

**Texas Commission on Environmental Quality**

INTEROFFICE MEMORANDUM

To: Office of Chief Clerk Date: March 24, 2026  
From: Michael Parr, Staff Attorney, Environmental Law Division  
Subject: Transmittal of Documents for Administrative Record

Applicant: Nova368, LLC  
Proposed Permit No.: WQ0016488001  
Program: Water Quality Division  
TCEQ Docket No.: 2025-1595-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 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*

August 20, 2025

TO: All interested persons.

RE: Nova368, LLC  
TCEQ Permit No. WQ0016488001

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

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Georgetown Public Library, Circulation Desk, 402 West 8th Street, Georgetown, 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.

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

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

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

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

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

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

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

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date

of this letter. You may submit your request electronically at [www.tceq.texas.gov/agency/decisions/cc/comments.html](http://www.tceq.texas.gov/agency/decisions/cc/comments.html) or by mail to the following address:

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

**Processing of Requests.**

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

**How to Obtain Additional Information.**

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

Sincerely,



Laurie Gharis  
Chief Clerk

LG/erg

Enclosure

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**  
**for**  
**Novas368, LLC**  
**TCEQ Permit No. WQ0016488001**

The Executive Director has made the Response to Public Comment (RTC) for the application by Novas368, LLC for TCEQ Permit No. WQ0016488001 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 (WQ0016488001) and click the "Search" button. The search results will display a link to the RTC.

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

**Additional Information**

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

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Georgetown Public Library, Circulation Desk, 402 West 8th Street, Georgetown, Texas.



## COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

*Protegiendo a Texas reduciendo y previniendo la contaminación*

20 de agosto de 2025

TO: Todas las personas interesadas.

RE: Nova368, LLC  
TCEQ Permiso No. WQ0016488001

### **Decisión del Director Ejecutivo.**

El director ejecutivo ha tomado la decisión de que la solicitud de permiso mencionada anteriormente cumple con los requisitos de la ley aplicable. **Esta decisión no autoriza la construcción u operación de ninguna instalación propuesta.** Esta decisión será considerada por los comisionados en una reunión pública programada regularmente antes de que se tome cualquier medida sobre esta solicitud, a menos que todas las solicitudes de audiencia o reconsideración de casos impugnados hayan sido retiradas antes de esa reunión.

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Biblioteca Pública de Georgetown, Mesa de circulación, 402 West 8th Street, Georgetown, Texas.

Si no está de acuerdo con la decisión del director ejecutivo y cree que es una "persona afectada" como se define a continuación, puede solicitar una audiencia de caso impugnado. Además, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Los procedimientos para la evaluación de la comisión de las solicitudes de audiencia/solicitudes de reconsideración se encuentran en 30 Código Administrativo de Texas, Capítulo 55, Subcapítulo F. A continuación, se presenta una breve descripción de los procedimientos para estas dos solicitudes.

### **Cómo solicitar una audiencia de caso impugnado.**

Es importante que su solicitud incluya toda la información que respalde su derecho a una audiencia de caso impugnado. Su solicitud de audiencia debe demostrar que cumple con los requisitos legales aplicables para que se le conceda su solicitud de audiencia. La consideración de la comisión de su solicitud se basará en la información que usted proporcione.

La solicitud debe incluir lo siguiente:

- (1) Su nombre, dirección, número de teléfono durante el día y, si es posible, un número de fax.
- (2) El nombre del solicitante, el número de permiso y otros números enumerados anteriormente para que su solicitud pueda procesarse adecuadamente.
- (3) Una declaración que exprese claramente que está solicitando una audiencia de caso impugnado. Por ejemplo, la siguiente declaración sería suficiente: "Solicito una audiencia de caso impugnado".
- (4) Si la solicitud es realizada por un grupo o asociación, la solicitud debe identificar:
  - (A) una persona por nombre, dirección, número de teléfono durante el día y, si es posible, el número de fax, de la persona que será responsable de recibir todas las comunicaciones y documentos para el grupo.;
  - (B) los comentarios sobre la solicitud presentada por el grupo que constituyen la base de la solicitud de audiencia; y
  - (C) por nombre y dirección física, uno o más miembros del grupo que de otro modo tendrían derecho a solicitar una audiencia por derecho propio. Los intereses que el grupo busca proteger deben estar relacionados con el propósito de la organización. Ni la reclamación alegada ni la reparación solicitada deben requerir la participación de los miembros individuales en el caso.

Además, su solicitud debe demostrar que usted es una **"persona afectada"**. Una persona afectada es aquella que tiene un interés justiciable personal relacionado con un derecho, deber, privilegio, poder o interés económico legal afectado por la solicitud. Su solicitud debe describir cómo y por qué se vería afectado negativamente por la instalación o actividad propuesta de una manera que no sea común al público en general. Por ejemplo, en la medida en que su solicitud se base en estas preocupaciones, debe describir el impacto probable en su salud, seguridad o usos de su propiedad que puedan verse afectados negativamente por la instalación o las actividades propuestas. Para demostrar que tiene un interés personal justiciable, debe indicar, tan específicamente como pueda, su ubicación y la distancia entre su ubicación y la instalación o actividades propuestas.

Su solicitud debe plantear cuestiones de hecho controvertidas que sean relevantes y materiales para la decisión de la comisión sobre esta solicitud que fueron planteadas **por usted** durante el período de comentarios públicos. La solicitud no puede basarse únicamente en cuestiones planteadas en los comentarios que haya retirado.

Para facilitar la determinación por parte de la comisión del número y alcance de los asuntos que se remitirán a la audiencia, usted debe: 1) especificar cualquiera de las respuestas del director ejecutivo a **sus** comentarios que usted disputa; 2) la base fáctica de la disputa; y 3) enumerar cualquier cuestión de derecho en disputa.

### **Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.**

A diferencia de una solicitud de audiencia de caso impugnado, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Una solicitud de reconsideración debe contener su nombre, dirección, número de teléfono durante el día y, si

es posible, su número de fax. La solicitud debe indicar que está solicitando la reconsideración de la decisión del director ejecutivo, y debe explicar por qué cree que la decisión debe ser reconsiderada.

### **Fecha límite para la presentación de solicitudes.**

La oficina del Secretario Oficial debe **recibir** una solicitud de audiencia de caso impugnado o reconsideración de la decisión del director ejecutivo a más tardar **30 días calendario** después de la fecha de esta carta. Puede enviar su solicitud electrónicamente a [www.tceq.texas.gov/agency/decisions/cc/comments.html](http://www.tceq.texas.gov/agency/decisions/cc/comments.html) o por correo a la siguiente dirección:

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

### **Procesamiento de solicitudes.**

Las solicitudes oportunas para una audiencia de caso impugnado o para la reconsideración de la decisión del director ejecutivo se remitirán al Programa de Resolución Alternativa de Disputas de TCEQ y se incluirán en la agenda de una de las reuniones programadas regularmente de la comisión. Las instrucciones adicionales que explican estos procedimientos se enviarán a la lista de correo adjunta cuando se haya programado esta reunión.

### **Cómo obtener información adicional.**

Si tiene alguna pregunta o necesita información adicional sobre los procedimientos descritos en esta carta, llame al Programa de Educación Pública, al número gratuito, 1-800-687-4040.

Atentamente,



Laurie Gharis  
Secretaria Oficial

LG/erg

Recinto

**RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO  
para  
Nova368, LLC  
TCEQ Permiso No. WQ0016488001**

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Nova368, LLC del permiso de TCEQ No. WQ0016488001. Puede ver e imprimir el documento visitando la Base de Datos Integrada de los Comisionados de TCEQ en el siguiente enlace:

<https://www.tceq.texas.gov/goto/cid>

Para ver el RTC en el enlace anterior, ingrese el número de identificación TCEQ para esta solicitud (WQ0016488001) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

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

**Información adicional**

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

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Biblioteca Pública de Georgetown, Mesa de circulación, 402 West 8th Street, Georgetown, Texas.

MAILING LIST / LISTA DE CORREO  
for / para  
Nova368, LLC  
TCEQ Permit No. WQ0016488001 /TCEQ Permiso No. WQ0016488001

FOR THE APPLICANT /  
PARA EL SOLICITANTE:

Vinod Nagi, Manager  
Nova368, LLC  
1001 Cypress Creek Road, Suite 203  
Cadar Park, Texas 78613

Janela Revilla, P.E, Project Engineer  
Jamie Miller, P.E., President  
JA Wastewater, LLC  
5765 Fig Way  
Arvada, Colorado 80002

INTERESTED PERSONS /  
PERSONAS INTERESADAS:

See attached list. / Ver lista adjunta.

FOR THE EXECUTIVE DIRECTOR /  
PARA EL DIRECTOR EJECUTIVO  
via electronic mail /  
por correo electrónico:

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

Kathy Humphreys, Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087

J. Alfonso Martinez, Technical Staff  
Texas Commission on Environmental  
Quality  
Water Quality Division MC-148  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL /  
PARA ABOGADOS DE INTERÉS PÚBLICO  
via electronic mail /  
por correo electrónico:

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

FOR THE CHIEF CLERK /  
PARA EL SECRETARIO OFICIAL  
via electronic mail  
por correo electrónico:

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

BAHRS , PETER  
106 LAVERNE TER  
GEORGETOWN TX 78628-1233

BARTHOLOMEW , JOANNA  
305 CHAMPIONS DR  
GEORGETOWN TX 78628-1186

CHAMBERS , MARIS MARSHALL  
SPENCER FANE LLP  
STE 1200  
816 CONGRESS AVE  
AUSTIN TX 78701-2442

COOK , TERRY G PRECINCT 1 COMMISSIONER  
WILLIAMSON COUNTY  
STE 110  
1801 E OLD SETTLERS BLVD  
ROUND ROCK TX 78664-1905

CULP , HEATH  
383 LOGAN RANCH RD  
GEORGETOWN TX 78628-1209

CULP , DR. SUSAN M  
383 LOGAN RANCH RD  
GEORGETOWN TX 78628-1209

DERRICK , JOE  
105 LAVERNE TER  
GEORGETOWN TX 78628-1233

DYESS , CYNTHIA  
401 LOGAN RANCH RD  
GEORGETOWN TX 78628-1212

DYESS , WILLIAM  
401 LOGAN RANCH RD  
GEORGETOWN TX 78628-1212

ELSASSER , GAYLE  
313 LOGAN RANCH RD  
GEORGETOWN TX 78628-1208

ELSASSER , GAYLE & RICHARD  
313 LOGAN RANCH RD  
GEORGETOWN TX 78628-1208

FAULK III , WILLIAM A  
SPENCER FANE LLP  
STE 1200  
816 CONGRESS AVE  
AUSTIN TX 78701-2442

FRASER , HEATHER DAWN  
FRASER  
282 LOGAN RANCH RD  
GEORGETOWN TX 78628-1205

HACHETT , JOHN  
818 PRAIRIE DUNES DR  
GEORGETOWN TX 78628-1122

HAHN , TERRIE  
CONSUMER  
321 LOGAN RANCH RD  
GEORGETOWN TX 78628-1208

HARMON , DEXTER  
801 BOQUILLA TRL  
GEORGETOWN TX 78633-5081

HARTFORD , RANDY  
103 OLDE OAK DR  
GEORGETOWN TX 78633-9360

HOWARD , DONNA  
265 LOGAN RANCH RD  
GEORGETOWN TX 78628-1206

HUNSAKER , LYNSAY  
414 LOGAN RANCH RD  
GEORGETOWN TX 78628-1211

JUNG III , DR. HARRY  
JUNG  
345 LOGAN RANCH RD  
GEORGETOWN TX 78628-1208

JUNG , MRS JULIE  
345 LOGAN RANCH RD  
GEORGETOWN TX 78628-1208

KAEMINGK , BENJAMIN  
309 LOGAN RANCH RD  
GEORGETOWN TX 78628-1208

KEISER , EUNICE  
250 LOGAN RANCH RD  
GEORGETOWN TX 78628-1205

KOHNERT , FRANK  
1032 SHINNECOCK HILLS DR  
GEORGETOWN TX 78628-1192

KROG , PAULA  
384 LOGAN RANCH RD  
GEORGETOWN TX 78628-1210

LAWLEY , MS KRIS  
1603 SHINNECOCK HILLS DR  
GEORGETOWN TX 78628-0911

LONG , RENE  
324 LOGAN RANCH RD  
GEORGETOWN TX 78628-1207

MARTINEZ , SHERRY  
111 LOGAN RANCH RD  
GEORGETOWN TX 78628-1203

RAY , KAREN DANETTE  
3240 W STATE HIGHWAY 29  
GEORGETOWN TX 78628-0711

REFFETT , DAMA CHE  
303 LOVIE LN  
GEORGETOWN TX 78628-0918

ROUSH , ROWDY  
DTC AIR CONDITIONING & HEAT  
361 LOGAN RANCH RD  
GEORGETOWN TX 78628-1209

SCHWERTNER , THE HONORABLE CHARLES STATE  
SENATOR  
THE SENATE OF TEXAS DISTRICT 5  
PO BOX 12068  
AUSTIN TX 78711-2068

THARP , CAROL J  
340 SHELL SPUR  
GEORGETOWN TX 78628-1202

WILKES , KAITLYN  
707 S MAIN ST  
GEORGETOWN TX 78626-5700

**TCEQ Permit No. WQ0016488001**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
<b>NOVA368, LLC FOR TCEQ PERMIT</b>	<b>§</b>	<b>TEXAS COMMISSION</b>
<b>NO. WQ0016488001</b>	<b>§</b>	<b>ON ENVIRONMENTAL</b>
	<b>§</b>	<b>QUALITY</b>

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**EXECUTIVE DIRECTOR’S RESPONSE TO PUBLIC COMMENT**

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The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response or RTC) on the application by Nova368, LLC (Applicant) for a new permit, Texas Land Application Permit (TLAP) Permit No. WQ0016488001, and the Executive Director’s preliminary decision on the application. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the Executive Director prepares a response to all timely, significant or relevant and material comments. The Office of the Chief Clerk received a public meeting request from State Senator Charles Schwertner. The Office of the Chief Clerk received timely comments from Maris Chambers representing the City of Georgetown, Peter Bahrs, Joanna Bartholomew, Heath Culp, Susan Culp, Joe Derrick, Cynthia Dyess, William Dyess, Gayle Elsasser, Richard Elsasser, Heather Dawn Fraser, John Hachett, Terrie Hahn, Donna Howard, Lyndsay Hunsaker, Julie Jung, Eunice Keiser, Paula Krog, Kris Lawley, Renee Long, Rowdy Roush, and Carol Tharp. This response addresses all timely public comments received, whether or not withdrawn.

This application is subject to the requirements in Senate Bill (SB) 709, effective September 1, 2015. SB 709 amended the requirements for comments and contested case hearings. One of the changes required by SB 709 is that the Commission may not find that a “hearing requestor is an affected person unless the hearing requestor timely submitted comments on the permit application.” Texas Water Code (TWC) § 5.115(a-1)(2)(B). If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about TCEQ can be found at the following website: [www.tceq.texas.gov](http://www.tceq.texas.gov).

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## I. BACKGROUND

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### *A. Description Of Facility*

Nova368, LLC (Applicant) submitted an application to TCEQ for a new Texas Land Application permit (TLAP) TCEQ No. WQ0016488001 to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 56,500 gallons per day via surface irrigation of 16.5 acres of public access land. The Applicant proposes to operate Spur Wastewater Treatment Facility (WWTF), the proposed WWTF will serve a multi-family development in Williamson County.

The Spur Wastewater Treatment Facility will consist of an activated sludge process plant using the complete mix mode. Treatment units in the Interim phase will include screening, two aeration basins, two final clarifiers, two sludge digesters, and a chlorine contact chamber. Treatment units in the Final phase will include screening, three aeration basins, three final clarifiers, three sludge digesters, and a chlorine contact chamber.

If the permit is issued, the facility and disposal site will be located approximately 0.31 miles southwest of the intersection of Shell Spur and Shell Road, Williamson County, Texas 78628. The facility and disposal site will be located in the drainage basin of Berry Creek in Segment No. 1248 of the Brazos River Basin.

If the draft permit is issued, 56,500 gallons of treated effluent would be authorized to be land applied by surface irrigation to 16.5 acres of public access land at an application rate of 3.84 acre-feet per year per acre irrigated. The effluent limits in the draft permit are consistent with 30 Texas Administrative Code (TAC) § 309.4, Table 1.

The draft permit includes the following proposed effluent limitations and monitoring requirements. All flows are expressed in millions of gallons per day (MGD). All pH values are expressed in standard units (SU). Concentration values are expressed in milligrams per liter (mg/L). Bacteria values are expressed in colony-forming units (CFU) or most probable number (MPN) per 100 milliliters (CFU or MPN/100 mL). The effluent limitations in both phases of the draft permit, based on a daily average, are 20 mg/l biochemical oxygen demand (BOD<sub>5</sub>) and 20 mg/l total suspended solids (TSS). The effluent limitation in the draft permit, based on a single grab, is 65 mg/l BOD<sub>5</sub>, and 65

mg/l TSS. 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.

### ***B. Procedural Background***

The permit application was received on February 15, 2024, and declared administratively complete on March 19, 2024. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on April 10, 2024, in the *Williamson County Sun* and on April 11, 2024, in *El Mundo*. The combined Notice of Application and Preliminary Decision (NAPD) and Public Meeting Notice was published on January 1, 2025, in the *Williamson County Sun*. The notice of Public Meeting was published on January 1, 2025, in the *Williamson County Sun*. A public meeting was held on February 11, 2025, at the Georgetown Community Center in Georgetown, Texas.

The public comment period ended at the close of the public meeting on February 11, 2025. This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55. The Texas Legislature enacted SB 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in the law.

### ***C. Access to Rules, Laws, and Records***

Please consult the following websites to access the rules and regulations applicable to this permit:

- Secretary of State website: [www.sos.state.tx.us](http://www.sos.state.tx.us);
- TCEQ rules in 30 TAC: [www.sos.state.tx.us/tac](http://www.sos.state.tx.us/tac);
- Texas statutes: [www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us);
- TCEQ downloadable rules: [www.tceq.texas.gov/rules/indxpdf.html](http://www.tceq.texas.gov/rules/indxpdf.html);
- Federal rules in Title 40 of the Code of Federal Regulations: <https://www.ecfr.gov/current/title-40>; and
- Federal environmental laws: [www.epa.gov/lawsregs](http://www.epa.gov/lawsregs).

Commission records for this application are available for viewing and copying and are located at TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk). The permit application, Executive Director's preliminary

decision, and draft permit are available for viewing and copying at the following location: Georgetown Public Library, Circulation Desk, 402 West 8th Street, Georgetown, Texas.

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## II. COMMENTS AND RESPONSES

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### COMMENT 1:

The City of Georgetown, Joanna Bartholomew, Heath Culp, Susan Culp, Cynthia Dyess, William Dyess, Gayle Elsasser, Richard Elsasser, Heather Dawn Fraser, John Hachett, Terrie Hahn, Donna Howard, Lyndsay Hunsaker, Eunice Kiser, Paula Krog, Kris Lawley, Renee Long, Rowdy Roush, and Carol Tharp expressed concern regarding groundwater contamination from the proposed facility, including contamination of the Edwards Aquifer, which local residents rely on for drinking water. Additionally, the City of Georgetown, Heath Culp, Susan Culp, Gayle Elsasser, Richard Elsasser, Heather Dawn Fraser, Terrie Hahn, Rowdy Rousch, and Carol Tharp expressed concern regarding the nearby karst features and asked if the site will be inspected for potential karst features. Susan Culp and Gayle Elsasser asked if their water storage tanks would be impacted by the proposed WWTF.

### RESPONSE 1:

Potential impacts from the operation of the proposed facility on groundwater were considered during the technical review of this application and are addressed in the draft permit. The draft permit only authorizes the disposal of wastewater by irrigation. The draft permit does not authorize the discharge of pollutants into water in the State, which includes groundwater. The Executive Director has determined that the draft permit is protective of the environment, water quality, and human health.

The draft permit contains enforceable requirements to prevent groundwater contamination during the construction and operation of the proposed wastewater facility. The application rate included in the draft permit is site-specific and based on agronomic rates to ensure crop growth, nutrient uptake, and effluent retention in the soil to prevent effluent runoff, seepage, and ponding. The draft permit requires irrigation practices to be designed and managed to prevent ponding of effluent, contamination of ground and surface waters, and the occurrence of nuisance conditions in the area. The draft permit requires crops to be established and well

maintained in the irrigation area throughout the year so that the crops uptake effluent and nutrients, preventing runoff and ponding. The permittee must comply with the buffer zone requirements of 30 TAC § 309.13(c), specifically regarding water wells and waters in the state as required by Special Provisions No. 20 and 21 of the draft permit. The buffers from the wastewater irrigation site include a minimum horizontal distance of 500 ft from public water wells, springs, or other similar sources of public drinking water; 150 ft from private water wells; and 100 ft from surface waters in the state.

TCEQ has developed rules for regulated activities on the Edwards Aquifer recharge and contributing zones under 30 TAC Chapter 213 (Edwards Aquifer). These rules authorize the discharge of treated wastewater within the contributing zone of the Edwards Aquifer, and specify effluent limits for those facilities located within ten miles of the recharge zone. TCEQ's Edwards Aquifer Rules prohibit the direct discharge of municipal and industrial wastewater discharges on the Edwards Aquifer Recharge Zone into or adjacent to water in the state that would create additional pollutant loading. TCEQ has established minimum effluent treatment levels for new or increased discharges of treated wastewater into or adjacent to water in the state, other than industrial wastewater discharges, within zero to five miles upstream from the Recharge Zone and for new or increased discharges into or adjacent to water in the state, other than industrial wastewater discharges, more than five miles but within 10 miles upstream from the Recharge Zone. As provided 30 TAC § 213.6, wastewater disposal systems for disposal of wastewater on the recharge zone using land application methods, such as irrigation, will be considered on a case-by-case basis. At a minimum, those systems must attain secondary treatment as defined in 30 TAC Chapter 309 of this title (relating to Effluent Limitations).

This site is located on the Recharge Zone of the Edwards Aquifer, as mapped by the TCEQ, and therefore is subject to 30 TAC Chapter 213, Subchapter A. As required by the rule, specifically for the protection of the aquifer, there are numerous, extensive, explicit, and enforceable requirements in the draft permit. *See* Special Provision Nos. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34 regarding required protective measures for recharge features found onsite.

Pursuant to TWC § 26.046, the Edwards Aquifer Protection Program (EAPP), which is administered by TCEQ, is required to hold an annual public hearing to receive

evidence from the public on actions the Commission should take to protect the Edwards Aquifer from pollution. For information on the hearing, email [eapp@tceq.texas.gov](mailto:eapp@tceq.texas.gov) or visit [www.tceq.texas.gov/permitting/eapp/eapp-sa-hearing](http://www.tceq.texas.gov/permitting/eapp/eapp-sa-hearing).

TCEQ recommends that well owners periodically test their water for microbial and chemical contaminants and properly maintain their well. Private well owners should take steps to have their water quality routinely tested. Wells should be tested more often if under the influence of nearby surface water, or if contamination is suspected. For more information on testing private water wells, please see the National Ground Water Association website at [wellowner.org/resources/water-quality/water-testing](http://wellowner.org/resources/water-quality/water-testing). If your well tests positive for fecal coliform bacteria, please see the TCEQ publication titled [\*Disinfecting Your Private Well\*](#) (GI-432).

**COMMENT 2:**

The City of Georgetown commented that the draft permit is not protective of groundwater quality or the quality of hydrologically connected surface waters, or of existing uses of such surface waters in accordance with the Texas Surface Water Quality Standards. The City of Georgetown also commented that the draft permit does not contain irrigation related limits or monitoring requirements sufficient to safeguard water quality in both groundwater and hydrologically connected surface waters from pollutants such as poly-florylalkyl substances (PFAS).

**RESPONSE 2:**

The draft permit does not authorize the discharge of pollutants to water in the state and prohibits unauthorized discharges. The draft permit includes provisions that are designed to protect surface water quality (such as run-on/run-off controls, etc.).

The proposed site is located on the Recharge Zone of the Edwards Aquifer, as mapped by TCEQ, and therefore is subject to the requirements in 30 TAC Chapter 213, Subchapter A. According to the rule, wastewater disposal systems on the Edwards Aquifer recharge zone using land application methods, such as irrigation, must meet secondary treatment as defined in 30 TAC Chapter 309 (relating to Effluent Limitations). Therefore, the effluent limitations in the draft permit, based on a daily average, are: 20 mg/l BOD<sub>5</sub>, 20 mg/l TSS, and a single grab limit of 126 CFU or MPN per

100 ml for *E. coli*. Additionally, 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.

Additionally, the draft permit requires the Applicant to submit a Water Pollution Abatement Plan to the TCEQ Edwards Aquifer Protection Program under Special Provision Nos. 21 and 22.

If during the review of the Water Pollution and Abatement plan new information is provided, the Executive Director can require an amendment to the permit to include new requirements or modify existing requirements as necessary to protect the Edwards Aquifer and any hydrologically connected surface waters. Additionally, if any sensitive features are discovered during construction or operational activities, the Applicant is required to notify the TCEQ Water Quality Assessment Team and TCEQ Region No. 11 and follow the requirements stated in Special Provision Nos. 26, 27, 28, and 30.

Furthermore, neither TCEQ nor EPA has promulgated rules or criteria limiting PFAS in wastewater. EPA is currently investigating potential adverse human health effects from PFAS in the environment. There are currently no federal or state effluent limits for PFAS in wastewater. So, while the EPA and other agencies continue to study the presence of PFAS, there is currently no clear regulatory regime available to address the treatment of PFAS in domestic wastewater.

**COMMENT 3:**

City of Georgetown, Joanna Bartholomew, Cynthia Dyess, William Dyess, Heather Dawn Fraser, Terrie Hahn, Donna Howard, Lyndsay Hunsaker, and Carol Tharp expressed concern for the wildlife in the area, including federally endangered cave species found nearby. The City of Georgetown expressed concern regarding the impact of the proposed facility on nearby livestock.

**RESPONSE 3:**

The United States Fish and Wildlife Service (USFWS) and Texas Parks and Wildlife Department (TPWD) were afforded an opportunity to review the permit application and draft permit. Neither of these agencies expressed concern about the effects on wildlife in the area. Along with the other effluent limitations in the draft permit, these measures will further safeguard water quality of water bodies near the

irrigation area and minimize potential threats to endangered species such as potential habitat degradation.

Potential impacts to endangered terrestrial species do not specifically fall under the purview of the Executive Director's evaluation of an application for a proposed land application permit, however, the requirements included in the draft permit to protect aquatic and aquatic-dependent endangered species will also protect terrestrial species.

**COMMENT 4:**

Carol Tharp, Heath Culp, and Susan M. Culp commented that there is low ground water availability in the area. Gayle Elsasser commented that she has used well water from her property for forty years, and over the last few summers she has had to have water delivered to her storage tank due to low groundwater availability.

**RESPONSE 4:**

TCEQ does not have authority to consider the impact of a TLAP on Groundwater availability when evaluating an application for a TLAP. For information on Groundwater Conservation Districts (GCD), please call TCEQ's Water Availability Division at 512-239-4600. For general information on groundwater, please contact the Texas Water Development Board at 512-463-7847.

**COMMENT 5:**

The City of Georgetown commented that the draft permit is not protective of the public health and safety of nearby residents.

**RESPONSE 5:**

The Water Quality Division has determined that the draft permit is in accordance with the Texas Surface Water Quality Standards, which ensures that the effluent land applied is protective of aquatic life, human health, and the environment.

To ensure that public health and safety and the environment are protected, TCEQ's rules require treated effluent to be disinfected prior to storage or land application of the treated effluent, 30 TAC § 309.3(g)(1). To reduce pathogenic organisms in its effluent, the Applicant has chosen to use chlorination as a means of

disinfection. To ensure the effluent has been properly disinfected, an effluent limit for bacteria of 126 CFU or MPN of *E. coli* per 100 ml has been added to the draft permit.

**COMMENT 6:**

Heath Culp asked how much of the land is intended to be used for irrigation and the overall intended use of the property.

**RESPONSE 6:**

If issued, the permit will authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 0.02825 million gallons per day (MGD) via surface irrigation of 8.25 acres of public access land in the Interim phase, and a daily average flow not to exceed 0.0565 MGD via surface irrigation of 16.5 acres of public access land in the Final phase. The proposed wastewater treatment facility will serve a multi-family development.

**COMMENT 7:**

The City of Georgetown commented that the applicant did not comply with the TCEQ regionalization policy. The City of Georgetown also commented that there is no need for the facility, and the required cost of connecting to the City of Georgetown's facility was not included in the application.

**RESPONSE 7:**

This facility will not discharge into a water of the state, and therefore is not subject to the state's regionalization analysis, *See*, Regionalization Guidance Document RG-632 available at:

<https://www.tceq.texas.gov/downloads/permitting/wastewater/general/regionalization-rg-632-final.pdf>.<sup>1</sup>

Additionally, because TLAPs are not subject to the regionalization review, the applicant for a TLAP permit is not required to include a cost analysis of connecting to a nearby facility.

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<sup>1</sup> To implement the policy, TCEQ requires owners/operators of proposed new WWTPs to evaluate regionalization and document those efforts before applying to TCEQ for a discharge permit for a new WWTP. **Applicants for a Texas Land Application Permit (TLAP) are not required to evaluate regionalization.** RG-632, pg. 3 "Is a Regionalization Analysis Required" emphasis added).

**COMMENT 8:**

The City of Georgetown commented that the applicant lacks a wastewater Certificate of Convenience and Necessity (CCN) to provide wastewater or sewer service to the site via the proposed package plant.

**RESPONSE 8:**

The Applicant is not required to obtain a CCN in order to obtain a TLAP permit.

**COMMENT 9:**

Joanna Bartholomew, Heath and Susan Culp, Cynthia Dyess, Richard Dyess, Gayle Elsasser, Richard Elsasser, Heather Dawn Fraser, Donna Howard, Lyndsay Hunsaker, Rowdy Roush, and Carol Tharp commented the applicant left the extraterritorial jurisdiction of the City of Georgetown for the purpose of obtaining their own wastewater permit despite public opposition.

**RESPONSE 9:**

The Executive Director acknowledges these comments.

**COMMENT 10:**

Peter Bahrs, Heath Culp, Susan Culp, Gayle Elsasser, Richard Elsasser, Heather Dawn Fraser, and Kris Lawley commented that the quality of life will be negatively impacted by the proposed WWTF. Peter Bahrs said the established community would be negatively impacted. Heath Culp, Susan Culp, Cynthia Dyess, William Dyess, Gayle Elsasser, Richard Elsasser, Heather Dawn Fraser, John Hachett, Terrie Hahn, Donna Howard, Kris Lawley, and Carol Tharp expressed overall opposition to the wastewater permit. Additionally, Peter Bahrs and Heath Culp commented about the potential for nuisance odors from the proposed facility. Heath Culp made comments requesting that the applicant have a buffer between the irrigation area and the landowner's property line.

**RESPONSE 10:**

The permit does not limit the ability of an individual to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

Furthermore, all wastewater treatment facilities have the potential to generate odors. To control and abate odors TCEQ rules require domestic WWTPs to meet buffer zone requirements for the abatement and control of nuisance odor according to 30 TAC § 309.13(e), which provides three options for applicants to satisfy the nuisance odor abatement and control requirements. The Applicant can comply with the rule by: 1) ownership of the buffer zone area; 2) restrictive easement from the adjacent property owners for any part of the buffer zone not owned by the Applicant; or 3) providing nuisance odor control.<sup>2</sup>

According to its 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.<sup>3</sup> This requirement is incorporated in the draft permit.<sup>4</sup> Therefore, nuisance odors are not expected to occur as a result of the permitted activities at the facility, provided the permittee operates the facility in compliance with TCEQ's rules and the terms and conditions of the draft permit.

Additionally, buffer for the land application as stated in 30 TAC § 309.13(e)(1), "buffer zones for land used to dispose of treated effluent by irrigation shall be evaluated on a case-by-case basis." Special Provision No. 14 requires that an earthen berm be constructed and maintained in order to prevent runoff from leaving the irrigation site. The draft permit also contains buffers for the land application site in Special Provision No. 25 to state that the permittee shall comply with 30 TAC § 309.13(c) to ensure no public water wells, springs, other similar sources for public drinking water are within 500 ft., private wells are within 150 ft., and surface waters in the state are within 100 ft. from the irrigation site.

**COMMENT 11:**

City of Georgetown commented that the application is deficient. Specifically, according to the City of Georgetown, the applicant used an inaccurate estimated daily wastewater flow as the basis for the design of the proposed package plant. Georgetown also commented that the application lacks a completed Summary of Application in Plain Language Form. Similarly, the City of Georgetown commented that the

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<sup>2</sup> 30 TEX. ADMIN. CODE § 309.13(e).

<sup>3</sup> Nova368, LLC Permit Application, Administrative Report, 1.1, Item No. 2(b), page 2, and Exhibit 6.

<sup>4</sup> Nova368, LLC Draft Permit, Other Requirements, Item No. 4, page 32.

application fails to demonstrate compliance with TCEQ's requirements related to unsuitable site characteristics.

**RESPONSE 11:**

The application requires the applicant to sign the application stating that everything they submit in the permit application is correct. Vinod Nagi signed the application as the Manager. Additionally, the applicant submitted a plain language summary to the Application Review and Processing Team on March 29, 2024. Updates to the application are made available for public viewing at the Georgetown Public Library, Circulation Desk, 402 West 8th Street, Georgetown, Texas. In addition, under permit condition 1(a) on page 7 of the draft permit, 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.

**COMMENT 12:**

Gayle Elsasser asked about the backup power and emergency alert system used by the proposed facility.

**RESPONSE 12:**

A permittee must maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or retention of inadequately treated wastewater.<sup>5</sup> In addition, the plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by TCEQ.<sup>6</sup> All of these permit provisions are designed to help prevent unauthorized discharges of raw sewage. Except as allowed by 30 TAC § 305.132, the Applicant will be required to report an unauthorized discharge to TCEQ within 24 hours.<sup>7</sup> The Applicant will be subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

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<sup>5</sup> 30 TEX. ADMIN. CODE § 217.36.

<sup>6</sup> Nova368, LLC Draft Permit, Other Requirements, Item 5, page 32; *see also* 30 TEX. ADMIN. CODE § 217.6(d).

<sup>7</sup> Nova368, LLC Draft Permit, Monitoring and Reporting Requirements, Item 7, page 7.

**COMMENT 13:**

Gayle Elsasser asked if the applicant will have private wells for irrigation.

**RESPONSE 13:**

The applicant intends on using treated domestic wastewater for irrigation via a sprinkler system rather than well water. The applicant requested authorization to dispose treated domestic wastewater at a daily average flow not to exceed 0.02825 million gallons per day (MGD) via surface irrigation of 8.25 acres of public access land in the Interim phase, and a daily average flow not to exceed 0.0565 MGD via surface irrigation of 16.5 acres of public access land in the Final phase.

**COMMENT 14:**

Joe Derrick commented that an underground facility should be considered by the applicant.

**RESPONSE 14:**

TCEQ does not have the authority to mandate a different wastewater treatment plant location if the applicant's proposed location and discharge route comply with the TWC Chapter 26 and 30 TAC Chapter 309, relating to "Domestic Wastewater Effluent Limitations and Plant Siting." TCEQ does not have jurisdiction over zoning.

If Nova368, LLC updates its application with a different treatment plant location, the Executive Director will reevaluate the requirements of the draft permit.

**COMMENT 15:**

Joe Derrick commented on the rainwater runoff from the proposed development.

**RESPONSE 15:**

TCEQ does not have jurisdiction to address runoff, flooding, or erosion issues in the wastewater permitting process. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. However, to the extent that an issue related to flooding also involves water quality, the Applicant is required to comply with all the numeric and narrative effluent limitations and other conditions in the proposed permit at all times, including during flooding conditions.

For any flooding concerns, members of the public may wish to contact the applicable floodplain management office. The TCEQ Resource Protection Team can aid in identifying and contacting the local floodplain administrator and can be contacted by calling 512-239-4691. Additionally, FEMA has programs designed to mitigate damage caused by flooding.

**COMMENT 16:**

Julie Jung commented that she is concerned that the TCEQ makes decisions regarding irrigation permits without knowing where all the nearby wells are located.

**RESPONSE 16:**

Locating water wells is an important part of the TLAP wastewater permit review process. The Applicant is responsible for locating all known water wells within one mile of a proposed facility as required by 30 TAC § 309.13. Generally, the Applicant uses the publicly available databases from the Texas Water Development Board, the TCEQ, and any local Groundwater Conservation District as sources of water well information. In a review of a TLAP application, the TCEQ also checks these sources to identify locations of water wells. If a private water well is not registered with the State, the well may not be included in these databases and may not be identified in the Applicant's water well search. The TCEQ encourages all private water well owners to register their wells with the State and local Groundwater Conservation District in order to have more complete water well databases. Special Provisions Nos. 20 and 21 of the draft permit includes water well buffers that are required for water wells identified in the application as well as water wells discovered or drilled in the future.

**COMMENT 17:**

Susan Culp commented that she was not notified when changes were made to the permit.

**RESPONSE 17:**

TWC Sec. 5.552 (e) states that "the applicant shall make a copy of the application available for review and copying at a public place in the county in which the facility is located or proposed to be located." Updates to the application are also required to be made available at the public viewing location. According to the application, the application was made publicly available at the Georgetown Public

Library, Circulation Desk, 402 West 8th Street, Georgetown, Texas. Additional notification is not required when changes are made to the draft permit during the technical review.

Additionally, during regular business hours, the public may review or copy the public file for this application, which includes the application, its attachments, the comment letters, and if applicable, the Response to Public Comment, the Hearing Requests, the Responses to Hearing Requests, and any other communications made during the review of this application, at TCEQ's Office of the Chief Clerk located in Building F, 12100 Park 35 Circle, Austin, Texas.

**COMMENT 18:**

Susan Culp and Julie Jung commented about the notification and reporting requirements in the permit.

**RESPONSE 18:**

The Applicant is required to analyze the treated effluent prior to land application and to maintain monthly reports of the results of the effluent analyses and flow measurements for a minimum of three years. The Applicant may either collect and analyze the effluent samples itself, 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.

**COMMENT 19:**

Heath Culp commented that the TCEQ should publish the Water Pollution Abatement Plan (WPAP) for this proposed facility.

**RESPONSE 19:**

According to Special Provisions No. 21 the applicant shall submit a copy of the approved WPAP to TCEQ Water Quality Assessment Team within thirty (30) days of the date of the letter of approval. Once received by the TCEQ, a copy of the WPAP and

approval letter may be obtained by submitting an online open records request using the following webpage:

<https://www2.tceq.texas.gov/pircs/index.cfm>

**COMMENT 20:**

Heath Culp asked about the type of pond liner and leak detection that will be used for the effluent holding pond.

**RESPONSE 20:**

The draft permit includes Special Provisions Nos. 31, 32, 33, and 34 regarding pond liner requirements. According to Special Provisions No. 31, “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 three 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.”

Furthermore, Special Provisions No. 33 states, “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.”

**COMMENT 21:**

City of Georgetown commented that the affected landowner map “fails to comply with the instructions.”

**RESPONSE 21:**

The landowner map that was provided in the application dated February 15, 2024, and met all the requirements in application instructions and was marked as administratively complete from the Applications Review and Processing Team.

**COMMENT 22:**

City of Georgetown commented that the USGS map “fails to comply with the instructions.”

**RESPONSE 22:**

The applicant provided a USGS map in the application that met all the requirements for the Administrative Review. During the technical review, by using the Texas Water Development Board Water Data Interactive website, staff found that several water wells were missing within one mile of the proposed facility. The Applicant provided an updated USGS map on March 19, 2024, with those water wells included. Therefore, the applicant has complied with all applicable requirements in the instructions of the October 31, 2022, version of the application applicable to this draft permit.

**COMMENT 23:**

City of Georgetown commented that outdated forms were used.

**RESPONSE 23:**

While the application forms are dated October 31, 2022, an update to the form did not occur until January 9, 2024. A 6-month grace period after the new forms are released allows the applicant to submit the previous version of the application forms. Therefore, the applicant is in compliance with the application requirements.

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**III. CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENTS**

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In response to Public Comments, the Executive Director has added an *E. coli* effluent limitation of 126 CFU or MPN per 100 ml to the effluent limitations page of the draft permit.

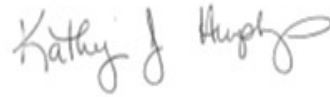
Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,  
Executive Director

Phillip Ledbetter, Director  
Office of Legal Services

Charmaine Backens, Deputy Director  
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REPRESENTING THE EXECUTIVE DIRECTOR OF  
THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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

DESCRIPTION OF APPLICATION

Applicant: Nova368, LLC  
TCEQ Permit No. WQ0016488001

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

Nova368, LLC has applied to the Texas Commission on Environmental Quality (TCEQ) for new Permit No. WQ0016488001 to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 0.02825 million gallons per day (MGD) via surface irrigation of 8.25 acres of public access land in the Interim phase, and a daily average flow not to exceed 0.0565 MGD via surface irrigation of 16.5 acres of public access land in the Final phase. The facility will include a storage pond with a total surface area of 0.90 acres and total capacity of 22.69 acre-feet for storage of treated effluent prior to irrigation. The proposed wastewater treatment facility will serve a multi-family development.

PROJECT DESCRIPTION AND LOCATION

The Spur Wastewater Treatment Facility will consist of an activated sludge process plant using the complete mix mode. Treatment units in the Interim phase will include screening, two aeration basins, two final clarifiers, two sludge digesters, and a chlorine contact chamber. Treatment units in the Final phase will include screening, three aeration basins, three final clarifiers, three sludge digesters, and a chlorine contact chamber. The facility has not been constructed.

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 0.31 miles southwest of the intersection of Shell Spur and Shell Road in Williamson County, Texas 78628.

Nova368, LLC

Permit No. WQ0016488001

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

The wastewater treatment facility and disposal site will be located in the drainage basin of Berry Creek in Segment No. 1248 of the 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 has not been constructed.

#### DRAFT PERMIT CONDITIONS

The draft permit authorizes the disposal of treated domestic wastewater a daily average flow not to exceed 0.02825 MGD via surface irrigation of 8.25 acres of public access land in the Interim phase, a daily average flow not to exceed 0.0565 MGD via surface irrigation of 16.5 acres of public access land in the Final phase. The facility will include a storage pond with a total surface area of 0.90 acres and total capacity of 22.69 acre-feet for storage of treated effluent prior to irrigation. Application rates to the irrigated land shall not exceed 3.84 acre-feet per year per acre irrigated. The irrigated crops will include Bermuda grass (warm season) and cereal rye (cool season) on the disposal site.

The effluent limitations in all phases of the draft permit, based on a daily average, are 20 mg/l biochemical oxygen demand (BOD<sub>5</sub>) and 20 mg/l total suspended solids (TSS). The effluent limitation in the draft permit, based on a single grab, is 65 mg/l BOD<sub>5</sub>, and 65 mg/l TSS. 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. 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

None.

#### BASIS FOR DRAFT PERMIT

The following items were considered in developing the draft permit:

1. Application received on February 15, 2024, and additional information received on July 18, 2024, September 10, 2024, and November 1, 2024.
3. Interoffice Memorandum from the Water Quality Assessment Team, Water Quality Assessment & Standards Section, Water Quality Division.

#### PROCEDURES FOR FINAL DECISION

Nova368, LLC

Permit No. WQ0016488001

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

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

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

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment and is not a contested case proceeding.

After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application, or the draft permit raised during the public comment period. The Chief Clerk then mails the Executive Director's response to comments and final decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the Executive Director's response and decision, they can request a contested case hearing or file a request to reconsider the Executive Director's decision within 30 days after the notice is mailed.

The Executive Director will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the Executive Director's response to comments and final decision is mailed. If a hearing request or request for reconsideration is filed, the Executive Director will not issue the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If the Executive Director calls a public meeting or the Commission grants a contested case hearing as described above, the Commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the Commission will consider all public comments in making its decision and shall either adopt the Executive Director's response to public comments or prepare its own response.

For additional information about this application, contact Shaun M. Speck at (512) 239-4549.

*Shaun M. Speck*

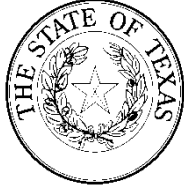
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Shaun M. Speck  
Municipal Permits Team  
Wastewater Permitting Section (MC 148)

September 11, 2024

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Date



PERMIT NO. WQ0016488001

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

Nova368, LLC

whose mailing address is

1001 Cypress Creek Road, Suite 203  
Cedar Park, Texas 78613

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

General Description and Location of Waste Disposal System:

Description: The Spur Wastewater Treatment Facility will consist of an activated sludge process plant using the complete mix mode. Treatment units in the Interim phase include screening, two aeration basins, two final clarifiers, two sludge digesters, and a chlorine contact chamber. Treatment units in the Final phase include screening, three aeration basins, three final clarifiers, three sludge digesters, and a chlorine contact chamber. The permittee is authorized to dispose of treated domestic wastewater at a daily average not to exceed 0.02825 million gallons per day (MGD) via surface irrigation of 8.25 acres of public access land in the Interim phase, and a daily average flow not to exceed 0.0565 MGD via surface irrigation of 16.5 acres of public access land in the Final phase. The facility includes a storage pond with a total surface area of 0.90 acres and total capacity of 22.69 acre-feet for storage of treated effluent prior to irrigation. Application rates to the irrigated land shall not exceed 3.84 acre-feet per year per acre irrigated. The irrigated crops include Bermuda grass (warm season) and cereal rye (cool season).

Location: The wastewater treatment facility and disposal site are located approximately 0.31 miles southwest of the intersection of Shell Spur and Shell Road, in Williamson County, Texas 78628. See Attachment A.

Drainage Area: The wastewater treatment facility and disposal site are located in the drainage basin of Berry Creek in Segment No. 1248 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, **five years from the date of issuance.**

ISSUED DATE:

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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 - Interim phase: 0.02825 MGD from the treatment system  
Final Phase 0.0565 MGD from the treatment system

Quality: The following effluent limitations are required:

<u>Parameter</u>	<u>Effluent Concentrations</u>			
	<u>(Not to Exceed)</u>			
	<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 Demand (5-day)	20	30	45	65
Total Suspended Solids	20	30	45	65

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

The effluent shall be chlorinated in a chlorine contact chamber to a residual of 1.0 mg/l with a minimum detention time of 20 minutes. If the effluent is to be transferred to a holding pond or tank, re-chlorination prior to the effluent being delivered into the irrigation system will be required. A trace 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/month	Grab
Total Suspended Solids	One/month	Grab
pH	One/month	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 30<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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 D \* facility must be operated by a chief operator or an operator holding a Class D \* 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.

\*A Class D Wastewater Treatment Operator license is not renewable for operators of a facility listed in 30 TAC Section 30.342(c) and must be upgraded to a Class C Wastewater Treatment Operator license or higher prior to the expiration date of the Class D license.

3. The permittee shall maintain and operate the treatment facility in order to achieve optimum efficiency of treatment capability. This shall include required monitoring of effluent flow and quality as well as appropriate grounds and building maintenance.
4. The permittee shall comply with the requirements of 30 TAC § 309.13(a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC § 309.13(e).
5. Prior to construction of the wastewater treatment facilities for each phase, 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.

6. 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.
7. The permittee shall notify the TCEQ Regional Office (MC Region 11) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five (45) days prior to the completion of the new facilities on Notification of Completion Form 20007.
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 include Bermuda Grass (warm season) and cereal rye (cool season). Application rates to the irrigated land shall not exceed a rate of 3.84 acre-feet per year per acre. The permittee is responsible for providing equipment to determine application rates and maintaining accurate records of the volume of effluent applied. Their records shall be made available for review by the Texas Commission on Environmental Quality and shall be maintained for at least three years.
10. The permittee shall use cultural practices to promote and maintain the health and propagation of the Bermuda grass and cereal rye 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.
11. For any area where treated effluent is stored or where there exist hose bibs or faucets, the permittee shall erect adequate signs stating that the irrigation water is from a non-potable water supply. 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.
12. 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. To promote effluent and nutrient uptake by the crop, and to prevent pathways for effluent surfacing, Bermuda grass and cereal rye shall be established and well maintained in the irrigation area throughout the year. Tailwater control facilities shall be provided as necessary to prevent the discharge of any effluent from the irrigated land.
13. Effluent shall not be applied for irrigation during rainfall events or when the ground is frozen or saturated.
14. The permittee shall construct and maintain earthen berms to prevent runoff from leaving the irrigation site.

15. The physical condition of the land application fields shall be monitored on a weekly basis. Any area with problems such as surface runoff, surficial erosion, or stressed or damaged vegetation, etc., shall be recorded in a field log kept onsite. Corrective measures will be implemented within 24 hours of discovery.
16. Spray fixtures for the irrigation system shall be of such design that they cannot be operated by unauthorized personnel.
17. The permittee shall remove large (greater than 12-inch) stones and flagstones from the irrigation area. Any large stones brought to the surface during any trenching for the irrigation system, construction, maintenance activities, and/or any disturbing of the soil shall be removed.
18. 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.
19. The permittee shall obtain representative soil samples from the root zones of the land application area. Composite sampling techniques shall be used. Each composite sample shall represent no more than 16.5 acres with no less than 12 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 annually according to the following table:

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

	Ammonium Nitrogen. Procedures that use Mercury (Hg) are not acceptable.		
Total Nitrogen	= TKN plus Nitrate-nitrogen		mg/kg (dry weight basis)
Plant-available: Phosphorus	Mehlich III with inductively coupled plasma	1 (P)	mg/kg (dry weight basis)
Plant-available: Potassium (K)	May be determined in the same Mehlich III extract with inductively coupled plasma	5 (K)	mg/kg (dry weight basis)
Amendment addition, e.g., gypsum			Report in short tons/acre in the year effected

A copy of this soil testing plan shall be provided to the analytical laboratory prior to sample analysis. The permittee shall submit the results of the annual soil sample analyses with copies of the laboratory reports and a map depicting the areas that have received wastewater within the permanent land application fields to the TCEQ Regional Office (MC Region 11), the Water Quality Assessment Team (MC 150), and the Compliance Monitoring Team (MC 224) of the Enforcement Division, no later than the end of September of each sampling year. If wastewater is not applied in a particular year, the permittee shall notify the same TCEQ offices and indicate that wastewater has not been applied on the approved land irrigation site(s) during that year.

20. The facility overlies the Edwards Aquifer Recharge Zone, as mapped by the TCEQ, and is therefore subject to 30 TAC 213 Subchapter A requirements.
21. The permittee shall submit a copy of the Water Pollution Abatement Plan (WPAP) approval letter from the TCEQ Edwards Aquifer Protection Program within 30 days of the date of the letter to the Water Quality Assessment Team (MC-150). The Executive Director may request a copy of the Geologic Assessment submitted with the WPAP from the permittee.
22. 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.
23. A wastewater treatment plant unit may not be located in wetlands per 30 TAC §309.13(b).
24. The permittee shall comply with buffer zone requirements of 30 TAC §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.
25. The permittee shall comply with the buffer zone requirements of 30 TAC §309.13(c), specifically regarding water wells and waters in the state. The permittee must locate the wastewater irrigation fields a minimum horizontal distance of 500 feet from public water wells, springs, or other similar sources of public drinking water; 150 feet from private water wells; and 100 feet from surface waters in the state.
26. 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 will 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 submitted to the TCEQ Water Quality Assessment Team (MC-150) and the TCEQ Regional Office (MC-Region 11).
27. 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) 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.
28. In accordance with 30 TAC §213.5(f)(2), after excavation of a wastewater pond, and prior to initiating lining the pond, a Texas-licensed Professional Geoscientist shall survey the excavation to report the presence or absence of any sensitive feature. The geoscientist shall submit a certification of the findings to the TCEQ Water Quality Assessment Team (MC-150) and TCEQ Regional Office (MC-Region 11). If recharge features are present, permittee shall suspend lining the pond until the certification is reviewed by the executive director. The executive director may require a plan submitted by a Texas-licensed Professional Engineer that will prevent impacts to groundwater from these features.
29. 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.

30. 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) 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.
31. 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.
32. 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).
33. 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.
34. 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





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