

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of Chief Clerk Date: February 6, 2026
From: Michael Parr, Staff Attorney, Environmental Law Division
Subject: Transmittal of Documents for Administrative Record
Applicant: Hays Commons Development, Inc.
Proposed Permit No.: WQ0016373001
Program: Water Quality Division
TCEQ Docket No.: 2025-1295-MWD

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

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

Indicated below are the documents included with this transmittal:

1. The Executive Director's Final Decision Letter and Response to Comments
2. The Executive Director's Technical Backup materials (Fact Sheet, Draft Permit Preliminary Decision, and the Compliance History)

Sincerely,



Michael Parr II
Staff Attorney
Environmental Law Division

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 27, 2025

TO: All interested persons.

RE: Hays Commons Development, Inc.
TCEQ Permit No. WQ0016373001

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 Kyle Public Library, 550 Scott Street, Kyle, 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
Chief Clerk

LG/cb

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
Hays Commons Development, Inc.
TCEQ Permit No. WQ0016373001

The Executive Director has made the Response to Public Comment (RTC) for the application by Hays Commons Development, Inc. for TCEQ Permit No. WQ0016373001 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 (WQ0016373001) 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 Kyle Public Library, 550 Scott Street, Kyle, Texas.

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TCEQ Permit No. WQ0016373001

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see attached list

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TCEQ PERMIT NO. WQ0016373001

**APPLICATION BY
HAYS COMMONS DEVELOPMENT
INC. FOR TCEQ PERMIT
NO. WQ0016373001**

**§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL
QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

INTRODUCTION

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ / Commission) files this Response to Public Comment (Response) on the application submitted by Hays Commons Development, Inc. (Applicant) and on the ED's preliminary decision on the application (Application) for a new Texas Land Application Permit (TLAP) TCEQ Permit No. WQ0016373001 (draft permit) and on the construction and operation of the Hays Commons Wastewater Treatment Facility and Disposal Site (proposed facility). According to Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156 before issuing a permit the ED prepares a response to all timely comments received on the application.

The TCEQ's Office of the Chief Clerk (OCC) received a public meeting request from State Representative Erin Zwiener and received timely comments from State Senator Donna Campbell M.D.

Due to the volume of comments and commenters received by the TCEQ's OCC on this Application unless otherwise noted in the comment the ED organized the comments from those members of the public who made similar comments to other members of the public in the Appendices (A-E) below for clarity.

Groups, entities, and organizations also provided timely comments on the Application. On behalf of the Cities of Buda, Hays, and Austin comments were provided by Micah Grau, Joshua Katz, Liz Johnston, and Katie Coyne. On behalf of the Coves of Cimarron Homeowners' Association, the Llano River Watershed Alliance, Save Barton Creek Association, and the Barton Springs-Edwards Aquifer Conservation District comments were provided by Darren Bien, Linda Fawcett, Brian Zabcik, and Michelle Camp and Timothy Loftus respectively.

On behalf of the Save Barton Creek Association comments were received from Brian Zabcik and Michelle Camp, and on behalf of the City of Austin comments were received from Liz Johnston and Katie Coyne.

On behalf of the Greater Edwards Aquifer Alliance, Lucinda Stolzenburg, Annalisa Peace, and Michael Clifford provided comments, and on behalf of Save Our Springs Alliance, William Bunch, Nicholas Paganini, and Bobby Levinski provided comments.

This Response addresses all public comments received from the entities and individuals above whether withdrawn. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040 or the website below.

➤ www.tceq.texas.gov/agency/decisions/participation/permitting-participation

BACKGROUND

The Applicant applied for new TCEQ/TLAP Permit No. WQ0016373001 (draft permit) to serve the wastewaters needs of areas in both Travis and Hays Counties that will contain restaurants, apartments, and commercial spaces proposed in the Hays Commons Development by authorizing the land application as opposed to the discharge of treated domestic wastewater (effluent) at a daily average flow rate not to exceed flow not to exceed 0.05, 0.10, and 0.15 million gallons per day (MGD) in the Interim I, II, and Final phases; via surface irrigation of 60 acres of non-public access land only according to the effluent limitations (limits) in the draft permit which does not authorize any effluent discharges into Waters in the State.

DESCRIPTION OF FACILITY

When constructed the Proposed facility will be located approximately 0.25 miles southwest of the intersection of Farm-to-Market Road 1626 and State Highway 45 Southwest in Hays County, Texas 78610. The facility and disposal site will be located in the drainage basin of Onion Creek in Segment No. 1427 of the Colorado River Basin.

The Application indicated that the Proposed facility will be a membrane bioreactor (MBR) facility. Treatment units in the Interim I phase will include bar screens, an anoxic/equalization basin, a pre-aeration basin, a membrane basin, a sludge digester, and a chlorine contact chamber. Treatment units in the Interim II phase will include bar screens, an anoxic/equalization basin, two pre-aeration basins, two membrane basins, two sludge digesters, and two chlorine contact chambers. Treatment units in the Final phase will include bar screens, an anoxic/equalization basin, three pre-aeration basins, three membrane basins, three sludge digesters, and three chlorine contact chambers.

The Application indicated that the Proposed facility will also include a storage pond with a total surface area of 5.34 acres and total capacity of 68.67 acre-feet for storage of treated effluent prior to irrigation of Bermuda grass and rye grass during the cool season. Application rates to the irrigated land must not exceed 2.80 acre-feet per year per acre irrigated. Table No. 1 below lists across all phases of the draft permit the proposed limits and monitoring requirements which are consistent with 30 TAC Chapter 309 and Table 1 in § 309.4. All flows are expressed in Million Gallons Per Day (MGD) and all pH values are expressed in standard units (SU). Concentration values are expressed in Milligrams per Liter (mg/L).

TABLE NO. 1 EFFLUENT LIMITATIONS

| Parameter/Pollutant | Daily Average | 7-day Average | Daily Maximum | Single Grab |
|---|------------------|---------------|---------------|-------------|
| | mg/L | mg/L | mg/L | mg/L |
| Flow (MGD) | 0.05/ 0.10/ 0.15 | N/A | N/A | N/A |
| Biochemical Oxygen Demand 5-day (BOD ₅) | 5.0 | 10.0 | 20.0 | 30.0 |
| Total Suspended Solids (TSS) | 5.0 | 10.0 | 20.0 | 30.0 |
| Ammonia Nitrogen (NH ₃ -N) | 2.0 | 5.0 | 10.0 | 15.0 |
| Total Phosphorus (TP) | 1.0 | 2.0 | 4.0 | 6.0 |
| Total Chlorine Residual | 1.0 mg/L min. | - | 4.0 mg/L | - |
| Ph | 6.0 SU | - | 9.0 SU | - |

If the effluent is to be transferred to a holding pond or tank, re-chlorination prior to the effluent being delivered into the irrigation system is required. A trace total chlorine residual shall be maintained in the effluent at the point of irrigation application. The monitoring must be done after the final treatment unit and prior to storage of the treated effluent. If the effluent is land applied directly from the treatment system monitoring must be done after the final treatment unit and prior to land application.

Sludge generated from the Proposed facility will be hauled by a registered transporter to Walnut Creek WWTF TPDES Permit No. WQ0010543001 to be digested, dewatered, and then disposed of with the bulk of the sludge from the plant accepting the sludge. The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

PROCEDURAL BACKGROUND

The TCEQ received the application on July 27, 2023, and declared it administratively complete on September 5, 2023. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in Travis County Texas in the *Austin American-Statesman* on October 3, 2023. The ED completed the technical review of the application on March 12, 2024, and prepared the draft permit which if approved would establish the conditions under which the proposed facility must operate. On March 25, 2024, the ED approved a Public Meeting on the application to be held later. The Applicant published a Combined Notice of Public Meeting and Notice of Application and Preliminary Decision (NAPD) in Travis County Texas in the *Austin American-Statesman* on June 12, 2024. On July 16, 2024, the public meeting requested by State Representative Erin Zwiener was held in Buda Texas. The comment period for the application closed on July 25, 2024, to ensure that all those that attended the public meeting could submit comments. Because the application was received after September 1, 2015, and declared administratively complete after September 1, 1999, it is subject to both the procedural requirements adopted pursuant to House Bill 801 76th Legislature 1999 and the TCEQ rules in 30 TAC Chapters 39 50 and 55 which implement the procedural requirements of Senate Bill 709 84th Legislature 2015.

ACCESS TO RULES - LAWS - RECORDS

Please see below the applicable rules and regulations for TPDES permits:

- All administrative rules: Secretary of State Website: www.sos.state.tx.us
- TCEQ rules: Title 30 of the Texas Administrative Code: www.sos.state.tx.us/tac/
- (select TAC Viewer on the right then Title 30 Environmental Quality)
- Texas statutes: www.statutes.capitol.texas.gov
- TCEQ website: www.tceq.texas.gov (for downloadable rules in WordPerfect or Adobe PDF formats select “Rules Policy & Legislation” then “Current TCEQ Rules” then “Download TCEQ Rules”);
- Federal rules: Title 40 of the Code of Federal Regulations (C.F.R.)
http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl
- Federal environmental laws: <http://www.epa.gov/lawsregs/>

For information about this permit application or the permitting process please contact TCEQ’s Public Education Program at (800) 687-4040 or the website below. The TCEQ’s community outreach initiatives which aim to educate the public about

pollution prevention and water conservation can be found on the Take Care of Texas Program's website below

- <https://www.tceq.texas.gov/agency/decisions/participation/permitting-participation>
- www.takecareoftexas.org

El aviso de idioma alternativo en español está disponible en (Alternative language notice in Spanish is available at):

- www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices

Commission records for this facility are available for viewing and copying at TCEQ's central office in Austin 12100 Park 35 Circle Building F 1st Floor (Office of Chief Clerk (OCC) for the current application until final action is taken. Some documents located in the OCC may also be found in the Commissioners' Integrated Database.

- www.tceq.texas.gov/goto/cid

The permit application has been available for viewing and copying at the Kyle Public Library located at 550 Scott Street, Kyle, Texas 78640 since publication of the NORI. The final permit application, proposed permit, statement of basis/technical summary, and the ED's preliminary decision have been available for viewing and copying at the same location since the publication of the NAPD.

The ED has determined that the proposed permit if issued meets all statutory and regulatory requirements and is protective of the environment, water quality and human health. However, if individuals wish to file a complaint about the proposed facility concerning its compliance with the provisions of its permit or with TCEQ rules the TCEQ's Office of Compliance and Enforcement (OCE) should be contacted. The TCEQ Regional OCE Office in Austin Texas (Region 11) may be contacted at (512) 339-2929 or the statewide toll-free number at 1-888-777-3186 to address potential permit violations. In addition, complaints may be filed electronically through the link to the TCEQ's compliance website below or sending an email to:

- complaint@TCEQ.Texas.gov.
- www.tceq.texas.gov/compliance/complaints

If an inspection by the TCEQ finds that the Applicant is not complying with all requirements of the proposed permit or that the proposed facility is out of compliance with TCEQ rules, enforcement actions may arise.

COMMENTS AND RESPONSES

For readability purposes the TCEQ's Water Quality Division is abbreviated below as "WQD;" treated domestic wastewater as "effluent;" a wastewater treatment facility as "WWTF;" the Texas Surface Water Quality Standards (30 TAC Chapter 307) as "TSWQS;" the TCEQ's *Procedures to implement the Texas Surface Water Quality Standards (June 2010)* as the "IPs;" the Edwards Aquifer Recharge Zone as "EA-RZ;" and the TCEQ rules found in Title 30 of the Texas Administrative Code generally as the "TCEQ Rules." The groups and entities the Greater Edwards Aquifer Alliance, Save Our Springs Alliance, Llano River Watershed Alliance, Barton Springs-Edwards Aquifer Conservation District, Save Barton Creek Association, the Coves of Cimarron Homeowners' Association, and

the cities of Austin, Buda, Hays, and Kyle as “GEAA, SOS, LRWA, BSEACD, SBCA, HOA, Austin, Buda, Hays, and Kyle” respectively.

COMMENT 1:

GEAA, SOS, SBCA, HOA, Austin, Buda, Hays, LRWA, BSEACD, Texas State Senator Donna Campbell, and the individuals listed below in Appendix A commented expressing concerns about the quality of the EA-RZ due to the effluent irrigation at the proposed facility and raised concerns about human health risks from contamination of water wells in the area. The comments state there have been studies of the area that show several karst features and relatively shallow soils that will lead to the irrigated effluent reaching the water table. Additionally dye tracing studies have shown that if the treated effluent were to reach groundwater there is a possibility of it reaching Barton Springs within five days.

The comments requested that the TCEQ deny the application because of TCEQ precedent denying similar applications because of the unique geologic features of the region. Austin requested that the Applicant be required to submit a Seeps/Springs Monitoring Plan to the TCEQ within 30 days of permit issuance

RESPONSE 1:

The TCEQ rules found at 30 TAC § 309.13(c) state that a treatment unit at the proposed facility may not be located closer than 500 feet from a public water well nor 250 feet from a private water well.

The Applicant applied for a Texas Land Application Permit which does not authorize the discharge of treated domestic wastewater into water in the state. Accordingly, the draft permit expressly prohibits the Applicant from discharging into waters in the state. Any deviation from the land application practices authorized in the draft permit would constitute noncompliance for which an enforcement action can be brought against the Applicant. If the proposed facility is constructed and operated as required by all applicable regulations and according to the draft permit water wells and drinking water supplies should not be impacted by the draft permit’s issuance.

The draft permit includes limits based on a daily average of 5.0 mg/L BOD₅, 5.0 mg/L TSS, 2.0 mg/L NH₃-N, and 1.0 mg/L TP. The limits in the draft permit based on a single grab are 30.0 mg/L BOD₅ and 30.0 mg/L TSS, 15.0 mg/L NH₃-N, and 6.0 mg/L TP. These limits are designed to protect surface and groundwater quality.

Additionally, the draft permit includes several provisions to protect surface and groundwater quality using buffers including vegetated buffers from creeks, karst, and other recharge features; agronomic application rates; requirements to maintain crop health, pond liners, and underdrain leak detection system as well as weekly inspections of the irrigation fields.

Special Provision No. 19 requires that the wastewater treatment plant be designed, constructed, and operated in such a way that there are no bypasses of the treatment facilities or any discharges of untreated or partially treated wastewater.

Special Provisions No. 20 requires the Applicant to adhere to the buffer requirements contained in 30 TAC § 309.13, including the requirement to maintain a 150-foot buffer between land application areas and private water wells and a 500-foot

buffer between the land application areas and public drinking water, wells, and springs.

Special Provisions Nos. 21, 22, and 23 require a 100-foot vegetative buffer for waterbodies and water courses, a 500-foot buffer for an onsite spring, and a 250-foot buffer for caves, sinkholes, or other sensitive karst features. These features and their buffers are shown on the site map included in the draft permit. Special Provision No. 33 requires that the features be buffered as shown on the map and that tailwater controls be constructed to divert effluent from the buffers.

The draft permit includes several Special Provisions to address any recharge features discovered during excavation, construction, or operation of the facility. Special Provision 25 requires that any recharge features uncovered by construction and operational activities shall be addressed in an updated and certified Geological Assessment. The Geological Assessment must include the best management practices implemented that will prevent impact to recharge features from wastewater application and prevent groundwater contamination. Special Provision Nos. 26 and 28 require that a Texas-licensed Professional Geoscientist is available during the construction of any wastewater pond trenching or excavation activities. If any sensitive feature (caves, solution cavities, sink holes, etc.) is discovered during construction all activities regulated under 30 TAC Chapters 213, 217, and 309 near the feature shall be suspended immediately.

Special Provision No. 27 requires a Texas-licensed Professional Engineer to certify in writing that the permanent best management practices or measures to protect sensitive features and the aquifer were constructed as designed within 30 days of completion and prior to use of the pond.

The ED revised the draft permit to include Special Provision No. 35, which states that the permit may be reviewed by the ED upon review and approval of the WPAP and any subsequent modifications by the TCEQ Edwards Aquifer Protection Program. If issues arise that may require an amendment to this permit the Executive Director may reopen this permit to include new, or modify existing requirements, necessary to protect the Edwards Aquifer and any hydrologically connected surface water. Examples of issues include reclassification of any karst feature within the permitted irrigation fields or within 500 feet of a wastewater treatment plant unit to a sensitive rating requiring additional protective measures identification of new karst features within the permitted irrigation fields or within 500 feet of a wastewater treatment plant unit which may be determined to be sensitive or larger buffers or other best management practices than currently contained in this permit for features within the permitted irrigation fields or within 500 feet of a wastewater treatment plant unit.

To address the potential emergence of seeps and springs on the site Special Provision No. 24 requires that the presence of a seep within an irrigation field be reported to the TCEQ OCE Regional Office in Austin Texas (Region 11) and the Water Quality Assessment Team. If the seep appears to represent a shallow water table, the Executive Director may request that irrigation be suspended in the vicinity of the water table during its presence. If the suspension of irrigation results in exceeding the storage volume of the storage pond the permittee shall contract with a licensed hauler to pump & haul all excess water from the site. The ED has also revised the draft permit to include Special Provision No. 36 which requires submittal of a Seeps and Springs Monitoring Plan within 30 days of permit issuance.

For public water sources the provisions of 30 TAC § 309.13(c) bolster the safeguards from TCEQ's Groundwater Rule (GWR) that protect drinking water quality against disease-causing microorganisms.

The legislature has determined that "the goal of groundwater policy in this state is that the existing quality of groundwater is not degraded. This goal of non-degradation does not mean zero-contaminant discharge."¹ The Texas Water Code (TWC) Chapter 26 states "discharges of pollutants disposal of wastes or other activities subject to regulation by state agencies must be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard" (TWC § 26.401(c)(2)).

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

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

The TGPC may be contacted through email at tgpc@tceq.texas.gov through the TGPC website or at (512) 239-4600. However, for groundwater emergencies or to address potential permit violations please contact the TCEQ OCE Regional office in Austin Texas (Region 11) at 1-888-777-5800 or (512) 339-2929. In addition complaints may be filed electronically through the link to the TCEQ's compliance website below or sending an email to: complaint@TCEQ.Texas.gov. If an inspection by the TCEQ finds that the Applicant is not complying with all requirements of the proposed permit or that the proposed facility is out of compliance with TCEQ rules enforcement actions may arise.

➤ www.tceq.texas.gov/compliance/complaints

GROUND WATER LINKS

Coliform Monitoring Analyzing and Reporting Guide (TCEQ Regulatory Guidance-421)

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

National Ground Water Association's webpage for water testing

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

¹ Texas Water Code § 26.401(b)

What to Do About Coliform Bacteria in Well Water

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

TCEQ publication: Disinfecting Your Private Well (GI-432).

- <https://www.tceq.texas.gov/downloads/drinking-water/preparedness-resources/gi-432.pdf>

Texas Groundwater Protection Committee (TGPC)

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

TGPC's Groundwater Contamination and Reporting Contamination webpages

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

In Texas Public Water Supply systems are regulated by TCEQ's Water Supply Division. Please contact the Water Supply Division at (512) 239-4691 for more information. Beyond the recommendation to always properly maintain their well TCEQ recommends private well owners take steps to have their water quality tested routinely and periodically for microbial and chemical contaminants. However wells should be tested more frequently if under the influence of a nearby surface water or if contamination is suspected.

For more information on testing private water wells please see the National Ground Water Association website above. If your well tests positive for fecal coliform bacteria please see above the TCEQ publication: *Disinfecting Your Private Well*.

COMMENT 2:

GEAA, SOS, Buda, SBCA, BSEACD, and the individuals listed in Appendix B commented expressing concern about irrigated effluent from the proposed facility contaminating nearby surface water including Little Bear Creek. The comments reflected a concern that the transfer of effluent to the irrigation fields across Little Bear Creek will negatively impact the creek.

RESPONSE 2:

The draft permit does not authorize the discharge of pollutants to waters in the state and prohibits any unauthorized discharge. The draft permit includes provisions that are designed to protect surface water quality (such as run-on/run-off controls springs and seeps monitoring etc.). The draft permit also requires a minimum buffer distance of 100 feet between effluent irrigation areas and waterbodies and water courses as well as a 500-foot buffer for an onsite spring. Special Provision 15 in the draft permit requires that the physical condition of the irrigation fields will be monitored on a weekly basis when the fields are being utilized for the purpose of wastewater irrigation and shall not occur within 24 hours of a rainfall event. Any areas with problems such as surface runoff surficial erosion and stressed or damaged vegetation will be recorded in the field log kept onsite and corrective measures will be initiated within 24 hours of discovery.

COMMENT 3:

GEAA, Austin, BSEACD, Alonna Beatty, Annalisa Peace, Bill Oliver, Courtney Smith, Katie Coyne, Kyle Sorahan, Liz Johnston, Lucinda Stolzenburg, Michael Clifford Nicholas Littlejohn, Peter Cross, Timothy Loftus, and Valerie Menard commented expressing concerns about the potential of nitrogen and phosphorus to cause algae blooms in nearby surface water. They ask that ammonia nitrogen and total phosphorus limits be established to match those proposed in the permit application.

RESPONSE 3:

The ED revised the draft permit's limits for Ammonia Nitrogen and total phosphorus to 2.0 mg/L NH₃-N and 1.0 mg/L TP, the limits proposed by the Applicant in the Application.

Draft permit Special Provision No. 9 establishes that the application rate must not exceed 2.80 acre-feet/acre/year and must be verified to be agronomically appropriate based on information provided in the Application and specific site conditions. Additionally Special Provision No. 16 prohibits any runoff from the irrigation areas or ponding in the fields. Land application permits prohibit all effluent from contaminating any groundwater or surface water.

COMMENT 4:

GEAA, SOS, Annalisa Peace, Bobby Levinski, Courtney Smith, Nicholas Littlejohn, Victoria Rose, and William Bunch commented expressing concern that the effluent may contaminate the nearby surface water with fecal matter or bacteria and request that *E. coli* limits be established in the draft permit.

RESPONSE 4:

The draft permit does not authorize the discharge of pollutants to water in the state and prohibits unauthorized discharges. However, the draft permit does include provisions that are designed to protect surface water quality such as run-on/run-off controls and springs and seepage monitoring. The proposed permit also requires a minimum buffer distance of 100 feet between effluent irrigation areas and waterbodies and water courses as well as a 500-foot buffer for an onsite spring. The Application indicated that the effluent would be irrigated on 60 acres of non-public access land which the public would not have access to and would not be expected to be exposed to bacteria from the effluent.

COMMENT 5:

Hays, Theresa Clements-Lemman, and Darlene and Michael Starr commented expressing concern that treated effluent from the proposed facility could contain chemicals such as pesticides herbicides pharmaceuticals or "forever chemicals" that are dangerous for humans and the environment.

RESPONSE 5:

Neither TCEQ nor EPA has promulgated rules or criteria limiting emerging contaminants in wastewater. EPA is currently investigating emerging contaminants and

potential adverse human health effects from emerging contaminants in the environment. 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. Accordingly, neither the TCEQ nor the EPA has rules on the treatment of contaminants in domestic wastewater including the “forever chemicals.”

However, any potential emerging contaminants in the effluent would be limited to the irrigation fields for which the TCEQ reviews the annual soil sampling and effluent sampling results submitted by applicants and then requires the applicants to design the irrigation rates according to water balance calculations based on the land application area’s soil and crop requirements. The irrigation rates are based on site-specific agronomic rates to ensure crop growth nutrient uptake and effluent retention in the soil which prevents effluent runoff seepage and ponding.

COMMENT 6:

SBCA, Austin, GEAA, SOS, Aaron Green, Annalisa Peace, Brian Zabcik, David Patterson, Gerald Haschke, James Camp, Kyle Sorahan, Liz Johnston, Lucinda Stolzenburg, Michelle Camp, Nicholas Paganini, Philip Brisky, Valerie Menard, Zephyr Rainey, and Darlene and Michael Starr commented expressing concern that the proposed facility will exceed the draft permit’s limits, its data collection, and monitoring requirements for the proposed facility are insufficient, and there’s a lack of staff to ensure the draft permit’s limits are not violated.

RESPONSE 6:

Applicants are required to analyze the treated effluent prior to land application and maintain monthly reports of the results of the effluent analyses and flow measurements for a minimum of three years. The Applicants may either collect and analyze the effluent samples themselves or it may contract with a third party for either or both the sampling and analysis. However, all samples must be collected and analyzed according to 30 TAC Chapter 319 Subchapter A Monitoring and Reporting System. The Applicant is required to further notify the agency if the effluent does not meet the permit limits according to the requirements in the permit. In addition, TCEQ regional staff may sample the effluent during routine inspections or in response to a complaint.

Except as allowed by 30 TAC § 305.132, the Applicant is also required to report an unauthorized discharge to TCEQ within 24 hours.² The Applicant will be subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

COMMENT 7:

Candace Blake, Gerald McKnight, Linda McKnight, and Darlene and Michael Starr commented expressing concern that odors from proposed facility and irrigation fields will negatively affect their enjoyment of their property.

Theresa Clements-Lemman commented expressing concern that the proposed facility and irrigation fields will negatively affect the air quality of the area.

² Hays Commons Development, Inc. Draft Permit, Monitoring and Reporting Requirements, Item 7, page 6.

RESPONSE 7:

To control and abate odors the TCEQ rules require that facilities such as the proposed facility meet buffer zone requirements for the abatement and control of nuisance odors according to subsection (e) of 30 TAC § 309.13. That subsection provides three options called “nuisance odor control requirements” for controlling and abating odors; 1) by ownership of the buffer zone; 2) by restrictive easement(s) from the adjacent property owners for any part of the buffer zone not owned by the Applicant; or 3) by providing other odor controls.

According to the application the Applicant 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. This requirement is incorporated in the draft permit in Special Provision No. 6, and nuisance odors are not expected to occur because of the permitted activities at the facility if the Applicant operates the proposed facility according to the TCEQ’s rules and in compliance with the terms and conditions of the draft permit.

Further, the Applicant proposed in the application that the proposed facility will be a membrane bioreactor (MBR) facility which has shown itself to be capable of producing high quality effluent. When properly treated by the proposed MBR treatment process the effluent is not expected to have an offensive odor.

TCEQ is the agency responsible for enforcing air pollution laws. The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of an air quality permit if upon review it is confirmed that those facilities will not make a significant contribution of air contaminants to the atmosphere and that human health and the environment will be protected. According to TCEQ rules in 30 TAC § 106.532 wastewater treatment plants have undergone this review and are permitted by rule provided the wastewater treatment plant only performs the functions listed in the rule. In its application the Applicant indicated that the treatment process of the proposed wastewater treatment facility would use the activated sludge process. This treatment process will not make a significant contribution of air contaminants to the atmosphere pursuant to the Texas Health and Safety Code’s (THSC) Texas Clean Air Act § 382.057 and § 382.05196 and is therefore permitted by rule.

COMMENT 8:

GEAA, Hays, Buda, Annalisa Peace, Jessica Grosek, and Kyle Sorahan commented expressing concern that the Applicant is not adhering to the TCEQ’s regionalization policy for treatment facilities.

RESPONSE 8:

Texas Water Code (TWC) § 26.081 enumerates the state’s regionalization policy by stating that it is to: “encourage and promote the development and use of regional and area-wide waste collection treatment and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state.”

In furtherance of that policy TWC § 26.0282 authorizes the TCEQ when considering the issuance of a permit to discharge waste to deny or alter the terms and conditions

of a proposed permit based on need and the availability of existing or proposed area-wide or regional waste collection treatment and disposal systems.

Domestic Technical Report 1.1 (Report 1.1) of the application requires information concerning regionalization of permitted facilities (WWTFs). Applicants requesting a new permit or certain major amendments are required to review a three-mile area surrounding the proposed facility to determine if there is a permitted WWTF or sewer collection system with lines in the area that can be utilized. Applicants are required to contact those facilities and provide copies of all correspondence with them inquiring if the WWTF or collection system has the capacity or is willing to expand to accept the flow of wastewater proposed Report 1.1. If a WWTF within three miles has the capacity and is willing to accept the proposed flow applicants must submit an analysis of expenditures required to connect to that WWTF or collection system versus the cost of constructing the proposed facility or if relevant its expansion. Thus, when applicants provide documentation of correspondence with WWTFs or collection systems within three miles of a proposed facility that rejects an applicant's service request the ED will approve the application as it relates to TCEQ's Regionalization policy.

According to the Applicant's representations in the permit application:

1. The proposed development Hays Commons (HCs) lies mostly in Hays County.
2. Only a small portion of HCs lie in Travis County.
3. Areas proposed to be included in HCs do include land located within Hays' Extra Territorial Jurisdiction (ETJ).
 - a. However, Hays has no facilities capable of serving HCs.
4. Areas proposed to be included in HCs do include land located Austin's ETJ.
5. Austin is willing and has facilities with capacity to serve a portion of HCs; however, not the whole of HCs, and thus Austin declined to provide service.
6. No existing facilities agreed to accept the proposed volume of wastewater.

The documentation submitted by the Applicant and the representations made within demonstrate that connecting to an existing wastewater facility would be cost prohibitive compared to the cost of constructing the proposed facility.

COMMENT 9:

Annalisa Peace, Brian Zabcik, Carol Pennington, Chris Pesek, Darlene Starr, James Camp, Joshua Katz, Keith Whittington, Stacey Knight, and Victoria Rose commented expressing concern that there are deficiencies in the Application and that the Applicant did not follow the public notice process properly.

RESPONSE 9:

As provided by state law, a permittee is subject to administrative civil and criminal penalties as applicable for negligently or knowingly violating the Clean Water Act Texas Water Code §§ 26 27 and 28 and the Texas Health and Safety Code § 361 including but not limited to knowingly making any false statement representation or

certification on any report record or other document submitted or required to be maintained under the draft 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.

The permit application was declared administratively complete on September 5, 2023, and technically complete on March 12, 2024. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on October 3, 2023, in the Austin American-Statesman. The Combined Notice of Public Meeting and Notice of Application and Preliminary Decision (NAPD) was published on June 12, 2024, in the Austin American-Statesman. According to the Applicant's Public Viewing Affidavit, a copy of the draft permit was made available on June 19, 2024, at the Kyle Public Library stated in the NAPD Notice.

COMMENT 10:

GEAA, SBCA, Austin, LRWA, Buda, SOS, BSEACD, and the individuals listed in Appendix C commented expressing concern that the irrigated effluent will oversaturate the soils of the area and lead to flooding during rain events and may lead to surface water contamination. The comments reflected uncertainty that there is a storm water runoff plan for the proposed facility.

RESPONSE 10:

TCEQ reviews the submitted annual soil sampling and effluent sampling results and requires the applicant to design the irrigation rates according to the land application site's soil and crop requirements and water balance calculations. The irrigation rates are site-specific and are based on agronomic rates to ensure crop growth nutrient uptake and effluent retention in the soil to prevent effluent runoff seepage and ponding. Also, the permit would require the analysis of the irrigation effluent a minimum of once per year for total Kjeldahl nitrogen (TKN) nitrate-nitrogen total potassium and electrical conductivity. The proposed permit would require the permittee to annually submit the laboratory results from these analyses to the TCEQ Water Quality Assessment Team (MC 150) and the TCEQ OCE Regional Office (Region 11) by the end of September of each monitoring year. Provision No. 13 in the draft permit states that the effluent must not be applied for irrigation during rainfall events or when the ground is frozen or saturated.

COMMENT 11:

SOS, BSEACD, Alonna Beatty, Bobby Levinski, Candace Blake, Darlene and Michael Starr, Nicholas Littlejohn, Nicholas Paganini, Patsy Pollock, Roslynn Spinn, Stuart Berkowitz, Timothy Loftus, Victoria Rose, and Willam Bunch commented expressing concerns about the wildlife and endangered species specifically two species of salamanders, bald eagles, and whooping cranes.

RESPONSE 11:

The proposed permit was drafted in according to the TSWQS and IPs which provide that surface waters cannot be toxic to aquatic or terrestrial organisms and states that waters in the state must be maintained to preclude adverse toxic effects on aquatic life

terrestrial wildlife livestock or domestic animals resulting from contact consumption of aquatic organisms consumption of water or a combination of all three. The TSWQS and the IPs specifically designate criteria for the protection of aquatic life that should preclude negative impacts to the health and performance of wildlife too.

Potential impacts to endangered terrestrial species do not specifically fall under the purview of the ED's technical review of the Application's wastewater disposal method however the requirements included in the draft permit that protect aquatic and aquatic-dependent endangered species should benefit terrestrial species too. The treated effluent will be limited to the irrigation fields with site-specific irrigation rates to ensure effluent retention in the soil which prevents effluent runoff seepage and ponding. Wildlife and the environment of nearby surface water bodies are expected to be protected. The ED has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements.

The United States Fish and Wildlife Service (USFWS) and Texas Parks and Wildlife Department (TPWD) were both provided the opportunity to review the permit application and the draft permit. USFWS is the federal agency that oversees endangered species and its Southwest Regional Office in Albuquerque New Mexico can be contacted by calling Ecological Services at (505) 248-6911 or (505)-248-6454. 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.

COMMENT 12:

GEAA, LRWA, and the individuals listed in Appendix D commented that with the rapid growth of the region the Applicant must prioritize the existing community and use the land for a different purpose other than development. Candace Blake, Harvey Lee Davis, Theresa Clements-Lemman, and Ken Kurzawski commented that the proposed facility will negatively affect their property value.

RESPONSE 12:

The ED acknowledges the comments in opposition to the draft permit the proposed facility its location and the location of the land application or disposal site and the concerns expressed by all commenters. However the TCEQ is statutorily mandated by the Texas Water Code (TWC) § 26.028 (Action on Application) to begin processing applications for Texas Land Application Permits (TLAPs) when the application is received and to issue notices to the public of the progress of ED's processing of that application. Likewise, TWC § 26.027 makes clear that the TCEQ may issue permits for disposal and dispersal of wastewater adjacent to Waters in the State through the ED's evaluation of TLAP applications using the information provided in the application and recommending issuance or denial based on the application's compliance with the TWC TCEQ including TSWQS (30 TAC Chapter 307).

Applicants are the entity that proposes the location of a proposed facility and the land application areas or disposal site rather than the ED. Instead, the ED may only evaluate a location for a facility according to what is proposed in the application, the Location Standards of the TCEQ rules, and the impact of the effluent on soil density absorption and the nutrient needs of a disposal site. Likewise the TCEQ's authority does not include the ability to mandate a different location for a facility 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.”

If an applicant were to revise its application with a different location for the proposed facility and disposal area, the ED would reevaluate the new location of the proposed facility and disposal area to ensure that the permit contains proper limits and conditions for the revised locations which may require notice to additional landowners because of the new locations

The ED advocates for and encourages public participation in the environmental permitting process and appreciates participation from all the citizens that do. Although the ED gives due consideration to public input and participation in the permitting process, the scope of the TCEQ’s jurisdiction for reviewing TLAP applications is limited to what information the Texas Water Code allows the TCEQ to require and evaluate. Thus, there are certain concerns of citizens that the ED cannot address as part of the technical review for a TLAP application; and while the ED understands the significance of these concerns, she does not have the authority to address these concerns in the context of a TLAP. While the ED understands the significance of these concerns, the ED is limited to providing pollution control by limiting the disposal and dispersal of pollutants through a TLAP permit which accounts for site-specific information and provides protection to “waters in the state” which the TWC defines as to mean groundwater percolating or otherwise.¹⁹ More specifically, TLAP permits establish terms and conditions that apply pollution control based on TCEQ’s water quality pollution control; as such the water quality permitting process is limited to controlling the disposal and dispersal of pollutants adjacent to waters in the state.

Additionally, while the Texas Legislature has given the TCEQ the responsibility to protect water quality, and the TWC authorizes the TCEQ to issue TLAPs to provide water quality pollution control by limiting the disposal and dispersal of pollutants adjacent to waters in the state if water quality is maintained, the Commission and the ED in their respective determinations of whether to issue a TLAP permit do not have jurisdiction to address or consider property values, the marketability of surrounding areas, availability of public utility services, types of developments, and their anticipated sizes unless related to a permit violation.

Alternatively, the issues raised by the commenters are more appropriately addressed by departments within local governmental entities, such as the Counties of Hays and Travis and other local governmental entities. For more information please visit the websites or the phone numbers listed below related to the issue raised.

Development Concerns

- <https://www.traviscountytx.gov/tnr/development-services>
- <https://www.hayscountytx.gov/development-services>
 - <https://www.hayscountytx.gov/development-services-documents-and-forms>

Utility Information

- <https://www.aquawater.com/all-about-water-wastewater/wastewater>
 - <https://www.aquawater.com/contact-us>

In addition, TCEQ's Resource Protection Team may be contacted to identify and contact the appropriate local or county officials or offices by calling (512) 239-4600 or by email listed below.

➤ wcp@tceq.texas.gov

Neither the scope of TCEQ's regulatory authority nor the draft permit prevents landowners from seeking relief from a court in response to activities that interfere with the landowner's use and enjoyment of their property or their quality of life. Likewise, nothing in the draft permit limits the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or do result in injury or adverse effects on human health or welfare animal life vegetation or property. If the Applicant's activities create any nuisance conditions the TCEQ may be contacted to investigate whether a permit violation has occurred. Potential permit violations may be reported to the TCEQ's Regional OCE office at (512) 339-2929 or toll-free at 1-888-777-3186. Citizen complaints may be filed online by sending an email to: complaint@TCEQ.Texas.gov or by visiting the website address below.

➤ <https://www.tceq.texas.gov/compliance/complaints>

CHANGES MADE IN RESPONSE TO COMMENTS

The ED made the following changes to the draft permit.

- The addition of Special Provisions Nos. 35-38.
- The Revision of Special Provision No. 10.
- The Revision of the Effluent limits for Ammonia Nitrogen and Total Phosphorus.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

Phillip Ledbetter, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division



Michael T. Parr II Staff Attorney
Environmental Law Division
State Bar No. 24062936
P.O. Box 13087 MC 173
Austin Texas 78711 3087
Telephone No. 512-239 0611
Facsimile No. 512-239-0626
REPRESENTING THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on May 27, 2025, the Executive Director's Response to Public Comment for Permit No. WQ0016373001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



Michael T. Parr II *Staff Attorney*
Environmental Law Division
State Bar No. 24062936

Attachment A
Individual Commentors for Comment 1

| | | |
|-------------------------------------|---|----------------------------------|
| Aaron Green | Gerald Haschke | Matt Ruff |
| Aggie L McAlester | Gerald McKnight and Linda McKnight | Micah Grau |
| Aimee Lakey | Glenda Matthews | Michael Clifford |
| Alexis Tancredo | Greg Jenkins | Michael Starr |
| Amanda Rainey | Harvey Lee Davis | Michelle Camp |
| Amy Pancake | James Talbot | Monica Mugan |
| Andrew Brunone | Jason Hall | Nicholas Littlejohn |
| Ann Clearkin | Jeff Grubert | Nicholas Paganini |
| Annalisa Peace | Jeff Ross | Nicholas Thomas |
| Annelouise Tookoian | Jennifer M Muir Johnson | Norma Grubert |
| Barbara Dare White | Jessica Grosek | Pat N Crawford |
| Barbara Reeves | Jessica N Hirn | Patsy Pollock |
| Beth A Bernhard | Jim Camp and Elizabeth Camp | Paula Perlman and Jonathan Ayres |
| Bill Oliver | Joann B Depenning | Philip Brisky |
| Bob Caldwell | Jodi Brock-Bates | Phillip Neil Mercer |
| Bobby Levinski | Joel Pollock | Richard P Taylor |
| Brenda K Lozano | Joel Thomas Depenning | Rob Novak |
| Brian Zabcik | Justin McCorkle | Robin T Perry |
| Candace Blake | Karen Aboussie | Rosie Khan |
| Carol Pennington | Katie Coyne | Roslynn McDougal Spinn |
| Carolyn Wood | Keith Whittington | Rudye McGlothlin |
| Carrie Napiorkowski | Kelly Lowder | Sally Cassell Duval |
| Charles L Tuttle | Ken Kurzawski | Stacey A Knight |
| Chris Pesek | Kendra Potts | Stuart Berkowitz |
| Cindy S Symington | Krista Hall | Teresa Becker |
| Colleen Theriot | Kyle Sorahan | Theresa Clements-Lemman |
| Courtney Craig Smith | Layton Depenning | Tiffany Novak |
| Darlene Starr and Michael Starr | Leonard Rice | Timothy T Loftus |
| Darren Bien | Leslie Knight | Tina Valdez |
| David Michael Hixon | Linda Fawcett | Tobie Tucker |
| David Patterson | Linda Scullary | Tom E Lemman |
| David Perelstein | Lisa Schlegel | Valerie Menard |
| David Stewart | Liz Johnston | Valerie Trombley |
| Deborah Arellano | Lois Wright | Victoria Ann Rose |
| Diana Cunningham | Lucia Carracedo | Willam G Bunch |
| Donna Campbell, Texas State Senator | Lucinda L Stolzenburg | William A Rodriguez |
| Edward J Reynolds | Lydia Bryan-Valdez and Antonio Sanchez Valdez | Zephyr Rainey |
| Elisa Garber | Mark Alan Holloway | |
| Elizabeth Camp and Jim Camp | Mark Chun | |
| Eloy Valdez | Mark Cuda | |
| Eva Lorini | Marta E Knight | |

Attachment B
Individual Commentors for Comment 2

| | |
|---------------------------------|---------------------------------------|
| Aaron Green | Mark Alan Holloway |
| Alonna Michelle Beatty | Micah Grau, representing City of Buda |
| Annalisa Peace | Michael Clifford |
| Barbara Reeves | Michelle Camp |
| Bill Oliver | Nicholas Littlejohn |
| Bobby Levinski | Nicholas Paganini |
| Candace Blake | Norma Grubert |
| Carol Pennington | Peter Cross |
| Carrie Napiorkowski | Theresa Clements-Lemman |
| Courtney Craig Smith | Timothy T Loftus |
| Darlene Starr and Michael Starr | Tom E Lemman |
| Elizabeth Camp and Jim Camp | Victoria Ann Rose |
| Glenda Matthews | Willam G Bunch |
| Jacob Hendrickson | |
| Jennifer M Muir Johnson | |
| Jessica Grosek | |
| Jim Camp and Elizabeth Camp | |
| Joel Pollock | |
| Karen Aboussie | |
| Laura Borst | |
| Linda Scullary | |

Attachment C

Individual Commentors for Comment 13

| |
|---------------------------------|
| Annalisa Peace |
| Bill Knight |
| Bobby Levinski |
| Brian Zabcik |
| Darlene Starr and Michael Starr |
| Greg Jenkins |
| Jessica Grosek |
| Jim Camp and Elizabeth Camp |
| Katie Coyne |
| Keith Whittington |
| Kyle Sorahan |
| Linda Fawcett |
| Lucinda L Stolzenburg |
| Micah Grau |
| Michael Clifford |
| Nicholas Littlejohn |
| Peter Cross |
| Stacey A Knight |
| Theresa Clements-Lemman |
| Timothy T Loftus |
| Tom E Lemman |
| Valerie Menard |
| Victoria Ann Rose |
| Willam G Bunch |

Attachment D

Individual Commentors for Comment 14

| |
|----------------------------------|
| Amy Pancake |
| Annalisa Peace |
| Barbara Reeves |
| Beth A Bernhard |
| Brenda K Lozano |
| Colleen Theriot |
| Darlene Starr and Michael Starr |
| David Patterson |
| David Perelstein |
| David Venhuizen |
| Elizabeth Camp and Jim Camp |
| Greg Jenkins |
| Harvey Lee Davis |
| Joel Pollock |
| Leslie Knight |
| Linda Fawcett |
| Lisa Schlegel |
| Lois Wright |
| Michael Starr |
| Paula Perlman and Jonathan Ayres |
| Rosie Khan |
| Sally Cassell Duval |
| Teresa Becker |

Attachment E
Individual Commentors for Comment 15

| | |
|------------------------------------|---|
| Aimee Lakey | Jessica N Hirn |
| Alexis Tancredo | Jim Camp and Elizabeth Camp |
| Andrew Brunone | Joel Thomas Depenning |
| Annalisa Peace | Joshua D Katz |
| Annelouise Tookoian | Karen Aboussie |
| Barbara Reeves | Katie Coyne |
| Brenda K Lozano | Kelly Lowder |
| Candace Blake | Kendra Potts |
| Carol Pennington | Krista Hall |
| Carolyn Wood | Lois Wright |
| Charles L Tuttle | Lucia Carracedo |
| Darren Bien | Lydia Bryan-Valdez and Antonio Sanchez Valdez |
| David Patterson | Mark Alan Holloway |
| Diana Cunningham | Monica Mugan |
| Elizabeth Camp and Jim Camp | Paula Perlman and Jonathan Ayres |
| Eloy Valdez | Philip Brisky |
| Gerald Haschke | Stuart Berkowitz |
| Gerald McKnight and Linda McKnight | Tiffany Novak |
| Glenda Matthews | Tina Valdez |
| Jason Hall | Valerie Trombley |
| Jeff Ross | |

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Final Documents Team Leader
Chief Clerk's Office

DATE: October 3, 2025

From: Michael Parr
Staff Attorney
Environmental Law Division

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

| | |
|----------------------|--------------------------------|
| Applicant: | Hays Commons Development, Inc. |
| Proposed Permit No.: | WQ0016373001 |
| Program: | Water |
| Docket No.: | 2025-1295-MWD |

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

- Technical Summary & Proposed Permit
- The Compliance History Report

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

DESCRIPTION OF APPLICATION

Applicant: Hays Commons Development, Inc.
TCEQ Permit No. WQ0016373001

Regulated Activity: Domestic Wastewater Permit

Type of Application: New Permit

Request: New Permit

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

EXECUTIVE DIRECTOR RECOMMENDATION

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

REASON FOR PROJECT PROPOSED

Hays Commons Development, Inc. has applied to the Texas Commission on Environmental Quality (TCEQ) for new Permit No. WQ0016373001 to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 0.05 million gallons per day (MGD) in the Interim I phase, 0.10 MGD in the Interim II phase, and 0.15 MGD in the Final phase; via surface irrigation of 60 acres of non-public access land. The facility will include a storage pond with a total surface area of 5.34 acres, and total capacity of 68.67 acre-feet for storage of treated effluent prior to irrigation. The proposed wastewater treatment facility will serve an area that includes parcels in both Travis and Hays County; and will contain restaurants, apartments, and commercial spaces.

PROJECT DESCRIPTION AND LOCATION

The Hays Commons Wastewater Treatment Facility will be a membrane bioreactor (MBR) plant. Treatment units in the Interim I phase will include bar screens, an anoxic/equalization basin, a pre-aeration basin, a membrane basin, a sludge digester, and a chlorine contact chamber. Treatment units in the Interim II phase will include bar screens, an anoxic/equalization basin, two pre-aeration basins, two membrane basins, two sludge digesters, and two chlorine contact chambers. Treatment units in the Final phase will include bar screens, an anoxic/equalization basin, three pre-aeration basins, three membrane basins, three sludge digesters, and three chlorine contact chambers. The facility has not been constructed.

Sludge generated from the treatment facility will be hauled by a registered transporter to Walnut Creek Wastewater Treatment Facility, Permit No. WQ0010543001, to be digested,

Hays Commons Development, Inc.

Permit No. WQ0016373001

Statement of Basis/Technical Summary and Executive Director's Preliminary Decision

dewatered, and then disposed of with the bulk of the sludge from the plant accepting the sludge. The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

The wastewater treatment facility and disposal site will be located approximately 0.25 miles southwest of the intersection of Farm-to-Market Road 1626 and State Highway 45 Southwest, in Hays County, Texas 78610.

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

SUMMARY OF EFFLUENT DATA

There is no effluent data since the facility is not in operation.

DRAFT PERMIT CONDITIONS

The draft permit authorizes the disposal of treated domestic wastewater effluent at a daily average flow not to exceed 0.05 million gallons per day (MGD) in the Interim I phase, 0.10 MGD in the Interim II phase, and 0.15 MGD in the Final phase; via surface irrigation of 60 acres of non-public access land. The facility will include a storage pond with a total surface area of 5.34 acres and total capacity of 68.67 acre-feet for storage of treated effluent prior to irrigation. Application rates to the irrigated land shall not exceed 2.80 acre-feet per year per acre irrigated. The irrigated crops will include bermuda and rye grass (cool season).

The effluent limitations in the draft permit, based on a daily average, are 5 mg/l Five-day biochemical oxygen demand (BOD₅), 5 mg/l total suspended solids (TSS), 2 mg/l Ammonia-Nitrogen (NH₃-N), and 1 mg/l total Phosphorus (TP). The effluent limitation in the draft permit, based on a single grab, is 30 mg/l BOD₅, 30 mg/l TSS, 15 mg/l NH₃-N, and 6 mg/l TP. These stringent limits have been voluntarily adopted by the applicant. 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.

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).

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. Sludge generated from the treatment facility will be hauled by a registered transporter to Walnut Creek Wastewater Treatment Facility, Permit No. WQ0010543001, to be digested, dewatered, and then disposed of with the bulk of the sludge from the plant accepting the sludge. The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

SUMMARY OF CHANGES FROM APPLICATION

The applicant requested an effluent limits of 5 mg/l BOD₅, 5 mg/l TSS, 2 mg/l NH₃-N, 1 mg/l

Hays Commons Development, Inc.

Permit No. WQ0016373001

Statement of Basis/Technical Summary and Executive Director's Preliminary Decision

TP, and 5.0 mg/l minimum Dissolved Oxygen (DO). However, the effluent limits in the draft permit are 5 mg/l BOD₅, 5 mg/l TSS, 2 NH₃-N, and 1 mg/l TP.

BASIS FOR

DRAFT PERMIT

The following items were considered in developing the draft permit:

1. Application received on July 27, 2023, and additional information received on March 12, 2024.
2. Interoffice Memorandum from the Water Quality Assessment Team, Water Quality Assessment & Standards Section, Water Quality Division.

PROCEDURES FOR FINAL DECISION

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

Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, 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

Hays Commons Development, Inc.

Permit No. WQ0016373001

Statement of Basis/Technical Summary and Executive Director's Preliminary Decision

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.

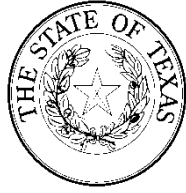
For additional information about this application, contact Deba Dutta, P.E. at (512) 239-4608.

Deba Dutta

Deba Dutta, P.E.
Municipal Permits Team
Wastewater Permitting Section (MC 148)

March 12, 2024

Date



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

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

Hays Commons Development, Inc.

whose mailing address is

2100 Northland Drive
Austin, Texas 78756

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

General Description and Location of Waste Disposal System:

Description: The Hays Commons Wastewater Treatment Facility is a membrane bioreactor (MBR) plant. Treatment units in the Interim I phase include bar screens, an anoxic/equalization basin, a pre-aeration basin, a membrane basin, a sludge digester, and a chlorine contact chamber. Treatment units in the Interim II phase include bar screens, an anoxic/equalization basin, two pre-aeration basins, two membrane basins, two sludge digesters, and two chlorine contact chambers. Treatment units in the Final phase include bar screens, an anoxic/equalization basin, three pre-aeration basins, three membrane basins, three sludge digesters, and three chlorine contact chambers. The permittee is authorized to dispose of treated domestic wastewater effluent at a daily average flow not to exceed 0.05 million gallons per day (MGD) in the Interim I phase, 0.10 MGD in the Interim II phase, and 0.15 MGD in the Final phase; via surface irrigation of 60 acres of non-public access land. The facility includes a storage pond with a total surface area of 5.34 acres and total capacity of 68.67 acre-feet for storage of treated effluent prior to irrigation. Application rates to the irrigated land shall not exceed 2.80 acre-feet per year per acre irrigated. The irrigated crops include bermuda and rye grass (cool season).

Location: The wastewater treatment facility and disposal site are located approximately 0.25 miles southwest of the intersection of Farm-to-Market Road 1626 and State Highway 45 Southwest, in Hays County, Texas 78610. See Attachment A.

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

This permit and the authorization contained herein shall expire at midnight on **five years from the date of issuance**

ISSUED DATE:

For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

A. Effluent Limitations

- Character: Treated Domestic Sewage Effluent
- Volume: Daily Average Flow – 0.05 MGD in the Interim I phase, 0.10 MGD in the Interim II phase, and 0.150 MGD in the Final phase; from the treatment system
- Quality: The following effluent limitations are required:

| <u>Parameter</u> | Effluent Concentrations (Not to Exceed) | | | |
|---|--|------------------------------|-----------------------------|----------------------------|
| | <u>Daily Average</u> mg/l | <u>7-Day Average</u> mg/l | <u>Daily Maximum</u> mg/ | <u>Single Grab</u> mg/l |
| Biochemical Oxygen (BOD ₅) Demand (5-day) | 5 | 10 | 20 | 30 |
| Total Suspended Solids | 5 | 10 | 20 | 30 |
| Ammonia-Nitrogen (NH ₃ -N) | 2 | 5 | 10 | 15 |
| Total Phosphorus (TP) | 1 | 2 | 4 | 6 |

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

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

B. Monitoring Requirements:

| <u>Parameter</u> | <u>Monitoring Frequency</u> | <u>Sample Type</u> |
|---------------------------------------|-----------------------------|--------------------|
| Flow | Continuous | Totalizing Meter |
| Biochemical Oxygen Demand (5-day) | One/week | Grab |
| Total Suspended Solids | One/week | Grab |
| Ammonia-Nitrogen (NH ₃ -N) | One/week | Grab |
| Total Phosphorus (TP) | One/week | Grab |
| pH | One/week | Grab |
| Total Chlorine Residual | Five/week | Grab |

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

STANDARD PERMIT CONDITIONS

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

DEFINITIONS

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

1. Flow Measurements

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

2. Concentration Measurements

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

3. Sample Type

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

1. Monitoring Requirements

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

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

2. Test Procedures

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

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

3. Records of Results

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

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

4. Additional Monitoring by Permittee

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

5. Calibration of Instruments

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

6. Compliance Schedule Reports

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

7. Noncompliance Notification

a. In accordance with 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Except as allowed by 30 TAC § 305.132, report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Compliance Monitoring Team of the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

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

i. Unauthorized discharges as defined in Permit Condition 2(g).

ii. Any unanticipated bypass which exceeds any effluent limitation in the permit.

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

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

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

9. Changes in Discharges of Toxic Substances

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

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

discharge will exceed the highest of the following “notification levels”:

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

10. Signatories to Reports

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

PERMIT CONDITIONS

1. General

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

2. Compliance

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

3. Inspections and Entry

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

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

4. Permit Amendment and/or Renewal

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

permit.

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

5. Permit Transfer

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

6. Relationship to Hazardous Waste Activities

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

7. Property Rights

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

8. Permit Enforceability

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

9. Relationship to Permit Application

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

10. Notice of Bankruptcy.

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

- b. This notification must indicate:
- i. the name of the permittee;
 - ii. the permit number(s);
 - iii. the bankruptcy court in which the petition for bankruptcy was filed; and
 - iv. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.
2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge 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 Texas Water Code § 7.302(b)(6).
7. Documentation

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

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

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

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

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

9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
10. Facilities which generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:
 - a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.
 - c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Corrective Action Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.
 - d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.
 - e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.
 - f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:
 - i. Volume of waste and date(s) generated from treatment process;
 - ii. Volume of waste disposed of on-site or shipped off-site;
 - iii. Date(s) of disposal;

- iv. Identity of hauler or transporter;
- v. Location of disposal site; and
- vi. Method of final disposal.

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

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

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SLUDGE PROVISIONS

The permittee is authorized to dispose of sludge or biosolids 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 or biosolids supplies the sewage sludge or biosolids 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 or biosolids 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 during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method that receives the prior approval of the TCEQ for the contaminants listed in 40 CFR Part 261.24, Table 1. Sewage sludge 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 11) within seven (7) days after failing the TCLP Test.

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

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

TABLE 1

| <u>Pollutant</u> | <u>Ceiling Concentration</u> (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 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. Sewage sludge shall be injected below the surface of the land.
 - ii. No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.
 - iii. When sewage sludge that is injected below the surface of the land is Class A or Class AB with respect to pathogens, the 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 sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

C. Monitoring Requirements

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

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

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

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

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

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

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

Identify the nature of material generated by the facility (such as a biosolid for beneficial use or land-farming, 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 FOR APPLICATION TO THE LAND MEETING CLASS A, CLASS AB or B BIOSOLIDS PATHOGEN REDUCTION AND THE CUMULATIVE LOADING RATES IN TABLE 2, OR CLASS B PATHOGEN REDUCTION AND THE POLLUTANT CONCENTRATIONS IN TABLE 3

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

A. Pollutant Limits

Table 2

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

Table 3

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

*Dry weight basis

B. Pathogen Control

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

C. Management Practices

1. Bulk biosolids shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge or biosolids enters a wetland or other waters in the State.
2. Bulk sewage sludge not meeting Class A biosolids 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 Class A or AB 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 sewage sludge 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 biosolids are 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 or biosolids treatment activities.
 - b. The location, by street address, and specific latitude and longitude, of each site on which sludge or biosolids are applied.
 - c. The number of acres in each site on which bulk sludge or biosolids are applied.
 - d. The date and time sludge or 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 sludge applied to each site in dry tons.

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

F. Reporting Requirements

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

1. Identify in the following categories (as applicable) the sewage sludge 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 or biosolids 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 or biosolids meet the requirements in 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
- B. If the permittee generates sewage sludge or biosolids 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 during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I (Toxicity Characteristic Leaching Procedure) or other method, which receives the prior approval of the TCEQ for contaminants listed in Table 1 of 40 CFR § 261.24. Sewage sludge 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 11) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

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

- E. Sewage sludge 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 11) and Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year the following information.

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

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

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

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

A. General Requirements

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

B. Record Keeping Requirements

1. For sludge or biosolids 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 11) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year.

1. Identify in the following categories (as applicable) the sewage sludge 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.

SPECIAL PROVISIONS

1. This permit is 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 this permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, if an area-wide system is developed; to require the delivery of the wastes authorized to be collected in, treated by, or discharged from the system, to an 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.
2. The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations, and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

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

3. The permittee shall maintain and operate the treatment facility in order to achieve optimum efficiency of treatment capability. This shall include required monitoring of effluent flow and quality as well as appropriate grounds and building maintenance.
4. Prior to construction of the wastewater treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) of the Water Quality Division, a summary transmittal letter according to the requirements in 30 TAC § 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 the requirements of 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The permittee shall clearly show how the treatment system will meet the permitted effluent limitations required on Page 2 of the permit. A copy of the summary transmittal letter shall be available at the plant site for inspection by authorized representatives of the TCEQ.
5. 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, whichever occurs first, from the facility described by this permit. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 11) and the Applications Review and Processing Team (MC 148) of the Water Quality Division at least forty-five (45) days prior to plant startup or anticipated discharge, whichever occurs first, and prior to completion of each additional phase, on Notification of Completion Form 20007.

6. 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).
7. The permittee shall provide facilities for the protection of its wastewater treatment facility from a 100-year flood.
8. Monitoring requirements contained in the permit are suspended from the effective date of the permit until plant startup. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 11) and the Applications Review and Processing Team (MC 148) of the Water Quality Division at least forty-five (45) days prior to plant startup.
9. The irrigated crops will include Bermuda grass (warm season) and Rye grass (cool season). Application rates to the irrigated land shall not exceed a rate of 2.80 acre-feet per year per acre on the 60 acres of land. The permittee is responsible for providing equipment to determine application rates and maintaining accurate records of the volume of effluent applied. Those records shall be made available for review by the Texas Commission on Environmental Quality, and shall be maintained for at least three years.
10. A minimum of 12 inches of soil shall exist throughout the application area (note that ground-up limestone rock is not soil). If imported soils are utilized, the permittee shall submit, no later than 90 days prior to construction to the TCEQ Water Quality Assessment Team (MC 150) and the Wastewater Permitting Section (MC 148) of the Water Quality Division, a plan for review and possible revision and approval describing how the imported soils will be incorporated into the native soils, and how soil erosion will be prevented in the affected areas.
11. The permittee shall use cultural practices to promote and maintain the health and propagation of Bermuda grass and Rye grass crops and avoid plant lodging. The permittee shall harvest the crops (cut and remove it from the field) at least once during the year. Harvesting and mowing dates shall be recorded in a logbook kept on site to be made available to TCEQ personnel upon request.
12. The permittee shall erect adequate signs stating that the irrigation water is from a non-potable water supply for any area where treated effluent is stored or where there exist hose bibs or faucets. Signs shall consist of a red slash superimposed over the international symbol for drinking water accompanied by the message "DO NOT DRINK THE WATER" in both English and Spanish. All piping transporting the effluent shall be clearly marked with these same signs.
13. Effluent shall not be applied for irrigation during rainfall events, or when the ground is frozen or saturated.
14. Irrigation with effluent shall be accomplished only when the area specified is not in use.
15. The physical condition of the spray irrigation fields will be monitored on a weekly basis when the fields are being utilized for the purpose of wastewater irrigation and shall not occur within 24 hours following a rainfall event. Any areas with problems such as surface runoff, surficial erosion, stressed or damaged vegetation will be recorded in the field log kept onsite and corrective measures will be initiated within 24 hours of discovery.

16. Irrigation practices shall be designed and managed as to prevent ponding of effluent or contamination of ground and surface waters and to prevent the occurrence of nuisance conditions in the area. Crops shall be established and well maintained in the irrigation area throughout the year for effluent and nutrient uptake by the crop and to prevent pathways for effluent surfacing. Tailwater control facilities shall be provided as necessary to prevent the discharge of any effluent from the irrigated land.
17. The permittee shall obtain representative soil samples from the root zones of the land application area receiving wastewater. Composite sampling techniques shall be used. Each composite sample shall represent no more than 40 acres with no less than 10 to 15 subsamples representing each composite sample. Subsamples shall be composited by like sampling depth, type of crop and soil type for analysis and reporting. Soil types are soils that have like topsoil or plow layer textures. These soils shall be sampled individually from 0 to 6 inches, 6 to 18 inches, and 18 to 30 inches below ground level. The permittee shall sample soils in December to February of each year. Soil samples shall be analyzed within 30 days of sample collection.

Samples shall be analyzed according to the following table:

| Parameter | Method | Minimum Analytical Level (MAL) | Reporting units |
|-------------------------------|---|---------------------------------------|--|
| pH | 2:1 (v/v) water to soil mixture | | Reported to 0.1 pH units after calibration of pH meter |
| Electrical Conductivity | 2:1 (v/v) water to soil mixture | 0.01 | dS/m (same as mmho/cm) |
| Nitrate-nitrogen | From a 1 N KCl soil extract | 1 | mg/kg (dry weight basis) |
| Total Kjeldahl Nitrogen (TKN) | For determination of Organic plus Ammonium Nitrogen. Procedures that use Mercury (Hg) are not acceptable. | 20 | mg/kg (dry weight basis) |
| Total Nitrogen | = TKN plus Nitrate-nitrogen | | mg/kg (dry weight basis) |
| Plant-available: Phosphorus, | Mehlich III with inductively coupled plasma | 1 (P) | mg/kg (dry weight basis) |
| Plant-available: | May be determined | 5 (K) | mg/kg (dry weight basis) |

| | | | |
|--|---|---------------------------------------|--|
| Potassium (K) Calcium (Ca) Magnesium (Mg) Sodium (Na) Sulfur (S) | in the same Mehlich III extract with inductively coupled plasma | 10 (Ca) 5 (Mg) 10 (Na) 1 (S) | |
| Sodium Adsorption Ratio (SAR) | | | Express concentrations of Na, Ca and Mg in the water saturated paste extract in milliequivalents/liter (meq/L) to calculate the SAR. The SAR value is unit less. If the SAR is greater than 10, amendments (e.g., gypsum) shall be added to the soil to adjust the SAR to less than 10. |
| Amendment addition, e.g., gypsum | | | Report in short tons/acre in the year effected |

$$SAR = \frac{Na}{\sqrt{\frac{(Ca + Mg)}{2}}}$$

A copy of this soil testing plan shall be provided to the analytical laboratory prior to sample analysis. The permittee shall submit the results of the annual soil sample analyses with copies of the laboratory reports and a map depicting the areas that have received wastewater within the permanent land application fields to the TCEQ Regional Office (MC Region 11) and the Compliance Monitoring Team (MC-224), no later than September 1st of each sampling year of each sampling year. If wastewater is not applied in a particular year, the permittee shall notify the same TCEQ offices and indicate that wastewater has not been applied on the approved land irrigation site(s) during that year.

18. The site is located on the Recharge Zone of the Edwards Aquifer, as mapped by the TCEQ, and therefore is subject to 30 TAC 213 Subchapter A.
19. According to the requirements of 30 TAC §213.6(a)(4), the permittee shall design, construct, and operate the wastewater treatment plant such that there are no bypasses of the treatment facilities or any discharges of untreated or partially treated wastewater.
20. The permittee shall comply with buffer zone requirements of 30 TAC Section §309.13(c). A wastewater treatment plant unit, defined by 30 TAC Section §309.11(9), must be located a minimum horizontal distance of 250 feet from a private well and a minimum horizontal distance of 500 feet from a public water well site, spring, or other similar sources of public drinking water, as provided by § 290.41(c)(1)(C) of this title. A land application field must be located a minimum horizontal distance of 150 feet from a private well and a minimum horizontal distance of 500 feet from a public water well site, spring, or other similar sources of public drinking water.

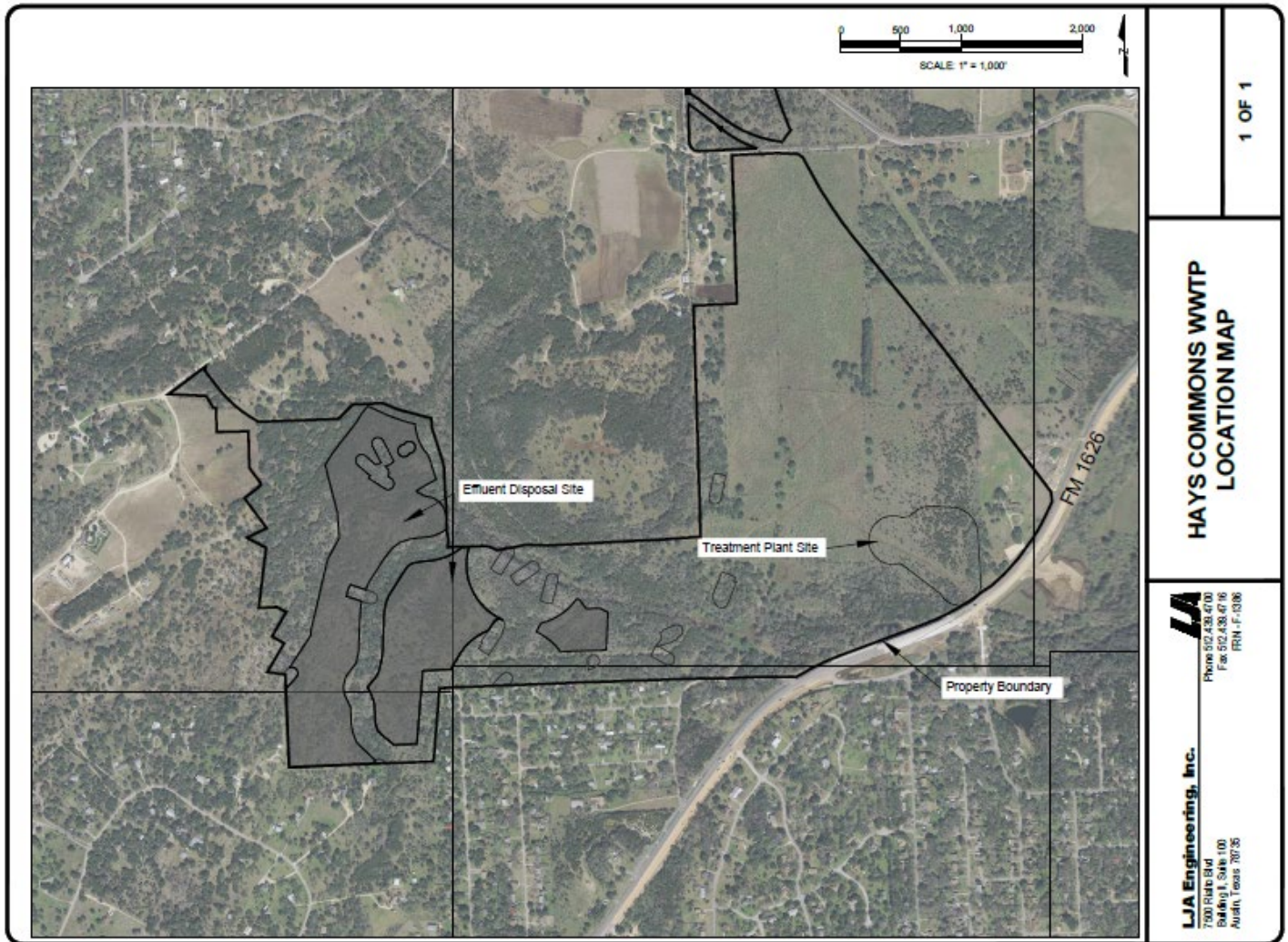
21. Permittee shall maintain a vegetated buffer of 100 feet minimum between the applied wastewater and surface water bodies and watercourses.
22. Permittee shall maintain a vegetated buffer of 500 feet minimum between the applied wastewater and the onsite spring (G44) as shown on Attachment B.
23. A wastewater treatment plant unit shall not be located on or within 250 feet of a cave, sinkhole, or other sensitive karst feature unless authorized by the Executive Director.
24. If an emerging seep occurs within an irrigation field, its presence should be reported to Austin Region (512-339-2929) and Water Quality Assessment Team (512-239-4671) within 48 hours of discovery. If the seep appears to represent a shallow water table, the Executive Director may request that irrigation be suspended in the vicinity of the water table during its presence. If the suspension of irrigation will result in exceeding the storage volume of the storage pond, the permittee shall contract with a licensed hauler to pump and haul all excess water from the site.
25. Any sensitive recharge features (as defined by the TCEQ Edwards Aquifer Protection Program) uncovered by construction and operational activities shall be addressed in an updated and certified Geological Assessment. The Geological Assessment must include the best management practices implemented that will prevent impact to recharge features from wastewater application and prevent groundwater contamination. The updated certified Geological Assessment shall be signed and sealed by a Texas-licensed Professional Geoscientist and submitted to the TCEQ Water Quality Assessment Team (MC-150) and the TCEQ Regional Office (MC-Region 11).
26. The permittee shall have a Texas-licensed Professional Geoscientist available during construction of any wastewater pond. In accordance with 30 TAC §213.5(f)(2), if any sensitive feature (caves, solution cavities, sink holes, etc.) is discovered during construction of the wastewater pond, all activities regulated under 30 TAC Chapters 213, 217, and 309 occurring near the feature must be suspended immediately. Permittee shall immediately notify the TCEQ Regional Office (MC-Region 11) and the TCEQ Water Quality Assessment Team (MC-150) of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has reviewed and approved the methods proposed to protect the feature and the aquifer from potentially adverse impacts to water quality. The plan must be sealed, signed, and dated by a Texas-licensed Professional Engineer.
27. After construction of a wastewater pond, a Texas-licensed Professional Engineer must certify in writing that the permanent best management practices or measures to protect sensitive features and the aquifer were constructed as designed. The certification letter must be submitted to the Water Quality Assessment Team (MC-150) and TCEQ Regional Office (MC-Region 11) within 30 days of completion and prior to use of the pond.
28. The permittee shall have a Texas-licensed Professional Geoscientist available during any excavation or trenching activities that may occur during construction of the irrigation system and wastewater transmission lines. In accordance with 30 TAC § 213.5(f)(2), if any sensitive feature (caves, solution cavities, sink holes, etc.) is discovered during construction, all activities all activities regulated under 30 TAC Chapters 213, 217, and 309 near the feature shall be suspended immediately. Permittee shall immediately notify the TCEQ Regional Office (MC-Region 11) and the TCEQ Water Quality Assessment Team (MC-150) of the discovery of the feature. Regulated activities near the feature may not proceed until the

executive director has reviewed and approved the methods proposed to protect the feature and the aquifer from potentially adverse impacts to water quality. The plan must be sealed, signed, and dated by a Texas-licensed Professional Engineer.

29. Any new or modified wastewater pond shall be adequately lined to control seepage in accordance with 30 TAC § 217.203 and 30 TAC § 309.13(d) since the facility overlies the recharge zone of an aquifer. New or modified wastewater ponds shall not be put into service until the permittee demonstrates that the pond liners meet the requirements of 30 TAC § 217.203 and 30 TAC § 309.13(d). The permittee shall demonstrate that the number, location, and test results of samples collected for geotechnical testing are in accordance with 30 TAC § 217.203(d) and (e), and that the liner has a minimum thickness of 3 feet in accordance with 30 TAC § 309.13(d) since the facility overlies the recharge zone of an aquifer. The report providing this demonstration shall be submitted to the Water Quality Assessment Team (MC-150) and the TCEQ Regional Office (MC-Region 11) for review and approval prior to use of the wastewater ponds. If a synthetic liner is to be used, the liner thickness shall be a minimum of 40 mils, and be constructed with an underground leak detection system with appropriate sampling points.
30. The permittee shall submit the liner certification for a newly-constructed or modified wastewater pond to the Water Quality Assessment Team (MC-150), the TCEQ Regional Office (MC-Region 11), and the TCEQ Compliance Monitoring Section (MC-224) within 30 days of completion and prior to use. The certification shall be signed and sealed by a Texas-licensed Professional Engineer and include a description of how the liner meets the requirements of 30 TAC § 217.203 and 30 TAC § 309.13(d).
31. Facilities for the retention of treated or untreated wastewater shall be adequately managed and lined to control seepage. At least once per month, the permittee shall inspect the sides and bottom (if visible) of the wastewater ponds for signs of damage and leakage, and any pond leak detection systems that are in service. Leaking ponds shall be removed from service, or operated in a manner to prevent discharge, until repairs are made, or replacement ponds are constructed.
32. Pond liner certifications and all liner construction and repair documentation shall be maintained by the permittee for the life of the facility, and be made available for TCEQ personnel for inspection and review.
33. The permittee shall buffer all sensitive recharge features from wastewater irrigation as shown in the Site Map (Attachment B). Tailwater controls such as earthen berms shall be constructed and maintained to divert flows from the buffers.
34. The permittee shall maintain a long term contract with the owner(s) of the land application site, which is authorized for use in this permit, or own the land authorized for land application of treated effluent.
35. The permittee is hereby notified that this permit may be reviewed by the Executive Director upon review and approval of the WPAP and any subsequent modifications by the TCEQ Edwards Aquifer Protection Program. If issues arise that may require an amendment to this permit, the Executive Director may reopen this permit to include new or modify existing requirements necessary to protect the Edwards Aquifer and any hydrologically connected surface water. Examples of issues include but are not limited to:

- a. the reclassification of any karst feature within the permitted irrigation fields or within 500 feet of a wastewater treatment plant unit to a sensitive rating requiring additional protective measures,
 - b. identification of new karst features within the permitted irrigation fields or within 500 feet of a wastewater treatment plant unit which may be determined to be sensitive, or
 - c. larger buffers or other best management practices than currently contained in this permit for features within the permitted irrigation fields or within 500 feet of a wastewater treatment plant unit.
36. The applicant shall develop a Springs/Seeps Monitoring Plan and submit the plan to the TCEQ Water Quality Assessment Team (MC-150) for review and approval within 30 days of permit issuance. At a minimum, the plan shall include:
- a. A procedure to conduct quarterly field checks at the drip irrigation fields and down-gradient of the fields to identify emerging springs or seeps.
 - b. A procedure to sample springs or seeps in the event that springs/seeps develop after drip irrigation of effluent commences.
 - c. Quarterly field checks and sampling (if applicable) of the springs/seeps shall occur after a minimum rainfall event of 0.5-inch, if possible.
 - d. Analysis of springs/seeps water for nutrients, including, but not limited to, a complete nitrogen series [(Nitrate (as N), Nitrite (as N), Total Kjeldahl Nitrogen, ammonia as N)], total phosphorus, ortho-phosphate, chlorides, fecal coliform, and specific conductivity.
 - e. A record of the quarterly checks and sampling of the springs and seeps shall be maintained in a field log and kept onsite for TCEQ inspection.
 - f. Monitoring of emerging and existing springs/seeps shall continue for the life of the system.
 - g. The applicant shall submit the data from the Seeps/Springs Monitoring Plan to the Water Quality Assessment Team (MC-150) of the Water Quality Division, the TCEQ Region 11 (Austin) Office, and the Compliance Monitoring Section (MC-224) during the month of September of each year for review.
 - h. A procedure for the implementation of corrective measures to remedy the discharge if laboratory analysis indicates that wastewater is emerging as a seep or spring.
 - i. The permittee shall implement the plan upon approval by the Water Quality Assessment Team. The executive director may request modification of the approved plan if future information indicates that it would be necessary for the protection of the environment.
37. The permittee shall construct and maintain earthen berms and drainage facilities to minimize runoff from leaving the irrigation site.
38. Spray fixtures for the irrigation system shall be of such design that they cannot be operated by unauthorized personnel.

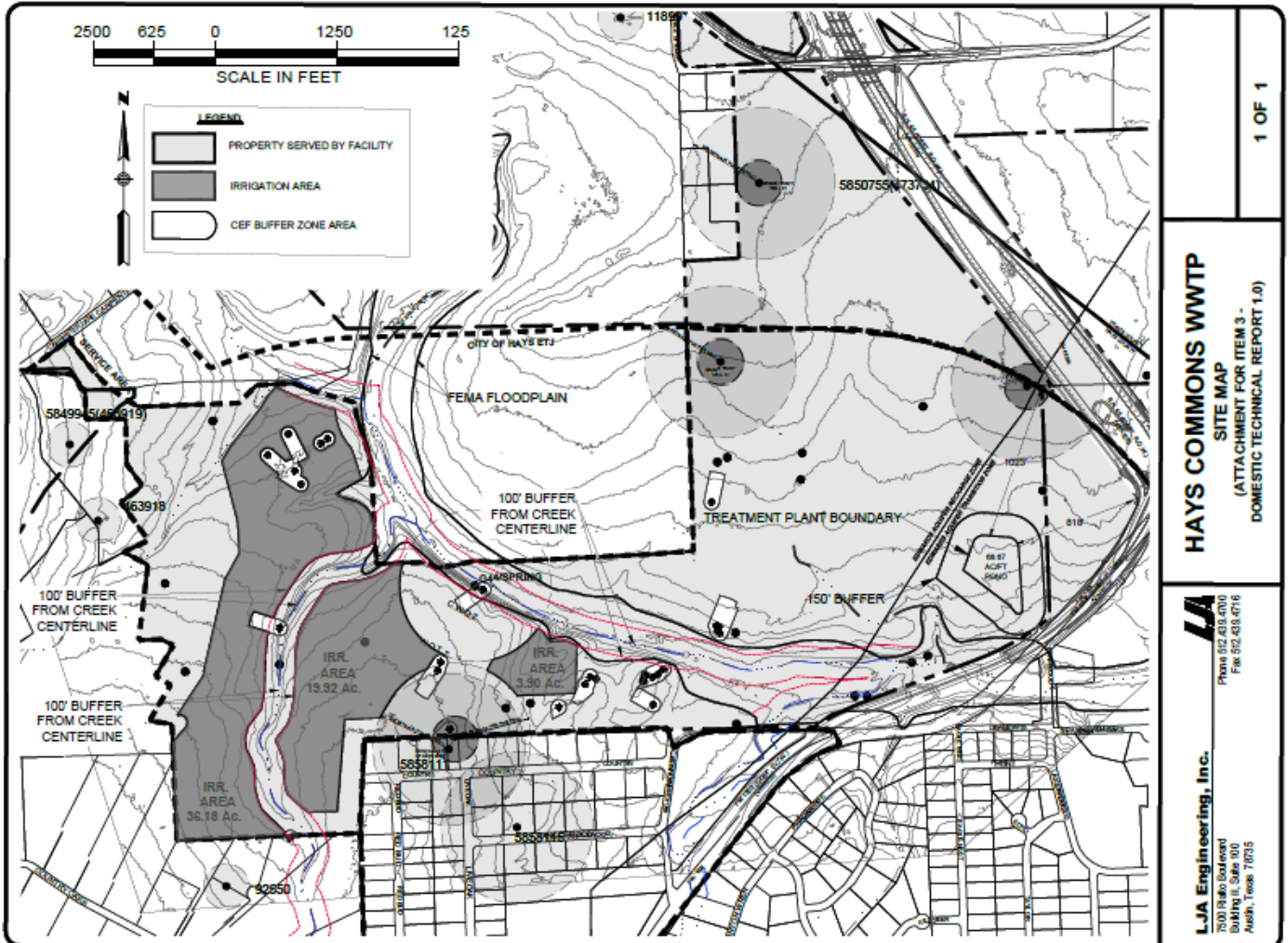
Attachment A: Location Map_WQ0016373001_Hays Commons Development, Inc.



**HAYS COMMONS WWTP
LOCATION MAP**

LJA Engineering, Inc.
7000 Rahn Blvd
Building 1, Suite 100
Austin, Texas 78735
Phone 512.436.4700
Fax 512.436.4716
PRN - F-1308

Attachment B: Site Map_WQ0016373001_Hays Commons Development, Inc.



HAYS COMMONS WWTP
SITE MAP
 (ATTACHMENT FOR ITEM 3 -
 DOMESTIC TECHNICAL REPORT 1.0)

LJA Engineering, Inc.
 2800 Park Boulevard
 Suite 100
 Austin, Texas 78705
 Phone 512.833.0700
 Fax 512.833.0716

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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