address any deficiencies in the request that have been identified by TCEQ staff or the Applicant. The requester must submit any information he or she wishes the commissioners to consider (ex: maps or diagrams showing requester's location relative to the Applicant's proposed activities) by this deadline; and
(3) the commissioners read the requests, the responses to requests, and the replies, before the public meeting. Then, during the public meeting, the commissioners vote to grant or deny the requests.

Requests for Reconsideration

A request for reconsideration must expressly state that the person is requesting that the commission reconsider the executive director's decision and state the reasons why the commission should reconsider the executive director's decision. The commission will consider a request for reconsideration at a scheduled public meeting and grant or deny the request.

Requests for Contested Case Hearing

A contested case hearing is an evidentiary proceeding, similar to a hearing in civil court. The law allows for holding a contested case hearing on certain types of applications.

A valid request for a contested case hearing must:

(1) demonstrate that the requester is an "affected person" with a "personal justiciable interest" related to a legal right, duty, privilege, power or economic interest which would be affected by the application in a manner not common to the general public;

(2) If the request is made by a group or association, the request must identify:

(A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;

(B) the comments on the application submitted by the group that are the basis of the hearing request; and

(C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

(3) expressly request a contested case hearing;

(4) raise disputed issues of fact that are relevant and material to the commission's decision on the application which were raised **by the requestor** during the comment period and not withdrawn **by the requestor** prior to the filing of the Executive Director's Response to Comment; and

(5) include any other information as specified in public notices.

The commission is authorized to protect human health and safety, and natural resources. The commission cannot address other matters outside the commission's authority, such as the effect of the existence of a proposed facility on nearby property values.

When the commissioners deny hearing requests, they often proceed to vote on approval or denial of the application. Alternatively, they may remand the application to the executive director for final action. If a hearing request is granted and the application is referred to the State Office of Administrative Hearings (SOAH), the commissioners will specify a list of issues which will be the subject of the hearing and an expected date for the SOAH judge's proposal for decision. Pursuant to 30 TAC § 80.118(d), if a matter is referred to SOAH by the Commission for hearing, the Applicant shall provide to the Chief Clerk two duplicates of the original application, including all revisions to the application, for inclusion in the administrative record, no later than 10 days after the Chief Clerk mails the Commission's Order referring the matter to SOAH. The SOAH judge will conduct the hearing and submit a proposal to the commission to approve or deny the application.

The Alternative Dispute Resolution Program may contact requesters to determine their interest in informal discussions with the permit Applicant and a mediator.

By necessity this document gives a very general description of commission procedures. If you have any questions, please call the Public Education Program toll free at 1-800-687-4040.

MAILING LIST
Treasure Island Laguna Azure LLC fka Canary Island Laguna Azure LLC
TCEQ Docket No. 2024-1612-MWD; Permit No. WQ0016092001

FOR THE APPLICANT

Zack Ipour
Treasure Island Laguna Azure, LLC
2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

Jonathan Nguyen, Permit Specialist
Jones & Carter, Inc. 3
100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

REQUESTER(S)/INTERESTED PERSON(S)

See Attached List.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Harrison Cole Malley, Staff Attorney
Texas Commission on Environmental Quality
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P.O. Box 13087
Austin, Texas 78711

Abdur Rahim, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division, MC-148
P.O. Box 13087
Austin, Texas 78711

Ryan Vise, Deputy Director
Texas Commission on Environmental Quality
External Relations Division
Public Education Program, MC-108
P.O. Box 13087
Austin, Texas 78711

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Garrett T. Arthur, Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
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Austin, Texas 78711

FOR ALTERNATIVE DISPUTE RESOLUTION
via electronic mail:

Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711

FOR THE CHIEF CLERK
via eFilings:

Docket Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
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GIBSON , RYAN
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GRISOLIA , MR MATTHEW ANTHONY
2156 HODGINS RD
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GRISOLIA , MR JAMES ANTHONY
2038 HODGINS RD
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514 MEADOWVIEW CIR
VAN ALSTYNE TX 75495-3211

HOLMES , WHITNEY
1429 HANOVER LN
VAN ALSTYNE TX 75495-7091

HOUSER , MARK
504 SEA SIDE LN
MCKINNEY TX 75072-1908

HUNTER , MELANIE
1783 HACKBERRY RD
VAN ALSTYNE TX 75495-2387

HUNTER , MR NEAL
1783 HACKBERRY RD
VAN ALSTYNE TX 75495-2387

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145 WHITES HILL RD
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JONES , LANE H
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VAN ALSTYNE TX 75495-9700

KALISEK , LAUREN J
LLOYD GOSSELINK ROCHELLE & TOWNSEND PC
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AUSTIN TX 78701-2442

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KELLEY , KIMBERLY G
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STE C400
1601 S MOPAC EXPY
AUSTIN TX 78746-7009

KRUSING , DANIELLE
402 PURDUE DR
VAN ALSTYNE TX 75495-7075

LADD , CHANDLER
866 BALLARD RD
VAN ALSTYNE TX 75495-2744

LAUERHAHS , MIKE & VAL
149 MEADOWVIEW CIR
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LINNEBUR , MR RICHARD
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VAN ALSTYNE TX 75495-3228

LOWRANCE , JANEL & JOHN
275 WINCHESTER ST
VAN ALSTYNE TX 75495-2231

MACKINDER , MICHAEL
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MARTIN , SUSAN
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MATTISON , CIERRA
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VAN ALSTYNE TX 75495-4310

MAXWELL , BRUCE
100 THOMPSON DR
VAN ALSTYNE TX 75495-2788

MCCRARY , CHRISTY
393 HARRISON CIR
VAN ALSTYNE TX 75495-4330

MCCRARY , MR JOHN
393 HARRISON CIR
VAN ALSTYNE TX 75495-4330

MCDONALD , JAY
979 HODGINS RD
VAN ALSTYNE TX 75495-2234

MCKINNEY , PATTY
164 HARRISON CIR
VAN ALSTYNE TX 75495-4327

MCKINNEY , MARK S
MCKINNEY CONTRACTING & INSPECTION SERVIC
322 LORENE DR
VAN ALSTYNE TX 75495-4447

MCMANUS , LEN
PO BOX 835
VAN ALSTYNE TX 75495-0835

MEISSNER , KEVIN
1364 HACKBERRY RD
VAN ALSTYNE TX 75495-2309

MORRIS , WINTER
THE CITY OF VAN ALSTYNE
152 N MAIN ST
VAN ALSTYNE TX 75495-9700

MORRISON , BILL
263 WHITES HILL RD
VAN ALSTYNE TX 75495-4354

MOSBY , JOHN
191 WATERS HILL
VAN ALSTYNE TX

MOSTER , CHARLIE
350 REDWOOD DR
VAN ALSTYNE TX 75495-3346

NABORS , KRISTEN
121 THOMPSON DR
VAN ALSTYNE TX 75495-2789

NASH , BECKY & JEREMY
1790 HACKBERRY RD
VAN ALSTYNE TX 75495-2375

NAVARRETE , KATRICIA
322 MAGNOLIA DR
VAN ALSTYNE TX 75495-7124

NORTHRUP , ERICA
116 PREAKNESS PLACE RD
VAN ALSTYNE TX 75495-2606

NOWAKOWSKI , MS JENNIFER LYNN
PO BOX 867
VAN ALSTYNE TX 75495-0867

NULL , JENNIFER
11130 FARMINGTON RD
VAN ALSTYNE TX 75495-2222

OFFILL , GENA
1901 COUNTY ROAD 1106
ANNA TX 75409-5813

OLSON , DONNA
244 BLACKTHORN DR
VAN ALSTYNE TX 75495-3320

OVERHOLT , KIM
220 BLACKTHORN DR
VAN ALSTYNE TX 75495-3320

PENA , ANGELICA
113 PROVIDENCE DR
VAN ALSTYNE TX 75495-2796

PETERS , GREG
CITY OF ANNA
120 W 7TH ST
ANNA TX 75409-3308

PHILLIPS , SHARON
271 COLT ST
VAN ALSTYNE TX 75495-2220

POWERS , JUSTIN
25 HINTON CT
VAN ALSTYNE TX 75495-7095

PROCTER , PAUL
159 PARKER RD
VAN ALSTYNE TX 75495-3374

REALIVASQUEZ , CAMILLE
166 OWEN LN
VAN ALSTYNE TX 75495-4323

REED , KIM & LON
1804 MCDOUGALL CRK
VAN ALSTYNE TX 75495-8246

RINGO , CAROL
116 HARVEST MEADOWS LN
VAN ALSTYNE TX 75495-7131

ROGERS , EMILY W
BICKERSTAFF HEATH DELGADO ACOSTA LLP
STE C400
1601 S MOPAC EXPY
AUSTIN TX 78746-7009

ROSS , PHIL & TAMMI
251 MAGNOLIA DR
VAN ALSTYNE TX 75495-7123

SCHEIDEL , MARLENE
1879 HACKBERRY RD
VAN ALSTYNE TX 75495-2388

SCHOENER , BRANDY MARIE
1229 BENWICK DR
VAN ALSTYNE TX 75495-3056

SHAW , NANCY JAN
1603 HACKBERRY RD
VAN ALSTYNE TX 75495-3398

SIEDELMANN , KIM
831 BELMONT LN
VAN ALSTYNE TX 75495-7021

SILEVEN , DAVID G
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411 HARRISON CIR
VAN ALSTYNE TX 75495-4307

SPIES , JOHN
142 SUNDANCE DR
VAN ALSTYNE TX 75495-2647

STEPHAN , PATTY
557 PREAKNESS PLACE RD
VAN ALSTYNE TX 75495-2626

STEPHENS , SHERI
1693 HACKBERRY RD
VAN ALSTYNE TX 75495-3398

STONE , DAVID
1028 CEDAR VISTA DR
VAN ALSTYNE TX 75495-2238

STONE , MEAGAN
1028 CEDAR VISTA DR
VAN ALSTYNE TX 75495-2238

SWEET , CHRISTI
201 HOMESTEAD CT
VAN ALSTYNE TX 75495-7133

TAYLOR , MARY
389 WHITES HILL RD
VAN ALSTYNE TX 75495-4302

TAYLOR , MR WILSON
389 WHITES HILL RD
VAN ALSTYNE TX 75495-4302

THOMAS , LEE
208 NEWPORT DR
VAN ALSTYNE TX 75495-2792

TUITLE , CHARLIE
208 BLACKTHORN DR
VAN ALSTYNE TX 75495-3320

TURNER , MIKE
1017 HODGINS RD
VAN ALSTYNE TX 75495-2235

VOGEL , KIM
14 GALVAN LN
VAN ALSTYNE TX 75495-4315

VONBEHREN , JENNY
1219 W FARMINGTON RD
VAN ALSTYNE TX 75495-2274

WATSON , JAMES
257 BLACKTHORN DR
VAN ALSTYNE TX 75495-3322

WATSON , JAMES & JANICE
257 BLACKTHORN DR
VAN ALSTYNE TX 75495-3322

WEAVER , LANISHA
10367 FM 121
VAN ALSTYNE TX 75495-3404

WELBORN , NATASHA
402 DARTMOUTH DR
VAN ALSTYNE TX 75495-7028

WHITMIRE , JEFF COMMISSIONER PRECINCT 1
GRAYSON COUNTY
STE 15
100 W HOUSTON ST
SHERMAN TX 75090-6019

ZWEIFEL-GIBSON , TRACIE
949 S DALLAS ST
VAN ALSTYNE TX 75495-4438

AR-12

TCEQ ED Response to Hearing Request

TCEQ DOCKET NO. 2024-1612-MWD

TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC FOR TPDES PERMIT NO. WQ0016092001	§ § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

I. INTRODUCTION

The Executive Director (ED) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this Response to Hearing Requests on an application by Treasure Island Laguna Azure LLC fka Canary Island Laguna Azure LLC (Applicant) for a new TPDES Permit No. WQ0016092001. The Office of the Chief Clerk received a contested case hearing request from the City of Van Alstyne, Katrina Arsenault, Jim DuBois, Janice and James Watson. The Commission also received requests for reconsideration from Nancy Jan Shaw and Stephen Campeau.

The Executive Director recommends that the Commission grant the hearing requests for the City of Van Alstyne and deny all other hearing and reconsideration requests.

Attached for Commission consideration is a satellite map of the area showing the locations of the facility, discharge route, and requestors.

II. FACILITY DESCRIPTION

The Applicant has applied for new TPDES permit No. WQ0016092001 to authorize a discharge of treated domestic wastewater (effluent) at a daily average flow limit in Interim I Phase of 0.20 million gallons per day (MGD), at a daily average flow limit in Interim II Phase of 0.40 MGD, and at a daily average flow limit in the Final Phase of 1.40 MGD (proposed discharge) from the Applicant's Wastewater Treatment Facility (WWTF), Treasure Island WWTP (Treasure Island facility). The draft permit requires the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, or facility that further processes sludge.

The Treasure Island facility will be located approximately 0.81 of a mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495 and will be a suspended growth activated sludge process plant operated in a single-stage nitrification mode. The treatment units in the Interim I phase will include a manual bar screen, two aeration basins, one clarifier, two multi-stage aerobic digesters, and a chlorine contact basin. The treatment units in the Interim II phase will include one elevated screening structure with a manual bar screen and flow splitting weirs, four aeration basins, two clarifiers, four multi-stage aerobic digesters, and two chlorine contact basins. The treatment units in the Final phase will include one elevated screening structure with a manual bar screen and flow splitting

weirs, three 0.46 MGD treatment trains with each train consisting of an aeration basin and secondary clarifier, two multi-stage aerobic digesters, and a chlorine contact basin.

The treated effluent will be discharged to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No. 0821 of the Trinity River Basin. The unclassified receiving water use is high aquatic life use for West Prong Whites Creek. The designated uses for Segment No. 0821 are primary contact recreation, public water supply, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in West Prong Whites Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected.

The proposed effluent limits for the permit are as follows: 5.0 milligrams per liter (mg/L) dissolved oxygen. 0.20 MGD phase: 10 mg/L CBOD5, 3 mg/L NH3-N, and 4.0 mg/L DO 0.40 MGD phase: 10 mg/L CBOD5, 3 mg/L NH3-N, and 6.0 mg/L DO 1.40 MGD phase: 7 mg/L CBOD5, 2 mg/L NH3-N, and 5.0 mg/L DO. In all phases of the proposed permit, the pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored once per month by grab sample. There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil. Additionally, in all phases of the proposed permit, the effluent must contain a chlorine residual of at least 1.0 mg/l and must not exceed a total chlorine residual of 4.0 mg/after a detention time of at least 20 minutes (based on peak flow) and must be monitored five time per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the ED.

III. PROCEDURAL BACKGROUND

TCEQ received the application on January 18, 2022, and declared it administratively complete on February 28, 2022. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in *The Dallas Morning News* on March 2, 2022. The ED completed the technical review of the application on April 27, 2023, and prepared the proposed draft permit, which if approved, establishes the conditions under which the facility must operate. The Applicant published the Notice of Application and Preliminary Decision (NAPD) in *The Dallas Morning News* on August 12, 2023. A public meeting was scheduled for October 9, 2023. Publication of the Notice of Public Meeting was published on August 25, 2023, in *The Dallas Morning News*. A public meeting was held on October 9, 2023, at Days Inn by Wyndham Sherman, "Dallas" Meeting Room, 3605 South US Highway 75 Sherman, Texas 75090.

The comment period for this application closed on October 9, 2023. The hearing request period closed September 16, 2024. This application was filed after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapter 39, 50, and 55.

IV. THE EVALUATION PROCESS FOR HEARING REQUESTS

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

A. Response to Requests

The ED, the Public Interest Counsel, and the Applicant may each submit written responses to a hearing request.[1]

Responses to hearing requests must specifically address:

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

B. Hearing Request Requirements

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

> Affected persons may request a contested case hearing. The request must be made in writing and timely filed with the chief clerk. The request must be based only on the requestor's timely comments and may not be based on an issue that was raised solely in a public comment that was withdrawn by the requestor prior to the filing of the ED's Response to Comment.[3]

A hearing request must substantially comply with the following:

(1) give the time, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
(2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and

[1] 30 Texas Administrative Code (TAC) Section (§) 55.209(d).
[2] 30 TAC § 55.209(e).
[3] 30 TAC § 55.201(c).

how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;

(3) request a contested case hearing;

(4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and

(5) provide any other information specified in the public notice of application.[4]

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

To grant a contested case hearing, the Commission must determine that a requestor is an "affected" person by conducting the following analysis:

(a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.

(b) Except as provided by § 55.103 of this title (relating to Definitions), governmental entities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons.

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

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

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

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

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

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

(6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and

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

(d) In determining whether a person is an affected person for the purpose of granting a hearing request for an application filed on or after September 1, 2015, the commission may also consider the following:

[4] 30 TAC § 55.201(d).

(1) the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;
(2) the analysis and opinions of the ED; and
(3) any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.

(e) In determining whether a person is an affected person for the purpose of granting a hearing request for an application filed before September 1, 2015, the commission may also consider the factors in subsection (d) of this section to the extent consistent with case law.

D. Referral to the State Office of Administrative Hearings

"When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing."[5] The Commission may not refer an issue to the State Office of Administrative Hearings (SOAH) for a contested case hearing unless the Commission determines that the issue:

(1) involves a disputed question of fact or a mixed question of law and fact;
(2) was raised during the public comment period by an affected person whose hearing request is granted; and
(3) is relevant and material to the decision on the application.[6]

V. ANALYSIS OF THE REQUESTS

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

A. Whether the Requestor Complied With 30 TAC §§ 55.201(c) and (d) and 55.203

1. *Parties the Executive Director recommends the Commission find Affected Persons*

City of Van Alstyne

- The City of Van Alstyne submitted timely comments and hearing requests which contained the City's attorney's name, address, and phone number pursuant to 30 TAC § 55.201(d).

  Under 30 TAC § 55.203(c), the Commission shall consider multiple factors to determine whether an individual or entity is an affected person. For governmental entities such as Cities, the Commission shall specifically consider statutory authority over or interest in the issues relevant to the application when evaluating hearing request, pursuant to 30 TAC § 55.203(c)(7).

[5] 30 TAC § 50.115(b).
[6] 30 TAC § 50.115(c).

In the hearing request, the City specifically cites to TEX. LOC. GOV'T CODE §§ 42.001, 212.044 to support their authority over, "Various city functions and services - including water and sewer services, emergency services, and health and safety concerns." Having identified statutory authority over these interests, the City has satisfied the threshold requirements of 30 TAC § 55.203(c)(7).

In addition to citing relevant statutory authority, the City articulated ways in which it will be affected. While these included health impacts and concerns about both groundwater and surface water quality, the most significant and central to their hearing request was the issue of regionalization. The City emphasized that they had the concerns about the draft permit because the applicant had chosen not to utilize Van Alstyne wastewater infrastructure. As regionalization and these associated issues are relevant and material issues to TPDES permitting decisions, the City has demonstrated they are uniquely affected.

Therefore, having substantively met the requirements of 30 TAC 30 TAC §§ 55.201 and 55.203, the ED recommends that the Commission find the City of Van Alstyne is an affected person and grant their hearing request.

2. ***Parties the Executive Director recommends the Commission not find Affected Persons***

Katrina Lynn Arsenault and Jim DuBois

- Ms. Arsenault and Mr. DuBois each separately submitted timely comments and a hearing request which contained their names, addresses, and phone numbers pursuant to 30 TAC § 55.201(d). According to the addresses they provided, the properties identified in their requests are located 4.7 miles and 4.4 miles from the proposed wastewater treatment facility.

  In their requests, they each describe their concerns about the application. These include potential impacts on groundwater, water quality, as well as odors emanating from the facility.

  Under 30 TAC § 55.203(c), the Commission shall consider several factors to determine whether someone is an affected person. These include likely impacts on personal interests and whether a reasonable relationship exists between the interest claimed and the activity regulated. The properties in question are located more than 4 miles away from the proposed facility. Given this distance, it is unlikely that a reasonable relationship exists nor is it likely that that the effluent would impact either Ms. Arsenault or Mr. DuBois.

  The ED therefore recommends that Ms. Arsenault and Mr. DuBois should not be considered affected persons as their hearing requests have not sufficiently demonstrated they have personal justiciable interests affected by the application under 30 TAC § 55.203(c).

Janice and James Watson

- Mr. Watson submitted timely comments and a hearing request on behalf of himself and Mrs. Watson which contained their names, address, and phone number pursuant to 30 TAC § 55.201(d). According to the address they provided, the property identified in their request is located approximately 1.5 miles from the proposed wastewater treatment facility.

In their hearing request, the Watsons identified multiple concerns they had about the application. These included impacts on wildlife, the environment, access to their property, as well as liability for damage done to the receiving waters.

Pursuant to 30 TAC § 55.201(d)(4)(B), hearing requests must list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request. Prior to the hearing request, Mr. Watson's only comments on the application were the potential impact on his property values. While the Watsons' hearing request identifies other issues that are relevant to the application, they are not related to the sole issue raised in Mr. Watson's original comment. Furthermore, the Commission has no jurisdiction to consider issues such as impacts to property values during the permitting process.

Therefore, the ED recommends that the Commission deny the Watson's hearing request as it did not substantially comply with the requirements of 30 TAC § 55.201(d)(4)(B).

B. Whether the Issues the Requestor Raised are Referable to the State Office of Administrative Hearings (SOAH).

1. **Whether the effluent limits in the draft permit are protective of water quality. (RTC Responses 1)**

   The issue involves a disputed question of mixed fact and law, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. If it can be shown that the effluent limits in the draft permit are not protective of water quality, that information would be relevant and material to a decision on the application. The Executive Director recommends referring this issue to SOAH.

2. **Whether the draft permit complies with TCEQ's regionalization policy. (RTC Response 8)**

   The issue involves a disputed question of mixed fact and law, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. If it can be shown the draft permit does not comply with TCEQ's regionalization policy, that information would be relevant and material to a decision on the application. The Executive Director recommends referring this issue to SOAH.

3. **Whether the draft permit is protective of human health. (RTC Response 3)**

   The issue involves a disputed question of mixed fact and law, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. If it can be shown that the effluent limits in the draft permit are not protective of human health, that information would be relevant and material to a decision on the application. The Executive Director recommends referring this issue to SOAH.

VI. REQUESTS FOR RECONSIDERATION

Nancy Jan Shaw and Stephen Campeau

TCEQ's rules provide that the request for reconsideration must expressly state that the person is requesting reconsideration of the executive director's decision and provide reasons why the decision should be reconsidered. 30 TAC § 55.201(e). The Commission received two timely requests from Nancy Jan Shaw and Stephen Campeau.

Mr. Campeau and Ms. Shaw raised concerns about property values, taxes, flooding, road infrastructure, general environmental impacts, and regionalization. The issues raised in both of the requests concerned issues that are either outside TCEQ's jurisdiction and cannot be considered as part of the wastewater permitting process or they were addressed in the ED's RTC.

Therefore, the ED recommends that the Commission deny the Requests for Reconsideration.

VII. CONCLUSION

The Executive Director recommends the following actions by the Commission:

1. The Executive Director recommends that the Commission find the City of Van Alstyne an affected person and deny all other hearing requests.
2. The Executive Director recommends that the Commission deny all requests for reconsideration.
3. If referred to SOAH that the duration of the hearing be 180 days from the preliminary hearing to the presentation of a proposal for decision to the Commission.
4. If referred to SOAH, concurrently refer the matter to Alternative Dispute Resolution.
5. If referred to SOAH, refer the following issues as raised by the affected person as identified by the Executive Director:
    - **Issue A) Whether the effluent limits in the draft permit are protective of water quality.**
    - **Issue B) Whether the draft permit complies with TCEQ's regionalization policy.**
    - **Issue C) Whether the draft permit is protective of human health.**

Respectfully submitted,

Texas Commission on Environmental Quality

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Executive Director

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REPRESENTING THE EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on October 25, 2024, the "Executive Director's Response to Hearing Request" for TPDES Permit WQ0016092001 for Treasure Island Laguna Azure LLC fka Canary Island Laguna Azure LLC was filed with the TCEQ's Office of the Chief Clerk, and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.

Harrison Cole Malley

MAILING LIST
Treasure Island Laguna Azure LLC fka Canary Island Laguna Azure LLC
TCEQ Docket No. 2024-1612-MWD; Permit No. WQ0016092001

FOR THE APPLICANT

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REQUESTER(S)/INTERESTED PERSON(S)
See Attached List.

REQUESTER(S)/INTERESTED PERSON(S)

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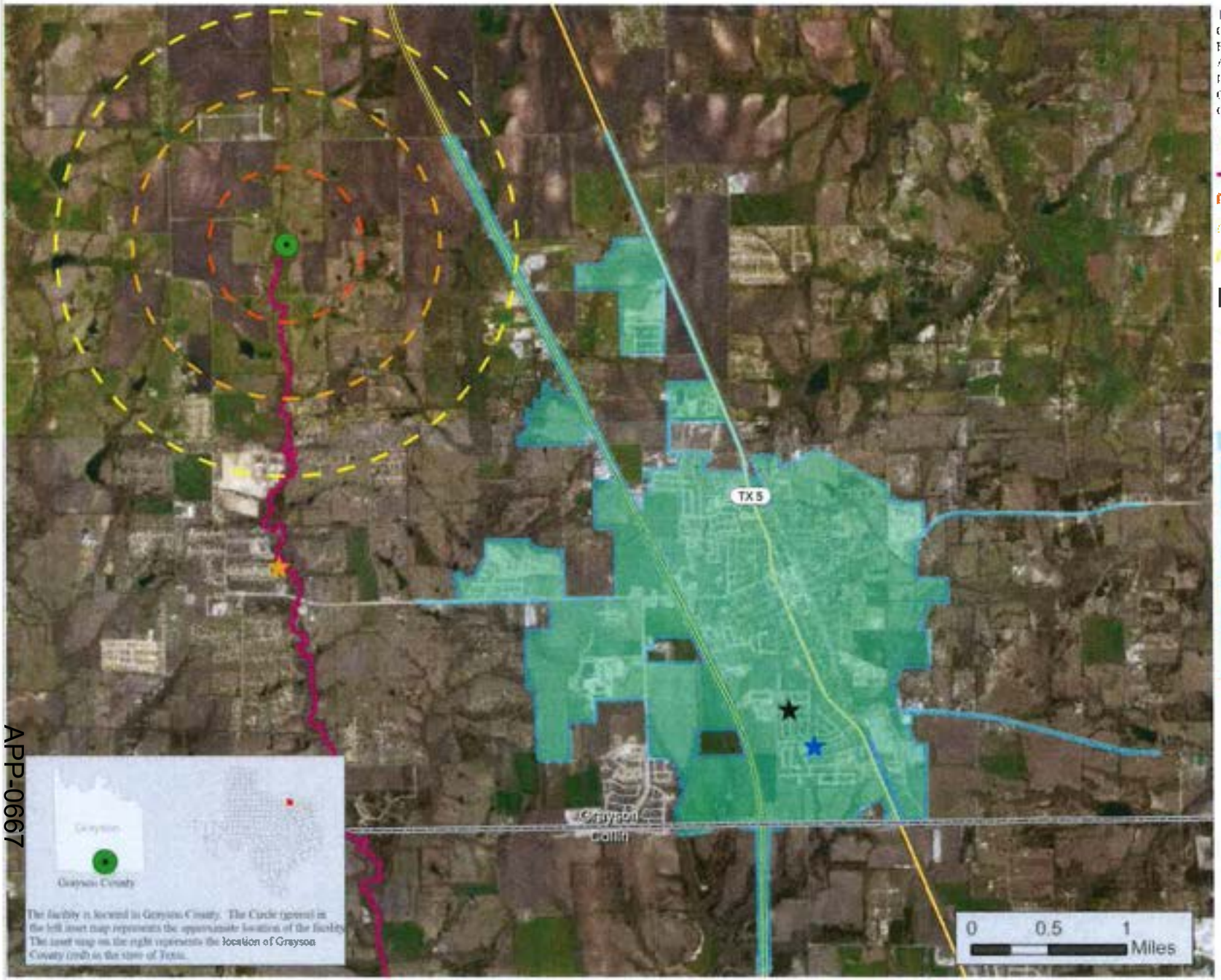
Attachment A

Treasure Island Laguna Azure LLC

TPDES Permit No. WQ0016092001

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

Protecting Texas by Reducing and Preventing Pollution



Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087

N

- Facility
- Discharge_Route
- 0.5 Mile Radius
- 1 Mile Radius
- 1.5 Mile Radius

Requestors

- Katrina Lynn Arsenault
- Jim Dubois
- Janice and James Watson
- City of Van Alstyne

Requestor Name	Distance
City of Van Alstyne	
Jim Dubois	4.4 miles
Katrina Lynn Arsenault	4.7 miles
Janice and James Watson	2.1 miles

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

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

APP-0667

AR-13

OPIC Response to Hearing Request

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 25, 2024

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

RE: **IN THE MATTER OF THE APPLICATION BY TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC FOR PERMIT NO. WQ0016092001**
TCEQ DOCKET NO. 2024-1612-MWD

Dear Ms. Gharis:

Enclosed for filing is the Office of Public Interest Counsel's Response to Requests for Hearing and Requests for Reconsideration in the above-entitled matter.

Sincerely,

Josiah Mercer

Josiah T. Mercer, Attorney
Assistant Public Interest Counsel

cc: Mailing List

DOCKET NO. 2024-1612-MWD

APPLICATION BY TREASURE ISLAND LAGUNA AZURE LLC FOR PERMIT NO. WQ0016092001	§ § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OFFICE OF PUBLIC INTEREST COUNSEL'S RESPONSE TO REQUESTS FOR HEARING AND REQUESTS FOR RECONSIDERATION

To the Members of the Texas Commission on Environmental Quality:

The Office of Public Interest Counsel (OPIC) at the Texas Commission on Environmental Quality (TCEQ) files this response to the hearing requests and requests for reconsideration received in the above-captioned matter.

I. Introduction

A. Summary of Position

Before the Commission is the application of Treasure Island Laguna Azure LLC for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016092001. The TCEQ Chief Clerk's office received four timely hearing requests and two timely requests for reconsideration. As discussed herein, OPIC respectfully recommends that the Commission grant the hearing request of the City of Van Alstyne and refer this application for a 180-day hearing at the State Office of Administrative Hearings (SOAH) on Issue nos. 1 & 2 contained in §III.B.

B. Description of Application and Facility

On January 18, 2022, Treasure Island Laguna Azure LLC (Applicant) applied to TCEQ for new TPDES Permit No. WQ0016092001 (Application) to authorize the discharge of treated domestic wastewater from a proposed facility (Facility) that would be located approximately 0.81 miles northeast of the

intersection of Farmington Road and Hodgins Road, in Grayson County. The Facility would be a suspended growth activated sludge process plant operated in a single-stage nitrification mode. The treatment units in the Interim I Phase will include a manual bar screen, two aeration basins, one clarifier, two multi-stage aerobic digesters, and a chlorine contact basin. The treatment units in the Interim II Phase will include one elevated screening structure with a manual bar screen and flow splitting weirs, four aeration basins, two clarifiers, four multi-stage aerobic digesters, and two chlorine contact basins. The treatment units in the Final Phase will include one elevated screening structure with a manual bar screen and flow splitting weirs, three 0.46 million gallons per day (MGD) treatment trains with each train consisting of an aeration basin and secondary clarifier, two multi-stage aerobic digesters, and a chlorine contact basin.

The Application, if granted, would authorize a discharge of treated domestic wastewater at a daily average flow limit in Interim I Phase of 0.20 MGD, at a daily average flow limit in Interim II Phase of 0.40 MGD, and at a daily average flow limit in the Final Phase of 1.40 MGD. The discharge route for the proposed discharge would be to West Prong Whites Creek, then to Whites Creek, then to East Fork Trinity River above Lake Lavon, and then to Lake Lavon in Segment No. 0821 of the Trinity River Basin. The unclassified receiving water use is high aquatic life use for West Prong Whites Creek. The designated uses for Segment No. 0821 are primary contact recreation, public water supply, and high aquatic life use. Segment No. 0821 is not currently listed on the State's inventory of

impaired and threatened waters.[1] However, the East Fork Trinity River above Lake Lavon is listed for "bacteria in water" in a portion of the East Fork Trinity River.[2]

C. Procedural Background

The Application was received by TCEQ on January 18, 2022. On February 28, 2022, the Executive Director (ED) declared the Application administratively complete. The Notice of Receipt and Intent to Obtain a Water Quality Permit was published in English in *The Dallas Morning News* on March 2, 2022. The technical review of the Application was completed on April 27, 2023. The Applicant then published a Notice of Application and Preliminary Decision in Rockwall County in English in *The Dallas Morning News* on August 12, 2023. A Notice of Public Meeting was published on August 25, 2023, in *The Dallas Morning News*. The Public Meeting was held on October 9, 2023, and the public comment period ended on the same day. The Chief Clerk mailed the ED's Decision and Response to Comments (RTC) on August 16, 2024. The deadline for filing requests for a contested case hearing or a request for reconsideration was September 16, 2024.

II. Applicable Law

A. Requests for a Contested Case Hearing

This Application was filed on or after September 1, 2015, and is therefore subject to the procedural rules adopted pursuant to Senate Bill 709.[3] Under Title 30, Texas Administrative Code (TAC) § 55.201(c), a hearing request by an affected person must be in writing, must be timely filed, may not be based on an issue

[1] *See* 2022 Texas Integrated Report - Texas § 303(d) list.
[2] *Id.*
[3] Tex. S.B. 709, 84th Leg., R.S. (2015).

raised solely in a public comment which has been withdrawn, and, for applications filed on or after September 1, 2015, must be based only on the affected person's timely comments.

Section 55.201(d) states that a hearing request must substantially comply with the following:

> (1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request;
>
> (2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
>
> (3) request a contested case hearing;
>
> (4) list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request. To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law; and
>
> (5) provide any other information specified in the public notice of application.[4]

Under 30 TAC § 55.203(a), an "affected person" is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest. As provided by

[4] 30 TAC § 55.201(d).

§ 55.203(b), governmental entities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons. Relevant factors to be considered in determining whether a person is affected include:

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

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

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

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

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

(6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and

(7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.[5]

Under § 55.203(d), to determine whether a person is an affected person for the purpose of granting a hearing request for an application filed on or after September 1, 2015, the Commission may also consider the following:

(1) the merits of the underlying application and supporting documentation in the administrative record, including whether the application meets the requirements for permit issuance;

(2) the analysis and opinions of the executive director; and

[5] 30 TAC § 55.203(c).

(3) any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor.[6]

Under 30 TAC § 55.211(c)(2)(A)(ii), for an application filed on or after September 1, 2015, the Commission must grant a hearing request made by an affected person if the request raises disputed issues of fact that were raised by the affected person during the comment period, that were not withdrawn by filing a withdrawal letter with the Chief Clerk prior to the filing of the ED's RTC, and, that are relevant and material to the Commission's decision on the application.

Under § 55.211(c)(2)(B)-(D), the hearing request, to be granted, must also be timely filed with the Chief Clerk, pursuant to a right to hearing authorized by law, and comply with the requirements of § 55.201.

B. Requests for Reconsideration

Any person may file a request for reconsideration of the ED's decision under Title 30, TAC § 55.201(e). The request must be in writing and filed with the Chief Clerk no later than 30 days after the Chief Clerk mails the ED's decision and RTC. The request must expressly state that the person is requesting reconsideration of the ED's decision and give reasons why the decision should be reconsidered.

[6] 30 TAC § 55.203(d).

III. Analysis of Requests for a Contested Case Hearing

A. Whether the Requestors are Affected Persons

The City of Van Alstyne

The Commission received timely comments and hearing requests from the City of Van Alstyne (the City) through their attorneys—Emily W. Rogers and Stefanie P. Albright. The City claims that the proposed Facility and associated discharge would be located within their extra-territorial jurisdiction (ETJ). They cite Tex. Loc. Gov't Code § 42.001 and 212.044—claiming statutory authority over public health and safety within their ETJ. The proposed discharge would traverse the Trinity and Woodbine Aquifers, the primary source of drinking water for the City. They are concerned that the quality of their drinking water and the groundwater within their ETJ could be affected by the proposed discharge. Additionally, the City raises concerns that the proposed discharge could affect other City services—including sewer and emergency services. Finally, they claim—in both their hearing requests and oral comments—that they have sewer facilities within 3 miles of the proposed Facility that could provide wastewater service to the proposed development.

A relevant factor for determining whether governmental entities qualify as affected persons is their statutory authority over or interest in the issues relevant to the Application.[7] The City claims that their collection system and wastewater treatment facility have capacity, and they are willing to treat the volume of flows proposed in the Application. The City therefore questions whether the proposed

[7] 30 TAC § 55.203(c)(7).

Facility would comply with the TCEQ's policy of regionalization. Additionally, the City expresses concerns about the proposed Facility's effect on water quality. Issues of regionalization and water quality are relevant to this Application. Finally, a reasonable relationship exists between the City's claimed interest in water quality and the TCEQ's regulation of wastewater discharge.

Based on the location of the proposed Facility and discharge within the City's ETJ, OPIC finds that the City has statutory authority over issues relevant to the Application. OPIC also finds that the City—as a regional provider of and investor in wastewater service—has an interest in issues relevant to this Application. The City of Van Alstyne therefore qualifies as an affected person under TCEQ rule § 55.203(b) and (c)(7).

North Texas Municipal Water District

The Commission received a timely comment and hearing request from North Texas Municipal Water District (NTMWD) through their attorney—Lauren Kalisek. NTMWD is a conservation and reclamation district that provides wastewater service in Rockwall County. In their original comments, they claim that the proposed Facility, if constructed, would interfere with their operations in the area. They also claim to be able to provide sewer service to the proposed development.

However, on May 16, 2024, NTMWD submitted a letter to the TCEQ withdrawing their comments, protest, and request for a contested case hearing in this matter. Because their hearing request and comments were withdrawn, OPIC offers no further discussion of NTMWD.

Individual Requestors

The Commission also received timely comments and hearing requests from several individuals: Katrina Arsenault (4.7 miles), Jim DuBois (4.4 miles), and Janice & James Watson (2.1 miles). According to the map provided by ED staff, all of these requestors are greater than two miles from the proposed Facility, and only the Watsons reside along the discharge route—well over two miles downstream from the proposed outfall. These requestors raise concerns about water quality, groundwater levels, odors, and regionalization.

OPIC notes that there are no specific distance limitations applicable to whom may be considered an affected person for purposes of this Application.[8] However, at these distances, OPIC finds that these requestors lack the proximity to establish a reasonable relationship between their claimed interests and the regulated activity.[9] Therefore, although they raise relevant concerns about the Application, these requestors have not shown how they would be adversely affected by the proposed Facility in a manner not common to members of the general public.[10] Therefore, OPIC finds that Katrina Arsenault, Jim DuBois, and Janice & James Watson lack a personal justiciable interest and do not qualify as affected persons.

B. Which Issues Raised in the Hearing Requests Are Disputed

The City of Van Alstyne raised the following disputed issues in both hearing request and timely public comment:

[8] *See* 30 TAC § 55.201(c)(2).
[9] *See* 30 TAC § 55.203(c)(3).
[10] *See* 30 TAC § 55.201(d)(7).

1. Whether the proposed Facility and draft permit comply with the State's regionalization policy, including demonstration of need; and

2. Whether the proposed Facility and draft permit comply with Texas Surface Water Quality Standards and are adequately protective of water quality, including surface water and groundwater.

C. Whether the Dispute Involves Questions of Fact or of Law

If the Commission considers an issue to be one of fact, rather than one of law or policy, it is appropriate for referral to hearing if it meets all other applicable requirements.[11] The issues listed above are issues of fact.

D. Whether the Issues Were Raised During the Public Comment Period

All issues were specifically raised by a requestor who qualifies as an affected person during the public comment period.

E. Whether the Hearing Request is Based on Issues Raised Solely in a Withdrawn Public Comment

The only public comments that were withdrawn were those of NTMWD—who also withdrew their hearing request. Therefore, the rest of the hearing requests are not based on issues raised in withdrawn comments.

F. Whether the Issues are Relevant and Material to the Decision on the Application

The requestor raises issues that are relevant and material to the Commission's decision under the requirements of 30 TAC §§ 55.201(d)(4) and 55.211(c)(2)(A). To refer an issue to SOAH, the Commission must find that the issue is relevant and material to the Commission's decision to issue or deny this permit. The Commission can only consider issues within its jurisdiction.

[11] 30 TAC § 55.211(c)(2)(A).

Therefore, relevant and material issues include those governed by the substantive law of the permit at issue.[12]

Regionalization and Need

The affected person raises concerns about whether there is a need for the Facility and whether the Facility would comply with the state's regionalization policy. Under Texas Water Code § 26.081(a), it is "state policy to encourage and promote the development and 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." The Texas Water Code further states:

> In considering the issuance ... of a permit to discharge waste, the commission may deny or alter the terms of the proposed permit ... based on consideration of need, including the expected volume and quality of the influent and the availability of existing or proposed areawide or regional waste collection, treatment, and disposal systems not designated as such by commission order....[13]

Therefore, Issue 1 regarding regionalization is relevant and material to the Commission's decision on the Application and is appropriate for referral to SOAH.

Water Quality

The affected person raises concerns about adverse effects to water quality in the area and its potential to affect their operations and residents. The Commission is responsible for the protection of water quality under Texas Water

[12] *Anderson v. Liberty Mutual, Inc.*, 477 U.S. 242, 248-51 (1986).
[13] TWC § 26.0282.

Code Chapter 26 and 30 TAC Chapters 307 and 309. The Texas Surface Water Quality Standards (Standards) in Chapter 307 require that the Proposed Permit "maintain the quality of water in the state consistent with public health and enjoyment, propagation and protection of terrestrial and aquatic life, operation of existing industries, and ... economic development of the state...."[14] According to § 307.6(b)(4) of the Standards, "Water in the state must be maintained to preclude adverse toxic effects on aquatic life, terrestrial life, livestock, or domestic animals, resulting from contact, consumption of aquatic organisms, consumption of water, or any combination of the three." Additionally, "[s]urface waters must not be toxic to man from ingestion of water, consumption of aquatic organisms, or contact with the skin, or to terrestrial or aquatic life."[15] As Chapter 307 designates criteria for the regulation of water quality and the protection of uses of relevant water bodies, Issue No. 2 is relevant and material to the Commission's decision regarding this Application and is appropriate for referral to SOAH.

H. Maximum Expected Duration for the Contested Case Hearing

Commission rule 30 TAC § 50.115(d) requires that any Commission order referring a case to SOAH specify the maximum expected duration of the hearing by stating a date by which the judge is expected to issue a proposal for decision. The rule further provides that, for applications filed on or after September 1, 2015, the administrative law judge must conclude the hearing and provide a

[14] 30 TAC § 307.1.
[15] 30 TAC § 307.4(d).

proposal for decision by the 180th day after the first day of the preliminary hearing, or a date specified by the Commission, whichever is earlier.[16] To assist the Commission in setting a date by which the judge is expected to issue a proposal for decision, and as required by 30 TAC § 55.209(e)(7), OPIC estimates that the maximum expected duration of a hearing on this Application would be 180 days from the first date of the preliminary hearing until the proposal for decision is issued.

IV. Analysis of Requests for Reconsideration

Stephen Campeau and Nancy Jan Shaw submitted timely requests for reconsideration expressing concerns about water quality, general impact to the environment, and need. While these concerns are relevant and material to the decision on this Application, an evidentiary record would be necessary for OPIC to make a recommendation to the Commission as to whether the ED's decision should be reconsidered. OPIC cannot recommend reconsideration without the benefit of such a record and must therefore recommend denial of the requests for reconsideration.

V. Conclusion

For the reasons discussed above, OPIC finds that the City of Van Alstyne has demonstrated that it qualifies as an affected person. Therefore, OPIC respectfully recommends that the Commission grant the City's hearing request and refer Issue nos. 1 and 2 specified in Section III.B for a contested case hearing

[16] 30 TAC § 50.115(d)(2).

at SOAH with a maximum duration of 180 days. OPIC recommends denying all remaining hearing requests and all requests for reconsideration.

Respectfully submitted,

Garrett T. Arthur
Public Interest Counsel

By: Josiah Mercer
Josiah T. Mercer
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CERTIFICATE OF SERVICE

I hereby certify that October 25, 2024, the Office of Public Interest Counsel's Response to Requests for Hearing was filed with the Chief Clerk of the TCEQ and a copy was served on all persons listed on the attached mailing list via electronic mail, and/or by deposit in the U.S. Mail.

Josiah Mercer
Josiah T. Mercer

MAILING LIST
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TCEQ DOCKET NO. 2024-1612-MWD

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REQUESTER(S):

See attached list.

REQUESTER(S)

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AR-14

Applicant Response to Hearing Request

TCEQ DOCKET NO. 2024-1612-MWD

APPLICATION BY TREASURE ISLAND LAGUNA AZURE, LLC FOR NEW TPDES PERMIT WQ0016092001	**§**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

APPLICANT TREASURE ISLAND LAGUNA AZURE, LLC'S RESPONSE TO HEARING REQUESTS AND REQUESTS FOR RECONSIDERATION

Treasure Island Laguna Azure, LLC ("***Treasure Island***") files this response to the Requests for Contested Case Hearing (the "***Hearing Requests***") and the Requests for Reconsideration ("***Reconsideration Requests***") submitted on Treasure Island's application for Texas Pollutant Discharge Elimination System ("***TPDES***") Permit No. WQ0016092001 ("***Application***").

The Texas Commission on Environmental Quality ("***TCEQ***") received two Reconsideration Requests and five Hearing Requests, one of which has been withdrawn and one of which is from the City of Van Alstyne ("***City***"). Mapping attached hereto as ***Exhibit 1*** depicts the location of the property addresses provided in the Hearing Requests and Reconsideration Requests in relation to the location of the proposed discharge point. In accordance with applicable legal standards, Treasure Island respectfully requests that TCEQ deny all of the pending Hearing Requests and Reconsideration Requests.

I. FACTUAL AND PROCEDURAL BACKGROUND[1]

As explained in the affidavit of Treasure Island's Co-President, Mr. Zach Ipour, attached as ***Exhibit 2***, Treasure Island has acquired 1,128.7 acres of property northeast of the City for purposes of development as a residential community with other mixed-uses ("***Treasure Island***

[1] The background relating to historic procedural steps is largely duplicative of the information in the TCEQ Commissioners' Integrated Database and in the TCEQ Executive Director's ("***ED's***") Response to Public Comment ("***RTC***").

Development"). All of the 1,128.7 acres of the Treasure Island Development are currently within the City's extraterritorial jurisdiction ("***ETJ***"). None of the 1,128.7 acres has ever received sewer service, and none of the 1,128.7 acres is currently included in any sewer certificate of convenience and necessity ("***CCN***") issued by the Public Utility Commission of Texas ("***PUC***").

In order to provide for wastewater treatment capacity for the Treasure Island Development, Treasure Island submitted the Application, which was received by TCEQ on January 18, 2022, to authorize the discharge of treated domestic wastewater at a daily average flow limit in Interim I Phase of 0.20 million gallons per day ("***MGD***"), at a daily average flow limit in Interim II Phase of 0.40 MGD, and at a daily average flow limit in the Final Phase of 1.40 MGD. The domestic wastewater treatment facility would be located approximately 0.81 miles northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495. The discharge route for the proposed discharge is to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No. 0821 of the Trinity River Basin.

The TCEQ Executive Director ("***ED***") completed the administrative review of the Application on February 28, 2022. The Notice of Receipt and Intent to Obtain a Water Quality Permit was published on March 2, 2022. The Notice of Application and Preliminary Decision was published on August 12, 2023. A public meeting was held October 9, 2023, after notice was published on August 25, 2023. The comment period ended at the close of the public meeting. The ED's Response to Public Comment ("***RTC***") and ED's Final Decision Letter were mailed on August 16, 2024, and the deadline for the Hearing Requests was September 16, 2024.

Because the Application was administratively complete on or after September 1, 2015, it is subject to the procedural requirements implementing House Bill 801, 76th Legislature, 1999, and Senate Bill 709, 84th Legislature, 2015.

II. APPLICABLE LAW FOR HEARING REQUESTS[2]

A Hearing Request can only be granted if several specific administrative, procedural, and substantive requirements are met.

First, the Hearing Request must be in writing, must be timely filed no later than 30 days after mailing of the ED's decision and RTC, may not be based on an issue raised in a public comment that was withdrawn, and must be based on the requestor's own timely comments.[3]

Second, the Hearing Request must substantially comply with the following requirements:

(1) Give the name, address, daytime telephone number, and, where possible, a fax number;
(2) Identify the requestor's purported personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed wastewater treatment facility and how and why the requestor believes the requestor will be adversely affected by the wastewater treatment facility in a manner not common to members of the general public;
(3) Request a contested case hearing; and
(4) For applications filed :

...

(B) On or after September 1, 2015, list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the executive director's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law; and

---

[2] Hearing Requests for the Application are governed primarily by statutory provisions in TEX. GOV'T CODE § 2003.047 and TEX. WATER CODE §§ 5.115 and 5.556 which are implemented by various provisions in 30 TEX. ADMIN. CODE, CHAPTER 50, SUBCHAPTER F and CHAPTER 55, SUBCHAPTER F. In the interest of efficiency and since TCEQ's rules comprehensively encompass all relevant statutory provisions, and because various provisions of such TCEQ's rules overlap and are duplicative but consistent, citations herein may not include every applicable TCEQ rule.

[3] *See* 30 TEX. ADMIN. CODE § 55.201(c).

(5) Provide any other information specified in the public notice of application.[4]

Third, a Hearing Request cannot be granted unless the Commission first determines the requestor is an "affected person."[5] An "affected person" is:

> [O]ne who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest."[6]

A local government can only be an affected person if the local governmental entity has authority under state law over issues raised by the Application.[7] In determining whether a requestor is an affected person, the Commissioners must consider the following factors:

(1) Whether the requestor's interest claimed is one protected by the law under which the Application will be considered;
(2) Distance restrictions or other limitations imposed by law on the affected interest;
(3) Whether a reasonable relationship exists between the interest claimed and the activity regulated;
(4) Likely impact of the wastewater treatment plant on the health and safety of the requestor, and on the use of property of the requestor;
(5) Likely impact of the regulated activity on use of the impacted natural resource by the requestor;
(6) Whether the requestor timely submitted comments on the Application that were not withdrawn; and
(7) For a local government, whether the local government has statutory authority over or interest in the issues relevant to the Application.[8]

In addition, the Commission may consider the following additional factors in determining whether a requestor is an affected person:

(1) The merits of the underlying Application and supporting documentation in the Commission's administrative record, including whether the Application meets the requirements for permit issuance;
(2) The analysis and opinions of the ED; and

[4] *Id.* § 55.201(d).

[5] *Id.* §§ 55.201(b), 55.211(c)(2). The Commission, the ED, or the applicant may also request a contested case hearing.

[6] *Id.* § 55.203(a).

[7] *Id.* § 55.203(b).

[8] *Id.* § 55.203(c).

(3) Any other expert reports, affidavits, opinions, or data submitted by the ED, by Treasure Island, or the City.[9]

The burden to show that a requestor is an affected person lies entirely with the requestor.[10] Thus, each requestor must carry the burden to demonstrate that the requestor has a *personal justiciable interest* that is *not common to members of the general public*.[11] However, a requestor cannot meet is burden if its alleged personal justiciable interests are "couched in terms of *potentialities* or events that "*may*" happen" are "*mere speculation, and as such, it falls short of establishing a justiciable interest and standing*."[12]

> [To] have such an interest, the complainant must show that a concrete, particularized, actual or imminent injury faces him due to the decision; a *hypothetical or speculative injury is not enough*."[13]

Further, the Texas Third Court of Appeals has determined that it is reasonable to conclude that hearing requestors cannot be affected persons if the proposed "*activity will have minimal effect on their health, safety use of property, and use of natural resources*."[14] As explained below, none of the requestors have met their burden.

Fourth, *only if* the Commissioners determine a requestor is an affected person can issues be referred to the State Office of Administrative Hearings ("***SOAH***") for a contested case hearing. The only issues that can be referred are issues which involve a disputed question of fact or a mixed

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[9] *Id.* § 55.203(d).

[10] *See TCEQ v. City of Aledo,* 2015 Tex. App. LEXIS 6940 at *12 (Tex. App.—Austin July 8, 2015, no pet.) (explaining that if no showing is made on any one or more of the factors in 30 TEX. ADMIN. CODE § 55.203, "there is nothing in the statutes or rules placing the burden on the Commission or [Administrative Law Judge] draw out from the person such information.").

[11] *See* 30 TEX. ADMIN. CODE § 55.203(a) (emphasis added).

[12] *Texas Disposal Sys. Landfill, Inc. v. TCEQ*, 259 S.W.3d 361, 363-64 (Tex. App.—Amarillo 2008, no pet.) (emphasis added).

[13] *Id.* at 363 (emphasis added).

[14] *See TCEQ v. Sierra Club*, 455 S.W.3d 228, 240 (Tex. App. – Austin 2014) (emphasis added).

question of law or fact raised *by a requestor during the public comment period whose request is granted*, but only if the comment was not withdrawn, and only if the issue is relevant and material to the decision on the application.[15]

III. NONE OF THE HEARING REQUESTS MEET THE APPLICABLE REQUIREMENTS

According to the Commissioners' Integrated Database, TCEQ received five Hearing Requests on the Application. For the reasons set forth below, none of the Hearing Requests should be granted.

A. The City's Hearing Request

The City has not met its burden to demonstrate that it has a personal justiciable interest in Treasure Island's Application.

1. The City has no Legal Right or Obligation to Provide Wastewater Service to the Treasure Island Development

The City's Hearing Requests vaguely references purported reasons why the City believes it is an affected person, none of which are sufficient to justify the City's request for a hearing.

a. The City has Failed to Demonstrate that it is an Affected Person Based on Statutory Authority in its ETJ

The City cites generally to Tex. Local Govt. Code §§ 42.001 and 212.044 as the sole sources of the City's claimed statutory authority over or interest in the issues relevant to the Application.[16] These statutory provisions allow a municipality to promote general health, safety, and welfare of persons in a municipality's ETJ. However, the City's only salient explanation in its attempt to tie these statutory provisions to the Application is the statement that "[v]arious *city*

[15] *See* 30 TEX. ADMIN. CODE §§ 50.115(c), (f)-(g); 55.211(c)(2)(A)(ii).
[16] *Id.* § 55.203(b)-(c)(7).

functions and services – including water and *sewer services*, emergency services, and health and safety concerns – may be affected by the proposed discharge . . . ." (emphasis added). The City offers nothing more than hypothetical speculation about impacts, which falls short of establishing a justiciable interest and standing, and the City does not offer or allege any other concrete, particularized, actual or imminent injury associated by the Application.[17] Further, the City has not offered anything to demonstrate even alleged minimal effects on health, safety, use of property, and use of natural resources.[18] Instead, the thrust of the City's Hearing Request is that the City wants to provide sewer service to the Treasure Island Development.

As explained in Mr. Ipour's affidavit, as part of the municipal utility district ("***District***") creation process to support the Treasure Island Development, Treasure Island and the City have met multiple times and have had multiple discussions about whether the City could provide wastewater service to the Treasure Island Development as part of the negotiations for a development agreement. Per Tex. Local Govt. Code §§42.042 and 54.016(d), a municipality only has a right to provide sewer service based on a "*mutually agreeable contract* providing for the water or sanitary sewer service . . . ." (emphasis added). In this case, there is no such mutually agreeable contract despite Treasure Island's efforts to negotiate with the City.

b. The City has no Sewer CCN Covering the Treasure Island Development

Although the City claims in its Hearing Requests that it is a "regional water and sewer service provider," no portion of the Treasure Island Development lies within the City's sewer CCN No. 20067. In fact, as explained in Mr. Ipour's affidavit, there is no sewer CCN covering any

[17] *See Texas Disposal Sys. Landfill*, 259 S.W.3d at 363.

[18] *See TCEQ v. Sierra Club*, 455 S.W.3d at 240.

portion of the Treasure Island Development. In the absence of a sewer CCN, Treasure Island is not legally required to oblige the City's purported desire to provide wastewater service. In short, the City has no statutory right or obligation to provide wastewater service under Chapter 13 of the Texas Water Code or the PUC's rules in 16 Tex. Admin. Code, Chapter 24, which govern CCNs.

c. The City's Claim to be a Regional Wastewater Provider has no bearing in their Hearing Request

The City curiously suggests in its Hearing Requests that, "[a]s a regional water and sewer service provider," the City has an interest in regionalization pursuant to Tex. Water Code §26.081(a). Despite the City's unilateral claim that it is a regional wastewater provider, TCEQ has not designated the City as such under TCEQ's rules in 30 Tex. Admin. Code, Chapter 351. Even if the City were a regional wastewater provider (which it is not), nothing in TCEQ's current published regionalization policy suggests that a regional provider has a monopoly over the provision of wastewater service.[19] Without a right to force wastewater service on the Treasure Island Development, the City cannot establish a personal justiciable interest in the Application based on regionalization.

2. The City has no Other Personable Justiciable Interest in the Application

Section 1 (Affected Landowner Information) of the Domestic Administrative Report 1.1 in the Application requires identification of all landowners surrounding the Treasure Island Development and along the discharge route for one full stream mile downstream of the discharge points. The City is not among the 57 landowners in Attachment C to the Application. And the City cannot claim a personal justiciable interest in the discharge of treated effluent from the

[19] *See* https://www.tceq.texas.gov/permitting/wastewater/tceq-regionalization-for-wastewater, last visited on October 22, 2023.

Treasure Island Development; the City's interest in Treasure Island's discharge is indistinguishable from an interest common to members of the general public.

3. Issues Raised by the City

The City raises the following three issues in its Hearing Requests.

a. Regionalization

Per Domestic Technical Report 1.1, Section 1 (Justification for Permit), the Application identifies nearby wastewater treatment plants or collection systems within a three-mile radius of the Treasure Island Development. Although the City claims to have collection facilities within three miles, the North Texas Municipal Water District's ("***NTMWD's***") Hearing Request indicates that not even NTMWD is aware of whether the City has facilities within three miles of Treasure Island's proposed wastewater facilities. Further, as explained in Mr. Ipour's affidavit, Treasure Island requested wastewater service from the City through the District creation process but has been unable to arrive at a mutually agreeable contract.

Moreover, in the course and scope of negotiating a comprehensive development agreement with the City, Treasure Island diligently sought information from the City regarding the City's wastewater collection facilities, which the City finally provided after more than six months of Treasure Island's repeated requests, and which the City only provided subject to confidentiality provisions in connection with litigation in federal district court. Thus, the City thwarted Treasure Island's efforts to address regionalization issues in the Application.

b. Drinking Water Sources and Texas Surface Water Quality Standards

The City's Hearing Request mentions potential impacts to the City's drinking water sources, impacts to surface water and groundwater, and compliance with the Texas Surface Water

Quality Standards ("***TSWQS***"), but does not offer anything distinguishable to support its concerns. As explained in ED's RTC (*see* Responses to Comments 1, 3, 4, 23, and 30), the methodology employed in implementing the TSWQS in 30 Tex. Admin. Code, Chapter 307, is designed to protect surface water which *includes drinking water*. Further, as also explained in ED's RTC (*see* Response to Comment 3), the TSWQS are the primary mechanisms to *protect both surface water and groundwater*. The ED's RTC (*see* Responses to Comments 9 and 19) explains that if a permit is protective of surface water, it is also protective of groundwater. Thus, the City's speculative concerns about surface water quality and groundwater are fully addressed through TCEQ's implementation of the TSWQS.

c. Experience of Operator

Although the City complains that Treasure Island has not demonstrated experience in operating wastewater systems or wastewater treatment facilities, as explained in the ED's RTC (*see* Responses to Comment 5 and 11), TCEQ's rules in 30 Tex. Admin. Code, Chapter 30 (Occupational Licenses and Registrations), do not require an applicant to have previous experience in operating wastewater facilities, and Other Requirement No. 1 of the draft permit requires that Treasure Island employ one or more licensed operators. Thus, operator experience is not relevant and material to the Application, and is therefore not referrable to SOAH.

B. North Texas Municipal Water District

NTMWD submitted identical Hearing Requests via the same letter dated July 21, 2023, but subsequently unconditionally withdrew its comments, protest, and request for contested case hearing via letter dated May 16, 2024. Thus, there is nothing left for the Commission to consider with regard to the NTMWD Hearing Requests.

C. Jim DuBois

Jim DuBois filed a Hearing Request on July 7, 2023. As indicated in the mapping attached hereto as ***Exhibit 1***, the DuBois property is located almost 4.5 miles from the location of the proposed discharge point. Although the DuBois Hearing Request raises generalized issues relating to water quality, groundwater, water supply, regionalization, and odor, Mr. DuBois' distance from the proposed discharge point and wastewater treatment plant is far too attenuated to support his Hearing Request, and Mr. DuBois offers only offers speculative assertions in an attempt to meet his burden to demonstrate his status as an affected person.[20]

D. Katrina Lynn Arsenault

Katrina Lynn Arsenault filed a Hearing Request on July 11, 2023. As indicated in the mapping attached hereto as ***Exhibit 1***, the Arsenault property is located almost 5 miles from the location of the proposed discharge point, albeit the Hearing Request states that "[m]y property is within seven miles downstream of the Treasure Island Laguna Azure wastewater treatment plant and discharge point." The Arsenault Hearing Request raises generalized issues relating to community, water quality, groundwater, and odors, but the distance from the proposed discharge point to the Arsenault property is far too attenuated to support the Hearing Request, and only speculative assertions are offered in an attempt to meet the burden to demonstrate affected person status.[21]

E. Janis and James Watson

[20] Although other comments were submitted by Jim DuBois, only the issues included in the DuBois Hearing Request are addressed.

[21] Although other comments were submitted by Katrina Lynn Arsenault, only the issues included in the Arsenault Hearing Request are addressed.

Janis and James Watson filed identical Hearing Requests on September 13 and 16, 2024. As indicated in the mapping attached hereto as ***Exhibit 1***, the Watson property address provided is located over 2 miles from the location of the proposed discharge point.

As indicated in the ED's RTC (*see* Response to Comment 28), the only comment submitted by the Watsons concerned property values, which is not an issue within TCEQ's jurisdiction.[22] Per TCEQ's rules, "an affected person is one who has a ***personal justiciable interest*** . . . affected by the application."[23] The Watsons' interest in their property values is ***not an interest that is justiciable*** in a contested case hearing on a TPDES permit application.[24]

While the Watsons only timely public comment on the Application was limited to property values, in their Hearing Request, the Watsons also raised issues relating to flooding and erosion and related impacts to property and liability for damage. As explained in the ED's RTC (*see* Responses to Comments 29 and 30), these issues are also outside of TCEQ's authority to decide in the context of a TPDES permit application. Accordingly, even if the Watsons had raised these issues in a comment, these issues are no more justiciable than the Watsons' interest in their property values.

IV. RECONSIDERATION REQUESTS

A Reconsideration Request must be in writing, must be timely filed with the chief clerk, must expressly state that the person is requesting reconsideration of the ED's decision, and must give reasons why the requestor believes the decision should be reconsidered.[25] Reconsideration

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[22] *See also* ED's RTC, Responses to Comments 1, 21, and 27 (reiterating that TCEQ does not have jurisdiction over property values).

[23] *See* 30 TEX. ADMIN. CODE §55.203(a) (emphasis added)

[24] *Id.* § 55.203(c)(1) (providing that TCEQ shall consider "whether the interest claimed is one protected by the law under which the application will be considered" when "determining whether a person is an affected person").

[25] *See* 30 TEX. ADMIN. CODE § 55.201(e); *see also, e.g., Fisherman's Harvest, Inc. v. Post, Buckley, Schuh & Jernigan, Inc., et al.*, No. G-05-0151 (S.D. Tex. 2008), 2008 WL 4277001at 2 (explaining that a motion for reconsideration is

Requests should also contain the name, address, and daytime telephone number of the person who files the request.[26] According to the Commissioners' Integrated Database, TCEQ received two hearing requests on the Application. Neither of the pending Reconsideration Requests raise new material fact issues or otherwise identify a basis upon which the ED's decision should be reconsidered. The issues raised in each of the Reconsideration Requests were fully addressed, evaluated, and specifically responded to by the ED in the ED's RTC. Thus, the Commissioners should deny each of the Reconsideration Requests.

A. Stephen Campeau

Stephen Campeau's Reconsideration Request raises only generalized concerns about taxation and infrastructure – issues over which TCEQ does not have jurisdiction. These non-justiciable concerns raise no issues which have not been fully addressed in the ED's RTC (*see* Responses to Comments 26 and 28).[27]

B. Nancy Jan Shaw

Nancy Jan Shaw's Reconsideration Requests raise generalized, scattershot issues regarding property values, an environmental catastrophe, experience in operating a wastewater treatment plant, flooding, regionalization, and traffic.[28] These issues were fully addressed in the ED's RTC (*see* Responses to Comments 5, 7, 8, 11, 18, 21, 26, 28, 29, and 30). Thus, there are no new issues which have not already been raised and considered; there is nothing for the ED to reconsider nor any basis on which to order reconsideration.

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appropriate to address an intervening change in controlling law; to consider new evidence not previously available; correct a clear or manifest error of law or fact; or to prevent manifest injustice).

[26] *See* 30 TEX. ADMIN. CODE § 55.201(e).

[27] *See also* ED's RTC, Responses to Comments 1, 21, and 27 (reiterating that TCEQ does not have jurisdiction over property values).

[28] Although other comments were submitted by Nancy Jan Shaw, only the issues included in the Shaw Reconsideration Request are addressed.

V. CONCLUSION

For the foregoing reasons, Treasure Island respectfully requests that the Commission deny the Hearing Requests, deny the Reconsideration Requests, adopt the ED's RTC, approve the Application, and issue TPDES Permit No. WQ0016092001.

Alternatively, in the event the Commission determines that any of the Hearing Requesters are affected persons, Treasure Island respectfully requests that only the following issues be referred to SOAH:

a. Whether the Application comports with the state policy to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems as established by Tex. Water Code §§26.0282 and 26.081 (only if the Hearing Request of the City or DuBois is granted since the other requestors did not timely raise the issue in their comments or Hearing Requests); and

b. Whether the draft permit is protective of water quality and the existing uses in the receiving waters under the applicable surface water quality standards in 30 TAC Chapter 307 (only if the Hearing Request of the City, Arsenault, or DuBois is granted since the other requestors did not timely raise the issue in their comments or Hearing Requests).

Treasure Island further respectfully requests that if the Application is referred to SOAH, that the Commissioners direct SOAH to issue a proposal for decision by the 180th day after the first day of the preliminary hearing.[29]

[29] *See* 30 TEX. ADMIN. CODE §50.115(d)(2).

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Treasure Island's foregoing Response to Hearing Requests and Reconsideration Requests has been forwarded via electronic mail or U.S. Mail to the persons on the mailing lists attached hereto, on October 25, 2024. Such mailing list is the same mailing lists utilized by the Chief Clerk of the Texas Commission on Environmental Quality in the letter dated October 11, 2024 and filed in this docket.

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220 BLACKTHORN DR
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PENA , ANGELICA
113 PROVIDENCE DR
VAN ALSTYNE TX 75495-2796

PETERS , GREG
CITY OF ANNA
120 W 7TH ST
ANNA TX 75409-3308

PHILLIPS , SHARON
271 COLT ST
VAN ALSTYNE TX 75495-2220

POWERS , JUSTIN
25 HINTON CT
VAN ALSTYNE TX 75495-7095

PROCTER , PAUL
159 PARKER RD
VAN ALSTYNE TX 75495-3374

REALIVASQUEZ , CAMILLE
166 OWEN LN
VAN ALSTYNE TX 75495-4323

REED , KIM & LON
1804 MCDOUGALL CRK
VAN ALSTYNE TX 75495-8246

RINGO , CAROL
116 HARVEST MEADOWS LN
VAN ALSTYNE TX 75495-7131

ROGERS , EMILY W
BICKERSTAFF HEATH DELGADO ACOSTA LLP
STE C400
1601 S MOPAC EXPY
AUSTIN TX 78746-7009

ROSS , PHIL & TAMMI
251 MAGNOLIA DR
VAN ALSTYNE TX 75495-7123

SCHEIDEL , MARLENE
1879 HACKBERRY RD
VAN ALSTYNE TX 75495-2388

SCHOENER , BRANDY MARIE
1229 BENWICK DR
VAN ALSTYNE TX 75495-3056

SHAW , NANCY JAN
1603 HACKBERRY RD
VAN ALSTYNE TX 75495-3398

SIEDELMANN , KIM
831 BELMONT LN
VAN ALSTYNE TX 75495-7021

SILEVEN , DAVID G
164 OWEN LN
VAN ALSTYNE TX 75495-4323

SMITH , THE HONORABLE REGGIE STATE REPRESENTATIVE
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 62
PO BOX 2910
AUSTIN TX 78768-2910

SMITH , THE HONORABLE REGGIE STATE REPRESENTATIVE
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 62
421 N CROCKETT ST
SHERMAN TX 75090-0019

SMITH , STEPHANY
411 HARRISON CIR
VAN ALSTYNE TX 75495-4307

SPIES , JOHN
142 SUNDANCE DR
VAN ALSTYNE TX 75495-2647

STEPHAN , PATTY
557 PREAKNESS PLACE RD
VAN ALSTYNE TX 75495-2626

STEPHENS , SHERI
1693 HACKBERRY RD
VAN ALSTYNE TX 75495-3398

STONE , DAVID
1028 CEDAR VISTA DR
VAN ALSTYNE TX 75495-2238

STONE , MEAGAN
1028 CEDAR VISTA DR
VAN ALSTYNE TX 75495-2238

SWEET , CHRISTI
201 HOMESTEAD CT
VAN ALSTYNE TX 75495-7133

TAYLOR , MARY
389 WHITES HILL RD
VAN ALSTYNE TX 75495-4302

TAYLOR , MR WILSON
389 WHITES HILL RD
VAN ALSTYNE TX 75495-4302

THOMAS , LEE
208 NEWPORT DR
VAN ALSTYNE TX 75495-2792

TUITLE , CHARLIE
208 BLACKTHORN DR
VAN ALSTYNE TX 75495-3320

TURNER , MIKE
1017 HODGINS RD
VAN ALSTYNE TX 75495-2235

VOGEL , KIM
14 GALVAN LN
VAN ALSTYNE TX 75495-4315

VONBEHREN , JENNY
1219 W FARMINGTON RD
VAN ALSTYNE TX 75495-2274

WATSON , JAMES
257 BLACKTHORN DR
VAN ALSTYNE TX 75495-3322

WATSON , JAMES & JANICE
257 BLACKTHORN DR
VAN ALSTYNE TX 75495-3322

WEAVER , LANISHA
10367 FM 121
VAN ALSTYNE TX 75495-3404

WELBORN , NATASHA
402 DARTMOUTH DR
VAN ALSTYNE TX 75495-7028

WHITMIRE , JEFF COMMISSIONER PRECINCT 1
GRAYSON COUNTY
STE 15
100 W HOUSTON ST
SHERMAN TX 75090-6019

ZWEIFEL-GIBSON , TRACIE
949 S DALLAS ST
VAN ALSTYNE TX 75495-4438

Exhibit 1 – Mapping

TREASURE ISLAND LAGUNA AZURE LLC
WQ0016092001

OCTOBER 2024

LEGEND

- REQUESTERS
- FACILITY
- DISCHARGE ROUTE

DISTANCE MILES

- 0.50 MILE RADIUS
- 1 MILE RADIUS
- 1.5 MILE RADIUS

DATA SOURCE: FEMA; GRAYSON COUNTY DFIRM (2024); ESRI 2024

0 0.5 1 MILES

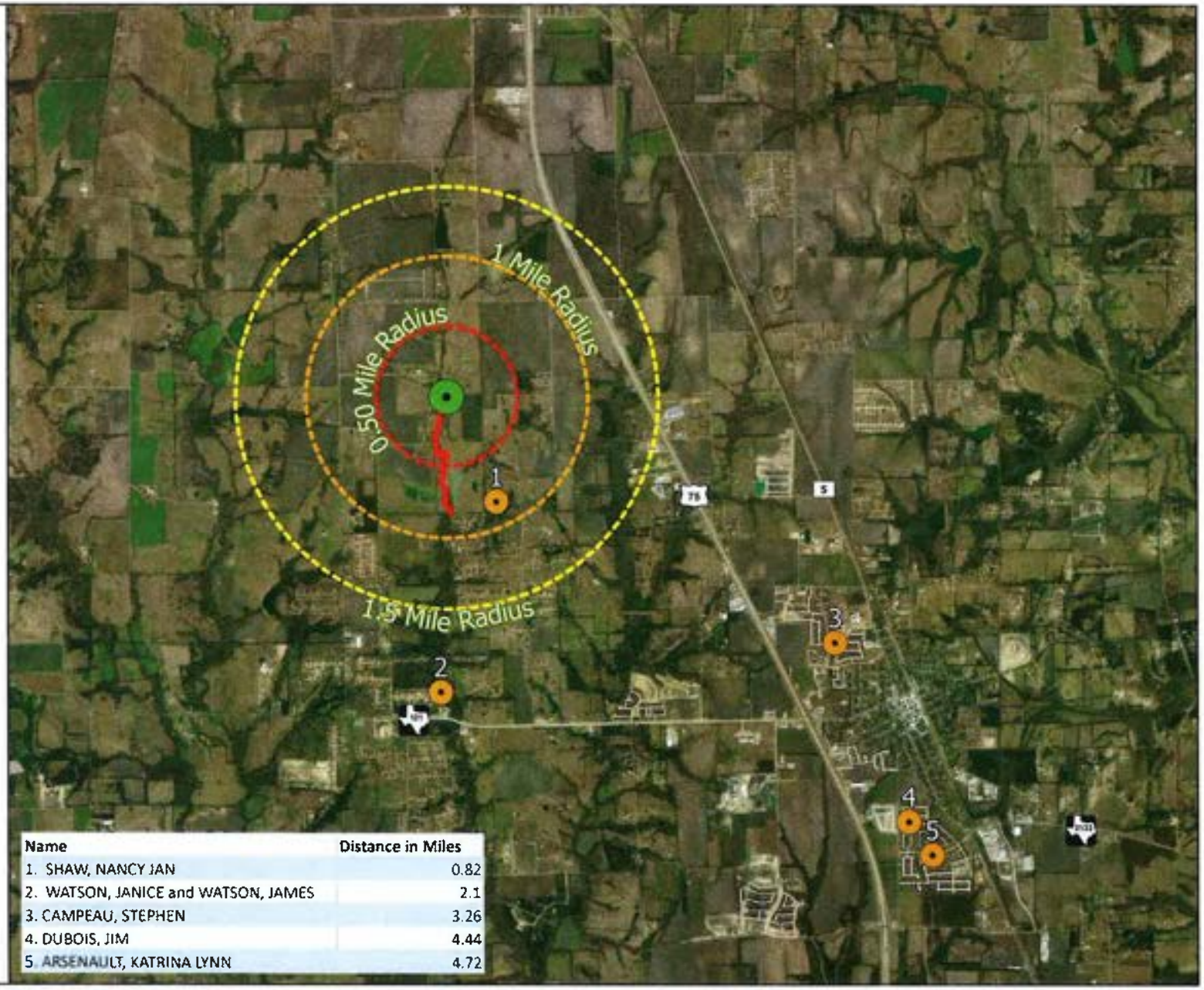
Grayson County

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

AERIAL PHOTOGRAPH DATE: ESRI 2024

THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES.

LJA



Name	Distance in Miles
1. SHAW, NANCY JAN	0.82
2. WATSON, JANICE and WATSON, JAMES	2.1
3. CAMPEAU, STEPHEN	3.26
4. DUBOIS, JIM	4.44
5. ARSENAULT, KATRINA LYNN	4.72

APP-0711

Exhibit 2 – Ipour Affidavit

TCEQ DOCKET NO. 2024-1612-MWD

APPLICATION BY TREASURE ISLAND LAGUNA AZURE, LLC FOR NEW TPDES PERMIT WQ0016092001	§ § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AFFIDAVIT OF ZACH IPOUR

On this day, appeared before me Zach Ipour, and stated:

"My name is Zach Ipour. I am more than twenty-one (21) years of age and capable of making this affidavit. I have personal knowledge of the facts stated herein, which are true and correct.

1. I am Co-President of Treasure Island Laguna Azure, LLC ("***Treasure Island***"), which owns 1,128.7 acres of property northeast of the City of Van Alstyne, Texas ("***City***") in Grayson County, Texas ("***Treasure Island Development***"). Attached hereto as **Ipour Attachment "A"** is a general location map of the Treasure Island Development.

2. The 1,128.7 acres included in the Treasure Island Development is currently located entirely within the City's extraterritorial jurisdiction ("***ETJ***") and is located entirely within Grayson County, Texas.

3. The property included in the Treasure Island Development has always been and is currently used as cropland or pasture with the exception of a residential structure and a few outbuildings. The Treasure Island Development was acquired in November 2021 for purposes of developing the cropland and pasture into the Treasure Island residential community, which at full buildout over the next decade is currently expected to include approximately 4,000 single family residential homes, approximately 4,000 apartment homes, several commercial establishments and a recreational laguna and amenities covering several acres ("***Development Plans***").

4. For approximately one decade, I have been personally and professionally involved in the development of dozens of residential projects in Texas similar to the Treasure Island Development from the point of land acquisition to final development. Based on my decade of experience with these types of residential projects in Texas, I have become well versed in the types of state and local authorizations which are needed in order for a project to succeed.

5. In order to develop the 1,128.7 acres included in the Treasure Island Development, it is necessary to obtain authorizations to provide for water utility service and wastewater utility service, along with other approvals from state and local governmental entities. Some of the authorizations and approvals can take several years to obtain, thus in my experience it is necessary to proceed with projects such as the Treasure Island Development as efficiently and as expeditiously as possible by dynamically pursuing various parallel and simultaneous efforts, such as simultaneously facilitating the creation of a political subdivision such as a utility district, engaging consultants to prepare engineering plans, obtaining various governmental approvals, and then subsequently entering into various agreements with the political subdivision and other entities in order to further the orderly development. As the development process unfolds, it may also become necessary for a developer to modify or adjust development plans, based on a variety of business-related factors such as changes in interest rates, terms in agreements and authorizations from local governmental entities, and/or changing economic conditions and changes in the housing or financial markets.

6. For the Treasure Island Development, some of the parallel and simultaneous efforts relating to providing for water and wastewater service involved two petitions to create municipal utility districts ("***Districts***") and one application for a wastewater permit filed with the Texas Commission on Environmental Quality ("***TCEQ***").

a. Petitions were filed in December 2022 with TCEQ to create Grayson County Municipal Utility District 6A and 6B ("***Districts***"). Attached hereto as **Ipour Attachment "B1"** and **Ipour Attachment "B2"** are the TCEQ notices of the petitions to create the Districts, each of which includes mapping showing the location of the proposed territory of the Districts. The District Petitions describe in detail the proposed improvements needed to establish the facilities necessary for the provision of retail wastewater and retail water utility service to the Treasure Island Development, the costs, and a method of financing the design, construction and operation of such improvements. The State Office of Administrative Hearings has scheduled November 12, 2024 preliminary hearings for contested case hearings on the petitions to create the Districts.

b. In January 2022, Treasure Island filed an application with TCEQ for TCEQ Wastewater Permit No. WQ0016092001 in order to provide wastewater treatment capacity for the Treasure Island Development.

7. None of the property within the 1,128.7 acres included in the Treasure Island Development has ever received and is not currently receiving wastewater service, and none of the property is currently included in any wastewater certificate of convenience and necessity issued by the Public Utility Commission of Texas.

8. As part of the creation process for the Districts, since the territory for each of the Districts is within the City's ETJ, Treasure Island was required to contact the City and ask for consent to the District creations. Since the City did not consent for the creation of either District within 90 days, we were then required to ask the City for water and wastewater service. The requests for wastewater service from the City were an alternative to Wastewater Permit No. WQ0016092001 which we actively pursued. Attached hereto as **Ipour Attachment "C"** is the

request by Treasure Island's predecessor for wastewater service from the City for the entire 1,128.7 acres included in the Treasure Island Development. Treasure Island stepped in to the shoes of its predecessor when it closed on the property for purposes of the District creation process and the request for wastewater service.

9. Based in large part on the requests for wastewater service, Treasure Island has had multiple discussions and multiple meetings with the City regarding the City's ability to provide wastewater service to the Treasure Island Development as part of a development agreement, including healthy discussions in the context of the application for TCEQ Wastewater Permit No. WQ0016092001. However, despite Treasure Island's best efforts and months of negotiations with the City, there is currently no mutual agreement acceptable to all parties regarding wastewater service from the City.

10. As part of the discussions with the City regarding wastewater service, Treasure Island's engineering team inquired multiple times of the City regarding the engineering requirements necessary for the City's wastewater infrastructure to be connected to facilities which could serve Treasure Island. Attached hereto as **Ipour Attachment "D"** are some of the various email communications with the City requesting the engineering information. However, as of the date of this affidavit, the City has not provided the engineering information, except confidentially in the context of federal litigation under Texas Federal Rule 408. As explained in the attached emails, calculations of costs to connect wastewater infrastructure for Treasure Island to the City's existing wastewater infrastructure cannot be done without the engineering information the City did not readily provide during TCEQ's processing of the application for TCEQ Wastewater Permit No. WQ0016092001. Further, the City has actively opposed and encouraged others to oppose Treasure Island's application for TCEQ Wastewater Permit No. WQ0016092001, as indicated by

the open letter from the City Manager to the "City Council and Citizens" dated September 12, 2023, and attached hereto as **Ipour Attachment "E"**.

11. Treasure Island's current Development Plans include providing retail wastewater and water utility service to the entirety of the Treasure Island Properties through the creation of the Districts, and with the wastewater treatment capacity which would be authorized by Wastewater Permit No. WQ0016092001.

Further affiant sayeth not."

Zach Ipour
Co-President of Treasure Island Laguna Azure, LLC

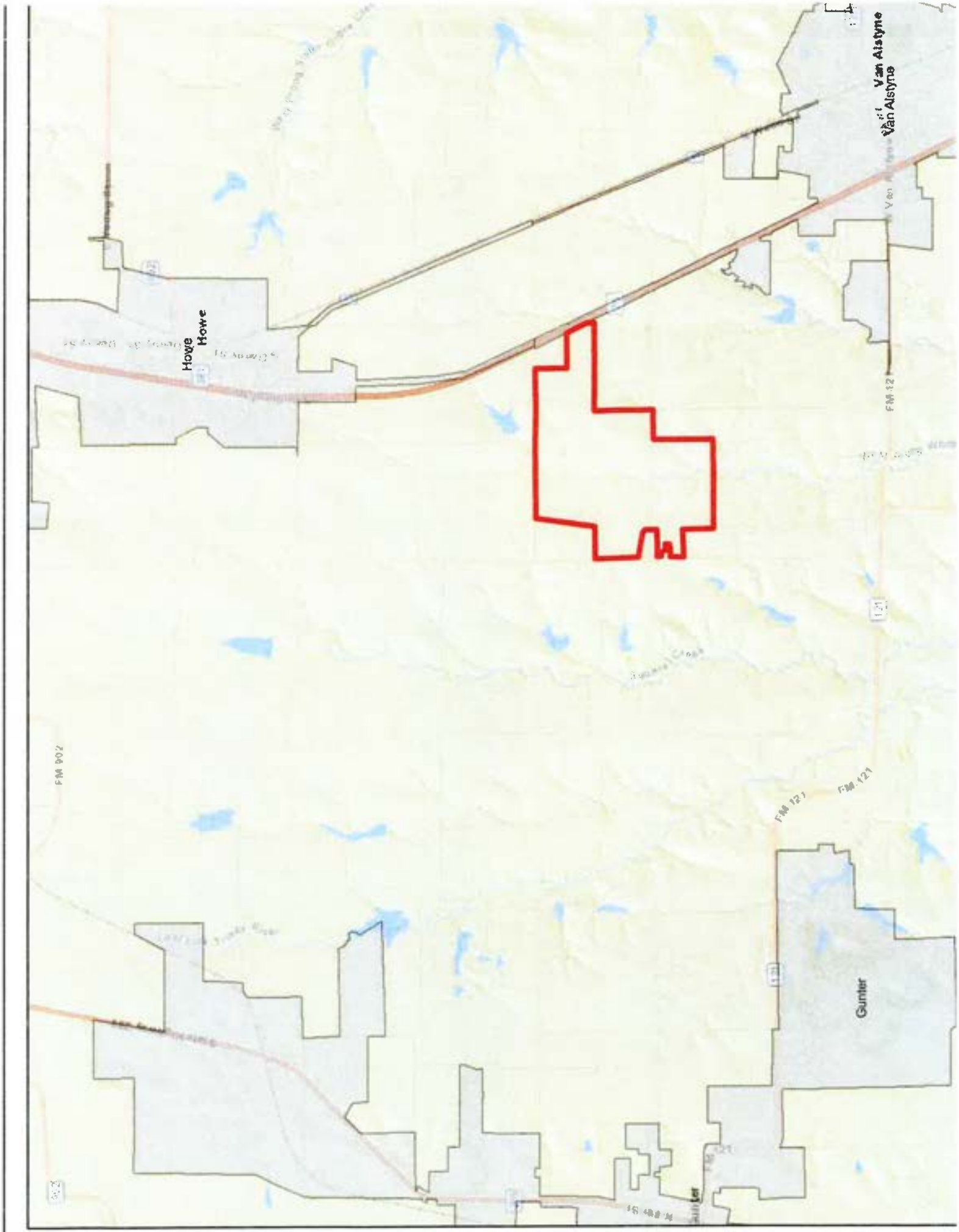
STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me, the undersigned authority, this ___th day of October, 2024, by Zach Ipour, Co-Owner of Treasure Island, on behalf of said company.

Notary Public in and for the State of Texas

TISHA TRIBBLE
Notary Public, State of Texas
Comm. Expires 04-23-2026
Notary ID 131540082

Ipour Attachment "A"
General Location Map



APP-0719

Ipour Attachment "B1"
TCEQ Notice of Grayson County MUD 6A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF DISTRICT PETITION
TCEQ INTERNAL CONTROL NO. D-03172022-031

PETITION. Treasure Island Laguna Azure, LLC, a Wyoming limited liability company (Petitioner), filed a petition for the creation of Grayson County Municipal Utility District No. 6-A (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, MCI Preferred Income Fund II, LLC, a Delaware limited liability company, on the property to be included in the proposed District and information provided indicates that the aforementioned entity has consented to the petition; (3) the proposed District will contain approximately 596.73 acres located within Grayson County, Texas; and (4) the land within the proposed District is located wholly within the extraterritorial jurisdiction of the City of Van Alstyne, Texas (City).

The territory to be included in the proposed District is depicted in the vicinity map designated as Exhibit "A," which is attached to this document.

The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate facilities, systems, plants, and enterprises of such additional facilities as shall be consonant with all of the purposes for which the proposed District is created.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately $108,335,000 ($93,895,000 for water, wastewater, and drainage plus $14,440,000 for roads).

In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of their Property into the District.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

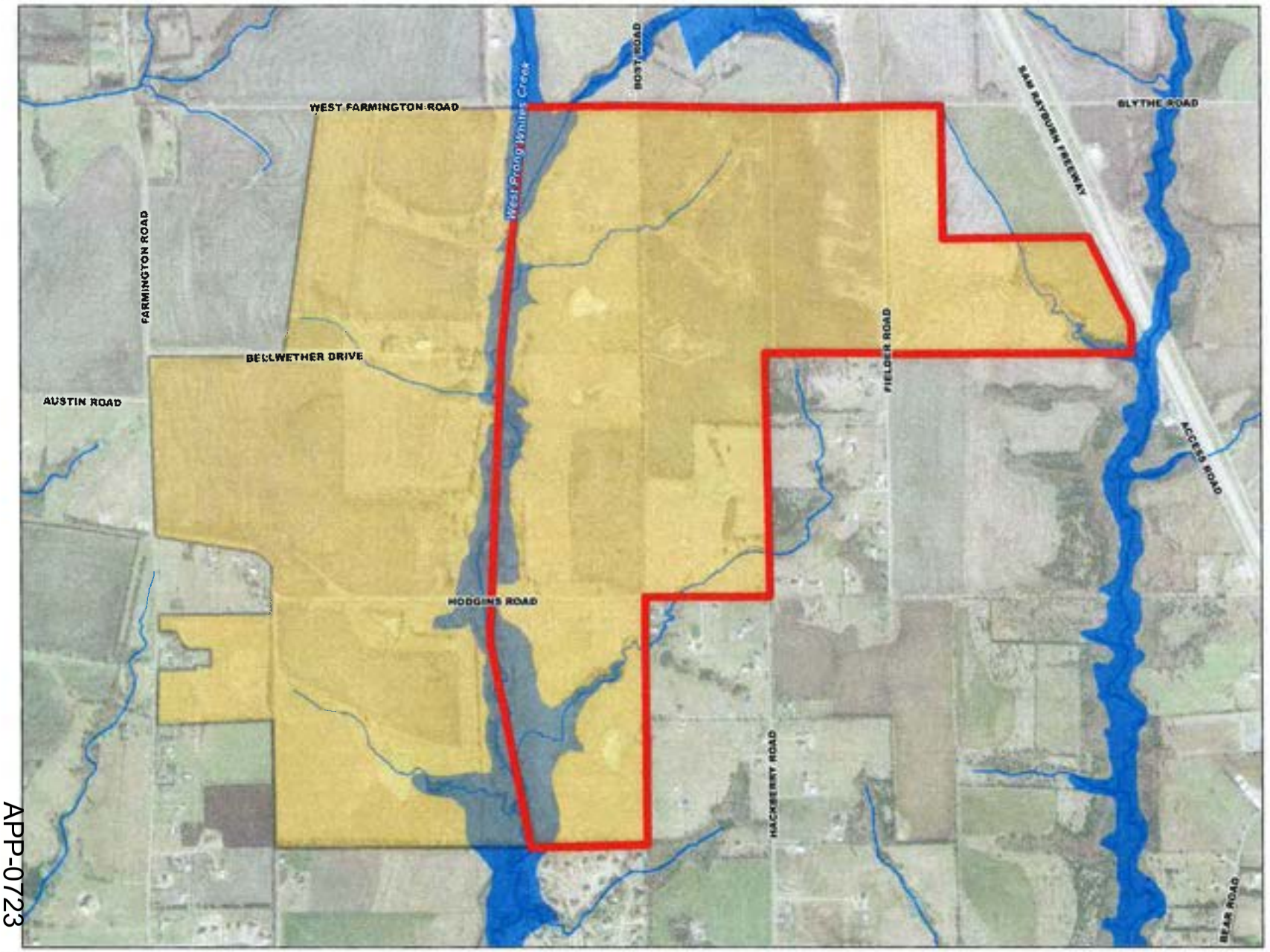
To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioners and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

INFORMATION. Written hearing requests should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC-103, at the same address. General information regarding TCEQ can be found at our web site http://www.tceq.texas.gov/.

Issued: December 14, 2022

Exhibit "A"



VICINITY MAP
Scale: 1 inch equals 5 miles

LEGEND

- MUD Boundary
- Treasure Island
- Streams
- Floodway
- 100 Year
- 500 Year

FIGURE 3
VICINITY MAP

596.73 ACRES
GRAYSON COUNTY

1 inch = 1,000 feet

JONES | CARTER

APP-0723

Ipour Attachment "B2"
TCEQ Notice of Grayson County MUD 6B

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF DISTRICT PETITION
TCEQ INTERNAL CONTROL NO. D-03172022-032

PETITION. Treasure Island Laguna Azure, LLC, a Wyoming limited liability company (Petitioner), filed a petition for the creation of Grayson County Municipal Utility District No. 6-B (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, MCI Preferred Income Fund II, LLC, a Delaware limited liability company, on the property to be included in the proposed District and information provided indicates that the aforementioned entity has consented to the petition; (3) the proposed District will contain approximately 531.98 acres located within Grayson County, Texas; and (4) the land within the proposed District is located wholly within the extraterritorial jurisdiction of the City of Van Alstyne, Texas (City).

The territory to be included in the proposed District is depicted in the vicinity map designated as Exhibit "A," which is attached to this document.

The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate facilities, systems, plants, and enterprises of such additional facilities as shall be consonant with all of the purposes for which the proposed District is created.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately $98,085,000 ($86,415,000 for water, wastewater, and drainage plus $11,670,000 for roads).

In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of their Property into the District.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

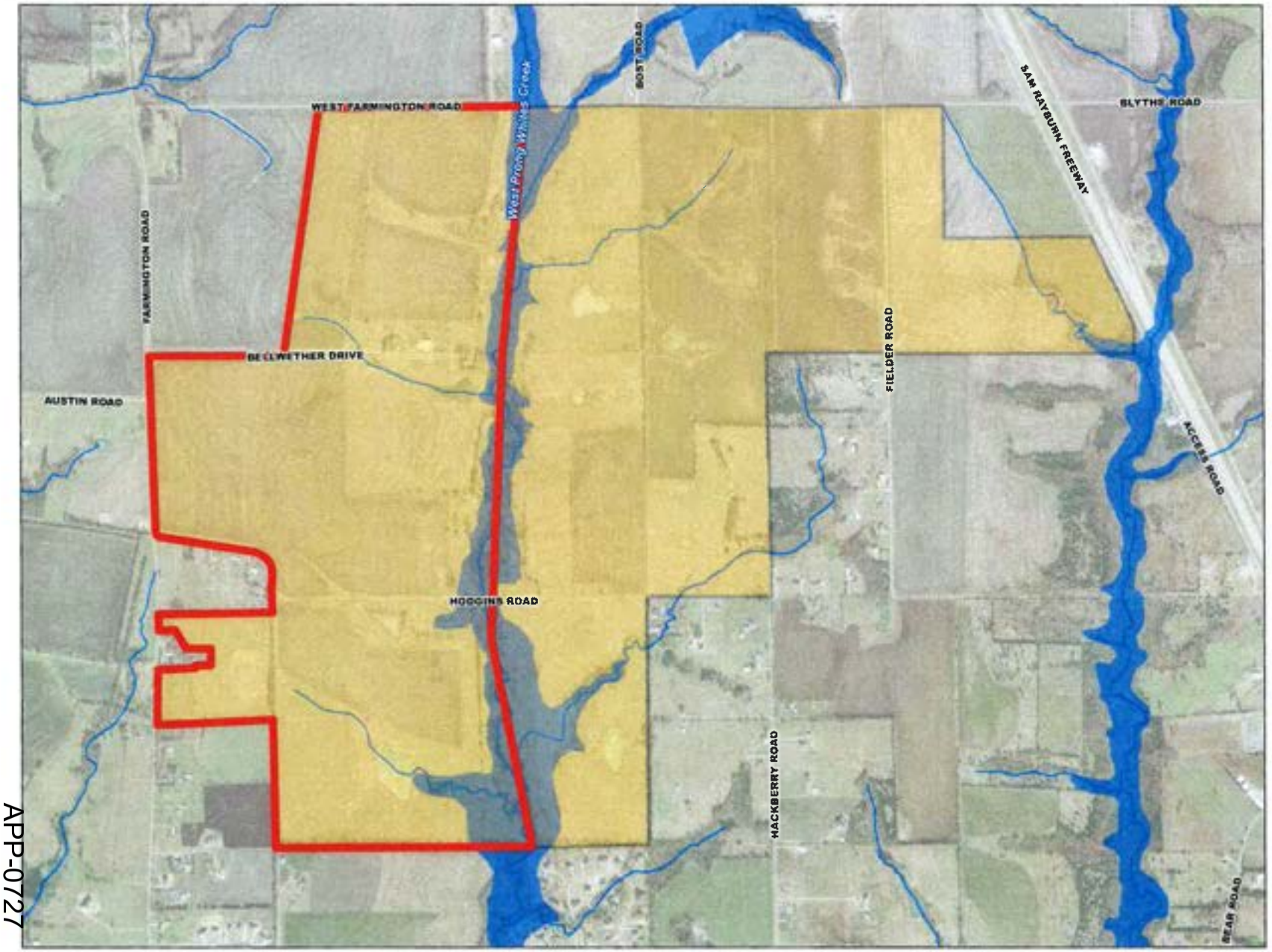
To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioners and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

INFORMATION. Written hearing requests should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC-103, at the same address. General information regarding TCEQ can be found at our web site http://www.tceq.texas.gov/.

Issued: December 14, 2022

Exhibit "A"



VICINITY MAP

Scale: 1 inch equals 5 miles

LEGEND

- MUD Boundary
- Treasure Island
- Streams
- Floodway
- 100 Year
- 500 Year

FIGURE 3
VICINITY MAP

531.98 ACRES
GRAYSON COUNTY

1 inch = 1,000 feet

Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Jones | Carter, Inc. concerning the accuracy completeness, reliability, or usability of the information included within this exhibit.

JONES | CARTER

Texas Board of Architectural and Engineer Registration No. F-439

APP-0727

Ipour Attachment "C"
Request for Service

8/23/2021

COPY

PETITION FOR SERVICES OTHERWISE PROVIDED BY GRAYSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 6

THE STATE OF TEXAS §
§
COUNTY OF GRAYSON §

TO THE HONORABLE MAYOR AND
CITY COUNCIL OF THE CITY OF VAN ALSTYNE:

The undersigned petitioner (herein the "Petitioner", whether one or more), being a majority of the persons who hold title to land(s) situated within the area hereinafter described, which represents a total value of more than 50% of the value of all such area, and being a majority in value of the holders of title of the land within said area as indicated by the tax rolls of the central appraisal district of Grayson County, Texas, acting pursuant to the provisions of Section 42.042, Texas Local Government Code, as amended, previously petitioned the City Council of the City of Van Alstyne on April 23, 2021, for consent to the creation of Grayson County Municipal Utility District No. 6 (the "District"). The City Council of the City of Van Alstyne failed or refused to give such consent within 90 days of the date it received the petition; therefore, Petitioner now respectfully petitions that the City of Van Alstyne make available to such land the water and sanitary sewer services that would otherwise be provided by the District. In support of this petition, Petitioner shows as follows:

I.

Petitioner is the owner and holder of fee simple title to the land sought to be served by the City of Van Alstyne, as indicated by the tax rolls of the central appraisal district of Grayson, County, Texas. Petitioner represents and warrants that there are no holders of liens against said land.

II.

The land sought to be served by the City of Van Alstyne contains approximately 1128.08 acres of land, more or less, and lies wholly within Grayson County, Texas. No part of said area is within the limits of any incorporated city or town. Under the provisions of Section 42.001, Local Government Code, as amended, said area is within the extraterritorial jurisdiction of the City of Van Alstyne and is not within such jurisdiction of any other city.

III.

The land sought to be served by the City of Van Alstyne is described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

IV.

The general nature of the work proposed to be done in the area sought to be served shall be the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system, for domestic and commercial purposes; the construction, installation, maintenance, purchase and operation of drainage and roadway facilities and improvements; and the construction, installation, maintenance, purchase and operation of facilities, systems, plants and enterprises of such additional facilities as shall be consonant with the purposes for which the District is organized.

V.

The land sought to be served by the City of Van Alstyne is urban in nature, is within the growing environs of the City of Van Alstyne, and is in close proximity to populous and developed sections of Grayson County. There is a necessity for the improvements described above because the land sought to be served by the City of Van Alstyne is not supplied with adequate water, sanitary sewer, drainage or roadway facilities, nor is it presently economically feasible for such facilities to be added to said land. The health and welfare of the present and future inhabitants of the land sought to be served by the City of Van Alstyne and of the territories adjacent thereto require the installation and acquisition of adequate water and sanitary sewer facilities for and within such land.

A public necessity exists for the service of said lands by the City of Van Alstyne to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community, by and through the construction, extension, improvement, maintenance and operation of water and sanitary sewer facilities.

WHEREFORE, Petitioner respectfully prays that this petition be granted in all respects and that the City of Van Alstyne execute a legally binding contract on commercially reasonable terms providing for the services requested herein within the time limits prescribed by Section 42.0425, Texas Local Government Code, as amended.

[SIGNATURE PAGE FOLLOWS]

EXECUTED THIS 23rd day of July, 2021.

PETITIONER:

MBA MCKINNEY PROPERTIES II LTD,
a Texas limited partnership
By: McKinney Investments I, LLC its General Partner
By: M. Brian Aycock III
Name: M. Brian Aycock III
Its: Manager

THE STATE OF TEXAS §
§
COUNTY OF McLennan §

This instrument was acknowledged before me on this the 23 day of July, 2021, by M Brian Aycock III of MBA McKinney Properties II, LTD., on behalf of said partnership.

DAVID BUSCH
Notary Public
STATE OF TEXAS
ID#12412708-8
My Comm. Exp. April 1, 2022

(SEAL)

Notary Public, State of Texas

4830-1579-4162v.1

WILLIAM H. RASOR

By: William H. Rasor
William H. Rasor,
In His Individual Capacity

THE STATE OF TEXAS §
§
COUNTY OF Texas §

Sworn to and subscribed before me on the 23 day of July, 2021 by William H. Rasor, in his individual capacity.

Cynthia MacDonough
Notary Public, State of Texas

(SEAL)

CYNTHIA MACDONOUGH
Notary ID #129899715
My Commission Expires
July 29, 2022

4830-1579-4162v.1

LURA BETH SMITH

By: Lura Beth Smith
Lura Beth Smith
In Her Individual Capacity

THE STATE OF TEXAS §
§
COUNTY OF Collin §

Sworn to and subscribed before me on the 22nd day of July, 2021 by Lura Beth Smith, in her individual capacity.

Tuelin Abii
Notary Public, State of Texas

(SEAL)

TUELIN ABII
Notary Public
STATE OF TEXAS
Notary ID # 126107023
My Comm. Exp. October 3, 2025

4830-1579-4162v.1

LAURA RASOR SMITH

By: Laura Rasor Smith
Laura Rasor Smith
In Her Individual Capacity

THE STATE OF TEXAS §
§
COUNTY OF Collin §

Sworn to and subscribed before me on the 22nd day of July, 2021 by Laura Rasor Smith, in her individual capacity.

Tuelin Abii
Notary Public, State of Texas

(SEAL)

TUELIN ABII
Notary Public
STATE OF TEXAS
Notary ID # 126107023
My Comm. Exp. October 3, 2023

WILLIAM H. RASOR, III

By: William H. Rasor III
William H. Rasor, III
In His Individual Capacity

THE STATE OF TEXAS §
§
COUNTY OF Texas §

Sworn to and subscribed before me on the 23 day of July, 2021 by William H. Rasor, III, in his individual capacity.

Cynthia MacDonough
Notary Public, State of Texas

(SEAL)

CYNTHIA MACDONOUGH
Notary ID #129899715
My Commission Expires
July 29, 2022

4830-1579-4162v.1

EXHIBIT "A"
Legal Description

SITUATED in the County of Grayson, State of Texas, being a part of the VEL D. FOX SURVEY, Abstract No. 423, being a part of a 130.13 acre tract of land conveyed by Keith Hale, et ux to Clyde E. Hale and Paul Brown by deed dated May 11, 1966, recorded in Volume 1057, Page 160, Deed Records, Grayson County, Texas, being a part of a 9.910 acre tract of land previously conveyed out of said 130.13 acre tract and described in deed from Lynn Cavender, et ux to Bobby Wayne Moore, et ux, dated May 13, 1991, recorded in Volume 2152, Page 599, Real Property Records, Grayson County, Texas, being all of an 0.127 acre tract of land conveyed by Joetta Holland to Bobby Wayne Moore, et ux by deed dated August 29, 1991, recorded in Volume 2169, Page 740, Real Property Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at the most Westerly Southwest corner of said 9.910 acre tract, the Northwest corner of an 0.436 acre tract of land conveyed by Roy Willis Kirby to Joetta Holland by deed dated September 23, 1983, recorded in Volume 1663, Page 21, Deed Records, Grayson County, Texas, in a public road known as Farmington Road;

THENCE North 01 deg. 34 min. 00 sec. East, a distance of 202.23 feet to the Northwest corner of said 9.910 acre tract, the Southwest corner of a 12 acre tract of land conveyed by Darrell V. Wright to Bobby W. Moore, et ux by deed dated December 28, 1984, recorded in Volume 1728, Page 538, Deed Records, Grayson County, Texas, in said Farmington Road;

THENCE North 88 deg. 31 min. 01 sec. East, with the South line of said 12 acre tract, at a distance of 26.6 feet passing a found 1/2 inch rebar on the East side of said Farmington Road and continuing with the general line of a fence for a total distance of 683.82 feet to a found 1/2 inch rebar at the base of a fence corner post, said rebar maintaining the Southeast corner of said 12 acre tract, the Southwest corner of a 5.00 acre tract of land conveyed by Anthony A. Grisolia, et ux to James A. Grisolia, et ux by deed dated May 24 1989, recorded in Volume 2039, Page 685, Real Property Records, Grayson County, Texas;

THENCE North 89 deg. 59 min. 36 sec. East, continuing with the general line of a fence and with the South line of said 5.00 acre tract, a distance of 548.04 feet to a found 1/2 inch rebar at the base of a fence corner post on the West line of a 243.936 acre tract of land conveyed by Deloris Ann Elliott and Judy K. Doggett, Co-Trustees to Dean Oswald by deed dated September 4, 2002, recorded in Volume 3308, Page 686, Official Public Records, Grayson County, Texas, said rebar maintaining the Southeast corner of said 5.00 acre tract, the Northeast corner of said 9.910 acre tract;

THENCE South 00 deg. 50 min. 28 sec. East, with the general line of a fence, the West line of said 243.936 acre tract, a distance of 391.65 feet to a found 1/2 inch rebar at the base of a fence corner post, said rebar maintaining the Southeast corner of said 9.910 acre tract, the Northeast corner of a 19.64 acre tract of land conveyed by William D. Benton to

Lura Rasor Smith by deed dated April 15, 1999, recorded in Vol. 2781, Page 13, Official Public Records, Grayson County, Texas;

THENCE South 89 deg. 33 min. 27 sec. West, with the general line of a fence, the most Northerly North line of said 19.64 acre tract, passing its most Northerly Northwest corner, the Northeast corner of an 0.587 acre tract of land conveyed by Mary King, Individually and as Independent Executrix of the Estate of George Edward King, deceased to Elmont Farmington Water Supply Corporation by deed dated January 19, 1983, recorded in Volume 1631, Page 543, Deed Records, Grayson County, Texas and continuing for a total distance of 829.95 feet to a pipe corner post maintaining the most Southerly Southwest corner of said 9.910 acre tract, the Northwest corner of said 0.587 acre tract, on the East line of a 1.988 acre tract of land conveyed by J. W. Reed to Terry Crosby, et ux by deed dated January 13, 1989, recorded in Volume 2921, Page 512, Real Property Records, Grayson County, Texas;

THENCE North 02 deg. 01 min. 07 sec. West, with the East line of said 1.988 acre tract, a distance of 10.74 feet to a found 1/2 inch rebar at the base of a fence corner post, said rebar maintaining the Southeast corner of an 0.703 acre tract of land conveyed by Roy Willis Kirby to Joetta Holland by deed dated July 9, 1987, recorded in Volume 1925, Page 622, Real Property Records, Grayson County, Texas, the Southeast corner of the above mentioned Moore 0.127 acre tract previously conveyed out of said 0.703 acre tract;

THENCE South 87 deg. 16 min. 28 sec., West, with the general line of a fence, the North line of said 1.988 acre tract, the South line of said 0.703 acre tract, a distance of 101.89 feet to a pipe corner post maintaining the Southwest corner of said 0.127 acre tract;

THENCE North 33 deg. 20 min. 48 sec. West with the general line of a fence, the West line of said 0.127 acre tract, passing its Northwest corner, the Easterly corner of an 0.051 acre tract of land previously conveyed out of said 9.910 acre tract by deed from Bobby Wayne Moore, et ux to Joetta Holland, dated August 29, 1991, recorded in Volume 2169, Page 737, Real Property Records, Grayson County, Texas, on the North line of said 0.703 acre tract, a South line of said 9.910 acre tract and continuing for a total distance of 210.55 feet to a pipe corner post maintaining the Northerly corner of said 0.981 acre tract an ell corner of said 9.910 acre tract, the Northeast corner of the above mentioned Holland 0.436 acre tract;

THENCE South 88 deg. 55 mi. 10 sec. West, with the North line of said 0.436 acre tract, at a distance of 169.24 feet passing a found 1/2 inch rebar on the East side of said Farmington Road and continuing for a total distance of 195.14 feet to the PLACE OF BEGINNING and containing 10.04 ACRES OF LAND, more or less.

SITUATED in the County of Grayson, State of Texas, being a part of the UEL D. FOX SURVEY, Abstract No. 423, being all of a 19.64 acre tract of land conveyed by Michael S. Harris, et ux to William D. Benton by deed dated June 30, 1997, recorded in Volume 2555, Page 183, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a set spike nail in the center of a public road known as Farmington Road, and on the West line of said Fox Survey, the East line of the R. H. Deaver Survey, Abstract No. 357, the East line of a 2.25 acre tract of land conveyed by Flora Neoma Burk and William Ray Burk to Gale Burk Tomberlin, et vir by deed dated April 11, 1975, recorded in Volume 1308, Page 788, Deed Records, Grayson County, Texas, said nail maintaining the most Westerly Northwest corner of said 19.64 acre tract, the Southwest corner of a 1.988 acre tract of land conveyed by J. W. Reed to Terry Crosby, et ux by deed dated January 13, 1989, recorded in Volume 2021, Page 512, Real Property Records, Grayson County, Texas;

THENCE North 87 deg. 13 min. 36 sec. East, at a distance of 26.0 ft. passing a fence corner post on the East side of said road, and continuing with the general line of a fence for a total distance of 427.03 feet to a found inch rebar at the base of a fence corner post, said rebar maintaining the Southeast corner of said 1.988 acre tract;

THENCE North 02 deg. 16 min. 33 sec. West, with the general line of a fence, the East line of said 1.988 acre tract, a distance of 36.73 feet to a set ½ inch rebar for the Southwest corner of a 0.274 acre tract of land conveyed by Mary King, Individually and as Independent Executrix of the Estate of George Edward King, deceased to Elmont Farmington Water Supply Corporation by deed dated January 19, 1983, recorded in Volume 1631, Page 543, Real Property Records, Grayson County, Texas;

THENCE North 88 deg. 11 min. 27 sec. East, a distance of 160.00 feet to a set ½ inch rebar for the Southeast corner of said 0.274 acre tract;

THENCE North 02 deg. 06 min. 15 sec. West, a distance of 160.00 feet to a found ½ inch rebar in a fence, and on a South line of a 9.910 acre tract of land conveyed by Lynn Cavender, et ux to Bobby Wayne Moore, et ux by deed dated May 13, 1991, recorded in Volume 2152, Page 599, Real Property Records, Grayson County, Texas;

THENCE North 88 deg. 26 min. 13 sec. East, with the general line of a fence, the South line of said 9.910 acre tract, a distance of 670.10 feet to a found ½ inch rebar at the base of a fence corner post, said rebar maintaining the Southeast corner of said 9.910 acre tract;

THENCE South 01 deg. 31 min. 59 sec. East, with the general line of a fence, a distance of 748.23 feet to a found 1/2 inch rebar at the base of a fence corner post, said rebar maintaining the Northeast corner of a 20.00 acre tract of land conveyed by the Veterans Land Board of Texas to Billy Edward Pittman by Contract of Sale and Purchase dated January 28, 1972, recorded in Volume 1208, Page 745, Deed Records, Grayson County, Texas;

THENCE South 86 deg. 46 min. 42 sec. West, with the North line of said 20.00 acre tract, passing the Northeast corner of a 2.00 acre tract of land previously conveyed out of said 20.00 acre tract and described in deed from Patrick Carl Slaughter, et ux to Burt Kevin Hamula, et ux, dated August 10, 1994, recorded in Volume 2352, Page 352, Real Property Records, Grayson County, Texas, and continuing with the North line of said

2.00 acre tract, at a distance of 1250.48 ft. passing a found inch rebar on the East side of said Farmington Road, and continuing for a total distance of 1274.08 feet to a found railroad spike in the center of said road, and on the West line of said Fox Survey, the East line of said Deaver Survey;

THENCE North 00 deg. 18 min. 19 sec. East, with the center of said road, the West line of said Fox Survey, the East line of said Deaver Survey, at a distance of 25.82 feet passing a set spike nail for the Southeast corner of a tract of land described in First Tract in deed from Gal Burk Tomberlin and William Ray Burk to Flora Neoma Burk, dated April 11, 1975, recorded in Volume 1308, Page 794, Deed Records, Grayson County, Texas, and continuing with the East line of said First Tract, passing its Northeast corner, the Southeast corner of the above mentioned 2.25 acre tract of land, and continuing for a total distance of 578.99 feet to the place of beginning and containing 19.64 ACRES OF LAND more or less.

BEING a tract of land situated in the Vel D. Fox Survey, Abstract No. 423, Grayson County, Texas, and also being 240.00 acre tract as recorded in Volume 2230, Page 371 of the Deed Records of Grayson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner at the northeast corner of Hackberry Heights Phase Three, said iron rod being the southeast corner of this tract;

THENCE North 89 degrees 14 minutes 53 seconds West a distance of 4023.35 feet to a 1/2 inch iron rod found for corner;

THENCE North 00 degrees 17 minutes 43 seconds East a distance of 2636.92 feet to a 1/2 inch iron rod found for corner in ell corner in Hodgin Road;

THENCE South 89 degrees 19 minutes 32 seconds East following Hodgin Road a distance of 4027.83 feet to a 1/2 inch iron rod found for corner;

THENCE South 00 degrees 23 minutes 36 seconds West a distance of 2642.35 feet to the POINT OF BEGINNING and containing 10,625,852 square feet or 243.936 acres of land.

Situated in the County of Grayson, State of Texas, being a part of the C. Nolen Survey, Abstract No. 905; M.P. West Survey, Abstract No. 1323; J. Fox Survey, Abstract No. 424; R. Deaver Survey, Abstract No. 357; P.F. Leeper Survey, Abstract No. 719 and the Robert Nall Survey, Abstract No. 910, also being those tracts of land conveyed to William A. Custard as follows: 158.801 acre tract, Volume 2287, Page 501; 79.752 acre tract, Volume 1508, Page 541; 61.756 acre tract, Volume 1408, Page 704; 16.50 acre tract, Volume 2083, Page 701; 205.845 acre tract, Volume 1367, Page 530; 128.469 acre tract, Volume 1356, Page 649; 42.815 acre tract, Volume 1282, Page 186; and those four tracts of land conveyed to William A. Custard and wife, Linda P. Custard as recorded in Volume 1260, Page 456 all recorded in Deed Records, Grayson County, Texas and being described as metes and bounds as follows:

BEGINNING at a found 1/2 inch steel rod at the northeast corner of said 158.801 acre tract, said rod also being the called northeast corner of said C. Nolen Survey, Abstract 905;

THENCE South 00 degrees 02 minutes 44 seconds East with the east line of said 158.801 acre tract, a distance of 2,629.61 feet to a found 5/8 inch steel rod at the southeast corner of said 158.801 acre tract;

THENCE North 89 degrees 16 minutes 31 seconds West with the south line of said 158.801 acre tract, a distance of 1,313.17 feet to a found 5/8 inch steel rod at the northeast corner of said 79.752 acre tract;

THENCE South 00 degrees 19 minutes 21 seconds West with the east line of said 79.752 acre tract, passing the southwest corner of Lot One, Lake Hills Estates, an addition to Grayson County as recorded in Volume 9, Page 54, Plat Records, Grayson County, Texas at a distance of 2610.13, also passing a found 3/8 inch steel rod at a distance of 2,619.19, continuing in all a total distance of 2640.13 feet to a railroad spike set at the southeast corner of said 79.752 acre tract;

THENCE North 89 degrees 16 minutes 44 seconds West with the south line of 79.752 acre tract, a distance of 1,320.76 feet to a railroad spike set at the southwest corner of said 79.752 acre tract;

THENCE North 00 degrees 05 minutes 17 seconds East with the west line of said 79.752 acre tract, a distance of 13.70 feet to a found 3/8 inch steel rod in concrete, the southeast corner of said 61.756 acre tract;

THENCE North 89 degrees 55 minutes 17 seconds West with the south line of 61.756 acre tract, a distance of 405.65 feet to a found 4 inch steel corner post, the southeast corner of said 16.50 acre tract;

THENCE North 89 degrees 22 minutes 20 seconds West with the south line of 16.50 acre tract, a distance of 893.60 feet to a found 4 inch steel corner post, the southwest corner of said 16.50 acre tract;

THENCE South 00 degrees 30 minutes 21 seconds West, a distance of 19.93 feet to a found 1/2 inch steel rod at the southeast corner of said 205.845 acre tract;

THENCE North 89 degrees 02 minutes 48 seconds West with the south line of said 205.845 acre tract, a distance of 2,729.42 feet to a found 1/2 inch steel rod at the most southerly southwest corner of said 205.845 acre tract;

THENCE North 01 degree 24 minutes 26 seconds East with the east line of that 8 acre tract of land conveyed to A. Grisolia as recorded in Volume 1289, Page 161 of said Deed Records, a distance of 448.61 feet to a found 1/2 inch steel rod at the northeast corner of said 8 acre tract;

THENCE North 79 degrees 05 minutes 28 seconds West, a distance of 1,304.40 feet to a railroad spike set at the southeast corner of that tract of land conveyed to Elmont-Farmington Water Supply Corp. as recorded in Volume 1037, Page 642 of said Deed Records;

THENCE North 01 degree 11 minutes 35 seconds West with the east line of said Elmont-Farmington Water Supply Corp. tract, a distance of 164.93 feet to a set railroad spike at the northeast corner of said Elmont-Farmington Water Supply Corp. tract;

THENCE North 80 degrees 32 minutes 39 seconds West with the north line of said Elmont-Farmington Water Supply Corp. tract, a distance of 162.95 feet to a found fence corner at the northeast corner of said Elmont-Farmington Water Supply Corp. tract;

THENCE South 00 degrees 21 minutes 22 seconds East with the west line of said Elmont-Farmington Water Supply Corp. tract, a distance of 160.22 feet to a found 1/2 inch steel rod at the southwest corner of said Elmont-Farmington Water Supply Corp. tract;

THENCE North 78 degrees 58 minutes 27 seconds West, a distance of 1,018.49 feet to a found 1/2 inch steel rod at the most westerly northeast corner of said 205.845 acre tract;

THENCE North 03 degrees 07 minutes 22 seconds East with the most westerly vest line of said 205.845 acre tract, a distance of 1,302.40 feet to a found ½ inch steel rod at the most westerly northeast corner of said 205.845 acre tract;

THENCE South 86 degrees 45 minutes 45 seconds East, a distance of 1,080.94 feet to a found railroad spike at the southeast corner of Farmington Estates, an addition to Grayson County, as recorded in Volume 10, Page 40 of said plat records;

THENCE North 00 degrees 35 minutes 41 seconds East the east line of said Farmington Estates, a distance of 514.50 feet to a railroad spike set at the northeast corner of said Tract Four as recorded in Volume 1260, Page 456;

THENCE South 89 degrees 08 minutes 29 seconds East with the north line of said Tract Four, a distance of 1,489.49 to a found 1/2 inch steel rod at the southwest corner of said 128.469 acre tract;

THENCE North 08 degrees 40 minutes 10 seconds East with the west line of 128.469 acre tract, a distance of 2,660.66 feet to a railroad spike set at the northwest corner of said 128.469 acre tract;

THENCE South 89 degrees 20 minutes 17 seconds East with the north line of said 128.469 acre tract, a distance of 3,424.04 feet to a railroad spike set at the northeast corner of said 128.469 acre tract, the northwest corner of said 158.801 acre tract;

THENCE South 87 degrees 49 minutes 49 seconds East with the north line of said 158.801 acre tract, a distance of 1,506.86 feet to a railroad spike set at an angle point in said north line;

THENCE North 89 degrees 59 minutes 32 seconds East and continuing with said north line, a distance of 1,132.08 feet to the Point-of-Beginning and containing 801.197 acres of land.

SAVE AND EXCEPT
BEING a 35.06 acre tract of land situated in the Vel D. Fox Survey, Abstract No. 423, Grayson County, Texas, and also being part of a 240.00 acre tract as recorded in Volume 2230, Page 371 of the Deed Records of Grayson County, Texas, and being more particularly described by metes and bounds as follows:

THENCE North 80 degrees 32 minutes 39 seconds West with the north line of Elmont-Farmington Water Supply Corp. tract, a distance of 162.95 feet to a found fence corner at the northeast corner of said Elmont-Farmington Water Supply Corp. tract;

THENCE South 00 degrees 21 minutes 22 seconds East with the west line of said Elmont-Farmington Water Supply Corp. tract, a distance of 160.22 feet to a found 1/2 inch steel rod at the southwest corner of said Elmont-Farmington Water Supply Corp. tract;

THENCE North 78 degrees 58 minutes 27 seconds West, a distance of 1,018.49 feet to a found 1/2 inch steel rod at the most westerly northeast corner of said 205.845 acre tract;

THENCE North 03 degrees 07 minutes 22 seconds East with the most westerly vest line of said 205.845 acre tract, a distance of 1,302.40 feet to a found ½ inch steel rod at the most westerly northeast corner of said 205.845 acre tract;

THENCE South 86 degrees 45 minutes 45 seconds East, a distance of 1,080.94 feet to a found railroad spike at the southeast corner of Farmington Estates, an addition to Grayson County, as recorded in Volume 10, Page 40 of said plat records;

THENCE South 00 degrees 44 minutes 39 seconds East, a distance of 1300.79 feet to the Point-of-Beginning and containing 35.06 acres of land.

Being a 129.01 acres tract of land situated in the Alex Wilson Survey, Abstract No. 1337, and being called a 49.898 acre tract of land described as First Tract, and a called 80.417 acre tract of land described as Second Tract, in a deed from Corporate Realty 71, Inc. to W.C. Driggs, Trustee, by deed recorded in Volume 1245, Page 706, of the Deed Records of Grayson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the centerline of the intersection of Farmington and Fielder Road, more or less, said point being northwest corner of said Wilson Survey and the northwest corner of said 80.417 acre tract of land;

THENCE South 89 deg. 48 min. 03 sec. East along the center line of said road, more or less, the north line of said Wilson Survey, and the north line of said 80.417 acre tract of land, passing the northeast corner of the said 80.417 acre tract of land, and the northwest corner of said 49.898 acre tract of land at 1328.46 feet, and continuing with the center of

said road, more or less, and the north line of said Wilson Survey, and said north line of 49.898 acre tract of land, for a total distance of 1461.76 feet to a ½ inch rod set for corner in the west right-of-way line of U.S. Highway No. 75, said point being the northeast corner of said 49.898 acre tract of land;

THENCE South 23 deg. 58 min. 00 sec. East, along the westerly right-of-way line of said U.S. Highway No. 75, and the east line of said 48.898 acre tract, a distance of 23.85 feet to a ½ inch iron rod set for corner;

THENCE South 41 deg. 17 min. 26 sec. East, continuing along the westerly right-of-way line of said U.S. Highway No. 75, and the east line of said 48.898 acre tract, a distance of 180.18 feet to a concrete monument found for corner;

THENCE South 24 deg. 52 min. 13 sec. East, continuing along the westerly right-of-way of said U.S. Highway No. 75, and the east line of said 48.898 acre tract, a distance of 444.05 feet to a concrete monument found for corner;

THENCE South 26 deg. 03 min. 56 sec. East, continuing along the westerly right-of-way line of said U.S. Highway No. 75, and the east line of said 48.898 acre tract, a distance of 700.29 feet to a concrete monument found for corner;

THENCE South 24 deg. 46 min. 08 sec. East, continuing along the westerly right-of-way line of said U.S. Highway No. 75, and the east line of said 48.898 acre tract, a distance of 1281.46 feet to a concrete monument found for corner;

THENCE South 00 deg. 20 min. 25 sec. West, a distance of 304.77 feet to a 1/2 inch iron rod set for the southeast corner of said 49.898 acre tract of land;

THENCE North 89 deg. 16 min. 47 sec. West, along the south line of said 49.898 acre tract of land, passing the southwest corner of said 49.898 acre tract of land, and the southeast corner of said 80.417 acre tract of land, at a distance of 1288.26 feet and continuing with said south line of said 80.417 acre tract of land, for a total distance of 2612.39 feet to a 5/8 inch iron rod found in the center of Fielder Road, and the West line of said Wilson Survey, said point being the southwest corner of the said 80.411 acre tract of land;

THENCE North 00 deg. 10 min. 03 sec. West, along the center line of said Fielder Road, more or less, and along the west line of said 80.417 acre tract, and the west line of said Wilson Survey, a distance of 2629.71 feet to the POINT OF BEGINNING and containing 5,619,576 square feet or 129.01 acres of computed land.

SAVE AND EXCEPT
Being a 40.00 acres tract of land situated in the Alex Wilson Survey, Abstract No. 1337, and being part of a called 49.898 acre tract of land described as First Tract, and a called 80.417 acre tract of land described as Second Tract, in a deed from Corporate Realty 71, Inc. to W.C. Driggs, Trustee, by deed recorded in Volume 1245, Page 706, of the Deed Records of Grayson County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch iron rod found in the centerline of the intersection of Farmington and Fielder Road, more or less, said point being northwest corner of said Wilson Survey and the northwest corner of said 80.417 acre tract of land;

THENCE South 89 deg. 48 min. 03 sec. East along the center line of said road, more or less, the north line of said Wilson Survey, and the north line of said 80.417 acre tract of land, a distance of 331.67 feet to the POINT OF BEGINNING;

THENCE South 89 deg. 48 min. 03 sec. East, continuing along the center line of said road, more or less, the north line of said Wilson Survey, and the north line of said 80.417 acre tract of land, a distance of 1130.09 feet to a ½ inch rod set for corner in the west right-of-way line of U.S. Highway No. 75, said point being the northeast corner of said 49.898 acre tract of land;

THENCE South 23 deg. 58 min. 00 sec. East, along the westerly right-of-way line of said U.S. Highway No. 75, and the east line of said 48.898 acre tract, a distance of 23.85 feet to a ½ inch iron rod set for corner;

THENCE South 41 deg. 17 min. 26 sec. East, continuing along the westerly right-of-way line of said U.S. Highway No. 75, and the east line of said 48.898 acre tract, a distance of 180.18 feet to a concrete monument found for corner;

THENCE South 24 deg. 52 min. 13 sec. East, continuing along the westerly right-of-way of said U.S. Highway No. 75, and the east line of said 48.898 acre tract, a distance of 444.05 feet to a concrete monument found for corner;

THENCE South 26 deg. 03 min. 56 sec. East, continuing along the westerly right-of-way line of said U.S. Highway No. 75, and the east line of said 48.898 acre tract, a distance of 700.29 feet to a concrete monument found for corner;

THENCE South 89 deg. 37 min. 07 sec. West, departing said westerly right-of-way line of said U.S. Highway No. 75, a distance of 1749.64 feet to a point for corner;

THENCE North 00 deg. 22 min. 52 sec. West, a distance of 1198.16 feet to the POINT OF BEGINNING and containing 1,742,446.74 square feet or 40.00 acres of computed land.

Ipour Attachment "D"
Requests for Engineering Information

Seal, Derek L.

From: Alex S. Pfefferkorn PE <apfefferkorn@quiddity.com>
Sent: Wednesday, January 17, 2024 7:20 AM
To: Steve Maglisceau [Megatel Homes, LLC]
Cc: Seal, Derek L.
Subject: RE: Regionalization Study - TI WWTP
Attachments: RE: Van Alstyne CIP

Steve,
I have not yet.

This "regionalization study" is a cost comparison between the development having its own facilities as we proposed with the district vs the cost of using the city's public infrastructure to serve the development. After discussing with our internal team and Derek Seal I would like to make sure we have the requested information/documents from the city prior to scoping and sending over a proposal. We know our proposed onsite facility costs but cannot do a true comparison until we have this requested city information. We've asked the city engineer for it in October, November, and now January, but have yet to receive it. Also, TCEQ has yet to formally request a Cost Comparison; but if they do, our response right now to TCEQ is that we cannot do a cost comparison due to the city not responding with the requested information to allow us to truly compare. I don't want you to have to authorize us / pay us for something that is not needed at this time.

If it is ultimately requested or we receive anything from the city we can promptly jump on this for Megatel.

Thanks,

Alex Pfefferkorn, PE, CFM
Client Manager
Email: apfefferkorn@quiddity.com
T: 972.265.4099
M: 512.376.8351

From: Steve Maglisceau [Megatel Homes, LLC] <Steve.Maglisceau@megatelhomes.com>
Sent: Monday, January 15, 2024 10:42 AM
To: Alex S. Pfefferkorn PE <apfefferkorn@quiddity.com>
Subject: Regionalization Study - TI WWTP

Alex

Did you send over the proposal for the regionalization study?

Steve Maglisceau

Vice President of Land Acquisitions and Development

Megatel Homes, LLC
2101 Cedar Springs Rd, Suite 700 | Dallas, TX 75201
D 214-396-4233
Steve.Maglisceau@MegatelHomes.com
www.megatelhomes.com

Follow us on:

Seal, Derek L.

From: Zach Ipour [Megatel Homes, LLC] <Zach@megatelhomes.com>
Sent: Friday, April 12, 2024 8:47 PM
To: Steve Maglisceau [Megatel Homes, LLC]
Cc: Alex S. Pfefferkorn PE; Len McManus; bjohnson@cityofvanalstyne.us; City Manager; Alex Glushko; Seal, Derek L.; Sidney Bazzi [Megatel Homes, LLC]; Mark Houser; Barry Abrams; Enrique Ramirez; Timothy Green
Subject: Re: Van Alstyne CIP

Len!

We have asked you multiple times regarding this matter and you ve shamefuly been ignoring us, I am asking you again how can we get answer from you ? Please respectfully respond back to us.

Just for the clarification this email is only for the purpose of receiving information from the city, it is not part of negotiations regarding DA.

Zach Ipour

Megatel Homes

2101 Cedar Springs Rd.
Suite 700
Dallas, TX. 75201
c: 469-556-1362
Zach@megatelhomes.com

www.megatelhomes.com

> On Apr 12, 2024, at 1:48 PM, Steve Maglisceau [Megatel Homes, LLC] <Steve.Maglisceau@megatelhomes.com> wrote:
>
> Gentlemen

This regional wastewater study needs to be accomplished and we cannot get anywhere if you aren't providing your data.

Can you please provide the data Alex has requested and your folks have committed to?

Steve Maglisceau
Vice President of Land Acquisitions and Development

Megatel Homes, LLC
2101 Cedar Springs Rd. Suite 700 | Dallas, TX 75201
D 214-396-4233
Steve.Maglisceau@MegatelHomes.com
www.megatelhomes.com

From: Alex S. Pfefferkorn PE <apfefferkorn@quiddity.com>
Sent: Friday, April 5, 2024 9:38 AM
To: Steve Maglisceau [Megatel Homes, LLC] <Steve.Maglisceau@megatelhomes.com>; Len McManus <lmcmanus@mcmanusjohnson.com>; bjohnson@cityofvanalstyne.us; City Manager <ljones@cityofvanalstyne.us>; Alex Glushko <aglushko@cityofvanalstyne.us>
Cc: Seal, Derek L. <dseal@mcginnislaw.com>; Zach Ipour [Megatel Homes, LLC] <Zach@megatelhomes.com>; Sidney Bazzi [Megatel Homes, LLC] <sidney.bazzi@megatelhomes.com>
Subject: RE: Van Alstyne CIP

I have not.

Len, can you please provide an update.

Thanks,

Alex Pfefferkorn, PE, CFM
Vice President of Land Development

Email: apfefferkorn@quiddity.com
T: 972.265.4099
M: 512.376.8351

From: Steve Maglisceau [Megatel Homes, LLC] <Steve.Maglisceau@megatelhomes.com>
Sent: Friday, April 5, 2024 8:34 AM
To: Alex S. Pfefferkorn PE <apfefferkorn@quiddity.com>; Len McManus <lmcmanus@mcmanusjohnson.com>; bjohnson@cityofvanalstyne.us; City Manager <ljones@cityofvanalstyne.us>; Alex Glushko <aglushko@cityofvanalstyne.us>
Cc: Seal, Derek L. <dseal@mcginnislaw.com>; Zach Ipour [Megatel Homes, LLC] <Zach@megatelhomes.com>; Sidney Bazzi [Megatel Homes, LLC] <sidney.bazzi@megatelhomes.com>
Subject: RE: Van Alstyne CIP

Alex

Did you ever receive the information you requested for the studies?

Steve

Steve Maglisceau
Vice President of Land Acquisitions and Development

Megatel Homes, LLC
2101 Cedar Springs Rd. Suite 700 | Dallas, TX 75201
D 214-396-4233
Steve.Maglisceau@MegatelHomes.com
www.megatelhomes.com

From: Alex S. Pfefferkorn PE <apfefferkorn@quiddity.com>
Sent: Thursday, February 15, 2024 3:37 PM
To: Len McManus <lmcmanus@mcmanusjohnson.com>; bjohnson@cityofvanalstyne.us; City Manager <ljones@cityofvanalstyne.us>; Alex Glushko <aglushko@cityofvanalstyne.us>
Cc: Steve Maglisceau [Megatel Homes, LLC] <Steve.Maglisceau@megatelhomes.com>; Seal, Derek L. <dseal@mcginnislaw.com>; Zach Ipour [Megatel Homes, LLC] <Zach@megatelhomes.com>; Sidney Bazzi [Megatel Homes, LLC] <sidney.bazzi@megatelhomes.com>
Subject: RE: Van Alstyne CIP
Importance: High

Len,
Can you please send me the items that I previously requested. I have listed them again right here as a reminder.

1. Sanitary Sewer:
    1. Do you think it would be possible to run the trunk line extension down Hodgins as stated & shown in previous email below versus what was on original concept?
    2. What is the current capacity & flow at the city's WWTP? What is permitted value?
    3. What is the current capacity & flow at the LS on FM 121?
2. Water:
    1. NTX is regional provider, correct?
        1. Do you know the City's contracted/purchased/permitted amount?
        2. What is the current demand/use?
        3. Megatel's attorney would like to review city's agreement/contract/permit with NTX so please provide agreement.

Thanks,

Alex Pfefferkorn, PE, CFM
Vice President of Land Development

Email: apfefferkorn@quiddity.com
T: 972 265 4099
M: 512.376.8351

From: Alex S. Pfefferkorn PE
Sent: Tuesday, January 16, 2024 1:56 PM
To: Len McManus <lmcmanus@mcmanusjohnson.com>; bjohnson@cityofvanalstyne.us; City Manager <ljones@cityofvanalstyne.us>; Alex Glushko <aglushko@cityofvanalstyne.us>
Cc: Kirby L. Taylor PE <ktaylor@quiddity.com>; Steve Maglisceau [Megatel Homes, LLC] <Steve.Maglisceau@megatelhomes.com>; Seal, Derek L. <dseal@mcginnislaw.com>
Subject: RE: Van Alstyne CIP

Len,
Happy New Year!

Can you please provide me an update on the outstanding items have previously requested?

3. Sanitary Sewer:
    1. Thoughts on trunk line extension down Hodgins as stated & shown in previous email below.
    2. What is the current capacity & flow at the city's WWTP?
    3. What is the current capacity & flow at the LS on FM 121?
4. Water:
    1. NTX is regional provider, correct?
        1. Do you know the City's contracted/purchased/permitted amount?
        2. What is the current demand/use?
        3. Megatel's attorney would like to review city's agreement/contract/permit with NTX

Thank you,

Alex Pfefferkorn, PE, CFM
Client Manager
Email: apfefferkorn@quiddity.com
T: 972.265.4099
M: 512.376.8351

From: Alex S. Pfefferkorn PE
Sent: Monday, November 27, 2023 8:24 AM
To: Len McManus <lmcmanus@mcmanusjohnson.com>
Cc: Kirby L. Taylor PE <ktaylor@quiddity.com>; Steve Maglisceau [Megatel Homes, LLC] <Steve.Maglisceau@megatelhomes.com>; bjohnson@cityofvanalstyne.us; City Manager <ljones@cityofvanalstyne.us>; Alex Glushko <aglushko@cityofvanalstyne.us>
Subject: RE: Van Alstyne CIP

Thanks Len. Hope you and your family had a great Thanksgiving.

Alex Pfefferkorn, PE, CFM
Client Manager
Email: apfefferkorn@quiddity.com
T: 972.265.4099
M: 512.376.8351

****I will be out of the office from December 23rd – January 1st ****

From: Len McManus <lmcmanus@mcmanusjohnson.com>
Sent: Tuesday, November 21, 2023 4:58 PM
To: Alex S. Pfefferkorn PE <apfefferkorn@quiddity.com>
Cc: Kirby L. Taylor PE <ktaylor@quiddity.com>; Steve Maglisceau [Megatel Homes, LLC] <Steve.Maglisceau@megatelhomes.com>; bjohnson@cityofvanalstyne.us; City Manager <ljones@cityofvanalstyne.us>; Alex Glushko <aglushko@cityofvanalstyne.us>
Subject: RE: Van Alstyne CIP

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Alex,

Will be putting together the requested information over the long weekend. Plan to have to you by next week.

Len McManus, PE
Principal

McMANUS & JOHNSON

PO Box 835
12302 FM 121
Van Alstyne, Texas 75495

Office: 888.344.6523 | Cell: 214.546.9848
TBPE Firm #15276

From: Alex S. Pfefferkorn PE <apfefferkorn@quiddity.com>
Sent: Monday, November 20, 2023 10:35 AM
To: Len McManus <lmcmanus@mcmanusjohnson.com>
Cc: Kirby L. Taylor PE <ktaylor@quiddity.com>; Steve Maglisceau [Megatel Homes, LLC] <Steve.Maglisceau@megatelhomes.com>
Subject: RE: Van Alstyne CIP

Len,
Folling up on my previous emails below from almost a month ago. Our development will need to connect to a sewer system along Hodgins. I will give you a call early next week to discuss if I do not hear from you before then.

Have a great Thanksgiving.
Thanks,

Alex Pfefferkorn, PE, CFM
Client Manager

Email: apfefferkorn@quiddity.com
T: 972.265.4099
M: 512.376.8351

I will be out of the office from December 23rd – January 1st *

From: Alex S. Pfefferkorn PE
Sent: Monday, November 13, 2023 2:32 PM
To: Len McManus <lmcmanus@mcmanusjohnson.com>
Cc: Kirby L. Taylor PE <ktaylor@quiddity.com>
Subject: RE: Van Alstyne CIP

Len,
I am just following up on the previous email that was sent last month.

Thanks,

Alex Pfefferkorn, PE, CFM
Client Manager
Email: apfefferkorn@quiddity.com
T: 972.265 4099
M: 512.376.8351

****I will be out of the office from November 8th –13th****

From: Alex S. Pfefferkorn PE
Sent: Tuesday, October 31, 2023 9:35 AM
To: 'Len McManus' <lmcmanus@mcmanusjohnson.com>
Cc: Kirby L. Taylor PE <ktaylor@quiddity.com>
Subject: RE: Van Alstyne CIP
Importance: High

Len,
Thanks for sending over the requested documents that we discussed at the meeting. Below are some initial questions/comments that I'd like to discuss with you.

5. Sanitary Sewer:
    1. Thoughts on trunk line extension down Hodgins as stated & shown in previous email below.
    2. What is the current capacity & flow at the city's WWTP?
    3. What is the current capacity & flow at the LS on FM 121?
6. Water:
    1. NTX is regional provider correct?
        1. Do you know the City's contracted/purchased/permitted amount?
        2. What is the current demand/use?
        3. Megatel's attorney would like to review city's agreement/contract/permit with NTX

Thanks Len,

Alex Pfefferkorn, PE, CFM
Client Manager
Email: apfefferkorn@quiddity.com
T: 972.265.4099

M: 512.376.8351

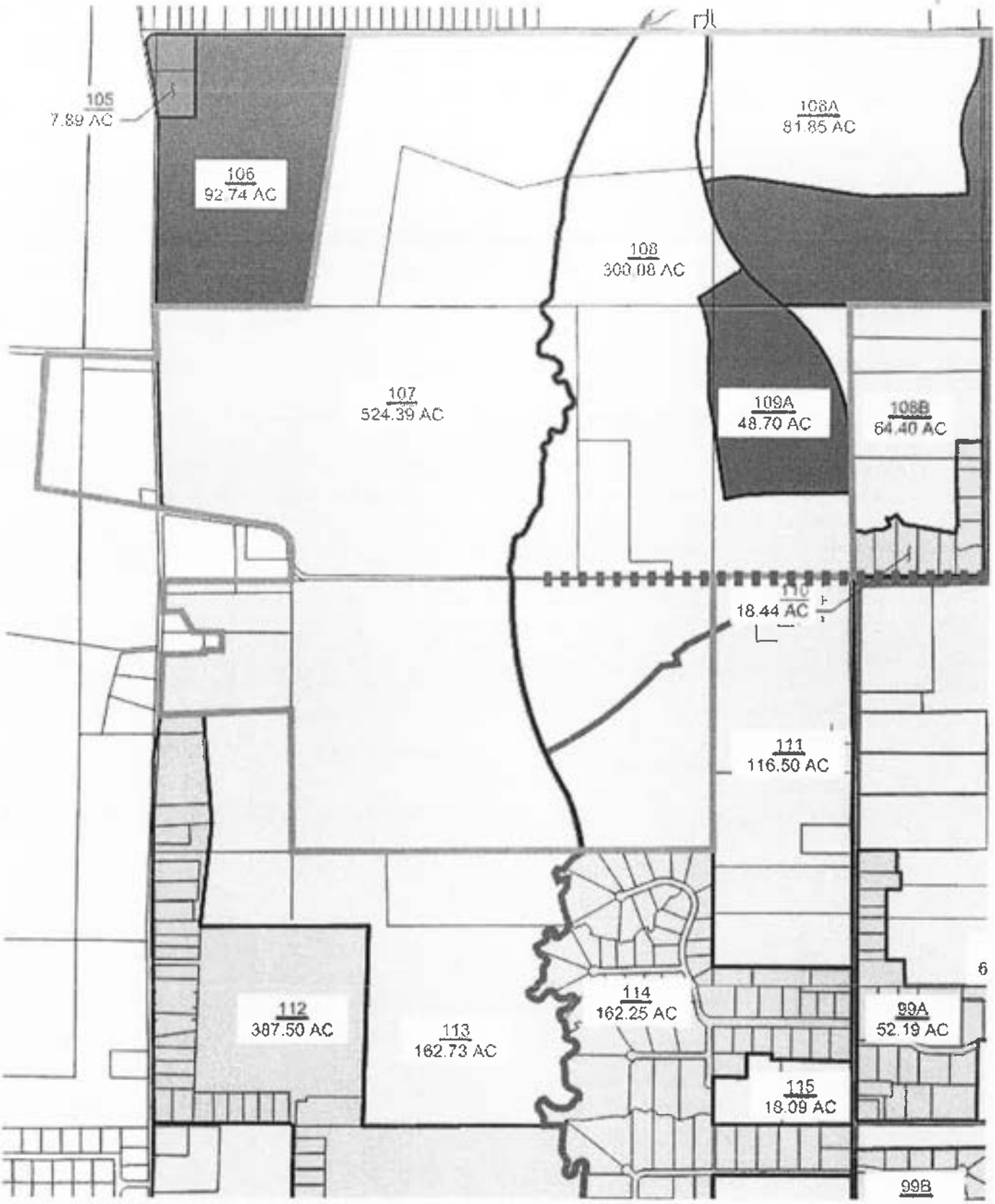
****I will be out of the office from November 8th -13th****

From: Alex S. Pfefferkorn PE
Sent: Tuesday, October 24, 2023 2:34 PM
To: Len McManus <lmcmanus@mcmanusjohnson.com>
Cc: Alex Glushko <aglushko@cityofvanalstyne.us>; bjohnson@cityofvanalstyne.us; Tara Payne <tpayne@mcmanusjohnson.com>; Deena Riley <driley@mcmanusjohnson.com>; Kirby L. Taylor PE <ktaylor@quiddity.com>
Subject: RE: Van Alstyne CIP

Thanks Len.

Can you share the City of Anna regional facility exhibit you had at the meeting as well?

I'll take a look at these and look to see how we could tie in our first phases. Initial thought would be to see what your thoughts were to extending the line from Whites Creek East Prong down Hodgins to where it crosses Whites Creek West Prong (shown in purple below). We can get the majority of our development at current design to drain to this area.



I'll work on some quick exhibits with survey data and our current design for us to discuss further.

Thanks again,

Alex Pfefferkorn, PE, CFM
Client Manager

Email: apfefferkorn@quiddity.com
T: 972.265.4099
M: 512.376.8351

****I will be out of the office from November 8th –13th****

From: Len McManus <lmcmanus@mcmanusjohnson.com>
Sent: Tuesday, October 24, 2023 8:43 AM
To: Alex S. Pfefferkorn PE <apfefferkorn@quiddity.com>
Cc: Alex Glushko <aglushko@cityofvanalstyne.us>; bjohnson@cityofvanalstyne.us; Tara Payne <tpayne@mcmanusjohnson.com>; Deena Riley <driley@mcmanusjohnson.com>
Subject: Van Alstyne CIP

Alex,

Attached are the maps used at yesterday's meeting for your review. Let us know if you need anything additional.

Len McManus, PE
Principal

McMANUS & JOHNSON

PO Box 835
12302 FM 121
Van Alstyne, Texas 75495

Office: 888.344.6523 | Cell: 214.546.9848
TBPE Firm #15276

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Ipour Attachment "E"
City's Letter of Opposition

From: PUBCOMMENT-OCC
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Treasure Island Laguna Azure LLC; Permit No. WQ0016092001
Date: Tuesday, October 3, 2023 11:57:35 AM
Attachments: image001.png

From: Georgia Carroll-Warren <Georgia.Carroll-Warren@tceq.texas.gov>
Sent: Monday, October 2, 2023 6:16 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: FW: Treasure Island Laguna Azure LLC; Permit No. WQ0016092001

From: Gary Sinclair <Gary.Sinclair@tceq.texas.gov>
Sent: Monday, October 2, 2023 6:07 PM
To: Deanna Avalos <Deanna.Avalos@tceq.texas.gov>; Georgia Carroll-Warren <Georgia.Carroll-Warren@tceq.texas.gov>
Cc: Carol Moulton <carol.moulton@tceq.texas.gov>; Brent Candler <brent.candler@tceq.texas.gov>
Subject: Treasure Island Laguna Azure LLC; Permit No. WQ0016092001

Hello Deanna and Georgia,

We received the below letter from a citizen in Van Alstyne regarding the upcoming public meeting for Treasure Island Laguna Azure LLC; Permit No. WQ0016092001. It looks like the City of Van Alstyne is in opposition of this permit. I wanted to pass it along to you so it may be discuss in the pre-meeting on October 03, 2023.

September 12, 2023

From: Lane H. Jones – C.M.O.
City Manager
The City of Van Alstyne, Texas

Re: **Notice of Public Meeting October 9, 2023 – TCEQ Permit No WQ0016092001, Treasure Island Laguna Azure LLC.**

Van Alstyne City Council and Citizens,

Texas Commission on Environmental Quality has scheduled a public meeting to be held Monday, October 9, 2023 at 7:00PM at the Days Inn by Wyndham 3605 South US Highway 75, Sherman, Texas. The meeting will take place in the "Dallas" meeting room. We would encourage all interested citizens to attend this very important meeting to voice opinions and seek answers about the proposed wastewater treatment plant.

For knowledge and awareness:

1. The City of Van Alstyne has filed an objection to the granting of a permit for this package sewer plant.
2. There are inherent health risks associated with package sewer plants.
3. The City has a master sewer plan that will serve this area when normal development occurs.
4. The landowner has been offered to tie-into the City's sewer system.
5. The landowners is seeking to serve over 3500 homes and an unknown number of multi-family units in a MUD (municipal utility district) with this type of sewer system.
6. Under certain circumstances, trucks may have to 'pump and haul' effluent from this package sewer plant across roads/streets in Van Alstyne for proper disposal.
7. There could be significant odors emanating from the package plant system.
8. North Texas Municipal Water District has also filed an objection to this permit.

We believe a few questions need to be answered by the developer and TCEQ:

1. Why doesn't the applicant use the traditional sewer treatment methods, just like everyone else?
2. How can a package sewer plant serve over 10,000 people?
3. Won't there be pollution of our streams and ponds with this package sewer plant?
4. What happens if there is a major spill?
5. Who will pay for damage or devaluation of my property?

152 N. Main Drive · P.O. Box 247 · Van Alstyne, TX 75495 · P903.482.5426 · F903.482.5122
www.cityofvanalstyne.us

Thank you,

J. Gary Sinclair Jr., M.P.H.
Wastewater Work Leader, Water Quality Team

TCEQ Region 4 | 2309 Gravel Drive, Fort Worth, Texas 76118
Direct: (817) 588-5854 | gary.sinclair@tceq.texas.gov
Website: https://www.tceq.texas.gov/

AR-15

TCEQ ED Supplemental Agenda Backup Information

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 31, 2024

VIA ELECTRONIC FILING

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

Re: Executive Director's Backup Documents Filed for Consideration of Hearing Requests at Agenda for Application by Treasure Island Laguna Azure LLC fka Canary Island Laguna Azure LLC for TPDES Permit No. WQ0016092001; TCEQ Docket No. 2024-1612-MWD

Dear Ms. Gharis:

Enclosed please find a copy of the following documents for inclusion in the background material for this permit application If you have any questions or comments, please call me at 512-239-1439 or email me at Harrison.malley@tceq.texas.gov.

- Fact Sheet and ED's Preliminary Decision
- Draft Permit
- Compliance History Report

Thank you for your attention to this matter.

Sincerely,

Harrison Cole Malley, *Staff Attorney*
Environmental Law Division

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For draft Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016092001, Environmental Protection Agency (EPA) I.D. No. TX0142263, to discharge to water in the state.

Issuing Office:	Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087
Applicant:	Treasure Island Laguna Azure LLC 2101 Cedar Springs Road, Suite 700 Dallas, Texas 75201
Prepared By:	Melinda Luxemburg, P.E. Municipal Permits Team Wastewater Permitting Section (MC 148) Water Quality Division (512) 239-4541
Date:	April 20, 2023
Permit Action:	New Permit

1. EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The draft permit includes an expiration date of **five years from the date of issuance.**

2. APPLICANT ACTIVITY

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.2 million gallons per day (MGD) in the Interim I phase, a daily average flow not to exceed 0.4 MGD in the Interim II phase, and an annual average flow not to exceed 1.4 MGD in the Final phase. The Treasure Island Wastewater Treatment Plant (WWTP) will serve a residential subdivision located approximately 3.79 miles northwest of the City of Van Alstyne.

3. FACILITY AND DISCHARGE LOCATION

The plant site is located approximately 0.81 of a mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495.

Outfall Location:

Outfall Number	Latitude	Longitude
001	33.455858 N	96.631606 W

The treated effluent will be discharged to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No.

0821 of the Trinity River Basin. The unclassified receiving water use is high aquatic life use for West Prong Whites Creek. The designated uses for Segment No. 0821 are primary contact recreation, public water supply, and high aquatic life use.

4. TREATMENT PROCESS DESCRIPTION AND SEWAGE SLUDGE DISPOSAL

The Treasure Island WWTP Interim I (0.2 MGD), Interim II (0.4 MGD), and Final (1.4) MGD phase facilities will operate a suspended growth activated sludge process in a single-stage nitrification mode. The number and type of treatment units in the Interim I phase will include a manual bar screen, two aeration basins, one clarifier, two multi-stage aerobic digesters, and one chlorine contact basin. The number and type of treatment units in the Interim II phase will include one elevated screening structure with a manual bar screen and flow splitting weirs, four aeration basins, two clarifiers, four multi-stage aerobic digesters, and two chlorine contact basins. The number and type of treatment units in the Final phase will include one elevated screening structure with a manual bar screen and flow splitting weirs, three 0.46 MGD treatment trains with each train consisting of an aeration basin and secondary clarifier , the treated wastewater will be routed to two newly constructed multi-stage aerobic digesters, and then to onenewly constructed chlorine contact basin. The facility has not been constructed.

The liquid stabilized sludge generated from the treatment facility will be hauled to a permitted land application site (to be determined) for disposal by a licensed sludge hauler (to be determined).

5. SUMMARY OF SELF-REPORTED EFFLUENT ANALYSES

Self-reporting data is not available since the facility is not in operation.

6. DRAFT PERMIT CONDITIONS AND MONITORING REQUIREMENTS

Flows are expressed in million gallons per day (MGD). Mass-based limits are expressed as pounds per day (lbs/day). All pH values are expressed in standard units (SU). Concentration-based limits are expressed as milligrams per liter (mg/l). Bacteria levels are expressed in colony forming units (CFU) or most probable number (MPN) per 100 ml. The average value for bacteria (in CFU or MPN per 100 ml) is calculated via geometric mean. The parameters limited in the permit include the following: five-day carbonaceous biochemical oxygen demand ($CBOD_5$), total suspended solids (TSS), ammonia nitrogen (NH_3-N), minimum dissolved oxygen (DO), *Escherichia coli (E. coli)* bacteria, and potential hydrogen (pH). The effluent limitations and monitoring requirements for those parameters that are limited in the draft permit are as follows:

A. INTERIM I PHASE EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

The daily average flow of effluent shall not exceed 0.20 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 556 gallons per minute (gpm).

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	10	17	15	25

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
TSS	15	25	25	40
NH_3-N	3	5	6	10
DO, minimum	4.0	N/A	N/A	N/A
E. coli, CFU or MPN per 100 ml	126	N/A	N/A	399

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

The effluent shall contain a 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 five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Continuous
$CBOD_5$	One/week
TSS	One/week
NH_3-N	One/week
DO	One/week
E. coli, CFU or MPN per 100 ml	One/month

B. INTERIM II PHASE EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

The daily average flow of effluent shall not exceed 0.40 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 833 gpm.

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	10	33	15	25
TSS	15	50	25	40
NH_3-N	3	10	6	10
DO, minimum	6.0	N/A	N/A	N/A
E. coli, CFU or MPN per 100 ml	126	N/A	N/A	399

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

The effluent shall contain a 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 five times per week by grab sample at each chlorine contact chamber. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Continuous

Parameter	Monitoring Requirement
$CBOD_5$	One/week
TSS	One/week
NH_3-N	One/week
DO	One/week
E. coli, CFU or MPN per 100 ml	One/month

C. FINAL III PHASE EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

The annual average flow of effluent shall not exceed 1.4 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 3,889 gpm.

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	7	82	15	25
TSS	15	175	25	40
NH_3-N	2	23	5	10
DO, minimum	5.0	N/A	N/A	N/A
E. coli, CFU or MPN per 100 ml	126	N/A	N/A	399

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

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

Parameter	Monitoring Requirement
$CBOD_5$	Two/week
TSS	Two/week
NH_3-N	Two/week
DO	Two/week
E. coli, CFU or MPN per 100 ml	One/week

D. SEWAGE SLUDGE REQUIREMENTS

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. The liquid stabilized sludge generated from the treatment facility will be hauled to a permitted land application site (to be determined) for disposal by a licensed sludge hauler (to be determined). The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or a facility that further processess sludge.

E. WHOLE EFFLUENT TOXICITY (BIOMONITORING) REQUIREMENTS

(1) The draft permit includes 7-day chronic freshwater biomonitoring requirements to be initiated within 90 days of initial discharge of the Final (1.4 MGD) phase as follows. The permit requires five dilutions in addition to the control (0% effluent) to be used in the toxicity tests. These additional effluent concentrations shall be 30%, 40%, 55%, 74%, and 96%. The low-flow effluent concentration (critical dilution) is defined as 96% effluent. The critical dilution is in accordance with the "Aquatic Life Criteria" section of the "Water Quality Based Effluent Limitations/Conditions" section.

(a) Chronic static renewal survival and reproduction test using the water flea (*Ceriodaphnia dubia*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.

(b) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.

(2) The draft permit includes the following minimum 24-hour acute freshwater biomonitoring requirements at a frequency of once per six months:

(a) Acute 24-hour static toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*).

(b) Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*).

F. BUFFER ZONE REQUIREMENTS

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).

G. SUMMARY OF CHANGES FROM APPLICATION

The Interim I (0.2 MGD) phase, Interim II (0.4 MGD) phase, and the Final (1.4 MGD) phase include, based on a 30-day average (calculated via geometric mean) bacteria effluent limitations of 126 CFU or MPN of *E. coli* per 100 ml. The *E. coli* bacteria limits have been added to the draft permit in accordance with the recent amendments to 30 TAC Chapters 309 and 319.

The requested effluent limitations, based on a 30-day average, of 10 mg/l $CBOD_5$, 15 mg/l TSS, 3 mg/l NH_3-N, and 4.0 mg/l minimum DO have been applied to the Interim I phase. However, the effluent limitations in the Interim II phase, based on a 30-day average, are 10 mg/l $CBOD_5$, 15 mg/l TSS, 3.0 mg/l NH_3-N, and **6.0** mg/l minimum DO and in the Final phase, based on a 30-day average, are 7 mg/l $CBOD_5$, 15 mg/l TSS,

2.0 mg/l NH_3-N, and **5.0** mg/l minimum DO, per the March 23, 2022, Modeling Memorandum.

7. DRAFT PERMIT RATIONALE

A. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

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

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

Consistent with the procedures for pH screening that were submitted to EPA with a letter dated May 28, 2014, and approved by EPA in a letter dated June 2, 2014, requiring a discharge to an unclassified water body to meet pH limits of 6.0 – 9.0 standard units (SU) reasonably ensures instream compliance with *Texas Surface Water Quality Standards* (TSWQS) pH criteria. Therefore, the technology-based pH limitations of 6.0 to 9.0 SU will reasonably ensure compliance with the TSWQS.

B. WATER QUALITY SUMMARY AND COASTAL MANAGEMENT PLAN

(1) WATER QUALITY SUMMARY

The treated effluent will be discharged to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No. 0821 of the Trinity River Basin. The unclassified receiving water use is high aquatic life use for West Prong Whites Creek. The designated uses for Segment No. 0821 are primary contact recreation, public water supply, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in West Prong Whites Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic-dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS's) biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998, update). To make this determination for TPDES permits, TCEQ and EPA

only considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Segment No. 0821 is not currently listed on the State's inventory of impaired and threatened waters (the 2020 CWA § 303(d) list). However, the East Fork Trinity River above Lake Lavon (0821D) is listed for bacteria in a portion of the East Fork Trinity River extending from the confluence with Lake Lavon (Segment No. 0821) to the upper end of the water body (National Hydrography Dataset [NHD] reach code [RC] 12030106000074) in Grayson County, Texas (Assessment Unit 0821D_01). This facility is designed to provide adequate disinfection and, when operated properly, should not add to the bacterial impairment of the NHD RC 12030106000074 portion of the East Fork Trinity River above Lake Lavon (0821D). In addition, in order to ensure that the proposed discharge meets the stream bacterial standard, an effluent limitation of 126 colony-forming units (CFU) or most probable number (MPN) of *Escherichia coli* (*E. coli*) per 100 ml bacteria effluent limitation has been added to the draft permit. Therefore, the proposed discharge is not expected to contribute to the bacteria impairment of the NHD RC 12030106000074 portion of the East Fork Trinity River above Lake Lavon (0821D).

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

(2) CONVENTIONAL PARAMETERS

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

The effluent limitations in the draft permit have been reviewed for consistency with the WQMP. The proposed effluent limitations are contained in the WQMP Update approved by EPA on August 11, 2022.

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

(3) COASTAL MANAGEMENT PLAN

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

C. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS

(1) GENERAL COMMENTS

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

(2) AQUATIC LIFE CRITERIA

(a) SCREENING

Discharge is to West Prong Whites Creek, a perennial freshwater stream in which the discharge point is greater than three miles to Whites Creek. Water quality-based effluent limitations are calculated from freshwater aquatic life criteria found in Table 1 of the Texas Surface Water Quality Standards (30 TAC Chapter 307).

Acute freshwater criteria are applied at the edge of the zone of initial dilution (ZID), and chronic freshwater criteria are applied at the edge of the aquatic life mixing zone. The ZID for this discharge is defined as 20 feet upstream and 60 feet downstream from the point where the discharge inters West Prong Whites Creek. The aquatic life mixing zone for this discharge is defined as 100 feet upstream and 300 feet downstream from the point where the discharge enters West Prong Whites Creek

TCEQ uses the mass balance equation to estimate dilutions at the edge of the ZID and aquatic life mixing zone during critical conditions. The estimated dilution at the edge of the aquatic life mixing zone is calculated using the permitted flow of 1.4 MGD and the 7-day, 2-year (7Q2) flow of 0.1 cubic feet per second (cfs) for West Prong Whites Creek. The estimated dilution at the edge of the ZID is calculated using the permitted flow of 1.4 MGD and 25% of the 7Q2 flow. The following critical effluent percentages are being used:

Acute Effluent %	98.86%	Chronic Effluent %	95.59%

Waste load allocations (WLAs) are calculated using the above estimated effluent percentages, criteria outlined in the Texas Surface Water Quality Standards, and partitioning coefficients for metals (when appropriate and designated in the implementation procedures). The WLA is the end-of-

pipe effluent concentration that can be discharged when, after mixing in the receiving stream, instream numerical criteria will not be exceeded. From the WLA, a long-term average (LTA) is calculated using a log normal probability distribution, a given coefficient of variation (0.6), and a 90th percentile confidence level. The LTA is the long-term average effluent concentration for which the WLA will never be exceeded using a selected percentile confidence level. The lower of the two LTAs (acute and chronic) is used to calculate a daily average and daily maximum effluent limitation for the protection of aquatic life using the same statistical considerations with the 99th percentile confidence level and a standard number of monthly effluent samples collected (12). Assumptions used in deriving the effluent limitations include segment values for hardness, chlorides, pH, and TSS according to the segment-specific values contained in the TCEQ guidance document "Procedures to Implement the Texas Surface Water Quality Standards, June 2010." The segment values are 96 mg/l for hardness (as calcium carbonate), 8 mg/l chlorides, 7.8 standard units for pH, and 5.0 mg/l for TSS. For additional details on the calculation of water quality-based effluent limitations, refer to the TCEQ guidance document.

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

(b) PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations because the facility is not in operation. Therefore, Other Requirement No. 8 has been included in the draft, requiring the permittee to conduct effluent data sampling and analysis upon commencement of discharge via Outfall 001. Upon review of the effluent data, the permit may be reopened to include additional monitoring requirements or limits for the protection of aquatic life, as needed.

(3) AQUATIC ORGANISM BIOACCUMULATION CRITERIA

(a) SCREENING

Discharge is to West Prong Whites Creek, a perennial freshwater stream in which the discharge point is greater than three miles to Whites Creek.

Water quality-based effluent limitations for the protection of human health are calculated using criteria for the consumption of freshwater fish tissue found in Table 2 of the Texas Surface Water Quality Standards (30 TAC Chapter 307). Freshwater fish tissue bioaccumulation criteria are

applied at the edge of the human health mixing zone. The human health mixing zone for this discharge is identical to the aquatic life mixing zone.

TCEQ uses the mass balance equation to estimate dilution at the edge of the human health mixing zone during average flow conditions.

The estimated dilution at the edge of the human health mixing zone is calculated using the permitted flow of 1.4 MGD and the harmonic mean flow of 0.2 cfs for West Prong Whites Creek. The following effluent percentage is being used:

Human Health Effluent % 91.55%

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

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

(b) PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations because the facility is not in operation. Therefore, Other Requirement No. 8 has been included in the draft, requiring the permittee to conduct effluent data sampling and analysis upon commencement of discharge via Outfall 001. Upon review of the effluent data, the permit may be reopened to include additional monitoring requirements or limits for human health protection, as needed.

(4) DRINKING WATER SUPPLY PROTECTION

(a) SCREENING

Water Quality Segment No. 0821, which receives the discharge from this facility, is designated as a public water supply. The discharge point is located at a distance greater than three miles from the classified segment. Screening reported analytical data of the effluent against water quality-based effluent limitations calculated for the protection of a drinking water supply is not applicable due to the distance between the discharge point and the classified segment.

(b) PERMIT ACTION

None.

(5) WHOLE EFFLUENT TOXICITY (BIOMONITORING) CRITERIA

(a) SCREENING

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

The draft permit includes 7-day chronic freshwater biomonitoring requirements to be initiated within 90 days of initial discharge of the Final (1.4 MGD) phase.

(b) PERMIT ACTION

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

No analytical data is available because the facility is not in operation.

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

(a) SCREENING

No analytical data is available because the facility is not in operation.

The draft permit includes 24-hour acute freshwater biomonitoring requirements to be initiated within 90 days of initial discharge of the Final (1.4 MGD) phase.

(b) PERMIT ACTION

The draft permit includes 24-hour 100% acute biomonitoring tests to be initiated within 90 days of initial discharge of the Final (1.4 MGD) phase and then for the life of the permit.

8. WATER QUALITY VARIANCE REQUESTS

No variance requests have been received.

9. PROCEDURES FOR FINAL DECISION

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

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

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

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

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

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

For additional information about this application, contact Melinda Luxemburg, P.E. at (512) 239-4541.

10. ADMINISTRATIVE RECORD

The following items were considered in developing the draft permit:

A. APPLICATION

Application received on January 18, 2022, and additional information received on February 25, 2022.

B. MEMORANDA

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

C. MISCELLANEOUS

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

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective March 1, 2018, as approved by EPA Region 6.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective March 6, 2014, as approved by EPA Region 6, for portions of the 2018 standards not approved by EPA Region 6.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective July 22, 2010, as approved by EPA Region 6, for portions of the 2014 standards not yet approved by EPA Region 6.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective August 17, 2000, and Appendix E, effective February 27, 2002, for portions of the 2010 standards not yet approved by EPA Region 6.

Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition (EPA-821-R-02-013).

Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition (EPA-821-R-02-012).

Procedures to Implement the Texas Surface Water Quality Standards, TCEQ, June 2010, as approved by EPA Region 6.

Procedures to Implement the Texas Surface Water Quality Standards, TCEQ, January 2003, for portions of the 2010 IPs not approved by EPA Region 6.

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

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

Attachment A: Calculated Water Quality Based Effluent Limitations

TEXTOX MENU #3 - PERENNIAL STREAM OR RIVER

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

Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life
Table 2, 2018 Texas Surface Water Quality Standards for Human Health (Fish Only)
"Procedures to Implement the Texas Surface Water Quality Standards," TCEQ, June 2010

PERMIT INFORMATION

Permittee Name:	Treasure Island Laguna Azure LLC
TPDES Permit No.:	WQ0016092-001
Outfall No.:	001
Prepared by:	Melinda Luxemburg, P.E.
Date:	April 18, 2023

DISCHARGE INFORMATION

Receiving Waterbody:	West Prong Whites Creek
Segment No.:	0821
TSS (mg/L):	5
pH (Standard Units):	7.8
Hardness (mg/L as $CaCO_3$):	96
Chloride (mg/L):	8
Effluent Flow for Aquatic Life (MGD):	1.4
Critical Low Flow (7Q2) (cfs):	0.1
% Effluent for Chronic Aquatic Life:	95.59
% Effluent for Acute Aquatic Life:	98.86
Effluent Flow for Human Health (MGD):	1.4
Harmonic Mean Flow (cfs):	0.2
% Effluent for Human Health:	91.55
Human Health Criterion (select:PWS, FISH, or INC)	FISH

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

Stream/River Metal	*Intercept (b)*	*Slope (m)*	*Partition Coefficient (Kp)*	*Dissolved Fraction (Cd/Ct)*	*Source*	*Water Effect Ratio (WER)*	*Source*
Aluminum	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Arsenic	5.68	-0.73	147826.36	0.575		1.00	Assumed
Cadmium	6.60	-1.13	645897.93	0.236		1.00	Assumed
Chromium (total)	6.52	-0.93	741238.38	0.212		1.00	Assumed
Chromium (trivalent)	6.52	-0.93	741238.38	0.212		1.00	Assumed
Chromium (hexavalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	6.02	-0.74	318245.45	0.386		1.00	Assumed
Lead	6.45	-0.80	777721.31	0.205		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	5.69	-0.57	195698.32	0.505		1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	6.38	-1.03	457152.29	0.304		1.00	Assumed
Zinc	6.10	-0.70	408057.15	0.329		1.00	Assumed

Attachment A: Calculated Water Quality Based Effluent Limitations

AQUATIC LIFE -
CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	FW Acute Criterion (µg/L)	FW Chronic Criterion (µg/L)	WLAa (µg/L)	WLAc (µg/L)	LTAa (µg/L)	LTAc (µg/L)	Daily Avg. (µg/L)	Daily Max. (µg/L)
Aldrin	3.0	N/A	3.03	N/A	1.74	N/A	2.56	5.41
Aluminum	991	N/A	1002	N/A	574	N/A	844	1786
Arsenic	340	150	598	273	343	210	309	654
Cadmium	8.2	0.239	35.3	1.06	20.2	0.81	1.20	2.53
Carbaryl	2.0	N/A	2.02	N/A	1.16	N/A	1.70	3.61
Chlordane	2.4	0.004	2.43	0.0042	1.39	0.0032	0.0047	0.0100
Chlorpyrifos	0.083	0.041	0.084	0.043	0.048	0.033	0.049	0.103
Chromium (trivalent)	551	72	2623	353	1503	272	399	845
Chromium (hexavalent)	15.7	10.6	15.9	11.1	9.1	8.5	12.6	26.6
Copper	13.7	9.1	35.8	24.8	20.5	19.1	28.1	59
Cyanide (free)	45.8	10.7	46.3	11.2	26.5	8.6	12.7	26.8
4,4'-DDT	1.1	0.001	1.11	0.0010	0.638	0.0008	0.0012	0.0025
Demeton	N/A	0.1	N/A	0.105	N/A	0.081	0.118	0.251
Diazinon	0.17	0.17	0.172	0.178	0.099	0.137	0.145	0.306
Dicofol (Kelthane	59.3	19.8	60.0	20.7	34.4	15.9	23.4	49.6
Dieldrin	0.24	0.002	0.243	0.0021	0.139	0.0016	0.0024	0.0050
Diuron	210	70	212	73	122	56	83	175
Endosulfan I (*alpha*)	0.22	0.056	0.223	0.059	0.128	0.045	0.066	0.140
Endosulfan II (*beta*)	0.22	0.056	0.223	0.059	0.128	0.045	0.066	0.140
Endosulfan sulfate	0.22	0.056	0.223	0.059	0.128	0.045	0.066	0.140
Endrin	0.086	0.002	0.087	0.0021	0.050	0.0016	0.0024	0.0050
Guthion (Azinphos Methyl)	N/A	0.01	N/A	0.010	N/A	0.008	0.012	0.025
Heptachlor	0.52	0.004	0.53	0.0042	0.301	0.0032	0.0047	0.0100
Hexachlorocyclohexane (*gamma*)(Lindane)	1.126	0.08	1.14	0.084	0.653	0.064	0.095	0.200
Lead	62	2.41	305	12.3	175	9.5	13.9	29
Malathion	N/A	0.01	N/A	0.010	N/A	0.008	0.012	0.025
Mercury	2.4	1.3	2.43	1.36	1.39	1.05	1.54	3.26
Methoxychlor	N/A	0.03	N/A	0.031	N/A	0.024	0.036	0.075
Mirex	N/A	0.001	N/A	0.0010	N/A	0.0008	0.0012	0.0025
Nickel	452	50.2	905	104	519	80	118	249
Nonylphenol	28	6.6	28.3	6.9	16.2	5.32	7.8	16.5
Parathion (ethyl)	0.065	0.013	0.066	0.014	0.038	0.010	0.015	0.033
Pentachlorophenol	19.5	15.0	19.7	15.6	11.3	12.0	16.6	35.1
Phenanthrene	30	30	30.3	31.4	17.4	24.2	25.6	54.1
Polychlorinated Biphenyls (PCBs)	2.0	0.014	2.02	0.015	1.16	0.011	0.017	0.035
Selenium	20	5	20.2	5.23	11.6	4.03	5.9	12.5
Silver	0.8	N/A	3.79	N/A	2.17	N/A	3.19	6.8
Toxaphene	0.78	0.0002	0.789	0.00021	0.452	0.00016	0.00024	0.00050
Tributyltin (TBT)	0.13	0.024	0.132	0.025	0.075	0.019	0.028	0.060
2,4,5 Trichlorophenol	136	64	138	67	78.8	51.6	76	160
Zinc	113	114	348	363	199	279	293	620

Attachment A: Calculated Water Quality Based Effluent Limitations

HUMAN HEALTH (APPLIES FOR FRESHWATER FISH TISSUE) CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*Water and Fish Criterion (µg/L)*	*Fish Only Criterion (µg/L)*	*Incidental Fish Criterion (µg/L)*	*WLAh (µg/L)*	*LTAh (µg/L)*	*Daily Avg. (µg/L)*	*Daily Max. (µg/L)*
Acrylonitrile	1.0	115	1150	125.62	116.82	171.73	363.33
Aldrin	1.146E-05	1.147E-05	1.147E-04	1.25E-05	1.17E-05	1.71E-05	3.62E-05
Anthracene	1109	1317	13170	1439	1338	1967	4161
Antimony	6	1071	10710	1169.9	1088.0	1599.4	3383.7
Arsenic	10	N/A	N/A	N/A	N/A	N/A	N/A
Barium	2000	N/A	N/A	N/A	N/A	N/A	N/A
Benzene	5	581	5810	634.6	590.2	867.6	1835.6
Benzidine	0.0015	0.107	1.07	0.1169	0.1087	0.1598	0.3381
Benzo(*a*)anthracene	0.024	0.025	0.25	0.027	0.025	0.037	0.079
Benzo(*a*)pyrene	0.0025	0.0025	0.025	0.0027	0.0025	0.004	0.008
Bis(chloromethyl)ether	0.0024	0.2745	2.745	0.2998	0.2789	0.410	0.867
Bis(2-chloroethyl)ether	0.60	42.83	428.3	46.78	43.51	63.96	135.31
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	6	7.55	75.5	8.2	7.7	11.3	23.9
Bromodichloromethane [Dichlorobromomethane]	10.2	275	2750	300.4	279.4	410.7	869
Bromoform [Tribromomethane]	66.9	1060	10600	1158	1077	1583	3349
Cadmium	5	N/A	N/A	N/A	N/A	N/A	N/A
Carbon Tetrachloride	4.5	46	460	50.2	46.7	68.7	145.3
Chlordane	0.0025	0.0025	0.025	0.0027	0.0025	0.004	0.008
Chlorobenzene	100	2737	27370	2990	2780	4087	8647
Chlorodibromomethane [Dibromochloromethane]	7.5	183	1830	199.9	185.9	273.3	578.2
Chloroform [Trichloromethane]	70	7697	76970	8408	7819	11494	24318
Chromium (hexavalent)	62	502	5020	548	510	750	1586
Chrysene	2.45	2.52	25.2	2.75	2.56	3.8	8.0
Cresols [Methylphenols]	1041	9301	93010	10160	9449	13889	29385
Cyanide (free)	200	N/A	N/A	N/A	N/A	N/A	N/A
4,4'-DDD	0.002	0.002	0.02	0.0022	0.0020	0.0030	0.0063
4,4'-DDE	0.00013	0.00013	0.0013	0.00014	0.00013	0.00019	0.0004
4,4'-DDT	0.0004	0.0004	0.004	0.0004	0.0004	0.0006	0.0013
2,4'-D	70	N/A	N/A	N/A	N/A	N/A	N/A
Danitol [Fenpropathrin]	262	473	4730	517	481	706	1494
1,2-Dibromoethane [Ethylene Dibromide]	0.17	4.24	42.4	4.631	4.307	6.332	13.40
m-Dichlorobenzene [1,3-Dichlorobenzene]	322	595	5950	650	604	889	1880
o-Dichlorobenzene [1,2-Dichlorobenzene]	600	3299	32990	3604	3351	4926	10423
p-Dichlorobenzene [1,4-Dichlorobenzene]	75	N/A	N/A	N/A	N/A	N/A	N/A
3,3'-Dichlorobenzidine	0.79	2.24	22.4	2.45	2.28	3.35	7.08
1,2-Dichloroethane	5	364	3640	397.6	369.8	543.6	1150.0
1,1-Dichloroethylene [1,1-Dichloroethene]	7	55114	551140	60202.8	55988.6	82303.2	174124.4
Dichloromethane [Methylene Chloride]	5	13333	133330	14564.1	13544.6	19910.5	42123.6
1,2-Dichloropropane	5	259	2590	282.9	263.1	386.8	818.3
1,3-Dichloropropene [1,3-Dichloropropylene]	2.8	119	1190	129.99	120.89	177.7	376.0
Dicofol [Kelthane]	0.30	0.30	3	0.33	0.305	0.45	0.95
Dieldrin	2.0E-05	2.0E-05	2.0E-04	2.18E-05	2.03E-05	2.99E-05	6.32E-05
2,4-Dimethylphenol	444	8436	84360	9215	8570	12598	26652
Di-*n*-Butyl Phthalate	88.9	92.4	924	101	94	138	292
Dioxins/Furans [TCDD Equivalents]	7.80E-08	7.97E-08	7.97E-07	8.71E-08	8.10E-08	1.19E-07	2.52E-07

Attachment A: Calculated Water Quality Based Effluent Limitations

HUMAN HEALTH (APPLIES FOR FRESHWATER FISH TISSUE) CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	Water and Fish Criterion (µg/L)	Fish Only Criterion (µg/L)	Incidental Fish Criterion (µg/L)	WLAh (µg/L)	LTAh (µg/L)	Daily Avg. (µg/L)	Daily Max. (µg/L)
Endrin	0.02	0.02	0.2	0.022	0.020	0.030	0.063
Epichlorohydrin	53.5	2013	20130	2199	2045	3006	6360
Ethylbenzene	700	1867	18670	2039	1897	2788	5899
Ethylene Glycol	46744	1.68E+07	1.68E+08	18351168	17066586	25087882	53077083
Fluoride	4000	N/A	N/A	N/A	N/A	N/A	N/A
Heptachlor	8.0E-05	0.0001	0.001	0.00011	0.00010	0.00015	0.00032
Heptachlor Epoxide	0.00029	0.00029	0.0029	0.0003	0.0003	0.0004	0.0009
Hexachlorobenzene	0.00068	0.00068	0.0068	0.0007	0.0007	0.0010	0.0021
Hexachlorobutadiene	0.21	0.22	2.2	0.240	0.223	0.329	0.70
Hexachlorocyclohexane (*alpha*)	0.0078	0.0084	0.084	0.009	0.009	0.013	0.027
Hexachlorocyclohexane (*beta*)	0.15	0.26	2.6	0.284	0.264	0.388	0.82
Hexachlorocyclohexane (*gamma*) [Lindane]	0.2	0.341	3.41	0.372	0.346	0.509	1.08
Hexachlorocyclopentadiene	10.7	11.6	116	12.7	11.8	17.3	37
Hexachloroethane	1.84	2.33	23.3	2.55	2.37	3.48	7.4
Hexachlorophene	2.05	2.90	29	3.17	2.95	4.33	9.2
4,4'-Isopropylidenediphenol [Bisphenol A]	1092	15982	159820	17458	16236	23866	50493
Lead	1.15	3.83	38.3	20.5	19.0	28.0	59.2
Mercury	0.0122	0.0122	0.122	0.013	0.012	0.018	0.039
Methoxychlor	2.92	3.0	30	3.3	3.05	4.5	9.5
Methyl Ethyl Ketone	13865	9.92E+05	9.92E+06	1083593	1007741	1481380	3134075
Methyl *tert*-butyl ether [MTBE]	15	10482	104820	11449.8	10648.3	15653.0	33116
Nickel	332	1140	11400	2464	2291	3368	7126
Nitrate-Nitrogen (as Total Nitrogen)	10000	N/A	N/A	N/A	N/A	N/A	N/A
Nitrobenzene	45.7	1873	18730	2046	1903	2797	5917
N-Nitrosodiethylamine	0.0037	2.1	21	2.294	2.133	3.136	6.635
N-Nitroso-di-*n*-Butylamine	0.119	4.2	42	4.588	4.267	6.272	13.27
Pentachlorobenzene	0.348	0.355	3.55	0.39	0.36	0.53	1.12
Pentachlorophenol	0.22	0.29	2.9	0.317	0.295	0.43	0.92
Polychlorinated Biphenyls [PCBs]	6.4E-04	6.4E-04	6.40E-03	0.0007	0.0007	0.0010	0.0020
Pyridine	23	947	9470	1034.4	962.0	1414	2992
Selenium	50	N/A	N/A	N/A	N/A	N/A	N/A
1,2,4,5-Tetrachlorobenzene	0.23	0.24	2.4	0.262	0.244	0.36	0.76
1,1,2,2-Tetrachloroethane	1.64	26.35	263.5	28.78	26.77	39.35	83.2
Tetrachloroethylene [Tetrachloroethylene]	5	280	2800	305.9	284.4	418.1	884.6
Thallium	0.12	0.23	2.3	0.251	0.234	0.343	0.73
Toluene	1000	N/A	N/A	N/A	N/A	N/A	N/A
Toxaphene	0.011	0.011	0.11	0.012	0.011	0.016	0.035
2,4,5-TP [Silvex]	50	369	3690	403	375	551	1166
1,1,1-Trichloroethane	200	784354	7843540	856775	796800	1171296	2478049
1,1,2-Trichloroethane	5	166	1660	181.3	168.6	247.9	524.5
Trichloroethylene [Trichloroethene]	5	71.9	719	78.5	73.0	107.4	227.2
2,4,5-Trichlorophenol	1039	1867	18670	2039	1897	2788	5899
TTHM [Sum of Total Trihalomethanes]	80	N/A	N/A	N/A	N/A	N/A	N/A
Vinyl Chloride	0.23	16.5	165	18.023	16.762	24.640	52.129

Attachment A: Calculated Water Quality Based Effluent Limitations

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

Aquatic Life	*70% of Daily Avg.*	*85% of Daily Avg.*
Parameter	*(µg/L)*	*(µg/L)*
Aldrin	1.79	2.17
Aluminum	591	718
Arsenic	216	263
Cadmium	0.84	1.02
Carbaryl	1.19	1.45
Chlordane	0.0033	0.0040
Chlorpyrifos	0.034	0.041
Chromium (+3)	280	340
Chromium (+6)	8.8	10.7
Copper	19.6	23.8
Cyanide (free)	8.9	10.8
4,4'-DDT	0.0008	0.0010
Demeton	0.083	0.101
Diazinon	0.101	0.123
Dicofol	16.4	19.9
Dieldrin	0.0017	0.0020
Diuron	58	70
Endosulfan (alpha)	0.046	0.056
Endosulfan (beta)	0.046	0.056
Endosulfan sulfate	0.046	0.056
Endrin	0.0017	0.0020
Guthion	0.008	0.010
Heptachlor	0.0033	0.0040
Hexachlorocyclohexane (Lindane)	0.066	0.081
Lead	9.8	11.8
Malathion	0.008	0.010
Mercury	1.08	1.31
Methoxychlor	0.025	0.030
Mirex	0.0008	0.0010
Nickel	82	100
Nonylphenol	5.47	6.6
Parathion (ethyl)	0.011	0.013
Pentachlorophenol	11.6	14.1
Phenanthrene	17.9	21.7
Polychlorinated Biphenyls (PCBs)	0.012	0.014
Selenium	4.14	5.03
Silver	2.24	2.71
Toxaphene	0.00017	0.00020
Tributyltin (TBT)	0.020	0.024
2,4,5 Trichlorophenol	53.1	64
Zinc	205	249

Attachment A: Calculated Water Quality Based Effluent Limitations

Human Health	*70% of Daily Avg.*	*85% of Daily Avg.*
Parameter	*(µg/L)*	*(µg/L)*
Acrylonitrile	120.21	145.97
Aldrin	1.20E-05	1.46E-05
Anthracene	1377	1672
Antimony	1119.5	1359.4
Arsenic	N/A	N/A
Barium	N/A	N/A
Benzene	607.3	737.5
Benzidine	0.1119	0.1358
Benzo(*a*)anthracene	0.026	0.032
Benzo(*a*)pyrene	0.0026	0.0032
Bis(chloromethyl)ether	0.2869	0.3484
Bis(2-chloroethyl)ether	44.77	54.37
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	7.9	9.6
Bromodichloromethane [Dichlorobromomethane]	287.5	349.1
Bromoform [Tribromomethane]	1108	1345
Cadmium	N/A	N/A
Carbon Tetrachloride	48.1	58.4
Chlordane	0.0026	0.0032
Chlorobenzene	2861	3474
Chlorodibromomethane [Dibromochloromethane]	191.3	232.3
Chloroform [Trichloromethane]	8046	9770
Chromium (hexavalent)	525	637
Chrysene	2.63	3.20
Cresols (Methylphenols)	9723	11806
Cyanide (free)	N/A	N/A
4,4'-DDD	0.0021	0.0025
4,4'-DDE	0.00014	0.00017
4,4'-DDT	0.0004	0.0005
2,4'-D	N/A	N/A
Danitol [Fenpropathrin]	494	600
1,2-Dibromoethane [Ethylene Dibromide]	4.432	5.382
m-Dichlorobenzene [1,3-Dichlorobenzene]	622	755
o-Dichlorobenzene [1,2-Dichlorobenzene]	3449	4188
p-Dichlorobenzene [1,4-Dichlorobenzene]	N/A	N/A
3,3'-Dichlorobenzidine	2.34	2.84
1,2-Dichloroethane	380.5	462.0
1,1-Dichloroethylene [1,1-Dichloroethene]	57612.2	69957.7
Dichloromethane [Methylene Chloride]	13937.4	16923.9
1,2-Dichloropropane	270.7	328.8
1,3-Dichloropropene [1,3-Dichloropropylene]	124.39	151.0
Dicofol [Kelthane]	0.314	0.38
Dieldrin	2.09E-05	2.54E-05
2,4-Dimethylphenol	8818	10708
Di-*n*-Butyl Phthalate	97	117
Dioxins/Furans (TCDD Equivalents)	8.33E-08	1.01E-07

Attachment A: Calculated Water Quality Based Effluent Limitations

Human Health *Parameter*	*70% of Daily Avg.* *(µg/L)*	*85% of Daily Avg.* *(µg/L)*
Endrin	0.021	0.025
Epichlorohydrin	2104	2555
Ethylbenzene	1952	2370
Ethylene Glycol	17561517	21324700
Fluoride	N/A	N/A
Heptachlor	0.00010	0.00013
Heptachlor Epoxide	0.00030	0.00037
Hexachlorobenzene	0.0007	0.0009
Hexachlorobutadiene	0.230	0.279
Hexachlorocyclohexane (*alpha*)	0.009	0.011
Hexachlorocyclohexane (*beta*)	0.272	0.330
Hexachlorocyclohexane (*gamma*) [Lindane]	0.356	0.433
Hexachlorocyclopentadiene	12.1	14.7
Hexachloroethane	2.44	2.96
Hexachlorophene	3.03	3.68
4,4'-Isopropylidenediphenol [Bisphenol A]	16706	20286
Lead	19.6	23.8
Mercury	0.013	0.015
Methoxychlor	3.14	3.8
Methyl Ethyl Ketone	1036966	1259173
Methyl *tert*-butyl ether [MTBE]	10957.1	13305.1
Nickel	2358	2863
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A
Nitrobenzene	1958	2377
N-Nitrosodiethylamine	2.195	2.666
N-Nitroso-di-*n*-Butylamine	4.390	5.331
Pentachlorobenzene	0.37	0.45
Pentachlorophenol	0.303	0.368
Polychlorinated Biphenyls [PCBs]	0.0007	0.0008
Pyridine	989.9	1202.1
Selenium	N/A	N/A
1,2,4,5-Tetrachlorobenzene	0.251	0.305
1,1,2,2-Tetrachloroethane	27.54	33.45
Tetrachloroethylene [Tetrachloroethylene]	292.7	355.4
Thallium	0.240	0.292
Toluene	N/A	N/A
Toxaphene	0.011	0.014
2,4,5-TP [Silvex]	386	468
1,1,1-Trichloroethane	819908	995602
1,1,2-Trichloroethane	173.5	210.7
Trichloroethylene [Trichloroethene]	75.2	91.3
2,4,5-Trichlorophenol	1952	2370
TTHM [Sum of Total Trihalomethanes]	N/A	N/A
Vinyl Chloride	17.248	20.944

TPDES PERMIT NO. WQ0016092001
[For TCEQ office use only - EPA I.D. No. TX0142263]

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

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

Treasure Island Laguna Azure LLC

whose mailing address is

2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

is authorized to treat and discharge wastes from the Treasure Island Wastewater Treatment Facility, SIC Code 4952

located approximately 0.81 of a mile northeast of the intersection of Farmington Road and Hodgins Road, in Grayson County, Texas 75495

to West Prong Whites Creek, thence to Whites Creek, thence to East Fork Trinity River above Lake Lavon, thence to Lake Lavon in Segment No. 0821 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:

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

   The daily average flow of effluent shall not exceed 0.20 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 556 gallons per minute (gpm).

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)	10 (17)	15	25	35	One/week	Grab
Total Suspended Solids	15 (25)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (5.0)	6	10	15	One/week	Grab
E. coli, colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/month	Grab

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 five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l 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 completion of expansion to the 0.4 million gallons per day (MGD) facility and lasting through the completion of expansion to the 1.4 MGD facility, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.40 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 833 gallons per minute (gpm).

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)	10 (33)	15	25	35	One/week	Grab
Total Suspended Solids	15 (50)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (10)	6	10	15	One/week	Grab
E. coli, colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/month	Grab

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 five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per week by grab sample.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the completion of expansion to the 1.4 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 1.4 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 3,889 gallons per minute (gpm).

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)	7 (82)	15	25	35	Two/week	Composite
Total Suspended Solids	15 (175)	25	40	60	Two/week	Composite
Ammonia Nitrogen	2 (23)	5	10	15	Two/week	Composite
E. coli, colony-forming units or most probable number per 100 ml	126	N/A	399	N/A	One/week	Grab

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

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 5.0 mg/l and shall be monitored twice per week by grab sample.

7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

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

1. Flow Measurements

   a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with one million gallons per day or greater permitted flow.

   b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

   c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.

   d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

   e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.

   f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

   a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.

      i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.

b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.

c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day.

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

e. Bacteria concentration (*E. coli* or Enterococci) - Colony Forming Units (CFU) or Most Probable Number (MPN) of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the 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;

        ii. the permit number(s);

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

        iv. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

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

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

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

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

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

4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

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

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

7. Documentation

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

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

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

      If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement

Division (MC 219) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

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

c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

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

10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.

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

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

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

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

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

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

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

i. Volume of waste and date(s) generated from treatment process;
ii. Volume of waste disposed of on-site or shipped off-site;
iii. Date(s) of disposal;
iv. Identity of hauler or transporter;
v. Location of disposal site; and
vi. Method of final disposal.

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

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

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SLUDGE PROVISIONS

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

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

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge or biosolids in accordance with 30 TAC § 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge or biosolids.

2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.

3. The land application of processed or unprocessed chemical toilet waste, grease trap waste, grit trap waste, milk solids, or similar non-hazardous municipal or industrial solid wastes, or any of the wastes listed in this provision combined with biosolids, WTP residuals or domestic septage is prohibited unless the grease trap waste is added at a fats, oil and grease (FOG) receiving facility as part of an anaerobic digestion process.

B. Testing Requirements

1. Sewage sludge or biosolids shall be tested once per term of the permit for the Interim I and II phases and annually for the Final phase 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	- once per term of the permit for the Interim I and II phases and annually for the Final phase
PCBs	- once per term of the permit for the Interim I and II phases and annually for the Final phase

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 once per term of the permit for the Interim I and II phases and annually for the Final phase 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 C (Interim I and II phases) and Category B (Final phase) facility must be operated by a chief operator or an operator holding a Class C license or higher in the Interim I [0.2 MGD] and II [0.4 MGD] phases and Class B license or higher in the Final [1.4 MGD] 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. Chronic toxic criteria apply at the edge of the chronic aquatic life mixing zone. The chronic aquatic life mixing zone is defined as 300 feet downstream and 100 feet upstream from the point of discharge to West Prong Whites Creek.

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) for all phases.

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

6. In accordance with 30 TAC § 319.9, a permittee that has at least twelve months of uninterrupted compliance with its bacteria limit may notify the commission in writing of its compliance and request a less frequent measurement schedule. To request a less frequent schedule, the permittee shall submit a written request to the TCEQ Wastewater Permitting Section (MC 148) for each phase that includes a different monitoring frequency. The request must contain all of the reported bacteria values (Daily Avg. and Daily Max/Single Grab) for the twelve consecutive months immediately prior to the request. If the Executive Director finds that a less frequent measurement schedule is protective of human health and the environment, the permittee may be given a less frequent measurement schedule. For this permit, 1/month may be reduced to 1/quarter for the Interim I (0.2 MGD) and Interim II (0.4 MGD) phases and 1/week may be reduced to 2/month in the Final (1.4 MGD) phase. **A violation of any bacteria limit by a facility that has been granted a less frequent measurement schedule will require the permittee to return to the standard frequency schedule and submit written notice to the TCEQ Wastewater Permitting Section (MC 148).** The permittee may not apply for another reduction in measurement frequency for at least 24 months from the date of the last violation. The Executive Director may establish a more frequent measurement schedule if necessary to protect human health or the environment.

7. Prior to construction of the treatment facilities for each phase (Interim I [0.2 MGD], II [0.4 MGD], and Final [1.4 MGD] phases) the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications, and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The permittee shall clearly show how the treatment system will meet the effluent limitations required on Page nos. 2, 2a, and 2b 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.

8. Within 120 days from the start-up of the facility, the permittee shall complete Attachment A with the analytical results for Outfall 001. The completed tables with the results of these analysis and laboratory reports shall be submitted to the Municipal Permits Team, Wastewater Permitting Section MC 148, TCEQ Water Quality Division. Based on a technical review of the submitted analytical results, an amendment may be initiated by TCEQ staff to include additional effluent limitations and/or monitoring requirements. Test methods utilized to complete the tables shall be according to the test procedures specified in the Definitions and Standard Permit Conditions section of this permit and sensitive enough to detect the parameters listed in Attachment A at the minimum analytical level (MAL).

9. Reporting requirements according to 30 TAC §§ 319.1-319.11 and any additional effluent reporting requirements contained in this permit are suspended from the effective date of the permit until plant startup or discharge from the facility described by this permit, whichever occurs first. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 4) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five days prior to plant startup or anticipated discharge, whichever occurs first, and prior to completion of each additional phase on Notification of Completion Form 20007.

BIOMONITORING REQUIREMENTS

CHRONIC BIOMONITORING REQUIREMENTS: FRESHWATER

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

1. Scope, Frequency, and Methodology

   a. The permittee shall test the effluent for toxicity in accordance with the provisions below. Such testing will determine if an appropriately dilute effluent sample adversely affects the survival, reproduction, or growth of the test organisms.

   b. Within 90 days of the initiation of discharge from the Final (1.4 MGD) phase, 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%, 40%, 55%, 74%, and 96% effluent. The critical dilution, defined as 96% 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 the young of surviving females in the water flea test; and the growth and survival endpoints for the fathead minnow test. However, if statistically significant lethal or nonlethal effects are exhibited at the critical dilution, a CV% greater than 40 shall not invalidate the test;

6) a percent minimum significant difference of 47 or less for water flea reproduction; and

7) a percent minimum significant difference of 30 or less for fathead minnow growth.

b. Statistical Interpretation

1) For the water flea survival test, the statistical analyses used to determine if there is a significant difference between the control and an effluent dilution shall be the Fisher's exact test as described in the manual referenced in in Part 1.b.

2) For the water flea reproduction test and the fathead minnow larval survival and growth tests, the statistical analyses used to determine if there is a significant difference between the control and an effluent dilution shall be in accordance with the manual referenced in Part 1.b.

3) The permittee is responsible for reviewing test concentration-response relationships to ensure that calculated test-results are interpreted and reported correctly. The document entitled "Method Guidance and Recommendation for Whole Effluent Toxicity (WET) Testing (40 CFR Part 136)" (EPA 821-B-00-004) provides guidance on determining the validity of test results.

4) If significant lethality is demonstrated (that is, there is a statistically significant difference in survival at the critical dilution when compared to the survival in the control), the conditions of test acceptability are met, and the survival of the test organisms are equal to or greater than 80% in the critical dilution and all dilutions below that, then the permittee shall report a survival No Observed Effect Concentration (NOEC) of not less than the critical dilution for the reporting requirements.

5) The NOEC is defined as the greatest effluent dilution at which no significant effect is demonstrated. The Lowest Observed Effect Concentration (LOEC) is defined as the lowest effluent dilution at which a significant effect is demonstrated. A significant effect is defined as a statistically significant difference between the survival, reproduction, or growth of the test organism in a specified effluent dilution when compared to the survival, reproduction, or growth of the test organism in the control.

6) The use of NOECs and LOECs assumes either a monotonic (continuous) concentration-response relationship or a threshold model of the concentration-response relationship. For any test result that demonstrates a non-monotonic (non-continuous) response, the NOEC should be determined based on the guidance manual referenced in Item 3.

7) Pursuant to the responsibility assigned to the permittee in Part 2.b.3), test results that demonstrate a non-monotonic (non-continuous) concentration-response relationship may be submitted, prior to the due date, for technical review. The guidance manual referenced in Item 3 will be used when making a determination of test acceptability.

8) TCEQ staff will review test results for consistency with rules, procedures, and permit requirements.

c. Dilution Water

1) Dilution water used in the toxicity tests must be the receiving water collected at a point upstream of the discharge point as close as possible to the discharge point but unaffected by the discharge. Where the toxicity tests are conducted on effluent discharges to receiving waters that are classified as intermittent streams, or where the toxicity tests are

conducted on effluent discharges where no receiving water is available due to zero flow conditions, the permittee shall:

a) substitute a synthetic dilution water that has a pH, hardness, and alkalinity similar to that of the closest downstream perennial water unaffected by the discharge; or

b) use the closest downstream perennial water unaffected by the discharge.

2) Where the receiving water proves unsatisfactory as a result of pre-existing instream toxicity (i.e. fails to fulfill the test acceptance criteria of Part 2.a.), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

a) a synthetic lab water control was performed (in addition to the receiving water control) which fulfilled the test acceptance requirements of Part 2.a;

b) the test indicating receiving water toxicity was carried out to completion (i.e., 7 days); and

c) the permittee submitted all test results indicating receiving water toxicity with the reports and information required in Part 3.

3) The synthetic dilution water shall consist of standard, moderately hard, reconstituted water. Upon approval, the permittee may substitute other appropriate dilution water with chemical and physical characteristics similar to that of the receiving water.

d. Samples and Composites

1) The permittee shall collect a minimum of three composite samples from Outfall 001. The second and third composite samples will be used for the renewal of the dilution concentrations for each toxicity test.

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

3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the first composite sample. The holding time for any subsequent composite sample shall not exceed 72 hours. Samples shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.

4) If Outfall 001 ceases discharging during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions, and the sample holding time are

waived during that sampling period. However, the permittee must have collected an effluent composite sample volume sufficient to complete the required toxicity tests with renewal of the effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report.

5) The effluent samples shall not be dechlorinated after sample collection.

3. Reporting

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

a. The permittee shall prepare a full report of the results of all tests conducted in accordance with the manual referenced in Part 1.b. for every valid and invalid toxicity test initiated whether carried to completion or not.

b. The permittee shall routinely report the results of each biomonitoring test on the Table 1 forms provided with this permit.

1) Annual biomonitoring test results are due on or before January 20th for biomonitoring conducted during the previous 12-month period.

2) Semiannual biomonitoring test results are due on or before July 20th and January 20th for biomonitoring conducted during the previous 6-month period.

3) Quarterly biomonitoring test results are due on or before April 20th, July 20th, October 20th, and January 20th for biomonitoring conducted during the previous calendar quarter.

4) Monthly biomonitoring test results are due on or before the 20th day of the month following sampling.

c. Enter the following codes for the appropriate parameters for valid tests only:

1) For the water flea, Parameter TLP3B, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

2) For the water flea, Parameter TOP3B, report the NOEC for survival.

3) For the water flea, Parameter TXP3B, report the LOEC for survival.

4) For the water flea, Parameter TWP3B, enter a "1" if the NOEC for reproduction is less than the critical dilution; otherwise, enter a "0."

5) For the water flea, Parameter TPP3B, report the NOEC for reproduction.

6) For the water flea, Parameter TYP3B, report the LOEC for reproduction.

7) For the fathead minnow, Parameter TLP6C, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

8) For the fathead minnow, Parameter TOP6C, report the NOEC for survival.

9) For the fathead minnow, Parameter TXP6C, report the LOEC for survival.

10) For the fathead minnow, Parameter TWP6C, enter a "1" if the NOEC for growth is less than the critical dilution; otherwise, enter a "0."

11) For the fathead minnow, Parameter TPP6C, report the NOEC for growth.

12) For the fathead minnow, Parameter TYP6C, report the LOEC for growth.

d. Enter the following codes for retests only:

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

2) For retest number 2, Parameter 22416, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

4. Persistent Toxicity

The requirements of this Part apply only when a test demonstrates a significant effect at the critical dilution. Significant 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 species that demonstrates a significant effect (lethal or sublethal) at the critical dilution. The two retests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two retests in lieu of routine toxicity testing. All reports shall be submitted within 20 days of test completion. Test completion is defined as the last day of the test.

b. If the retests are performed due to a demonstration of significant lethality, and one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5. The provisions of Part 4.a. are suspended upon completion of the two retests and submittal of the TRE action plan and schedule defined in Part 5.

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

c. If the two retests are performed due to a demonstration of significant sublethality, and one or both of the two retests specified in Part 4.a. demonstrates

significant lethality, the permittee shall again perform two retests as stipulated in Part 4.a.

d. If the two retests are performed due to a demonstration of significant sublethality, and neither test demonstrates significant lethality, the permittee shall continue testing at the quarterly frequency.

e. Regardless of whether retesting for lethal or sublethal effects, or a combination of the two, no more than one retest per month is required for a species.

5. Toxicity Reduction Evaluation

a. Within 45 days of the retest that demonstrates significant lethality, or within 45 days of being so instructed due to multiple toxic events, the permittee shall submit a general outline for initiating a TRE. The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.

b. Within 90 days of the retest that demonstrates significant lethality, or within 90 days of being so instructed due to multiple toxic events, the permittee shall submit a TRE action plan and schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical 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 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

			Date Time		Date Time
Dates and Times	No. 1	FROM:	_____	TO:	_____
Composites Collected	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%	40%	55%	74%	96%
A						
B						
C						
D						
E						
F						
G						
H						
I						
J						
Survival Mean						
Total Mean						
CV%*						
PMSD						

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

TABLE 1 (SHEET 2 OF 4)

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION TEST

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

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

   CRITICAL DILUTION (96%): _____ YES _____ NO

PERCENT SURVIVAL

	Percent effluent					
Time of Reading	0%	30%	40%	55%	74%	96%
24h						
48h						
End of Test						

2. Fisher's Exact Test:

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

   CRITICAL DILUTION (96%): _____ YES _____ NO

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

   a.) NOEC survival = _____% effluent

   b.) LOEC survival = _____% effluent

   c.) NOEC reproduction = _____% effluent

   d.) LOEC reproduction = _____% effluent

TABLE 1 (SHEET 3 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW LARVAE GROWTH AND SURVIVAL

		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%							
40%							
55%							
74%							
96%							
PMSD							

* Coefficient of Variation = standard deviation x 100/mean

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

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

   CRITICAL DILUTION (96%): _____ YES _____ NO

TABLE 1 (SHEET 4 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW GROWTH AND SURVIVAL TEST

FATHEAD MINNOW SURVIVAL DATA

Effluent Concentration	Percent Survival in replicate chambers					Mean percent survival			CV%*
	A	B	C	D	E	24h	48h	7 day	
0%									
30%									
40%									
55%									
74%									
96%									

* Coefficient of Variation = standard deviation x 100/mean

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

   Is the mean survival at 7 days significantly less than the control survival for the % effluent corresponding to lethality?

   CRITICAL DILUTION (96%): _____ YES _____ NO

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

   a.) NOEC survival = _____% effluent

   b.) LOEC survival = _____% effluent

   c.) NOEC growth = _____% effluent

   d.) LOEC growth = _____% effluent

24-HOUR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

The provisions of this section apply to Outfall 001 for 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. Within 90 days of the initiation of discharge from the Final (1.4 MGD) phase, 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.

      A valid test result must be submitted for each reporting period. The permittee must report, and then repeat, an invalid test during the same reporting period. The repeat test shall include the control and the 100% effluent dilution and use the appropriate number of organisms and replicates, as specified above. 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 (BMP), a chemical-specific (CS) limit, or other appropriate actions to address toxicity. The permittee may be required to conduct a toxicity reduction evaluation (TRE) after multiple toxic events.

2. Required Toxicity Testing Conditions

   a. Test Acceptance - The permittee shall repeat any toxicity test, including the control, if the control fails to meet a mean survival equal to or greater than 90%.

b. Dilution Water - In accordance with Part 1.c., the control and dilution water shall consist of standard, synthetic, moderately hard, reconstituted water.

c. Samples and Composites

1) The permittee shall collect one composite sample from Outfall 001.

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

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

4) If Outfall 001 ceases discharging during the collection of the effluent composite sample, the requirements for the minimum number of effluent portions are waived. However, the permittee must have collected a composite sample volume sufficient for completion of the required test. The abbreviated sample collection, duration, and methodology must be documented in the full report.

5) The effluent sample shall not be dechlorinated after sample collection.

3. Reporting

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

a. The permittee shall prepare a full report of the results of all tests conducted 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 a "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 a "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 a "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 a "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 analyses to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE action plan shall lead to the successful elimination of significant lethality for both test species defined in 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 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 TRE activities reports are due on or before April 20th, July 20th, October 20th, and January 20th. The report shall detail information regarding the TRE activities including:

1) results and interpretation of any chemical-specific analyses for the identified and suspected pollutant performed during the quarter;

2) results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;

3) any data and substantiating documentation that identifies the pollutant and source of effluent toxicity;

4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;

5) any data that identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to eliminate significant lethality; and

6) any changes to the initial TRE plan and schedule that are believed necessary as a result of the TRE findings.

e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species. Testing for the less sensitive species shall continue at the frequency specified in Part 1.b.

f. If the effluent ceases to effect significant lethality, i.e., there is a cessation of lethality, the permittee may end the TRE. A cessation of lethality is defined as no significant lethality for a period of 12 consecutive weeks with at least weekly testing. At the end of the 12 weeks, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b.

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

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

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

schedule for implementing the selected control mechanism. A copy of the TRE final report shall also be submitted to the U.S. EPA Region 6 office.

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

Attachment A
WQ0016092001
Treasure Island Laguna Azure LLC

DOMESTIC TECHNICAL REPORT 1.0

POLLUTANT ANALYSES REQUIREMENTS

Section 7. Pollutant Analysis of Treated Effluent

For pollutants identified in Table 1.0(2), indicate type of sample of Grab or Composite.

Date and time sample(s) collected:

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

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	Sample Type	MAL (µg/l)
$CBOD_5$, mg/l					50
Total Suspended Solids (TSS), mg/l					0.01
Ammonia Nitrogen (NH3-N), mg/l					2.5
Nitrate Nitrogen, mg/l					10
Total Kjeldahl Nitrogen (TKN), mg/l					5
Sulfate, mg/l					0.5
Chloride, mg/l					3
Total Phosphorus, mg/l					10
pH, standard units (SU)					50
Dissolved Oxygen (DO), mg/l					5
Chlorine Residual, mg/l					5
E.coli (CFU or MPN/100 ml)					10
Total Dissolved Solids, mg/l					10
Oil & Grease, mg/l					10
Alkalinity ($CaCO_3$), mg/l					10

DOMESTIC WORKSHEET 4.0

POLLUTANT ANALYSES REQUIREMENTS*

Section 1. Toxic Pollutants

For pollutants identified in Table 4.0(1), indicate type of sample.
Grab ☐ Composite ☐

Date and time sample(s) collected:

Table 4.0(1) – Toxics Analysis

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acrylonitrile				50
Aldrin				0.01
Aluminum				2.5
Anthracene				10
Antimony				5
Arsenic				0.5
Barium				3
Benzene				10
Benzidine				50
Benzo(a)anthracene				5
Benzo(a)pyrene				5
Bis(2-chloroethyl)ether				10
Bis(2-ethylhexyl)phthalate				10
Bromodichloromethane				10
Bromoform				10
Cadmium				1
Carbon Tetrachloride				2
Carbaryl				5
Chlordane				0.2

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Chlorobenzene				10
Chlorodibromomethane				10
Chloroform				10
Chlorpyrifos				0.05
Chromium (Total)				3
Chromium (Tri) **(*1)**				N/A
Chromium (Hex)				3
Copper				2
Chrysene				5
p-Chloro-m-Cresol				10
4,6-Dinitro-o-Cresol				50
p-Cresol				10
Cyanide **(*2)**				10
4,4'- DDD				0.1
4,4'- DDE				0.1
4,4'- DDT				0.02
2,4-D				0.7
Demeton (O and S)				0.20
Diazinon				0.5/0.1
1,2-Dibromoethane				10
m-Dichlorobenzene				10
o-Dichlorobenzene				10
p-Dichlorobenzene				10
3,3'-Dichlorobenzidine				5
1,2-Dichloroethane				10
1,1-Dichloroethylene				10

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Dichloromethane				20
1,2-Dichloropropane				10
1,3-Dichloropropene				10
Dicofol				1
Dieldrin				0.02
2,4-Dimethylphenol				10
Di-n-Butyl Phthalate				10
Diuron				0.09
Endosulfan I (alpha)				0.01
Endosulfan II (beta)				0.02
Endosulfan Sulfate				0.1
Endrin				0.02
Ethylbenzene				10
Fluoride				500
Guthion				0.1
Heptachlor				0.01
Heptachlor Epoxide				0.01
Hexachlorobenzene				5
Hexachlorobutadiene				10
Hexachlorocyclohexane (alpha)				0.05
Hexachlorocyclohexane (beta)				0.05
gamma-Hexachlorocyclohexane (Lindane)				0.05
Hexachlorocyclopentadiene				10
Hexachloroethane				20
Hexachlorophene				10

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Lead				0.5
Malathion				0.1
Mercury				0.005
Methoxychlor				2
Methyl Ethyl Ketone				50
Mirex				0.02
Nickel				2
Nitrate-Nitrogen				100
Nitrobenzene				10
N-Nitrosodiethylamine				20
N-Nitroso-di-n-Butylamine				20
Nonylphenol				333
Parathion (ethyl)				0.1
Pentachlorobenzene				20
Pentachlorophenol				5
Phenanthrene				10
Polychlorinated Biphenyls (PCB's) **(*3)**				0.2
Pyridine				20
Selenium				5
Silver				0.5
1,2,4,5-Tetrachlorobenzene				20
1,1,2,2-Tetrachloroethane				10
Tetrachloroethylene				10
Thallium				0.5
Toluene				10
Toxaphene				0.3

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
2,4,5-TP (Silvex)				0.3
Tributyltin (see instructions for explanation)				0.01
1,1,1-Trichloroethane				10
1,1,2-Trichloroethane				10
Trichloroethylene				10
2,4,5-Trichlorophenol				50
TTHM (Total Trihalomethanes)				10
Vinyl Chloride				10
Zinc				5

(*1) Determined by subtracting hexavalent Cr from total Cr.

(*2) Cyanide, amenable to chlorination or weak-acid dissociable.

(*3) The sum of seven PCB congeners 1242, 1254, 1221, 1232, 1248, 1260, and 1016.

Section 2. Priority Pollutants

For pollutants identified in Tables 4.0(2)A-E, indicate type of sample.

Grab ☐ Composite ☐

Date and time sample(s) collected:

Table 4.0(2)A – Metals, Cyanide, Phenols

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Antimony				5
Arsenic				0.5
Beryllium				0.5
Cadmium				1
Chromium (Total)				3
Chromium (Hex)				3
Chromium (Tri) (*1)				N/A
Copper				2
Lead				0.5
Mercury				0.005
Nickel				2
Selenium				5
Silver				0.5
Thallium				0.5
Zinc				5
Cyanide (*2)				10
Phenols, Total				10

(*1) Determined by subtracting hexavalent Cr from total Cr.

(*2) Cyanide, amenable to chlorination or weak-acid dissociable

Table 4.0(2)B – Volatile Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acrolein				50
Acrylonitrile				50
Benzene				10
Bromoform				10
Carbon Tetrachloride				2
Chlorobenzene				10
Chlorodibromomethane				10
Chloroethane				50
2-Chloroethylvinyl Ether				10
Chloroform				10
Dichlorobromomethane [Bromodichloromethane]				10
1,1-Dichloroethane				10
1,2-Dichloroethane				10
1,1-Dichloroethylene				10
1,2-Dichloropropane				10
1,3-Dichloropropylene [1,3-Dichloropropene]				10
1,2-Trans-Dichloroethylene				10
Ethylbenzene				10
Methyl Bromide				50
Methyl Chloride				50
Methylene Chloride				20
1,1,2,2-Tetrachloroethane				10
Tetrachloroethylene				10
Toluene				10
1,1,1-Trichloroethane				10
1,1,2-Trichloroethane				10
Trichloroethylene				10
Vinyl Chloride				10

Table 4.0(2)C – Acid Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
2-Chlorophenol				10
2,4-Dichlorophenol				10
2,4-Dimethylphenol				10
4,6-Dinitro-o-Cresol				50
2,4-Dinitrophenol				50
2-Nitrophenol				20
4-Nitrophenol				50
P-Chloro-m-Cresol				10
Pentalchlorophenol				5
Phenol				10
2,4,6-Trichlorophenol				10

Table 4.0(2)D – Base/Neutral Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acenaphthene				10
Acenaphthylene				10
Anthracene				10
Benzidine				50
Benzo(a)Anthracene				5
Benzo(a)Pyrene				5
3,4-Benzofluoranthene				10
Benzo(ghi)Perylene				20
Benzo(k)Fluoranthene				5
Bis(2-Chloroethoxy)Methane				10
Bis(2-Chloroethyl)Ether				10
Bis(2-Chloroisopropyl)Ether				10
Bis(2-Ethylhexyl)Phthalate				10
4-Bromophenyl Phenyl Ether				10
Butyl benzyl Phthalate				10
2-Chloronaphthalene				10
4-Chlorophenyl phenyl ether				10
Chrysene				5
Dibenzo(a,h)Anthracene				5
1,2-(o)Dichlorobenzene				10
1,3-(m)Dichlorobenzene				10
1,4-(p)Dichlorobenzene				10
3,3-Dichlorobenzidine				5
Diethyl Phthalate				10
Dimethyl Phthalate				10
Di-n-Butyl Phthalate				10
2,4-Dinitrotoluene				10
2,6-Dinitrotoluene				10
Di-n-Octyl Phthalate				10
1,2-Diphenylhydrazine (as Azo-benzene)				20
Fluoranthene				10
Fluorene				10
Hexachlorobenzene				5
Hexachlorobutadiene				10

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Hexachlorocyclo-pentadiene				10
Hexachloroethane				20
Indeno(1,2,3-cd)pyrene				5
Isophorone				10
Naphthalene				10
Nitrobenzene				10
N-Nitrosodimethylamine				50
N-Nitrosodi-n-Propylamine				20
N-Nitrosodiphenylamine				20
Phenanthrene				10
Pyrene				10
1,2,4-Trichlorobenzene				10

Table 4.0(2)E - Pesticides

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Aldrin				0.01
alpha-BHC (Hexachlorocyclohexane)				0.05
beta-BHC (Hexachlorocyclohexane)				0.05
gamma-BHC (Hexachlorocyclohexane)				0.05
delta-BHC (Hexachlorocyclohexane)				0.05
Chlordane				0.2
4,4-DDT				0.02
4,4-DDE				0.1
4,4,-DDD				0.1
Dieldrin				0.02
Endosulfan I (alpha)				0.01
Endosulfan II (beta)				0.02
Endosulfan Sulfate				0.1
Endrin				0.02
Endrin Aldehyde				0.1
Heptachlor				0.01
Heptachlor Epoxide				0.01
PCB-1242				0.2
PCB-1254				0.2
PCB-1221				0.2
PCB-1232				0.2
PCB-1248				0.2
PCB-1260				0.2
PCB-1016				0.2
Toxaphene				0.3

Section 3. Dioxin/Furan Compounds

A. Are any of the following compounds used by a contributing industrial user or significant industrial user that is part of the collection system for the facility that you have reason to believe are present in the influent to the wastewater treatment plant?

Yes ☐ No ☐

If **yes**, identify which compound(s) are potentially sent to the facility.

☐ 2,4,5-trichlorophenoxy acetic acid
Common Name 2,4,5-T, CASRN 93-76-5

☐ 2-(2,4,5-trichlorophenoxy) propanoic acid
Common Name Silvex or 2,4,5-TP, CASRN 93-72-1

☐ 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dichloropropionate
Common Name Erbon, CASRN 136-25-4

☐ 0,0-dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate
Common Name Ronnel, CASRN 299-84-3

☐ 2,4,5-trichlorophenol
Common Name TCP, CASRN 95-95-4

☐ hexachlorophene
Common Name HCP, CASRN 70-30-4

For each compound identified, provide a brief description of the conditions of its/their presence at the facility.

B. Do you know or have any reason to believe that 2,3,7,8 Tetrachlorodibenzo-P-Dioxin (TCDD) or any congeners of TCDD may be present in your effluent?

Yes ☐ No ☐

If **yes**, provide a brief description of the conditions for its presence.

If you responded **yes** to either Subsection A **or** B, complete Table 4.0(2)F.

For pollutants identified in Table 4.0(2)F, indicate type of sample.

Grab ☐ Composite ☐

Date and time sample(s) collected:

TABLE 4.0(2)F - DIOXIN/FURAN COMPOUNDS

Compound	Toxic Equivalency Factors	Wastewater Concentration (ppq)	Wastewater Equivalents (ppq)	Sludge Concentration (ppt)	Sludge Equivalents (ppt)	MAL (ppq)
2,3,7,8 TCDD	1					10
1,2,3,7,8 PeCDD	0.5					50
2,3,7,8 HxCDDs	0.1					50
1,2,3,4,6,7,8 HpCDD	0.01					50
2,3,7,8 TCDF	0.1					10
1,2,3,7,8 PeCDF	0.05					50
2,3,4,7,8 PeCDF	0.5					50
2,3,7,8 HxCDFs	0.1					50
2,3,4,7,8 HpCDFs	0.01					50
OCDD	0.0003					100
OCDF	0.0003					100
PCB 77	0.0001					0.5
PCB 81	0.0003					0.5
PCB 126	0.1					0.5
PCB 169	0.03					0.5
Total						

*For PCBs, if all are non-detects, enter the highest non-detect preceded by a "<".

Compliance History Report

Compliance History Report for CN605975267, RN111409553, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605975267, TREASURE ISLAND LAGUNA AZURE LLC FKA CANARY ISLAND LAGUNA AZURE LLC **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN111409553, TREASURE ISLAND WWTP **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: APPROX 0.81 MILES NORTHEAST OF INTERSECTION OF FARMINGTON RD AND HODGINS ROAD GRAYSON, TX, GRAYSON COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
WASTEWATER EPA ID TX0142263 **WASTEWATER** PERMIT WQ0016092001

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: April 06, 2022

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

Component Period Selected: January 18, 2017 to April 06, 2022

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

Name: WH **Phone:** (512) 239-3581

Site and Owner/Operator History:

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

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

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

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:
N/A

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

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

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

J. Early compliance:
N/A

Sites Outside of Texas:
N/A

AR-16

City of Van Alstyne Reply to Responses to
Request for Contested Case Hearing

TCEQ DOCKET NO. 2024-1612-MWD

APPLICATION BY TREASURE ISLAND LAGUNA AZURE, LLC FOR TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. WQ0016092001	§ § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

CITY OF VAN ALSTYNE'S REPLY TO APPLICANT'S RESPONSE TO HEARING REQUESTS

The City of Van Alstyne, Texas ("City) files this Reply to Applicant's Response to Hearing Requests and, in support thereof, would show the following:

I. Introduction

Treasure Island Laguna Azure, LLC ("Treasure Island" or "Applicant") applied to the Texas Commission on Environmental Quality ("TCEQ") for new TPDES Permit No. WQ0016092001 (the "Application"), seeking to authorize the discharge of treated domestic wastewater at a final phase daily average flow not to exceed 1,400,000 gallons per day (the "Draft Permit"). The City opposes the issuance of the permit and timely requested a contested case hearing as an affected person within the definition of that term in the Texas Administrative Code. In its Response to Hearing Requests, the Applicant requested that the TCEQ deny the City's hearing request. The City is an "affected person" pursuant to TCEQ rules and asks the TCEQ to grant the City's request for a contested case hearing on the Draft Permit and determine that the City is an affected person with party status.

II. The City is an Affected Person.

The City timely filed its hearing request in writing on April 19, 2022, and reasserted its request on September 16, 2024. In its hearing request, the City provided all information requested by 30 Tex. Admin. Code § 55.201(d). Contrary to the assertions made by the Applicant, the City

established in its hearing request that it is an "affected person" under 30 Tex. Admin. Code § 55.203 because the City has interests related to legal rights, duties, privileges, powers, or economic interests affected by the Application that are not common to the general public. Local governmental entities, such as the City, with authority under state law over issues contemplated by an application, may be considered affected persons under 30 Tex. Admin. Code § 55.203. The proposed development is located within the extraterritorial jurisdiction ("ETJ") of the City. The City has authority to protect the public health and safety within its ETJ and to regulate development within its ETJ. *See, e.g.,* TEX. LOC. GOV'T CODE §§ 42.001, 212.044. Specifically, the City has statutory authority over various functions within its ETJ – including but not limited to water quality, water and sewer services, emergency services, and health and safety concerns – that are affected by the Application. Such functions and interests are relevant to the Draft Permit because they may be affected by the proposed wastewater treatment plant and associated discharge within the ETJ of the City that the Application fails to properly address. For example, the City's primary source of drinking water is groundwater withdrawn from the Trinity Aquifer and the Woodbine Aquifer. The proposed discharge will traverse the area over both the Trinity Aquifer and the Woodbine Aquifer, the primary source of drinking water for the City. Additionally, the proposed discharge is upstream of an additional drinking water source, Lake Lavon. This discharge could negatively affect the water quality of the Trinity Aquifer, the Woodbine Aquifer, and Lake Lavon. The City has an interest in protecting the water quality of its drinking water supply.

Additionally, the City has water and sewer facilities and infrastructure within three (3) miles of the development to be served by the proposed wastewater treatment plant. that would be impacted by the Application. As a regional water and sewer service provider, the City has an interest to ensure that new development in its extraterritorial jurisdiction regionalize with existing

systems to the greatest extent possible in order to protect the public health, safety, and welfare of its citizens. *See* TEXAS WATER CODE § 26.081(a). The City therefore has an interest in ensuring that the creation and operation of the proposed wastewater treatment plant and associated discharge is protective of the public health and safety within its ETJ. Thus, the City has authority under state law over the issues contemplated by this Application, has interests not common to the general public, and is therefore an affected person. 30 TEX. ADMIN. CODE § 55.203.

This interest in the Applicant's proposed discharge within the City's jurisdiction is therefore unique to the City and is not common to the general public. Thus, the City has authority under state law over the issues contemplated by this application and is therefore an affected person under TCEQ's rules. 30 Tex. Admin. Code § 55.203.

The Applicant incorrectly states that the City must provide a "concrete" and "particularized" actual or imminent injury, and demonstrate the effects on health, safety, use of property, and use of natural resources, to show how the proposed discharge would affect the City in a manner not common with the members of the general public[1]. However, the Applicant is attempting to add a merits requirement into the threshold analysis of party status where none exists, providing no statutory or regulatory citation to support these assertions. 30 Tex. Admin. Code § 55.201(d) states:

> (d) A hearing request must substantially comply with the following:
>
> > (1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime

[1] The Applicant cites two cases – *Texas Disposal Sys. Landfill v. Tex. Comm'n on Envt'l Quality,* 259 S.W.3d 361 (Tex. App. – Amarillo 2008, no. pet) and *Tex. Comm'n on Envt'l Quality v. Sierra Club*, 455 S.W.3d 228 (Tex. App. – Austin 2014) – to purportedly support its analysis that the City has not established its standing as an affected party. However, neither of these cases are applicable to determining standing of a local governmental entity pursuant to 30 Tex. Admin. Code § 55.203, and are thus not persuasive.

> telephone number, and, where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
>
> (2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
>
> (3) request a contested case hearing;
>
> (4) for applications filed...on or after September 1, 2015, list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the executive director's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law; and
>
> (5) provide any other information specified in the public notice of application.
>
> 30 Tex. Admin. Code § 55.201(d).

In its hearing request, the City has effectively shown that as a governmental entity its statutory authority and its interest in issues relevant to the Application, which are not common to the general public, could be affected by the Draft Permit and the Application. There is no requirement in TCEQ's rules that the City must prove with evidence how its interests will actually be affected. Rather, to establish that it is an affected party, the City must only show how it "believes" it "will be adversely affected" by the activities to be authorized in the Draft Permit. *See* 30 Tex. Admin. Code § 55.201(d)(2). Thus, the City has met the requirements of the TCEQ's rules to determine that it is an affected party for the purposes of this matter.

D. Conclusion

For these reasons, the City reasserts its request that the Commission find that the City is an affected person and grant its request for a contested case hearing on the Application in order to address the concerns raised in its hearing request.

Respectfully submitted,

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BY: Emily W. Rogers
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Attorneys for the City of Van Alstyne

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2024, a copy of the foregoing document was filed with the Texas Commission on Environmental Quality Office of the Chief Clerk and served on all parties on the attached Service List.

Emily W. Rogers
Emily W. Rogers

MAILING LIST
Treasure Island Laguna Azure LLC fka Canary Island Laguna Azure LLC
TCEQ Docket No. 2024-1612-MWD; Permit No. WQ0016092001

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AR-17

TCEQ Interim Commission Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AN INTERIM ORDER concerning the application by Treasure Island Laguna Azure LLC fka Canary Island Laguna Azure LLC for new TPDES Permit No. WQ0016092001; TCEQ Docket No. 2024-1612-MWD.

On November 20, 2024, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing and reconsideration concerning the application by Treasure Island Laguna Azure LLC fka Canary Island Laguna Azure LLC (Applicant) for new TPDES Permit No. WQ0016092001. The application seeks authorization to discharge treated domestic wastewater at a daily average flow not to exceed 1,400,000 gallons per day (gpd). The wastewater treatment facility will be located approximately 0.81 of a mile northeast of the intersection of Farmington Rd., and Hodgins Rd., in Grayson County, Texas.

The requests for hearing and reconsideration were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code Chapter 55. The Commission also considered the responses to the requests for hearing and reconsideration filed by the Executive Director, the Office of Public Interest Counsel, and the Applicant; the City of Van Alstyne's timely reply; all timely public comment; and the Executive Director's Response to Public Comment.

After evaluation of all relevant filings, the Commission determined that the City of Van Alstyne is an affected person and granted its request for hearing. The Commission determined that the remaining hearing requests and requests for reconsideration be denied.

The Commission next determined whether the granted requests for hearing raised disputed issues of fact or mixed questions of fact and law that were raised by an affected person during the comment period, and that are relevant and material to the decision on the application. The Commission determined that the following issues met those requirements and directed that they be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing: 1) Whether the draft permit is protective of water quality, including the protection of drinking water, in accordance with applicable regulations including the 30 Tex. Admin. Code Chapter 307 Texas Surface Water Quality Standards; and 2) Whether the draft permit complies with the Commission's regionalization policy pursuant to Tex. Water Code § 26.081. Finally, the Commission specified that the maximum duration of the contested case hearing shall be 180 days from the date of the preliminary hearing until the proposal for decision is issued by SOAH.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

1) The hearing request of the City of Van Alstyne is hereby GRANTED;

2) The remaining hearing requests and requests for reconsideration are hereby DENIED;

3) The following issues are referred to SOAH for a contested case hearing on the application:

   A) Whether the draft permit is protective of water quality, including the protection of drinking water, in accordance with applicable regulations including the 30 Tex. Admin. Code Chapter 307 Texas Surface Water Quality Standards; and

   B) Whether the draft permit complies with the Commission's regionalization policy pursuant to Tex. Water Code § 26.081.

4) All issues not identified as being referred to SOAH in Ordering Provision No. 3 are hereby DENIED;

5) The maximum duration of the hearing is set at 180 days from the date of the preliminary hearing until the date the proposal for decision is issued by SOAH; and

6) If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

For the Commission

12/3/24
Date Signed