CAROLYN AHRENS
ATTORNEY AT LAW

July 22, 2024

Electronic Submittal to WRPT@tceq.texas.gov / Copy to Humberto.Galvan@tceq.texas.gov

ATTN: Mr. Humberto Galvan
Water Rights Permitting & Availability, MC 160
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

Re: City of Denton / Water Rights Application No. 08-2348 C (Bed & Banks Reuse Including from Lake Lewisville)

Dear Mr. Galvan:

With this letter, the City of Denton submits its application to amend Certificate of Adjudication No. 08-2348, as previously amended, associated with bed and banks conveyance, diversion, and use of return flows discharged from the City's uprated Pecan Creek Water Reclamation Facility.

The City's application with original, authorized signature, and the City's check for filing and recording fees, are being delivered to the TCEQ directly from the City. Denton understands that it will be notified regarding any additional fees owed to the agency.

Thank you again for guidance by the Executive Director's staff during preparation of the application. As always, we appreciate your assistance. Please let us know if any additional information would facilitate acceptance of the application for filing and technical review.

Sincerely,

Carolyn Ahrens

Carolyn Ahrens
[redacted]
512.472.3263 (office)
[redacted]

5701 West Slaughter Lane, Suite A130
Austin, Texas 78749
512.472.3263 (Office Phone)
[redacted]

Solo Practitioner and Of Counsel
To Booth & Associates, P.C.
www.BoothAhrens.com

Cc via email:

Dr. Kathy Alexander, TCEQ
Ms. Brooke McGregor, TCEQ
Mr. Stephen Gay, Director of Utilities, City of Denton
Mr. Kyle Pedigo, Water Utilities Planning and Engineering Division Mgr, City of Denton
Ms. Haley Salazar, Water Resources Administrator, City of Denton
Ms. Susan Keller, Deputy City Attorney, City of Denton
Mr. Chris Mullins, Deputy City Attorney, City of Denton
Mr. Jason Afinowicz, Freese and Nichols, Inc.

CITY OF DENTON

WATER RIGHTS APPLICATION NO. 08-2348C

BED & BANKS REUSE AUTHORIZATION PRIOR TO COMMENCING DISCHARGE

ASSOCIATED WITH

INCREASE IN AUTHORIZED DISCHARGE FROM

CITY OF DENTON'S PECAN CREEK WATER RECLAMATION FACILITY

SUBMITTED TO TCEQ ON JULY 22, 2024

CITY OF DENTON
WATER RIGHTS APPLICATION NO. 08-2348C
BED & BANKS REUSE AUTHORIZATION PRIOR TO COMMENCING DISCHARGE

SUMMARY OF REQUEST

Overview of Application.

By this application, City of Denton ("Denton") requests authority to convey, divert, and use return flows commensurate with newly increased discharge authority at Denton's Pecan Creek Water Reclamation Facility (TPDES Permit No. WQ0010027003, as amended), prior to commencing such discharges. Denton seeks authority to convey the discharged water to and in Lake Lewisville, and to divert and use the water discharged, to the fullest extent allowed under applicable law without reduction or condition except as specifically accepted in this application. This application does not request authority to store the discharged water in Lake Lewisville prior to diversion.

Lake Lewisville Background and Water Sources.

Certificate of Adjudication No. 08-2348 authorizes Denton to store 68,424 acre-feet of water in Lake Lewisville, on the Elm Fork Trinity River, tributary of the Trinity River, Trinity River Basin in Denton County and to divert and use not to exceed 58,424 acre-feet of such water per year. Bed and banks reuse of then-authorized return flow discharged from Denton's Pecan Creek Water Reclamation Facility is addressed in "Amendment A" to the certificate, issued in 2019. The Texas Commission on Environmental Quality ("TCEQ") granted "Amendment B" to CA 08-2348 by signature of its Executive Director on November 8, 2023.

Certificate of Adjudication No. 08-2335, as amended, includes Denton's authorization to use the bed and banks of the Elm Fork Trinity River to transport water from Denton's Lake Ray Roberts water supply downstream to Lake Lewisville for diversion.

Lakes Lewisville and Ray Roberts are owned by the federal government and operated by the United States Army Corps of Engineers.

At the time this application is submitted, Denton's Certificates of Adjudication Nos. 08-2348, as amended, and 08-2335, as amended, are the primary sources of water for both existing and new discharges from Denton's Pecan Creek Water Reclamation Facility. Denton also owns discharges from its Pecan Creek facility that are sourced from wholesale wastewater treatment contracts.

Denton may add groundwater, other private water, or surface water transferred interbasin to its supply portfolio in the future and therefore requests authority under this application to convey, divert, and use return flows from any source of supply legally available. It is the intent of this request, in part, to preclude any other rights being granted in such return flows within the meaning of Texas Water Code 11.042. Denton will, if required, accept special conditions providing that when such sources of water are added to the city's supply portfolio the city will provide, to the Executive Director, documentation identifying such sources.

Denton's Existing Bed & Banks Authority.

Amendment A to Certificate of Adjudication No. 08-2348 authorizes Denton to use the bed and banks of Clear Creek, Pecan Creek, Elm Fork Trinity River, and Lake Lewisville to convey 14,352 acre-feet of surface water-based return flows per year, discharged pursuant to Texas Pollutant Discharge Elimination System (TPDES) Permit Nos. WQ0014416001 and WQ0010027003 of which up to 13,497 acre-feet may be diverted and reused.

When Amendment A was granted and as stated there, TPDES Permit No. WQ0014416001 (associated with Denton's water reclamation facilities on Clear Creek) authorized an annual average discharge of 0.95 million gallons per day (MGD) and TPDES Permit No. WQ0010027003 (associated with Denton's water reclamation facilities on Pecan Creek) authorized an annual average discharge of 21.0 MGD. The authorized discharge volume under the two permits, together, was calculated as approximately 24,604.9 acre-feet per year, of which approximately 23,540 acre-feet per year represented the then-existing authorization for discharge from Denton's Pecan Creek facility.

Increase in Denton's Discharge Authority.

TCEQ granted Denton's application to increase discharge authority under TPDES Permit No. WQ0010027003 (Pecan Creek) on July 21, 2023. The new TPDES authority permits the discharge of an additional annual average 9 MGD from Denton's Pecan Creek Water Reclamation Facility for total annual average discharge there of 30 MGD. Denton anticipates that construction to implement its additional discharge authority will commence in Fall 2024.

Request for Authority as to New Discharges.

Denton requests authority to convey, divert, and use the newly authorized discharges to the fullest extent allowed under applicable law without reduction or condition except as specifically accepted in this application, including, without limitation, the following:

AUTHORIZATION	REQUEST
USE	In addition to its current authority, Denton requests authority to use the bed and banks of Pecan Creek, Elm Fork Trinity River, and Lewisville Reservoir, Trinity River Basin, to convey up to 10,108.915 acre-feet per year of water discharged under new authority of TPDES Permit No. WQ0010027003, and to divert and use such discharges in that amount adjusted only as necessary to account for conveyance losses.

AUTHORIZATION	REQUEST
USE, cont'd	Denton identifies conveyance losses of 0.3 % per mile within the requested diversion reach (identified as Reach 1) from the point of discharge to the confluence of Pecan Creek with the perimeter of Lewisville Reservoir. The distance from point of discharge to reservoir perimeter is measured as 3.175 miles, which is a correction to the stream length as was measured for accounting diversions pursuant to Amendment A. Calculated correctly, the total conveyance loss from point of discharge to the perimeter of Lake Lewisville is 0.945%. For use from Lake Lewisville (identified as Reach 2), discharges will be conveyed and diverted without storage, implemented by accounting diversion within 24 hours of discharge. Because water is diverted from Lewisville Reservoir the same day it is conveyed to and within the Lake, pursuant to Amendment A and pursuant to the amendment sought by this application, there is no increased evaporation or other transportation loss associated with conveyance in the reservoir. Corrected conveyance losses will be applied for all diversions of Denton's discharged return flow reflected in updates to Denton's Reuse Accounting Plan, including diversions from Lake Lewisville. Discharges will be diverted and used for municipal, domestic, industrial, recreation, and agricultural purposes within Denton's service area, and the service areas of Denton's wholesale customers within the Trinity River Basin. Discharges may be diverted to aquifer storage and recovery prior to application to such purposes of use.
DISCHARGE	Applicant will discharge new return flows authorized by TPDES Permit No. WQ0010027003, as amended, at the following location(s) in Denton County currently reflected in Amendment A to CA 08-2348: at a point on Pecan Creek, tributary of Elm Fork Trinity River, being at Latitude 33.19624°N and Longitude 97.072033°W. Amendment of TPDES Permit WQ0010027003 increased the average two-hour peak authorized discharge from 31,944 gallons per minute (gpm) to 47,916 gpm. The maximum rate of discharge authorized by TPDES Permit No. WQ0010027003, as amended, then, is 106.76 cubic feet per second (cfs) calculated from 47,916 gpm.
DIVERSION	Applicant seeks authority to divert discharges pursuant to this application: (1) within a reach between the point of discharge and the perimeter of Lake Lewisville (Reach 1); and (2) within a reach (Reach 2) anywhere in and along the perimeter of Lake Lewisville identified by a point on the centerline of the dam located at Latitude 33.069344 N, Longitude 96.964539 W in Denton County.

AUTHORIZATION	REQUEST
DIVERSION, cont'd	Commensurate with new discharge authority, Denton requests the following maximum diversion rates be applied to all diversions pursuant to the authority requested in this application: (1) in Reach 1, 36 cfs (16,157 gpm); and (2) in Reach 2, in and along the perimeter of Lake Lewisville, 36 cfs (16,157 gpm), (not included in currently authorized maximum diversion under Certificate of Adjudication 08-2438B of 200 cfs).
PRIORITY / SUPERIORITY	The agency's water availability analysis will confirm that no existing water rights are granted based on the use or availability of Denton's newly authorized discharges. No special conditions to address the impact of conveyance, diversion, and use of newly authorized discharge on existing water rights, instream uses, and freshwater inflows to bays and estuaries are contemplated in this application, other than as necessary to accommodate conveyance losses. Modifications to Denton's Accounting Plan during the technical review process will address the allocation of actual discharges between the original TPDES authorization and the revised authorization, as well as diversions.
CONSERVATION	Denton accepts extension, to the authorizations requested in this application, of the provisions of Amendment B, Section 3. CONSERVATION. Also, consistent with Amendment B, Special Conditions Section 4.A. & 4.B., Denton specifies that: Ninety days prior to diverting raw water for first application to an agricultural purpose of use under contract to a retail customer, Denton either will amend its water conservation plan relevant to such purpose of use or require, by contract, that the customer for an agricultural purpose of use develop and submit a water conservation plan that complies with the TCEQ's rules; and Ninety days prior to diverting raw water for first application to an industrial purpose of use under contract to a retail customer, Denton either will amend its water conservation plan relevant to such purpose of use or require, by contract, that the customer for an industrial purpose of use develop and submit a water conservation plan that complies with the TCEQ's rules.

AUTHORIZATION	REQUEST
AVAILABILITY OF DISCHARGES AS CONDITION	Denton acknowledges that diversions authorized by this amendment are dependent upon potentially interruptible return flows or discharges and will be conditioned on the availability of those discharges for diversion. Denton further acknowledges that the right to divert and use discharged return flows is subject to revocation if all discharges become permanently unavailable for diversion and that use may be subject to reduction if the return flows are not available in quantities and qualities sufficient to fully satisfy the amendment. Should some or all discharges become permanently unavailable for diversion and use, Denton will either apply to amend the Certificate, or voluntarily forfeit the amendment, to the extent of the permanent reduction. If Denton does not amend or forfeit the Certificate, the Commission may begin proceedings to cancel this amendment to the extent of the permanent reduction.
ACCOUNTING PLAN	Amendment A to CA 08-2348, Special Condition 6.B., requires Denton to maintain a "Reuse Accounting Plan." Denton will reflect the authorization requested by this application in an update to the plan during technical review. Denton will only divert and use return flows pursuant to the new authority requested in this application in accordance with the most recently approved Reuse Accounting Plan. Denton will maintain the approved plan in electronic format and make it available upon request to the Executive Director. Denton will immediately notify the Executive Director of modifications to the accounting plan and provide copies of the appropriate documents effectuating such changes. Denton acknowledges that any modifications to the accounting plan must be approved by the Executive Director and that any modification to the accounting plan that changes the certificate terms must be in the form of an amendment to the certificate. If Denton fails to maintain the accounting plan or notify the Executive Director of any modifications to the plan, Denton will either or all immediately cease diversion of discharged return flows in any manner that is not consistent with the most recently approved accounting plan, obtain the Executive Directors approval of accounting plan modifications, and apply to amend the certificate if necessary; or voluntarily forfeit the amendment requested in this application. Denton acknowledges that if it fails to comply with accounting plan conditions in the amendment requested, the Commission may begin proceedings to cancel the amendment to the extent of noncompliance.

AUTHORIZATION	REQUEST
OTHER SPECIAL CONDITIONS IN AMENDMENT B	Denton does not object to extending, to the authority requested in this application, the following Special Conditions specified in Amendment B: Section 4.C. (impingement and entrainment); Section 4.D. (measuring devices and records); and Section 4.E. (access to property).

While Denton requests changes that represent the maximum impact of the requested authorization for purposes of the Executive Director's review and public notice, Denton anticipates engaging actively with the TCEQ Executive Director and in regional outreach regarding the application while it is pending.

Additional Information Regarding Application.

In addition to this Summary of Request, Denton's application includes the following documents.

1. Administrative Information Checklist (Application)
2. Evidence of City of Denton Authorizing Signature
3. Technical Information Report
4. Mapping
5. TPDES Permit WQ0010027003
6. City of Denton Water Conservation and Drought Contingency Plan with Utility Profile (Appendix C); City Ordinance 24-640, Adopting Plan (Appendix D); and Coordination with Regional Planning Group (Appendix E) (2024)
7. Public Involvement Plan Form

Payment of filing and recording fees as calculated in Worksheet 8.0 is submitted concurrently with a physical copy of this application. Denton understands that the Executive Director will calculate the amount of any additional notice fees required.

Right to Supplement is Reserved.

This Summary of Request is a substantive component of Denton's application. To the extent of any conflict between this Summary and any other part of Denton's application, this Summary controls. Denton reserves the right to supplement the application, including with information that may be requested by the Executive Director during administrative or technical review.

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ WATER RIGHTS PERMITTING APPLICATION

ADMINISTRATIVE INFORMATION CHECKLIST

Complete and submit this checklist for each application. See Instructions Page 5.

APPLICANT(S): CITY OF DENTON, TEXAS

Indicate whether the following items are included in your application by writing either Y (for yes) or N (for no) next to each item (all items are not required for every application).

Y/N		Y/N	
Y	**Administrative Information Report**	Y	**Worksheet 3.0**
N	Additional Co-Applicant Information	N	Additional W.S. 3.0 for each Point
N	Additional Co-Applicant Signature Pages	N	Recorded Deeds for Diversion Points
Y	Written Evidence of Signature Authority	N	Consent for Diversion Access
Y	**Technical Information Report**	Y	**Worksheet 4.0**
Y	USGS Map (or equivalent)	Y	TPDES Permit(s)
Y	Map Showing Project Details	N	WWTP Discharge Data
N	Original Photographs	N	Groundwater Well Permit
N	Water Availability Analysis	N	Signed Water Supply Contract
Y	**Worksheet 1.0**	N	**Worksheet 4.1**
N	Recorded Deeds for Irrigated Land	Y	**Worksheet 5.0**
N	Consent for Irrigated Land	N	Addendum to Worksheet 5.0
N	**Worksheet 1.1**	Y	**Worksheet 6.0**
N	Addendum to Worksheet 1.1	Y	Water Conservation Plan(s)
N	**Worksheet 1.2**	Y	Drought Contingency Plan(s)
N	**Worksheet 2.0**	Y	Documentation of Adoption
N	Additional W.S. 2.0 for Each Reservoir	Y	**Worksheet 7.0**
N	Dam Safety Documents	N	Accounting Plan
N	Notice(s) to Governing Bodies	Y	**Worksheet 8.0**
N	Recorded Deeds for Inundated Land	Y	Fees
N	Consent for Inundated Land	Y	Public Involvement Plan

ADMINISTRATIVE INFORMATION REPORT

The following information **is required** for **all** new applications and amendments.

****Applicants are REQUIRED to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at* (512) 239-4600.**

1. TYPE OF APPLICATION (Instructions, Page. 6)

Indicate, by marking X, next to the following authorizations you are seeking.

_____New Appropriation of State Water

_____Amendment to a Water Right *

__X__Bed and Banks

If you are seeking an amendment to an existing water rights authorization, you must be the owner of record of the authorization. If the name of the Applicant in Section 2 does not match the name of the current owner(s) of record for the permit or certificate or if any of the co-owners is not included as an applicant in this amendment request, your application could be returned. If you or a co-applicant are a new owner, but ownership is not reflected in the records of the TCEQ, submit a change of ownership request (Form TCEQ-10204) prior to submitting the application for an amendment. See Instructions page. 6. Please note that an amendment application may be returned, and the Applicant may resubmit once the change of ownership is complete.

Please summarize the authorizations or amendments you are seeking in the space below or attach a narrative description entitled "Summary of Request."

PLEASE SEE INCLUDED SUMMARY OF REQUEST

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

Indicate the number of Applicants/Co-Applicants 1
(Include a copy of this section for each Co-Applicant, if any)

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

CITY OF DENTON, TEXAS

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

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

CN : CN600358980 (leave blank if you do not yet have a CN).

What is the name and title of the person or persons signing the application? Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in *30 TAC § 295.14*.

First/Last Name: STEPHEN D. GAY

Title: DIRECTOR OF WATER UTILITIES

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? **Y/N** YES

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at https://tools.usps.com/go/ZipLookupAction!input.action.

Name: STEPHEN D. GAY, DIRECTOR OF WATER UTILITIES

Mailing Address: 901-A TEXAS STREET

City: DENTON State: TEXAS ZIP Code: 76209

Indicate an X next to the type of Applicant:

___Individual	___Sole Proprietorship-D.B.A.
___Partnership	___Corporation
___Trust	___Estate
___Federal Government	___State Government
___County Government	_X_City Government
___Other Government	___Other_____

For Corporations or Limited Partnerships, provide:
State Franchise Tax ID Number: _____SOS Charter (filing) Number: _____

3. APPLICATION CONTACT INFORMATION (Instructions, Page. 9)

If the TCEQ needs additional information during the review of the application, who should be contacted? Applicant may submit their own contact information if Applicant wishes to be the point of contact.

First and Last Name: CAROLYN AHRENS

Title: OUTSIDE LEGAL COUNSEL

Organization Name:

Mailing Address: 5701 W. SLAUGHTER, A130-404

City: AUSTIN State: TEXAS ZIP Code: 786735

Phone Number: [redacted] (512) 472-3263 (OFFICE)

Fax Number:

E-mail Address: [redacted]

4. WATER RIGHT CONSOLIDATED CONTACT INFORMATION (Instructions, Page. 9)

This section applies only if there are multiple Owners of the same authorization. Unless otherwise requested, Co-Owners will each receive future correspondence from the Commission regarding this water right (after a permit has been issued), such as notices and water use reports. Multiple copies will be sent to the same address if Co-Owners share the same address. Complete this section if there will be multiple owners and **all** owners agree to let one owner receive correspondence from the Commission. Leave this section blank if you would like all future notices to be sent to the address of each of the applicants listed in section 2 above.

I/We authorize all future notices be received on my/our behalf at the following:

First and Last Name: _____

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.

1. Does Applicant or Co-Applicant owe any fees to the TCEQ? **Yes / No** NO

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

   Account number: _____ Amount past due: _____

2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? **Yes / No** NO

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

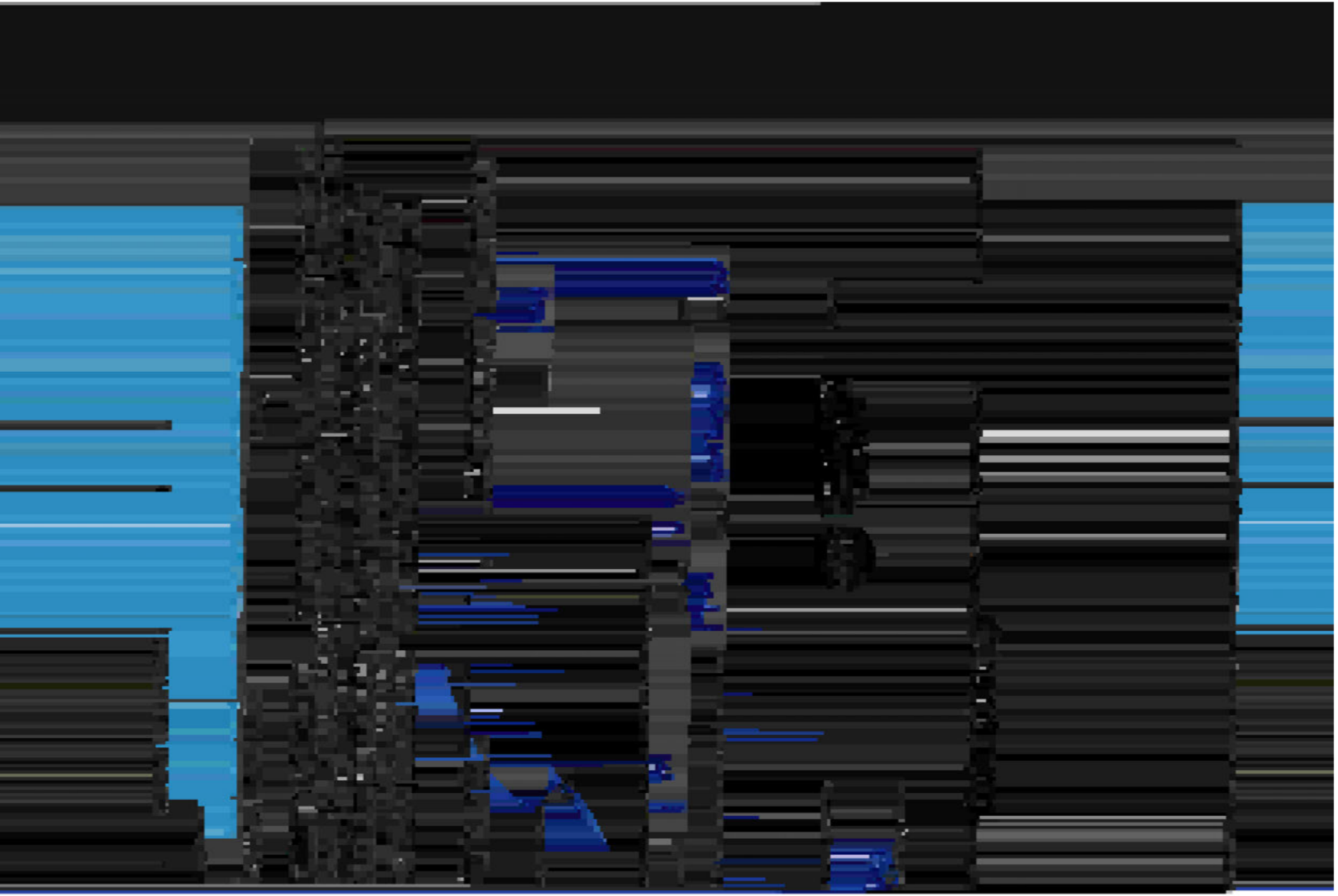
   Enforcement order number: _____ Amount past due: _____

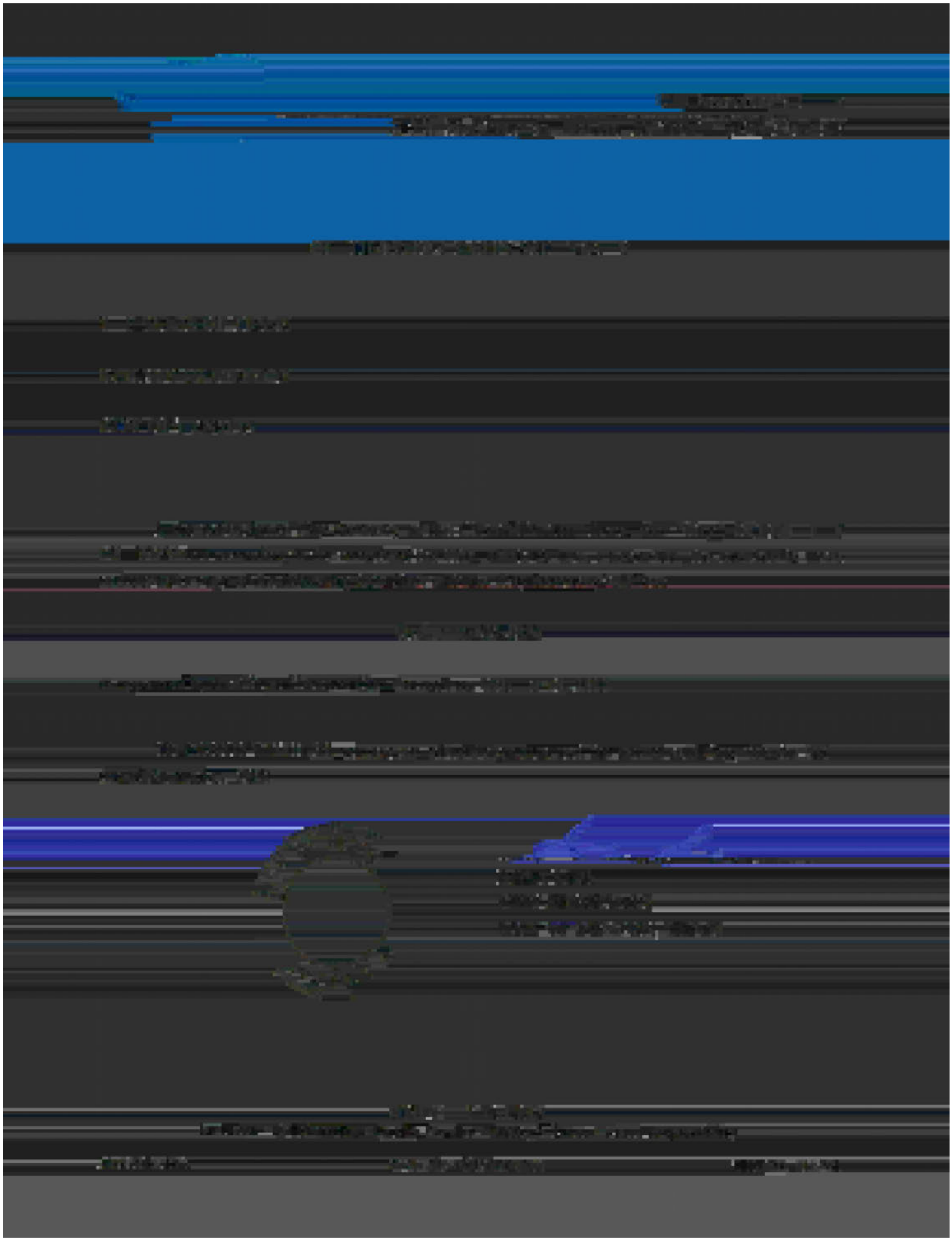
b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at https://mycpa.cpa.state.tx.us/coa/

   Is the Applicant or Co-Applicant in good standing with the Comptroller? **Yes / No** _____

c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use – if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5). Applicants should check survey status on the TWDB website prior to filing: https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus_PriorThreeYears

   Applicant has submitted all required TWDB surveys of groundwater and surface water? **Yes / No** YES





ORDINANCE NO. 22-1994

AN ORDINANCE OF THE CITY OF DENTON, A TEXAS HOME-RULE MUNICIPAL CORPORATION, AUTHORIZING THE FILING OF APPLICATIONS WITH TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ("TCEQ") BY THE CITY MANAGER, OR THEIR DESIGNEE, FOR AND PURSUING GENERAL AMENDMENT OF WATER RIGHTS AUTHORIZATIONS, PURSUANT TO CHAPTER 11 OF THE TEXAS WATER CODE, IN LAKE LEWISVILLE AND LAKE RAY ROBERTS, AND ADDITIONAL BED AND BANKS CONVEYANCE, DIVERSION AND USE AUTHORITY RELATED TO DISCHARGED WATER FROM DENTON'S MUNICIPAL WASTEWATER TREATMENT FACILITIES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Denton, Texas (Denton) owns water rights authorizing storage, conveyance, diversion, and use of water in Lake Lewisville, as evidenced by Certificate of Adjudication No. 08-2348, as amended; and

WHEREAS, Amendment A to Certificate of Adjudication No. 08-2348 granted Denton water rights authority to use the bed and banks of named state watercourses including Lake Lewisville to convey, divert, and reuse surface-water based return flows discharged from Denton's municipal wastewater treatment facilities under two water quality permits issued by the Texas Commission on Environmental Quality (TCEQ); and

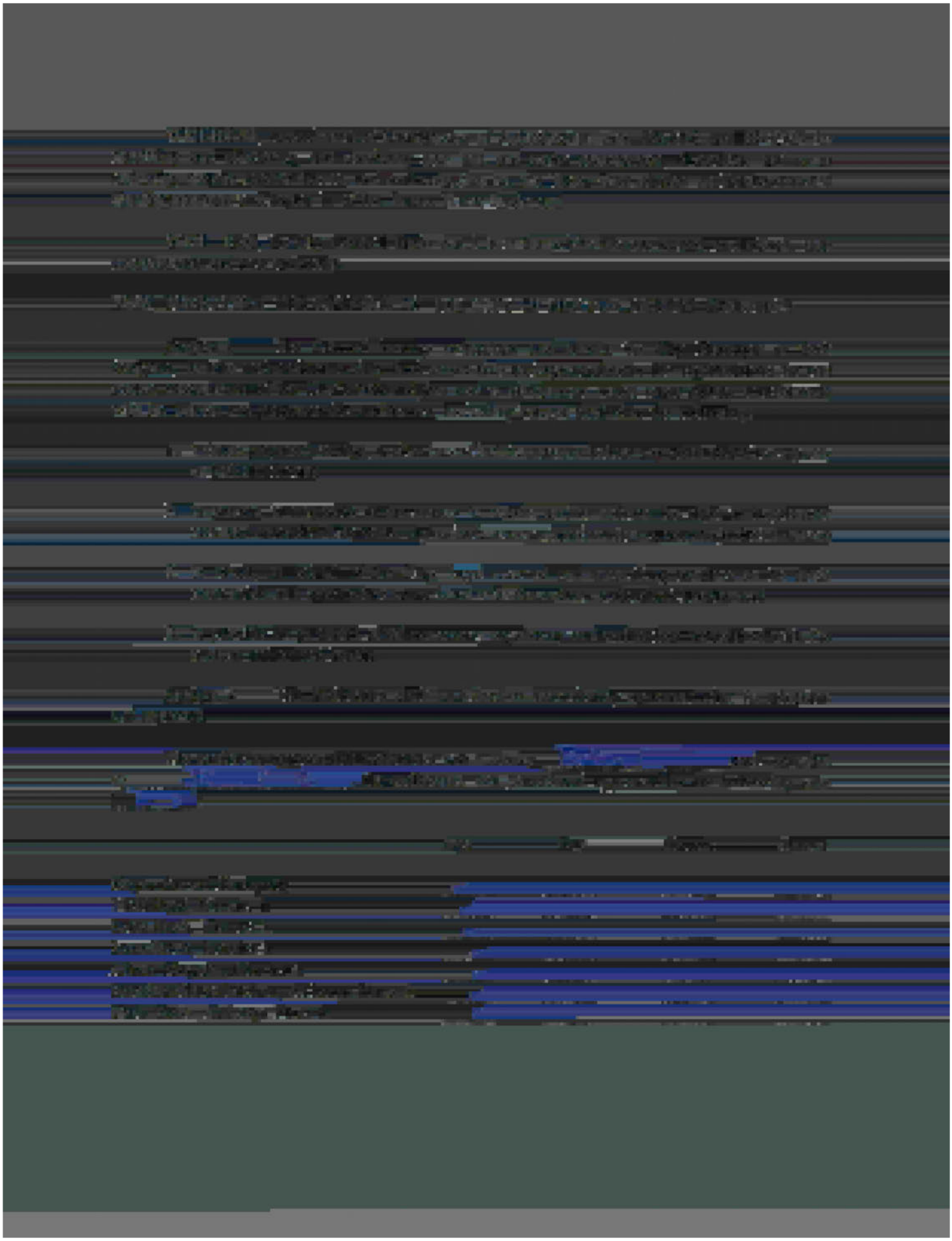
WHEREAS, Denton owns water rights authorizing storage, diversion, and use of water in Lake Ray Roberts, as evidenced by Certificate of Adjudication No. 08-2335, as amended; and

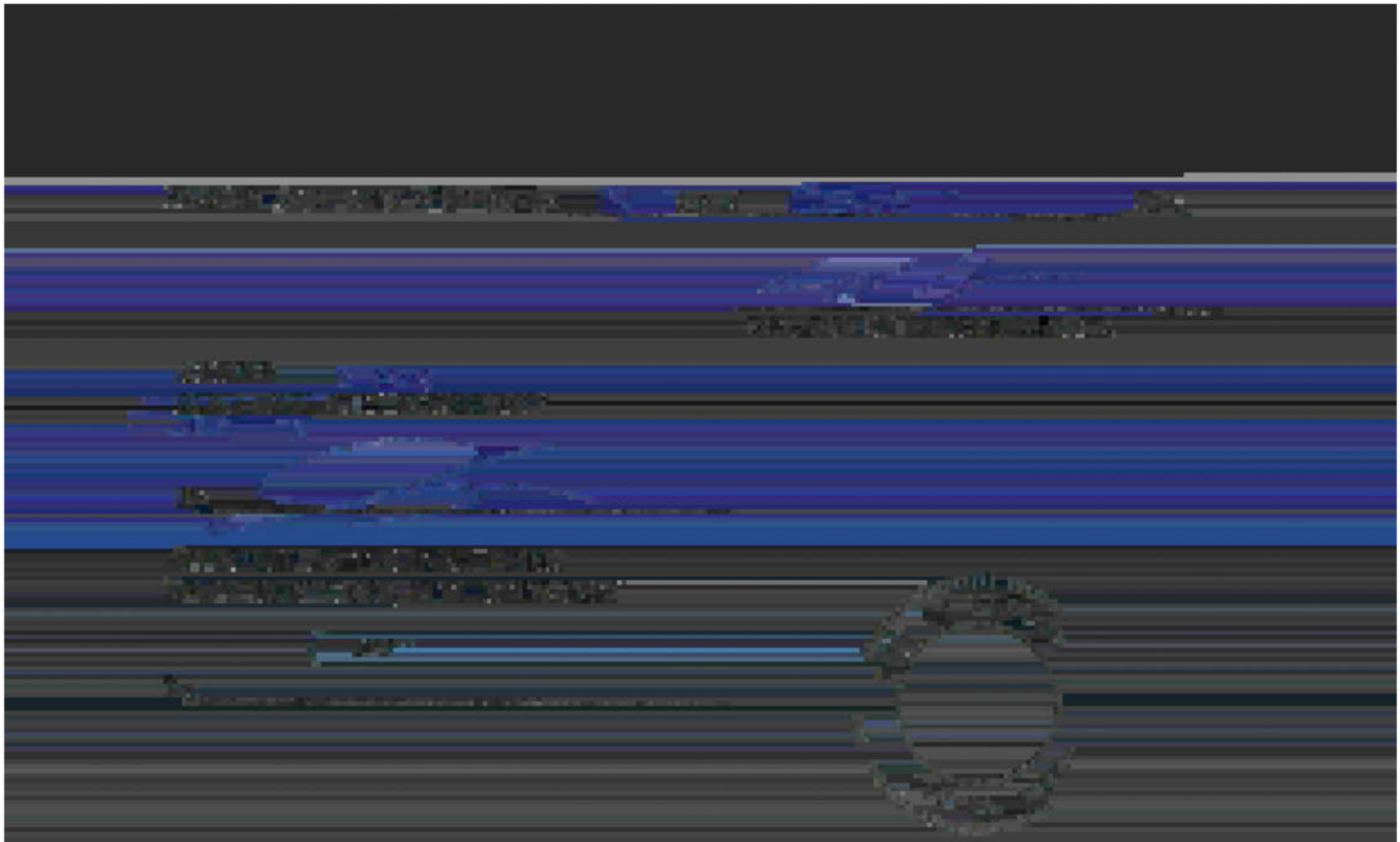
WHEREAS, Denton uses the authorizations in Certificate of Adjudication Nos. 08-2348, as amended, and 08-2335, as amended, for providing water supply to its retail and wholesale customers; and

WHEREAS, Denton has an opportunity to enhance the city's flexibility and efficiency in meeting the needs of its retail and wholesale customers for water through amendments to the provisions of Certificate of Adjudication Nos. 08-2348 and 08-2335 that do not require increasing the city's maximum authorized annual water use; and

WHEREAS, Denton also has an opportunity to further supplement and diversify its water supply assets through additional water rights permitting of bed and banks water conveyance, diversion, and reuse based on new and increased water quality authorizations for discharge from its municipal wastewater treatment facilities; and

WHEREAS, special conditions included in Denton's existing bed and banks reuse authority in Amendment A to Certificate of Adjudication No. 08-2348 requires such additional water rights permitting prior to diversion of new and increased discharge amounts; and





CITY OF DENTON

City Manager's Office
215 E. McKinney St., Denton, TX 76201 • (940) 349-8307

November 1, 2022

Rosa Rios, City Secretary
City of Denton
215 E. McKinney Street
Denton, Texas 76201

Re-designation of Signature Authority for Water Rights Authorizations

Dear Ms. Rios:

I am providing this letter as my official delegation of signature authorization for Water Utilities to take such actions as they find reasonable and appropriate to file applications for and pursue amendments of the City's water rights and to obtain new water reuse rights, consistent with the intents and purposes of this ordinance.

Pursuant to the authority granted to me as the City Manager under Ordinance 22-1994, adopted by City Council on October 18, 2022, I delegate to the City Official serving in the Director of Water Utilities capacity for the City of Denton the authority to fulfil the responsibilities of the City included but not limited to the following:

- to have prepared, to sign, and to have filed documents before any administrative agency or judicial forum;
- to pursue, to negotiate as necessary to obtain, and to enforce the right to implement new and amended City water rights before any administrative agency or judicial forum;
- to retain, on behalf of the City, legal counsel, and consulting services as he finds reasonable and appropriate associated with the actions authorized herein; and
- to provide for payment of all necessary regulatory and notice fees associated with the actions authorized herein.
- Certifying all other requirements of Ordinance 22-1994 are met with respect to all requisitions.

Please retain this letter on file for validation of any actions taken by the City Official serving in the Director of Water Utilities capacity for the City of Denton.

Sincerely,

DocuSigned by:
Sara Hensley
5236DB296270423...

Sara Hensley
City Manager

TECHNICAL INFORMATION REPORT
WATER RIGHTS PERMITTING

This Report is required for applications for new or amended water rights. Based on the Applicant's responses below, Applicants are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

Applicants are REQUIRED to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please contact the Water Availability Division at (512) 239-4600 or WRPT@tceq.texas.gov to schedule a meeting.

Date of pre-application meeting: November 17, 2023 and March 27, 2024

1. New or Additional Appropriations of State Water. Texas Water Code (TWC) § 11.121 (Instructions, Page. 12)

State Water is: *The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the state. TWC § 11.021.*

a. Applicant requests a new appropriation (diversion or impoundment) of State Water? **Y / N** No

b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? **Y / N** Yes (If yes, indicate the Certificate or Permit number: 08-2348)

If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381? **Y / N**

c. Applicant requests to extend an existing Term authorization or to make the right permanent? **Y / N** No (If yes, indicate the Term Certificate or Permit number:)

If Applicant answered yes to (a), (b) or (c), the following worksheets and documents are required:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir requested in the application)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point and/or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach requested in the application)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees**
- **Fees calculated on Worksheet 8.0 –** see instructions **Page. 34.**
- **Maps –** See instructions **Page. 15.**
- **Photographs** - See instructions **Page. 30.**

Additionally, if Applicant wishes to submit an alternate source of water for the project/authorization, see Section 3, Page 3 for Bed and Banks Authorizations (Alternate sources may include groundwater, imported water, contract water or other sources).

Additional Documents and Worksheets may be required (see within).

2. Amendments to Water Rights. TWC § 11.122 (Instructions, Page. 12)

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. ***If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. If the application does not contain consent from the current owner to make the requested amendment, TCEQ will not begin processing the amendment application until the Change of Ownership has been completed and will consider the Received Date for the application to be the date the Change of Ownership is completed.*** **See instructions page. 6.**

Water Right (Certificate or Permit) number you are requesting to amend: CA 08-2348, as amended

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? **Y / N** No (if yes, complete chart below):

List of water rights to sever	Combine into this ONE water right

a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? **Y / N** No

If yes, application is a new appropriation for the increased amount, complete ***Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.***

b. Applicant requests to amend existing Term authorization to extend the term or make the water right permanent (remove conditions restricting water right to a term of years)? **Y / N** No

If yes, application is a new appropriation for the entire amount, complete ***Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.***

c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? **Y / N** No
If yes, submit:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 1.2 - Notice: "Marshall Criteria"**

d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? **Y / N** Yes
If yes, submit:

- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
- **Worksheet 5.0 – Environmental Information** (Required for <u>any</u> new diversion points that are not already authorized in a water right)

e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? **Y / N** No

If yes, submit: **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir)

f. Other - Applicant requests to change any provision of an authorization not mentioned above? **Y / N** **Yes*** *If yes, call the Water Availability Division at (512) 239-4600 to discuss.* ***See Summary of Request as discussed in Pre-Application Meetings**

Additionally, all amendments require:

- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

3. Bed and Banks. TWC § 11.042 (Instructions, Page 13)

a. Pursuant to contract, Applicant requests authorization to convey, stored or conserved water to the place of use or diversion point of purchaser(s) using the bed and banks of a watercourse? TWC § 11.042(a). **Y/N** No

If yes, submit a signed copy of the Water Supply Contract pursuant to 30 TAC §§ 295.101 and 297.101. Further, if the underlying Permit or Authorization upon which the Contract is based does not authorize Purchaser's requested Quantity, Purpose or Place of Use, or Purchaser's diversion point(s), then either:

1. *Purchaser must submit the worksheets required under Section 1 above with the Contract Water identified as an alternate source; or*
2. *Seller must amend its underlying water right under Section 2.*

b. Applicant requests to convey water imported into the state from a source located wholly outside the state using the bed and banks of a watercourse? TWC § 11.042(a-1). **Y / N** No

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps and fees from the list below.

c. Applicant requests to convey Applicant's own return flows derived from privately owned groundwater using the bed and banks of a watercourse? TWC § 11.042(b). **Y / N** No

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

d. Applicant requests to convey Applicant's own return flows derived from surface water using the bed and banks of a watercourse? TWC § 11.042(c). **Y / N** Yes

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, Maps, and fees from the list below.

****Please note, if Applicant requests the reuse of return flows belonging to others, the Applicant will need to submit the worksheets and documents under Section 1 above, as the application will be treated as a new appropriation subject to termination upon direct or indirect reuse by the return flow discharger/owner.***

e. Applicant requests to convey water from any other source, other than (a)-(d) above, using the bed and banks of a watercourse? TWC § 11.042(c). **Y / N** Yes, please see Summary of Request

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

Worksheets and information:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)

- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps –** See instructions **Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

4. General Information, Response Required for all Water Right Applications (Instructions, Page 15)

a. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement (*not required for applications to use groundwater-based return flows*). Include citations or page numbers for the State and Regional Water Plans, if applicable. Provide the information in the space below or submit a supplemental sheet entitled "Addendum Regarding the State and Regional Water Plans":

This application addresses Denton's reuse of return flows concurrently with increases in authorized discharge to serve Denton's growing population and service area and is consistent with Region C and State water supply planning. Volume 1, Table 5E.98, of the 2021 Region C Water Plan reflects Denton's increasing projected demands, anticipating municipal demand will double between 2020 and 2050. In addition to discussing general indirect reuse increasing throughout the region, the same table reflects that Denton's ability to meet projected demand must include increasing indirect reuse. See also Region C Water Plan, Section 3.2.3.

b. Did the Applicant perform its own Water Availability Analysis? **Y / N** No

If the Applicant performed its own Water Availability Analysis, provide electronic copies of any modeling files and reports.

c. Does the application include required Maps? **(Instructions Page. 15) Y / N** Yes

WORKSHEET 1.0
Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

Submit the following information regarding quantity, purpose and place of use for requests for new or additional appropriations of State Water or Bed and Banks authorizations:

Quantity (acre-feet) (*Include losses for Bed and Banks*)	**State Water Source (River Basin) or Alternate Source** *each *alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0*	**Purpose(s) of Use**	**Place(s) of Use** **requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer*
10,108.915 ac/yr	**New discharge pursuant to, TPDES No. WQ0010027003 as amended, Pecan Creek, Elm Fork Trinity River, and Lewisville Reservoir, Trinity River Basin**	**municipal, domestic, industrial, recreation, agricultural use**	**Applicant's service area, and the service areas of its wholesale customers, in the Trinity Riv. Basin**

10,108.915 Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

If the Purpose of Use is Agricultural/Irrigation for any amount of water, provide:

a. Location Information Regarding the Lands to be Irrigated **N/A No current customers.**

i) Applicant proposes to irrigate a total of_____acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of_____acres in_____County, TX.

ii) Location of land to be irrigated: In the_____Original Survey No. _____, Abstract No._____.

A copy of the deed(s) or other acceptable instrument describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds.

If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.

Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.

2. Amendments - Purpose or Place of Use (Instructions, Page. 12)

a. Complete this section for each requested amendment changing, adding, or removing Purpose(s) or Place(s) of Use, complete the following:

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**

**If the request is to add additional purpose(s) of use, include the existing and new purposes of use under "Proposed Purpose(s) of Use."*

***If the request is to add additional place(s) of use, include the existing and new places of use under "Proposed Place(s) of Use."*

Changes to the purpose of use in the Rio Grande Basin may require conversion. 30 TAC § 303.43.

b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:

i. Applicant proposes to irrigate a total of_____acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of_____acres in_____ County, TX.

ii. Location of land to be irrigated: In the_____Original Survey No. _____, Abstract No._____.

A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described.

Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.

c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.

d. See Worksheet 1.2, Marshall Criteria, and submit if required.

e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

WORKSHEET 1.1
INTERBASIN TRANSFERS, TWC § 11.085

N/A

Submit this worksheet for an application for a new or amended water right which requests to transfer State Water from its river basin of origin to use in a different river basin. A river basin is defined and designated by the Texas Water Development Board by rule pursuant to TWC § 16.051.

Applicant requests to transfer State Water to another river basin within the State? **Y / N**_____

1. Interbasin Transfer Request (Instructions, Page. 20)

a. Provide the Basin of Origin._____

b. Provide the quantity of water to be transferred (acre-feet)._____

c. Provide the Basin(s) and count(y/ies) where use will occur in the space below:

_____

2. Exemptions (Instructions, Page. 20), TWC § 11.085(v)

Certain interbasin transfers are exempt from further requirements. Answer the following:

a. The proposed transfer, which in combination with any existing transfers, totals less than 3,000 acre-feet of water per annum from the same water right. **Y/N**_

b. The proposed transfer is from a basin to an adjoining coastal basin? **Y/N**___

c. The proposed transfer from the part of the geographic area of a county or municipality, or the part of the retail service area of a retail public utility as defined by Section 13.002, that is within the basin of origin for use in that part of the geographic area of the county or municipality, or that contiguous part of the retail service area of the utility, not within the basin of origin? **Y/N**__

d. The proposed transfer is for water that is imported from a source located wholly outside the boundaries of Texas, except water that is imported from a source located in the United Mexican States? **Y/N**__

3. Interbasin Transfer Requirements (Instructions, Page. 20)

For each Interbasin Transfer request that is not exempt under any of the exemptions listed above Section 2, provide the following information in a supplemental attachment titled "Addendum to Worksheet 1.1, Interbasin Transfer":

a. the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);

b. a statement of each general category of proposed use of the water to be transferred and a detailed description of the proposed uses and users under each category;

c. the cost of diverting, conveying, distributing, and supplying the water to, and treating the water for, the proposed users (example - expert plans and/or reports documents may be provided to show the cost);

d. describe the need for the water in the basin of origin and in the proposed receiving basin based on the period for which the water supply is requested, but not to exceed 50 years (the need can be identified in the most recently approved regional water plans. The state and regional water plans are available for download at this website: (http://www.twdb.texas.gov/waterplanning/swp/index.asp);

e. address the factors identified in the applicable most recently approved regional water plans which address the following:

(i) the availability of feasible and practicable alternative supplies in the receiving basin to the water proposed for transfer;
(ii) the amount and purposes of use in the receiving basin for which water is needed;

(iii) proposed methods and efforts by the receiving basin to avoid waste and implement water conservation and drought contingency measures;

(iv) proposed methods and efforts by the receiving basin to put the water proposed for transfer to beneficial use;

(v) the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer; and

(vi) the projected impacts of the proposed transfer that are reasonably expected to occur on existing water rights, instream uses, water quality, aquatic and riparian habitat, and bays and estuaries that must be assessed under Sections 11.147, 11.150, and 11.152 in each basin *(if applicable*). If the water sought to be transferred is currently authorized to be used under an existing permit, certified filing, or certificate of adjudication, such impacts shall only be considered in relation to that portion of the permit, certified filing, or certificate of adjudication proposed for transfer and shall be based on historical uses of the permit, certified filing, or certificate of adjudication for which amendment is sought;

f. proposed mitigation or compensation, if any, to the basin of origin by the applicant; and

g. the continued need to use the water for the purposes authorized under the existing Permit, Certified Filing, or Certificate of Adjudication, if an amendment to an existing water right is sought.

N/A

WORKSHEET 1.2
NOTICE. "THE MARSHALL CRITERIA"

This worksheet assists the Commission in determining notice required for certain **amendments** that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate.* The worksheet provides information that Applicant **is required** to submit for amendments such as certain amendments to special conditions or changes to off-channel storage. These criteria address whether the proposed amendment will impact other water right holders or the on- stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

*This worksheet is **not required for Applications in the Rio Grande Basin** requesting changes in the purpose of use, rate of diversion, point of diversion, and place of use for water rights held in and transferred within and between the mainstems of the Lower Rio Grande, Middle Rio Grande, and Amistad Reservoir. See 30 TAC § 303.42.*

*This worksheet is **not required for amendments which are only changing or adding diversion points, or request only a bed and banks authorization or an IBT authorization**. However, Applicants may wish to submit the Marshall Criteria to ensure that the administrative record includes information supporting each of these criteria*

1. The "Marshall Criteria" (Instructions, Page. 21)

Submit responses on a supplemental attachment titled "Marshall Criteria" in a manner that conforms to the paragraphs (a) – (g) below:

a. Administrative Requirements and Fees. Confirm whether application meets the administrative requirements for an amendment to a water use permit pursuant to TWC Chapter 11 and Title 30 Texas Administrative Code (TAC) Chapters 281, 295, and 297. An amendment application should include, but is not limited to, a sworn application, maps, completed conservation plan, fees, etc.

b. Beneficial Use. Discuss how proposed amendment is a beneficial use of the water as defined in TWC § 11.002 and listed in TWC § 11.023. Identify the specific proposed use of the water (e.g., road construction, hydrostatic testing, etc.) for which the amendment is requested.

c. Public Welfare. Explain how proposed amendment is not detrimental to the public welfare. Consider any public welfare matters that might be relevant to a decision on the application. Examples could include concerns related to the well-being of humans and the environment.

d. Groundwater Effects. Discuss effects of proposed amendment on groundwater or groundwater recharge.

e. State Water Plan. Describe how proposed amendment addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement. The state and regional water plans are available for download at: http://www.twdb.texas.gov/waterplanning/swp/index.asp.

f. Waste Avoidance. Provide evidence that reasonable diligence will be used to avoid waste and achieve water conservation as defined in TWC § 11.002. Examples of evidence could include, but are not limited to, a water conservation plan or, if required, a drought contingency plan, meeting the requirements of 30 TAC Chapter 288.

g. Impacts on Water Rights or On-stream Environment. Explain how the proposed amendment will not impact other water right holders or the on-stream environment beyond and irrespectiveof the fact that the water right can be used to its full authorized amount.

WORKSHEET 2.0 N/A
Impoundment/Dam Information

This worksheet **is required** for any impoundment, reservoir and/or dam. Submit an additional Worksheet 2.0 for each impoundment or reservoir requested in this application.

If there is more than one structure, the numbering/naming of structures should be consistent throughout the application and on any supplemental documents (e.g., maps).

1. Storage Information (Instructions, Page. 21)

a. Official USGS name of reservoir, if applicable:_____

b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level:_____.

c. The impoundment is on-channel_____or off-channel_____(mark one)

i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? **Y / N**_____
ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? **Y / N**_

d. Is the impoundment structure already constructed? **Y / N**____

i. For already constructed **on-channel** structures:

1. Date of Construction:_____

2. Was it constructed to be an exempt structure under TWC § 11.142? **Y / N**___
   a. If Yes, is Applicant requesting to proceed under TWC § 11.143? **Y / N**____
   b. If No, has the structure been issued a notice of violation by TCEQ? **Y / N**_____

3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? **Y / N**___
   a. If yes, provide the Site No._____and watershed project name_____;
   b. Authorization to close "ports" in the service spillway requested? **Y / N**____

ii. For **any** proposed new structures or modifications to structures:

1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application.* Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? **Y / N**____
   Provide the date and the name of the Staff Person_____

2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
   a. No additional dam safety documents required with the Application. **Y / N**_____
   b. Plans (with engineer's seal) for the structure required. **Y / N**_____
   c. Engineer's signed and sealed hazard classification required. **Y / N**____
   d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. **Y / N**___

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? **Y / N**____

iii. Additional information required for **on-channel** storage:

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:_____.

2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option.
Applicant has calculated the drainage area. **Y/N**_____
If yes, the drainage area is_____sq. miles.
(*If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).*

2. Structure Location (Instructions, Page. 23)

a. On Watercourse (if on-channel) (USGS name):_____

b. Zip Code: _____

c. In the_____Original Survey No._____, Abstract No._____, _____County, Texas.

* ***A copy of the deed(s) with the recording information from the county records must be submitted describing the tract(s) that include the structure and all lands to be inundated.***

*****If the Applicant is not currently the sole owner of the land on which the structure is or will be built and sole owner of all lands to be inundated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***

d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:

Latitude_____°N, Longitude_____°W.

****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***

i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):_____

ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), andthe lands to be inundated. See instructions Page. 15. **Y / N**___

WORKSHEET 3.0 (1 of 3)
DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g., maps).

1. Diversion Information (Instructions, Page. 24)

a. This Worksheet is to add new (select 1 of 3 below):

1. ____Diversion Point No.
2. _X_Upstream Limit of Diversion Reach No. 1
3. ____Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 36 cfs (cubic feet per second) or 16,157 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** No
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*_____cfs or_____gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N** No

*** An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

e. Check (√) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / N** No

If yes, the drainage area is_____sq. miles.
(*If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application*)

2. Diversion Location (Instructions, Page 25)

a. On watercourse (USGS name): **Pecan Creek, Trinity River Basin**

b. Zip Code: **76208**

c. Location of point: In the **G. Walker** Original Survey No. _____, Abstract No. **1211330**, **Denton** County, Texas.

*Applicant has municipal authority of eminent domain to acquire access.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure.

For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

d. Point is at:

Latitude **33.19624** °N, Longitude **97.072033** °W.

Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places

e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): **Discharge point referenced in CA 08-2348, as amended**

f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.

g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 3.0 (2 of 3)
DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g., maps).

1. Diversion Information (Instructions, Page. 24)

a. This Worksheet is to add new (select 1 of 3 below):

1. ____Diversion Point No.
2. ____Upstream Limit of Diversion Reach No.
3. **X** Downstream Limit of Diversion Reach No. **1**

b. Maximum Rate of Diversion for **this new point** 36 cfs (cubic feet per second) or 16,157 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** No
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*_____cfs or_____gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N** No

*** An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

e. Check (√) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / N** No

If yes, the drainage area is_____sq. miles.
(*If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application*)

2. Diversion Location (Instructions, Page 25)

a. On watercourse (USGS name): **Pecan Creek, Trinity River Basin**

b. Zip Code: **76208**

c. Location of point: In the **W.D. Durham** Original Survey No. _____, Abstract No. **121330**, **Denton** County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure.

For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

d. Point is at:
Latitude **33.181163°N** °N, Longitude **97.048098°W** °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places

e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): **2007 TWDB survey at conservation pool elevation 522'**

f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.

g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 3.0 (3 of 3)
DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g., maps).

1. Diversion Information (Instructions, Page. 24)

a. This Worksheet is to add new (select 1 of 3 below):

1. __X__ Diversion Point No. **Reach 2 / Reservoir**
2. ____ Upstream Limit of Diversion Reach No.
3. ____ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 36 cfs (cubic feet per second) or 16,157 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** **Yes**
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*_____cfs or_____gpm *See Accounting Plan

d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N** No

*** An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

e. Check (√) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
☐	Directly from stream	
☑	From an on-channel reservoir	Existing
☐	From a stream to an on-channel reservoir	
☐	Other method (explain fully, use additional sheets if necessary)	

f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / N** No

If yes, the drainage area is_____sq. miles.
(*If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application*)

2. Diversion Location (Instructions, Page 25)

a. On watercourse (USGS name): **Elm Fork, Trinity River and Lake Lewisville, Trinity River Basin**

b. Zip Code: **75034, 75036, 75056, 75057, 75065, 75068, 75077, 76208, 76210, 76226, 76227**

c. Location of point: In the **P. Daken** Original Survey No. _____, Abstract No. **121337**, **Denton** County, Texas.

Please see notes below.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure.

For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

d. Point is at:
Latitude 33.069344 °N, Longitude 96.964539 °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places

Reference is to centerline of existing dam.

e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): **TCEQ Water Rights Viewer / reference in 08-2348, as amended**

f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.

g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

*Applicant seeks authority to divert anywhere along the perimeter of Lake Lewisville, and in Lake Lewisville, as represented on the attached maps at a point on the centerline of the dam, including from Applicant's currently authorized diversion point(s).

**Applicant has municipal authority of eminent domain to acquire access.

WORKSHEET 4.0
DISCHARGE INFORMATION

This worksheet required for any requested authorization to discharge water into a State Watercourse for conveyance and later withdrawal or in-place use. Worksheet 4.1 is also required for each Discharge point location requested. **Instructions Page. 26.** ***Applicant is responsible for obtaining any separate water quality authorizations which may be required and for insuring compliance with TWC, Chapter 26 or any other applicable law.***

a. The purpose of use for the water being discharged will be municipal, domestic, industrial, recreation, agricultural use.

b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses 0.3% per mile (% or amount) and explain the method of calculation: by reference to existing Denton Reuse Accounting Plan from point of discharge to lake perimeter

c. Is the source of the discharged water return flows? **Y / N** YES If yes, provide the following information:

1. The TPDES Permit Number(s). WQ0010027003 (attach a copy of the **current** TPDES permit(s))
2. Applicant is the owner/holder of each TPDES permit listed above? **Y / N** YES

PLEASE NOTE: If Applicant is not the discharger of the return flows, or the Applicant is not the water right owner of the underlying surface water right, or the Applicant does not have a contract with the discharger, the application should be submitted under Section 1, New or Additional Appropriation of State Water, as a request for a new appropriation of state water. If Applicant is the discharger, the surface water right holder, or the contract holder, then the application should be submitted under Section 3, Bed and Banks.

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
4. The percentage of return flows from groundwater_____, surface water 100% ? **Please see Summary of Request.
5. If any percentage is surface water, provide the base water right number(s)_____.

d. Is the source of the water being discharged groundwater? **Y / N** No If yes, provide the following information:

1. Source aquifer(s) from which water will be pumped:_____
2. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See http://www.twdb.texas.gov/groundwater/data/gwdbrpt.asp. Additionally, provide well numbers or identifiers_____.
3. Indicate how the groundwater will be conveyed to the stream or reservoir.

4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.

di. Is the source of the water being discharged a surface water supply contract? **Y / N** NO
If yes, provide the signed contract(s).

dii. Identify any other source of the water **Please see Summary of Request

WORKSHEET 4.1
DISCHARGE POINT INFORMATION

This worksheet is required for **each** discharge point. Submit one Worksheet 4.1 for each discharge point. If there is more than one discharge point, the numbering of the points should be consistent throughout the application and on any supplemental documents (e.g., maps). **Instructions, Page 27.**

For water discharged at this location provide:

a. The amount of water that will be discharged at this point is 10,108.915 acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.

b. Water will be discharged at this point at a maximum rate of 106.76 cfs or 47,916 gpm.

c. Name of Watercourse as shown on Official USGS maps: Pecan Creek, Elm Fork Trinity River (discharge point is above Lake Lewisville)

d. Zip Code 76208

e. Location of point: In the G. Walker Original Survey No. _____, Abstract No. 1211330, Denton County, Texas.

f. Point is at:
Latitude 33.19624 °N, Longitude 97.072033 °W.

Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*

g. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): as referenced in 08-2348 A

Map submitted must clearly identify each discharge point. See instructions Page. 15.

WORKSHEET 5.0
ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 28.**

Permittee shall implement reasonable measures at any new diversion structure(s) in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at any new diversion structure(s).

2. New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)

This section is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins and in all basins for requests to change a diversion point. **Instructions, Page 30.**

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location),

a. Identify the appropriate description of the water body.

☐ Stream

☐ Reservoir

Average depth of the entire water body, in feet: _____

☐ Other, specify: _____

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

☐ Intermittent – dry for at least one week during most years

☐ Intermittent with Perennial Pools – enduring pools

☐ Perennial – normally flowing

Check the method used to characterize the area downstream of the new diversion location.

☐ USGS flow records

☐ Historical observation by adjacent landowners

☐ Personal observation

☐ Other, specify: _____

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

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

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

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

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

d. Waterbody Recreational Uses

Are there any known recreational uses of the stream segments affected by the application?

☐ Primary contact recreation (swimming or direct contact with water)

☐ Secondary contact recreation (fishing, canoeing, or limited contact with water)

☐ Non-contact recreation

e. Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the mapsubmitted with the application indicating the location of the photograph and the direction of the shot.

2. If the application includes a proposed reservoir, also include:

    i. A brief description of the area that will be inundated by the reservoir.

    ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.

    iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

3. Alternate Sources of Water and/or Bed and Banks Applications

This section is required for applications using an alternate source of water and bed and banks applications in any basins. **Instructions, page 31.**

a. For all bed and banks applications:

   i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

b. For all alternate source applications:

   i. If the alternate source is treated return flows, provide the TPDES permit number_____

   ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:
   Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

* Temperature must be measured onsite at the time the groundwater sample is collected.

   iii. If groundwater will be used, provide the depth of the well_____and the name of the aquifer from which water is withdrawn_____.

WORKSHEET 6.0
Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans. **Instructions, Page 31.**

The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4600, or e-mail wras@tceq.texas.gov. The model plans can also be downloaded from the TCEQ webpage. ***Please use the most up-to-date plan documents available on the webpage.***

1. Water Conservation Plans

a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture – including irrigation, wholesale):

1. Request for a new appropriation or use of State Water.

2. Request to amend water right to increase appropriation of State Water.

3. Request to amend water right to extend a term.

4. Request to amend water right to change a place of use.
   **does not apply to a request to expand irrigation acreage to adjacent tracts.*

5. Request to amend water right to change the purpose of use.
   **applicant need only address new uses.*

6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water.
   **including return flows, contract water, or other State Water.*

b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:

1. __X__ Municipal Use. See 30 TAC § 288.2. **

2. _____ Industrial or Mining Use. See 30 TAC § 288.3.

3. _____ Agricultural Use, including irrigation. See 30 TAC § 288.4.

4. __X__ Wholesale Water Suppliers. See 30 TAC § 288.5. **

If Applicant is a water supplier, Applicant must also submit documentation of adoption of the plan. Documentation may include an ordinance, resolution, or tariff, etc. See 30 TAC §§ 288.2(a)(1)(J)(i) and 288.5(1)(H). Applicant has submitted such documentation with each water conservation plan? **Y / N Yes

c. Water conservation plans submitted with an application must also include data and information which: supports applicant's proposed use with consideration of the plan's water conservation goals; evaluates conservation as an alternative to the proposed

appropriation; and evaluates any other feasible alternative to new water development. See 30 TAC § 288.7.
Applicant has included this information in each applicable plan? **Y / N**____ **N/A**

2. Drought Contingency Plans

a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above – indicate each that applies:

1. X Municipal Uses by public water suppliers. See 30 TAC § 288.20.
2. ____ Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
3. X Wholesale Water Suppliers. See 30 TAC § 288.22.

b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc. See 30 TAC § 288.30*) **Y / N** Yes

WORKSHEET 7.0
ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4600 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

1. Is Accounting Plan Required

Accounting Plans are generally required:

- For applications that request authorization to divert large amounts of water from a single point where multiple diversion rates, priority dates, and water rights can also divert from that point;
- For applications for new major water supply reservoirs;
- For applications that amend a water right where an accounting plan is already required, if the amendment would require changes to the accounting plan;
- For applications with complex environmental flow requirements;
- For applications with an alternate source of water where the water is conveyed and diverted; and
- For reuse applications.

2. Accounting Plan Requirements

a. A **text file** that includes: **Text file only, as discussed in pre-application meeting.**

1. an introduction explaining the water rights and what they authorize;
2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
3. for accounting plans that include multiple priority dates and authorizations, a section that discusses how water is accounted for by priority date and which water is subject to a priority call by whom; and
4. Should provide a summary of all sources of water.

b. A **spreadsheet** that includes:

1. Basic daily data such as diversions, deliveries, compliance with any instream flow requirements, return flows discharged and diverted and reservoir content;
2. Method for accounting for inflows if needed;
3. Reporting of all water use from all authorizations, both existing and proposed;
4. An accounting for all sources of water;
5. An accounting of water by priority date;
6. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
7. Accounting for conveyance losses;
8. Evaporation losses if the water will be stored in or transported through a reservoir. Include changes in evaporation losses and a method for measuring reservoir content resulting from the discharge of additional water into the reservoir;
9. An accounting for spills of other water added to the reservoir; and
10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

WORKSHEET 8.0
CALCULATION OF FEES

This worksheet is for calculating required application fees. Applications are not Administratively Complete until all required fees are received. **Instructions, Page. 34**

1. NEW APPROPRIATION

	Description	Amount ($)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under **Amount ($).** In Acre-Feet a. Less than 100 $100.00 b. 100 - 5,000 $250.00 c. 5,001 - 10,000 $500.00 d. 10,001 - 250,000 $1,000.00 e. More than 250,000 $2,000.00	
Recording Fee		$25.00
Agriculture Use Fee	*Only for those with an Irrigation Use.* Multiply 50¢ x_____Number of acres that will be irrigated with State Water. **	
Use Fee	*Required for all Use Types, **excluding Irrigation Use.*** Multiply $1.00 x_____Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	*Only for those with Recreational Storage.* Multiply $1.00 x_____acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	*Only for those with Storage, **excluding Recreational Storage.*** Multiply 50¢ x_____acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	
	TOTAL	$

2. AMENDMENT *OR* SEVER AND COMBINE

	Description	Amount ($)
Filing Fee	Amendment: $100	
	OR Sever and Combine: $100 x___of water rights to combine	
Recording Fee		$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
	TOTAL INCLUDED	$

3. BED AND BANKS

	Description	Amount ($)
Filing Fee		$100.00
Recording Fee		$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
	TOTAL INCLUDED	$ 112.50

Created By Freese and Nichols, Inc.
Job No.: DTN24008
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Updated: Monday, April 1, 2024 10:07 AM
User Name: 08374

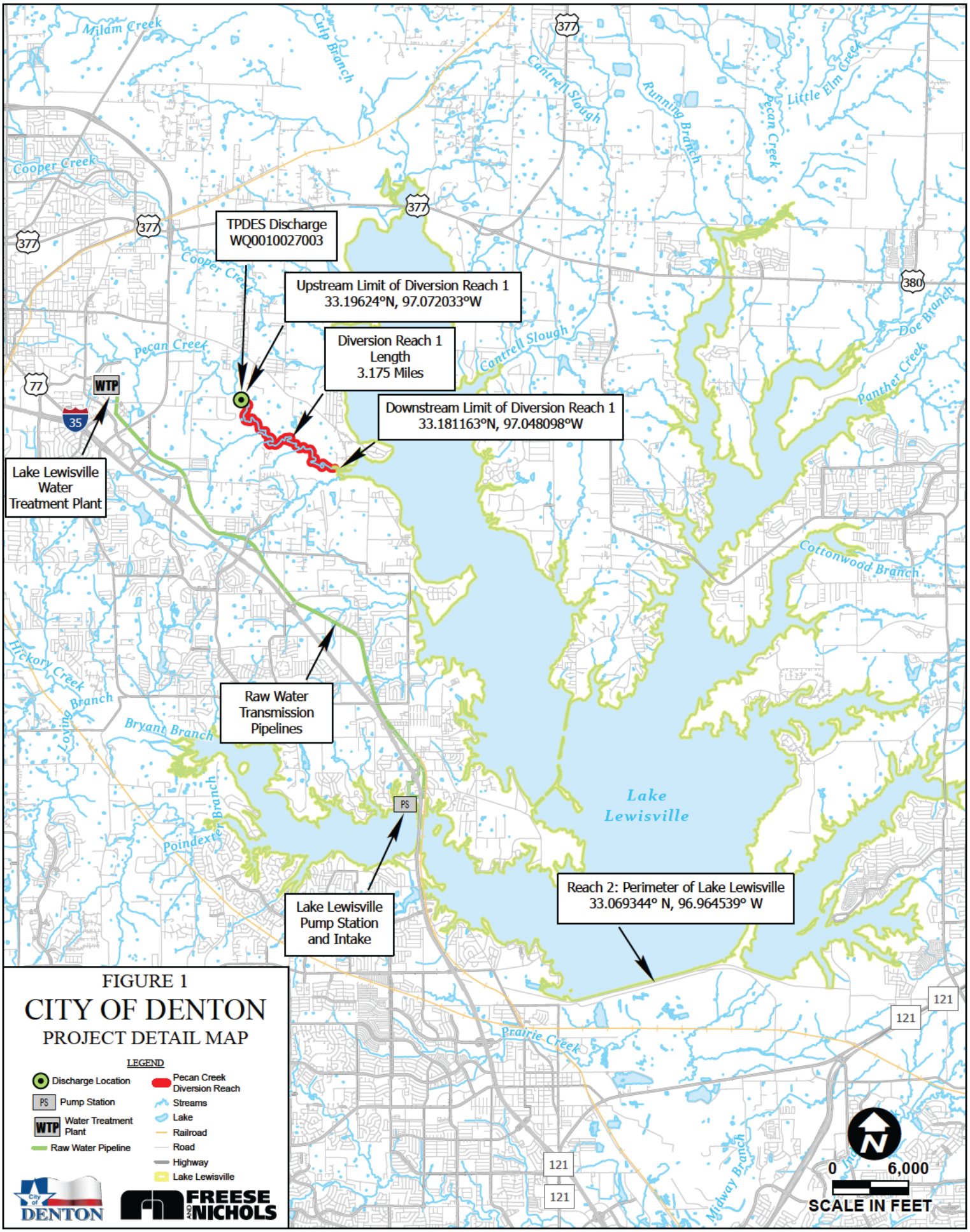


FIGURE 1

CITY OF DENTON

PROJECT DETAIL MAP

LEGEND

- Discharge Location
- PS Pump Station
- WTP Water Treatment Plant
- Raw Water Pipeline
- Pecan Creek Diversion Reach
- Streams
- Lake
- Railroad
- Road
- Highway
- Lake Lewisville

City of DENTON

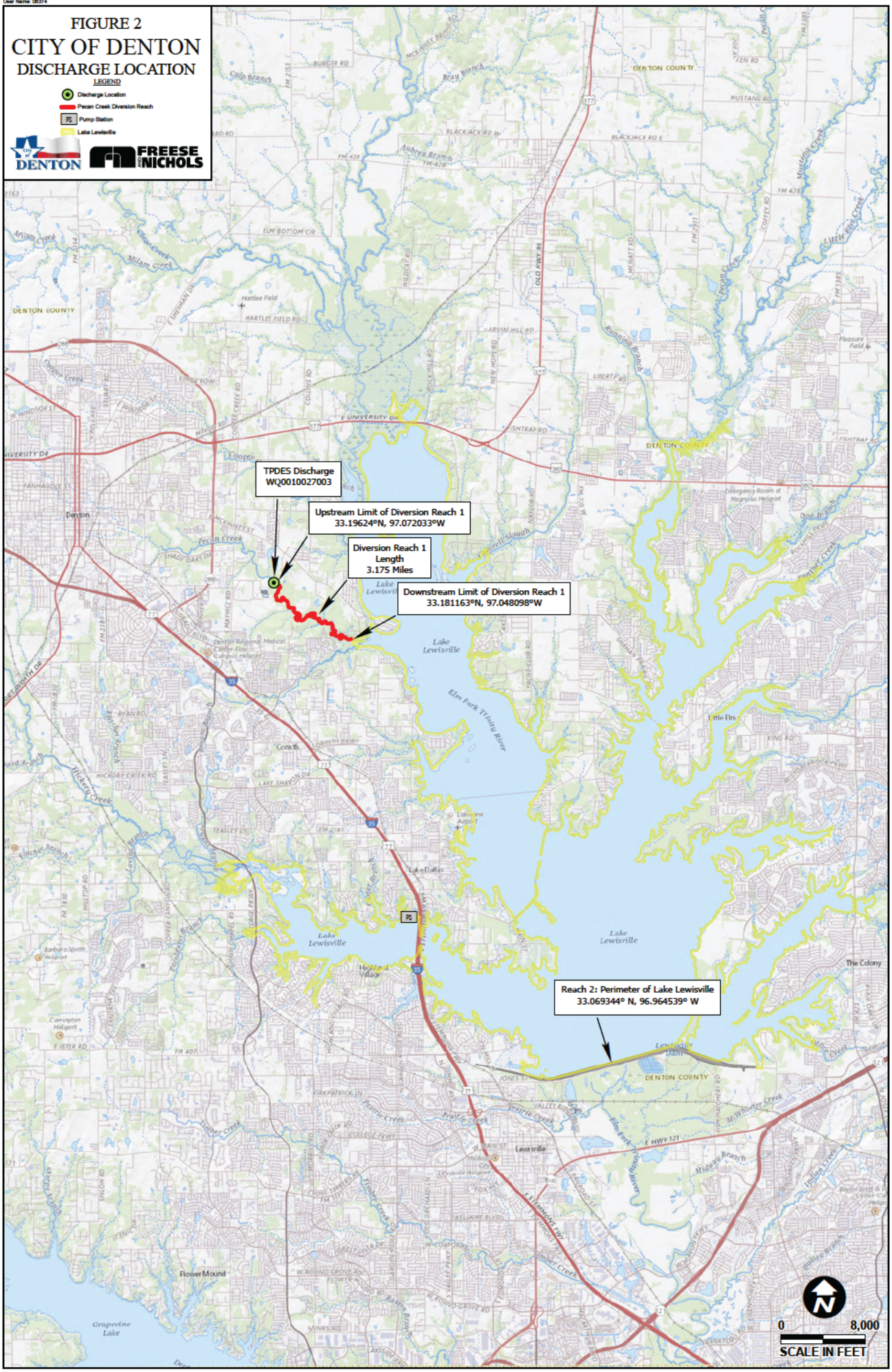
FREESE AND NICHOLS

Created By Freese and Nichols, Inc.
Job No.: DTN24008
Location: H:\WR_PLANNING\Working\Denton\Amendment\Workmap\DentonAmendmentWorkmap.aprx
Updated: Monday, April 1, 2024 10:04 AM
User Name: DS3T4

FIGURE 2
CITY OF DENTON
DISCHARGE LOCATION

LEGEND

- Discharge Location
- Pecan Creek Diversion Reach
- PS Pump Station
- Lake Lewisville



TPDES PERMIT NO.
WQ0010027003
[For TCEQ office use only - EPA I.D. No. TX0047180]

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

This major amendment supersedes and replaces TPDES Permit No. WQ0010027003 issued on November 13, 2018.

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

City of Denton

whose mailing address is

901 Texas Street, Suite A
Denton, Texas 76209

is authorized to treat and discharge wastes from the Pecan Creek Water Reclamation Plant, SIC Code 4952

located at 1100 South Mayhill Road, in the City of Denton, Denton County, Texas 76208

to Pecan Creek, thence to Lewisville Lake in Segment No. 0823 of the Trinity River Basin

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

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

ISSUED DATE: July 21, 2023

For the Commission

INTERIM I EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through completion of expansion to the 26.0 million gallons per day (MGD) facility, the permittee is authorized to discharge subject to the following effluent limitations:

   The annual average flow of effluent shall not exceed 21.0 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 31,944 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Daily Max.	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	7 (1226)	11	17	25	One/day	Composite
Total Suspended Solids	15 (2627)	25	40	60	One/day	Composite
Total Dissolved Solids	Report (Report)	N/A	Report	N/A	One/two weeks	Composite
Ammonia Nitrogen						
April - October	2 (350)	5	10	15	One/day	Composite
November – March	3 (525)	6	10	15	One/day	Composite
Total Phosphorus	0.5 (88)	1	2	3	One/day	Composite
Total Nitrogen*	N/A	N/A	Report	N/A	One/two weeks	Composite
Total Kjeldahl Nitrogen*	N/A	N/A	Report	N/A	One/two weeks	Composite
Nitrite-Nitrogen*	N/A	N/A	Report	N/A	One/two weeks	Composite
Nitrate-Nitrogen*	N/A	N/A	Report	N/A	One/two weeks	Composite
Ortho-Phosphorus*	N/A	N/A	Report	N/A	One/two weeks	Composite
E. coli, colony forming units or most probable number per 100 ml	126	N/A	399	N/A	One/day	Grab

*See Other Requirement No. 7 on page 37.

INTERIM I EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Continued) Outfall Number 001

2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per day by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 5.0 mg/l and shall be monitored once per day by grab sample.

7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

INTERIM II EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon completion of expansion to the 26.0 million gallons per day (MGD) facility and lasting through completion of expansion to the 30.0 MGD facility, the permittee is authorized to discharge subject to the following effluent limitations:

   The annual average flow of effluent shall not exceed 26.0 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 31,944 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Daily Max.	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)						
March-October	5 (868)	10	20	30	One/day	Composite
November-February	7 (1518)	11	17	25	One/day	Composite
Total Suspended Solids						
March-October	12 (2603)	20	40	60	One/day	Composite
November-February	15 (3253)	25	40	60	One/day	Composite
Total Dissolved Solids	Report (Report)	N/A	Report	N/A	One/two weeks	Composite
Ammonia Nitrogen						
March - October	1 (217)	5	10	15	One/day	Composite
November – February	2 (434)	5	10	15	One/day	Composite
Total Phosphorus	0.5 (108)	1	2	3	One/day	Composite
Total Nitrogen*	N/A	N/A	Report	N/A	One/two weeks	Composite
Total Kjeldahl Nitrogen*	N/A	N/A	Report	N/A	One/two weeks	Composite
Nitrite-Nitrogen*	N/A	N/A	Report	N/A	One/two weeks	Composite
Nitrate-Nitrogen*	N/A	N/A	Report	N/A	One/two weeks	Composite
Ortho-Phosphorus*	N/A	N/A	Report	N/A	One/two weeks	Composite
E. coli, colony forming units or most probable number per 100 ml	126	N/A	399	N/A	One/day	Grab

*See Other Requirement No. 7 on page 37.

INTERIM II EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Continued) Outfall Number 001

2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per day by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per day by grab sample.

7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon completion of expansion to the 30.0 million gallons per day (MGD) facility and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

   The annual average flow of effluent shall not exceed 30.0 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 47,916 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Daily Max.	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)						
March-October	5 (1001)	10	20	30	One/day	Composite
November-February	7 (1751)	11	17	25	One/day	Composite
Total Suspended Solids						
March-October	12 (3002)	20	40	60	One/day	Composite
November-February	15 (3752)	25	40	60	One/day	Composite
Total Dissolved Solids	Report (Report)	N/A	Report	N/A	One/two weeks	Composite
Ammonia Nitrogen						
March - October	1 (250)	5	10	15	One/day	Composite
November – February	2 (500)	5	10	15	One/day	Composite
Total Phosphorus	0.5 (125)	1	2	3	One/day	Composite
Total Nitrogen*	N/A	N/A	Report	N/A	One/two weeks	Composite
Total Kjeldahl Nitrogen*	N/A	N/A	Report	N/A	One/two weeks	Composite
Nitrite-Nitrogen*	N/A	N/A	Report	N/A	One/two weeks	Composite
Nitrate-Nitrogen*	N/A	N/A	Report	N/A	One/two weeks	Composite
Ortho-Phosphorus*	N/A	N/A	Report	N/A	One/two weeks	Composite
E. coli, colony forming units or most probable number per 100 ml	126	N/A	399	N/A	One/day	Grab

*See Other Requirement No. 7 on page 37.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Continued) Outfall Number 001

2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per day by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per day by grab sample.

7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

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

1. Flow Measurements

    a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with one million gallons per day or greater permitted flow.

    b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

    c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.

    d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

    e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.

    f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

    a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.

        i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.

b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.

c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day.

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

e. Bacteria concentration (*E. coli* or Enterococci) - Colony Forming Units (CFU) or Most Probable Number (MPN) of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the nth root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or, computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of bacteria equaling zero, a substituted value of one shall be made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as (Flow, MGD x Concentration, mg/l x 8.34).

g. Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.

3. Sample Type

a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (b).

b. Grab sample - an individual sample collected in less than 15 minutes.

4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.

5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes.

6. The term "biosolids" is defined as sewage sludge that has been tested or processed to meet Class A, Class AB, or Class B pathogen standards in 30 TAC Chapter 312 for beneficial use.

7. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

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

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

2. Test Procedures

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

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

3. Records of Results

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

b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge or biosolids use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR § 264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.

c. Records of monitoring activities shall include the following:

i. date, time and place of sample or measurement;

ii. identity of individual who collected the sample or made the measurement.

iii. date and time of analysis;

iv. identity of the individual and laboratory who performed the analysis;

v. the technique or method of analysis; and

vi. the results of the analysis or measurement and quality assurance/quality control records.

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

4. Additional Monitoring by Permittee

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

5. Calibration of Instruments

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

6. Compliance Schedule Reports

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

Monitoring Team of the Enforcement Division (MC 224).

7. Noncompliance Notification

   a. In accordance with 30 TAC § 305.125(9) any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Except as allowed by 30 TAC § 305.132, report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Compliance Monitoring Team of the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. For Publicly Owned Treatment Works (POTWs), effective December 21, 2025, the permittee must submit the written report for unauthorized discharges and unanticipated bypasses that exceed any effluent limit in the permit using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

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

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

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

      iii. Violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.

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

   d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Compliance Monitoring Team of the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.

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

9. Changes in Discharges of Toxic Substances

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

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

   i. One hundred micrograms per liter (100 μg/L);

   ii. Two hundred micrograms per liter (200 μg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

   iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or

   iv. The level established by the TCEQ.

b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

   i. Five hundred micrograms per liter (500 μg/L);

   ii. One milligram per liter (1 mg/L) for antimony;

   iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or

   iv. The level established by the TCEQ.

10. Signatories to Reports

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

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

    a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to CWA § 301 or § 306 if it were directly discharging those pollutants;

    b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and

    c. For the purpose of this paragraph, adequate notice shall include information on:

       i. The quality and quantity of effluent introduced into the POTW; and

       ii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

PERMIT CONDITIONS

1. General

    a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.

    b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:

        i. Violation of any terms or conditions of this permit;

        ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

        iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

    c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

2. Compliance

    a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.

    b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

    c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

    d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.

    e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.

    f. A permit may be amended, suspended and reissued, or revoked for cause in accordance

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

g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.

h. In accordance with 30 TAC § 305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility which does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.

i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).

3. Inspections and Entry

a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC § 361.

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

4. Permit Amendment and/or Renewal

a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:

   i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC § 305.534 (relating to New Sources and New Dischargers); or

   ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9; or

   iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.

c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.

d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.

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

f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA § 307(a) for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA § 307(a) for toxic pollutants within the time provided in the

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

5. Permit Transfer

   a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.

   b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

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

7. Relationship to Water Rights

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

8. Property Rights

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

9. Permit Enforceability

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

10. Relationship to Permit Application

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

11. Notice of Bankruptcy

    a. Each permittee shall notify the Executive Director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:

       i. the permittee;

       ii. an entity (as that term is defined in 11 USC, § 101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or

       iii. an affiliate (as that term is defined in 11 USC, § 101(2)) of the permittee.

b. This notification must indicate:

i. the name of the permittee;

ii. the permit number(s);

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

iv. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.

2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge or biosolids use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.

3. Domestic wastewater treatment facilities shall comply with the following provisions:

   a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.

   b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.

4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.

6. The permittee shall remit an annual water quality fee to the Commission as required by 30

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

7. Documentation

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

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

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

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

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

c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.

10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.

11. Facilities that generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:

    a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.

    b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.

    c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Corrective Action Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

    d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Permitting and Registration Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.

    e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well,

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

f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC § 335 and must include the following, as it pertains to wastewater treatment and discharge:

i. Volume of waste and date(s) generated from treatment process;
ii. Volume of waste disposed of on-site or shipped off-site;
iii. Date(s) of disposal;
iv. Identity of hauler or transporter;
v. Location of disposal site; and
vi. Method of final disposal.

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

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

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SLUDGE PROVISIONS

The permittee is authorized to dispose of sludge only at a Texas Commission on Environmental Quality (TCEQ) authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge. **The disposal of sludge or biosolids by land application on property owned, leased or under the direct control of the permittee is a violation of the permit unless the site is authorized with the TCEQ. This provision authorizes Distribution and Marketing of Class A Biosolids. This provision does not authorize the permittee to land apply biosolids on property owned, leased or under the direct control of the permittee.**

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

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge or biosolids in accordance with 30 TAC § 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge or biosolids.

2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.

3. The land application of processed or unprocessed chemical toilet waste, grease trap waste, grit trap waste, milk solids, or similar non-hazardous municipal or industrial solid wastes, or any of the wastes listed in this provision combined with biosolids, WTP residuals or domestic septage is prohibited unless the grease trap waste is added at a fats, oil and grease (FOG) receiving facility as part of an anaerobic digestion process.

B. Testing Requirements

1. Sewage sludge or biosolids shall be tested annually in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method that receives the prior approval of the TCEQ for the contaminants listed in 40 CFR Part 261.24, Table 1. Sewage sludge or biosolids failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge or biosolids at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge or biosolids no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Registration Support Division and the Regional Director (MC Region 4) within seven (7) days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped, and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Permitting and Registration Support Division (MC 129), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 4) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year. The permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

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

TABLE 1

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

* Dry weight basis

3. Pathogen Control

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

a. For sewage sludge to be classified as Class A biosolids with respect to pathogens, the density of fecal coliform in the sewage sludge must be less than 1,000 most probable number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge must be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. In addition, one of the alternatives listed below must be met:

Alternative 1 - The temperature of the sewage sludge that is used or disposed shall be maintained at or above a specific value for a period of time. See 30 TAC § 312.82(a)(2)(A) for specific information;

Alternative 5 (PFRP) - Sewage sludge that is used or disposed of must be treated in one of the Processes to Further Reduce Pathogens (PFRP) described in 40 CFR Part 503, Appendix B. PFRP include composting, heat drying, heat treatment, and thermophilic aerobic digestion; or

Alternative 6 (PFRP Equivalent) - Sewage sludge that is used or disposed of must be treated in a process that has been approved by the U. S. Environmental Protection Agency as being equivalent to those in Alternative 5.

b. For sewage sludge to be classified as Class AB biosolids with respect to pathogens, the density of fecal coliform in the sewage sludge must be less than 1,000 MPN per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. In addition, one of the alternatives listed below must be met:

   Alternative 2 - The pH of the sewage sludge that is used or disposed shall be raised to above 12 std. units and shall remain above 12 std. units for 72 hours.

   The temperature of the sewage sludge shall be above 52° Celsius for 12 hours or longer during the period that the pH of the sewage sludge is above 12 std. units.

   At the end of the 72-hour period during which the pH of the sewage sludge is above 12 std. units, the sewage sludge shall be air dried to achieve a percent solids in the sewage sludge greater than 50%; or

   Alternative 3 - The sewage sludge shall be analyzed for enteric viruses prior to pathogen treatment. The limit for enteric viruses is less than one Plaque-forming Unit per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC § 312.82(a)(2)(C)(i-iii) for specific information. The sewage sludge shall be analyzed for viable helminth ova prior to pathogen treatment. The limit for viable helminth ova is less than one per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC § 312.82(a)(2)(C)(iv-vi) for specific information; or

   Alternative 4 - The density of enteric viruses in the sewage sludge shall be less than one Plaque-forming Unit per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed.

c. Sewage sludge that meets the requirements of Class AB biosolids may be classified a Class A biosolids if a variance request is submitted in writing that is supported by substantial documentation demonstrating equivalent methods for reducing odors and written approval is granted by the executive director. The executive director may deny the variance request or revoke that approved variance if it is determined that the variance may potentially endanger human health or the environment, or create nuisance odor conditions.

d. Three alternatives are available to demonstrate compliance with Class B biosolids

criteria.

Alternative 1

i. A minimum of seven random samples of the sewage sludge shall be collected within 48 hours of the time the sewage sludge is used or disposed of during each monitoring episode for the sewage sludge.

ii. The geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 MPN per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

Alternative 2 - Sewage sludge that is used or disposed of shall be treated in one of the Processes to Significantly Reduce Pathogens (PSRP) described in 40 CFR Part 503, Appendix B, so long as all of the following requirements are met by the generator of the sewage sludge.

i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;

ii. An independent Texas Licensed Professional Engineer must make a certification to the generator of a sewage sludge that the wastewater treatment facility generating the sewage sludge is designed to achieve one of the PSRP at the permitted design loading of the facility. The certification need only be repeated if the design loading of the facility is increased. The certification shall include a statement indicating the design meets all the applicable standards specified in Appendix B of 40 CFR Part 503;

iii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;

iv. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review; and

v. If the sewage sludge is generated from a mixture of sources, resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the PSRP, and shall meet the certification, operation, and record keeping requirements of this paragraph.

Alternative 3 - Sewage sludge shall be treated in an equivalent process that has been approved by the U.S. Environmental Protection Agency, so long as all of the following requirements are met by the generator of the sewage sludge.

i. Prior to use or disposal, all the sewage sludge must have been generated from a

single location, except as provided in paragraph v. below;

ii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;

iii. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review;

iv. The Executive Director will accept from the U.S. Environmental Protection Agency a finding of equivalency to the defined PSRP; and

v. If the sewage sludge is generated from a mixture of sources resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the Processes to Significantly Reduce Pathogens, and shall meet the certification, operation, and record keeping requirements of this paragraph.

In addition to the Alternatives 1 – 3, the following site restrictions must be met if Class B biosolids are land applied:

i. Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of biosolids.

ii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of biosolids when the biosolids remain on the land surface for 4 months or longer prior to incorporation into the soil.

iii. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of biosolids when the biosolids remain on the land surface for less than 4 months prior to incorporation into the soil.

iv. Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of biosolids.

v. Domestic livestock shall not be allowed to graze on the land for 30 days after application of biosolids.

vi. Turf grown on land where biosolids are applied shall not be harvested for 1 year after application of the biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn.

vii. Public access to land with a high potential for public exposure shall be restricted for 1 year after application of biosolids.

viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of biosolids.

ix. Land application of biosolids shall be in accordance with the buffer zone requirements found in 30 TAC § 312.44.

4. Vector Attraction Reduction Requirements

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following Alternatives 1 through 10 for vector attraction reduction.

Alternative 1 - The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38%.

Alternative 2 - If Alternative 1 cannot be met for an anaerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30° and 37° Celsius. Volatile solids must be reduced by less than 17% to demonstrate compliance.

Alternative 3 - If Alternative 1 cannot be met for an aerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge with percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20° Celsius. Volatile solids must be reduced by less than 15% to demonstrate compliance.

Alternative 4 - The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20° Celsius.

Alternative 5 - Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40° Celsius and the average temperature of the sewage sludge shall be higher than 45° Celsius.

Alternative 6 - The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali shall remain at 12 or higher for two hours and then remain at a pH of 11.5 or higher for an additional 22 hours at the time the sewage sludge is prepared for sale or given away in a bag or other container.

Alternative 7 - The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75% based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Alternative 8 - The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90% based on the moisture content and total solids prior to mixing with other materials at the time the sludge is used. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Alternative 9 -

i. Biosolids shall be injected below the surface of the land.

ii. No significant amount of the biosolids shall be present on the land surface within one hour after the biosolids are injected.

iii. When sewage sludge that is injected below the surface of the land is Class A or Class AB with respect to pathogens, the biosolids shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

Alternative 10-

i. Biosolids applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.

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

C. Monitoring Requirements

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

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

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

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

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

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

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

Identify the nature of material generated by the facility (such as a biosolid for beneficial use or land-farming, or sewage sludge or biosolids for disposal at a monofill) and whether the material is ultimately conveyed off-site in bulk or in bags.

SECTION II. REQUIREMENTS SPECIFIC TO BULK SEWAGE SLUDGE OR BIOSOLIDS FOR APPLICATION TO THE LAND MEETING CLASS A, CLASS AB or B PATHOGEN REDUCTION AND THE CUMULATIVE LOADING RATES IN TABLE 2, OR CLASS B PATHOGEN REDUCTION AND THE POLLUTANT CONCENTRATIONS IN TABLE 3

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

A. Pollutant Limits

Table 2

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

Table 3

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

*Dry weight basis

B. Pathogen Control

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

C. Management Practices

1. Bulk biosolids shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters in the State.

2. Bulk biosolids not meeting Class A requirements shall be land applied in a manner which complies with Applicability in accordance with 30 TAC §312.41 and the Management Requirements in accordance with 30 TAC § 312.44.

3. Bulk biosolids shall be applied at or below the agronomic rate of the cover crop.

4. An information sheet shall be provided to the person who receives bulk Class A or AB biosolids sold or given away. The information sheet shall contain the following information:

   a. The name and address of the person who prepared the Class A or AB biosolids that are sold or given away in a bag or other container for application to the land.

   b. A statement that application of the biosolids to the land is prohibited except in accordance with the instruction on the label or information sheet.

   c. The annual whole sludge application rate for the biosolids application rate for the biosolids that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

D. Notification Requirements

1. If bulk 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 treatment activities.

   b. The location, by street address, and specific latitude and longitude, of each site on which biosolids are applied.

   c. The number of acres in each site on which bulk biosolids are applied.

   d. The date and time biosolids are applied to each site.

   e. The cumulative amount of each pollutant in pounds/acre listed in Table 2 applied to each site.

   f. The total amount of biosolids applied to each site in dry tons.

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

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 4) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year the following information. The permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

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

2. Identify the nature of material generated by the facility (such as a biosolid for beneficial use or land-farming, or sewage sludge for disposal at a monofill) and whether the material is ultimately conveyed off-site in bulk or in bags.

3. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.

4. The frequency of monitoring listed in Section I.C. that applies to the permittee.

5. Toxicity Characteristic Leaching Procedure (TCLP) results.

6. PCB concentration in sludge or biosolids in mg/kg.

7. Identity of hauler(s) and TCEQ transporter number.

8. Date(s) of transport.

9. Texas Commission on Environmental Quality registration number, if applicable.

10. Amount of sludge or biosolids disposal dry weight (lbs/acre) at each disposal site.

11. The concentration (mg/kg) in the sludge of each pollutant listed in Table 1 (defined as a monthly average) as well as the applicable pollutant concentration criteria (mg/kg) listed in Table 3 above, or the applicable pollutant loading rate limit (lbs/acre) listed in Table 2 above if it exceeds 90% of the limit.

12. Level of pathogen reduction achieved (Class A, Class AB or Class B).

13. Alternative used as listed in Section I.B.3.(a. or b.). Alternatives describe how the pathogen reduction requirements are met. If Class B biosolids, include information on how site restrictions were met.

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

15. Vector attraction reduction alternative used as listed in Section I.B.4.

16. Amount of sludge or biosolids transported in dry tons/year.

17. The certification statement listed in either 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii) as applicable to the permittee's sludge or biosolids treatment activities, shall be attached to the annual reporting form.

18. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the annual reporting form.

    a. The location, by street address, and specific latitude and longitude.

    b. The number of acres in each site on which bulk biosolids are applied.

    c. The date and time bulk biosolids are applied to each site.

    d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk biosolids applied to each site.

    e. The amount of biosolids (i.e., dry tons) applied to each site.

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

SECTION III. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE OR BIOSOLIDS DISPOSED IN A MUNICIPAL SOLID WASTE LANDFILL

A. The permittee shall handle and dispose of sewage sludge or biosolids in accordance with 30 TAC § 330 and all other applicable state and federal regulations to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present. The permittee shall ensure that the sewage sludge meets the requirements in 30 TAC § 330 concerning the quality of the sludge or biosolids disposed in a municipal solid waste landfill.

B. If the permittee generates sewage sludge and supplies that sewage sludge or biosolids to the owner or operator of a municipal solid waste landfill (MSWLF) for disposal, the permittee shall provide to the owner or operator of the MSWLF appropriate information needed to be in compliance with the provisions of this permit.

C. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge or biosolids disposal practice.

D. Sewage sludge or biosolids shall be tested annually in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I (Toxicity Characteristic Leaching Procedure) or other method, which receives the prior approval of the TCEQ for contaminants listed in Table 1 of 40 CFR § 261.24. Sewage sludge or biosolids failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal.

   Following failure of any TCLP test, the management or disposal of sewage sludge or biosolids at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge or biosolids no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Registration Support Division and the Regional Director (MC Region 4) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

   The report shall contain test results, certification that unauthorized waste management has stopped, and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Permitting and Registration Support Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 4) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

E. Sewage sludge or biosolids shall be tested as needed, in accordance with the requirements of 30 TAC Chapter 330.

F. Record Keeping Requirements

   The permittee shall develop the following information and shall retain the information for five years.

1. The description (including procedures followed and the results) of all liquid Paint Filter Tests performed.

2. The description (including procedures followed and results) of all TCLP tests performed.

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

G. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 4) and Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year the following information. The permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

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

2. Toxicity Characteristic Leaching Procedure (TCLP) results.

3. Annual sludge or biosolids production in dry tons/year.

4. Amount of sludge or biosolids disposed in a municipal solid waste landfill in dry tons/year.

5. Amount of sludge or biosolids transported interstate in dry tons/year.

6. A certification that the sewage sludge or biosolids meets the requirements of 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.

7. Identity of hauler(s) and transporter registration number.

8. Owner of disposal site(s).

9. Location of disposal site(s).

10. Date(s) of disposal.

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

SECTION IV. REQUIREMENTS FOR MARKETING AND/OR DISTRIBUTING BIOSOLIDS AND BIOSOLIDS DERIVED MATERIALS.

A. General Requirements

1. All biosolids derived materials or materials sold or given away in bulk, bag or a container for application to the land shall meet the metal concentrations in the table below:

TABLE 3 - METAL CONCENTRATIONS

Pollutant	Concentration (milligrams per kilogram)*
Arsenic	41
Cadmium	39
Chromium	1200
Copper	1500
Lead	300
Mercury	17
Molybdenum	Monitor
Nickel	420
Selenium	36
Zinc	2800

* Dry weight basis

2. All biosolids derived materials or materials sold or given away in bulk, bag or other container for application to the land shall meet the Class A pathogen requirements in 30 TAC § 312.82(a) and one of the vector attraction reduction requirements in 30 TAC 312.83(b)(1)-(8).

B. Marketing and Distribution Management Practices

1. Biosolids may be stockpiled and stored on site under semi-dry conditions for a period not to exceed 24 months.

2. The whole biosolids application rate shall not exceed the agronomic rate for any site.

3. The biosolids processing site location shall be selected, and the site operated in a manner to prevent public health nuisances. Where nuisance conditions exist, the operator shall take necessary action to abate such nuisances.

4. Either a label shall be affixed to the bag or similar enclosure in which biosolids is sold or given away for application to the land or an information sheet shall be provided to the person who receives biosolids sold or given away in a similar enclosure for application to the land. The label or information sheet shall contain the following information:

   a. the name and address of the person who prepared the biosolids for sale or give away in a bag or similar enclosure for application to the land;

b. a statement that prohibits the application of the biosolids to the land except in accordance with the instructions on the label or information sheet;

c. the annual whole application rate for the biosolids that does not cause the annual metal loading rates in Table 4 to be exceeded.

5. If composting, the sludge/biosolids processing pad area shall be protected from storm water run-on and runoff. Storm water from the pad shall be routed through the headworks of the Wastewater Treatment Facility. The sludge/biosolids processing pad shall be constructed of concrete or Executive Director approved material meeting the following requirements:

   a. More than 30% passing a No. 200 mesh sieve
   b. Liquid limit greater than 30%
   c. Plasticity index greater than 15
   d. A minimum thickness of 2 feet
   e. Permeability equal to or less than $1x10^{-7}$ cm/sec
   f. Soil compaction will be 95% standard proctor at optimum moisture content

   The permittee shall furnish certification by a Texas Licensed Professional Engineer that the completed lining meets the appropriate criteria above prior to utilization of the facilities upon request. The certification shall be sent to the TCEQ Regional Office (MC Region 4) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division.

6. This permit does not authorize the composting of grease or grease trap waste. Any such authorization shall be in accordance with Commission regulations in 30 TAC Chapter 332.

C. Monitoring Requirements

Toxicity Characteristic Leaching Procedure (TCLP) Test	-	Once/Year
PCBs	-	Once/Year

All metal constituents, pathogen density requirements and vector attraction reduction requirements shall be monitored at the appropriate frequency pursuant to 30 TAC §312.46(a)(1).

D. Notification Requirements - None

E. Recordkeeping Requirements

The person who prepares bulk biosolids or a biosolids material in 30 TAC §312.41(b)(1) or in 30 TAC §312.41(e) shall develop the following information and shall retain the information on-site for five years.

1. The concentration (mg/kg) in the biosolids of each pollutant listed in Section II. A. (30 TAC §312.43(b)(3) Table 3).

2. A description of how the Class A pathogen reduction requirements are met.

3. A description of how the vector attraction reduction requirements are met.

4. The annual whole application rate for the biosolids that does not cause the annual pollutant loading rates in Table 4 to be exceeded.

5. The following certification statement: "I certify, under penalty of law, that the Class A pathogen requirements in 30 TAC §312.82(a) and the vector attraction reduction requirement in (insert one of the vector attraction reduction requirements in §312.83(b)(1)-(8)) have been met. 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 pathogen requirements and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

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

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 4) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year the following information:

1. Results of tests performed for pollutants found in 30 TAC §312.43(b)(3) Table 3.

2. The frequency of monitoring listed in Section I.C. which applies to the permittee.

3. Toxicity Characteristic Leaching Procedure (TCLP) results.

4. PCB concentration in mg/kg.

5. Documentation of the level of pathogen reduction achieved (Class A).

6. As listed in Section I.B.3.(a), describe how the pathogen reduction requirements were met.

7. Vector attraction reduction alternative used as listed in Section I.B.4.

8. Annual production in dry tons/year.

9. Amount land applied in dry tons/year.

10. The following certification statement: "I certify, under penalty of law, that the Class A pathogen requirements in 30 TAC §312.82(a) and the vector attraction reduction requirement in (insert one of the vector attraction reduction requirements in §312.83(b)(1)-(8)) have been met. 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 pathogen requirements and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment." The certification statement shall be attached to the annual reporting form.

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

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

A. General Requirements

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

2. Sludge or biosolids may only be transported using a registered transporter or using an approved pipeline.

B. Record Keeping Requirements

1. For sludge transported by an approved pipeline, the permittee must maintain records of the following:

   a. the amount of sludge or biosolids transported;

   b. the date of transport;

   c. the name and TCEQ permit number of the receiving facility or facilities;

   d. the location of the receiving facility or facilities;

   e. the name and TCEQ permit number of the facility that generated the waste; and

   f. copy of the written agreement between the permittee and the receiving facility to accept sludge or biosolids.

2. For sludge or biosolids transported by a registered transporter, the permittee must maintain records of the completed trip tickets in accordance with 30 TAC § 312.145(a)(1)-(7) and amount of sludge or biosolids transported.

3. The above records shall be maintained on-site on a monthly basis and shall be made available to the TCEQ upon request. These records shall be retained for at least five years.

C. Reporting Requirements

The permittee shall report the following information annually to the TCEQ Regional Office (MC Region 4) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year. The permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

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

2. the annual sludge or biosolids production;

3. the amount of sludge or biosolids transported;

4. the owner of each receiving facility;

5. the location of each receiving facility; and

6. the date(s) of disposal at each receiving facility.

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OTHER REQUIREMENTS

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

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

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

3. There is no mixing zone established for this discharge to an intermittent stream with perennial pools. Chronic toxic criteria apply at the point of discharge.

4. The permittee shall comply with the requirements of 30 TAC § 309.13(a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC § 309.13(e).

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

6. In accordance with 30 TAC § 319.9, a permittee that has at least twelve months of uninterrupted compliance with its bacteria limit may notify the commission in writing of its compliance and request a less frequent measurement schedule. To request a less frequent schedule, the permittee shall submit a written request to the TCEQ Wastewater Permitting Section (MC 148) for each phase that includes a different monitoring frequency. The request must contain all of the reported bacteria values (Daily Avg. and Daily Max/Single Grab) for the twelve consecutive months immediately prior to the request. If the Executive Director finds that a less frequent measurement schedule is protective of human health and the environment, the permittee may be given a less frequent measurement schedule. For this permit, daily may be reduced to five/week. **A violation of any bacteria limit by a facility that has been granted a less frequent measurement schedule will require the permittee to return to the standard frequency schedule and submit written notice to the TCEQ Wastewater Permitting Section (MC 148).** The permittee may not apply for another reduction in measurement frequency for at least 24 months from the date of the last violation. The Executive Director may establish a more frequent measurement schedule if necessary to protect human health or the environment.

7. The permittee shall submit the results of the Total Nitrogen, Total Kjeldahl Nitrogen, Nitrite-Nitrogen, Nitrate-Nitrogen, Total Phosphorus, and Ortho-Phosphorus analyses to the TCEQ Water Quality Assessment Section (MC 150) of the Water Quality Division during September of each year.

8. Prior to construction of the Interim II and Final phase treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications, and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The permittee shall clearly show how the treatment system will meet the effluent limitations required on Pages 2b, 2c, 2d, and 2e of this permit. A copy of the summary transmittal letter shall be available at the plant site for inspection by authorized representatives of the TCEQ.

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

CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS

1. The permittee shall operate an industrial pretreatment program in accordance with Sections 402(b)(8) and (9) of the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and the approved **City of Denton** publicly owned treatment works (POTW) pretreatment program submitted by the permittee. The pretreatment program was approved on **March 16, 1984**, and modified on **September 24, 1993, August 31, 2006, June 28, 2013,** and modified on **April 5, 2022 (Streamlining Rule)**.

   The POTW pretreatment program is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:

   a. Industrial user (IU) information shall be kept current according to 40 CFR §§403.8(f)(2)(i) and (ii) and updated at a frequency set forth in the approved pretreatment program to reflect the accurate characterization of all IUs.

   b. The frequency and nature of IU compliance monitoring activities by the permittee shall be consistent with the approved POTW pretreatment program and commensurate with the character, consistency, and volume of waste. The permittee is required to inspect and sample the effluent from each significant industrial user (SIU) at least once per year, except as specified in 40 CFR §403.8(f)(2)(v). This is in addition to any industrial self-monitoring activities.

   c. The permittee shall enforce and obtain remedies for IU noncompliance with applicable pretreatment standards and requirements and the approved POTW pretreatment program.

   d. The permittee shall control through permit, order, or similar means, the contribution to the POTW by each IU to ensure compliance with applicable pretreatment standards and requirements and the approved POTW pretreatment program. In the case of SIUs (identified as significant under 40 CFR §403.3(v)), this control shall be achieved through individual permits or general control mechanisms, in accordance with 40 CFR §403.8(f)(1)(iii).

      Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:

      (1) Statement of duration (in no case more than five years);
      (2) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
      (3) Effluent limits, which may include enforceable best management practices (BMPs), based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and State and local law;
      (4) Self-monitoring, sampling, reporting, notification and record keeping requirements, identification of the pollutants to be monitored (including, if applicable, the process for seeking a waiver for a pollutant neither present nor expected to be present in the IU's discharge in accordance with 40 CFR §403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in 40 CFR Part 403, categorical pretreatment standards, local limits, and State and local law;

(5) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond federal deadlines; and

(6) Requirements to control slug discharges, if determined by the POTW to be necessary.

e. For those IUs who are covered by a general control mechanism, in order to implement 40 CFR §403.8(f)(1)(iii)(A)(2), a monitoring waiver for a pollutant neither present nor expected to be present in the IU's discharge is not effective in the general control mechanism until after the POTW has provided written notice to the SIU that such a waiver request has been granted in accordance with 40 CFR §403.12(e)(2).

f. The permittee shall evaluate whether each SIU needs a plan or other action to control slug discharges, in accordance with 40 CFR §403.8(f)(2)(vi). If the POTW decides that a slug control plan is needed, the plan shall contain at least the minimum elements required in 40 CFR §403.8(f)(2)(vi).

g. The permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program.

h. The approved program shall not be modified by the permittee without the prior approval of the Executive Director, according to 40 CFR §403.18.

2. The permittee is under a continuing duty to establish and enforce specific local limits to implement the provisions of 40 CFR §403.5, develop and enforce local limits as necessary, and modify the approved pretreatment program as necessary to comply with federal, state, and local law, as amended. The permittee may develop BMPs to implement 40 CFR §403.5(c)(1) and (2). Such BMPs shall be considered local limits and pretreatment standards. The permittee is required to effectively enforce such limits and to modify its pretreatment program, including the Legal Authority, Enforcement Response Plan, and Standard Operating Procedures (including forms), if required by the Executive Director to reflect changing conditions at the POTW. Substantial modifications will be approved in accordance with 40 CFR §403.18, and modifications will become effective upon approval by the Executive Director in accordance with 40 CFR §403.18.

   The permittee shall submit to the TCEQ Pretreatment Team (MC 148) of the Water Quality Division, within **sixty (60) days** of the issued date of this permit, either:

   1) a written certification that a technical reassessment has been performed, and that the evaluation demonstrates that existing technically based local limits (TBLLs) attain the Texas Surface Water Quality Standards [30 TAC Chapter 307] in water in the state, and are adequate to prevent pass through of pollutants, inhibition of or interference with the treatment facility, worker health and safety problems, and sludge contamination [submit the Reassessment Form No. TCEQ-20221]; **or**

   2) a written notification that a technical redevelopment of the current TBLLs, draft legal authority which incorporates such revisions, and any additional modifications to the pretreatment program, as required by 40 CFR Part 403 *[rev. 10/14/05]*, and applicable state and local law, including an Enforcement Response Plan and Standard Operating Procedures (including forms) will be submitted within **twelve**

(12) months of the issued date of this permit. The POTW is required to evaluate any enforceable BMP loadings during the redevelopment of the current TBLLs. The technical redevelopment of the current TBLLs should be developed in accordance with EPA's *Local Limits Development Guidance*, July 2004, and EPA Region 6's Technically Based Local Limits Development Guidance, October 12, 1993. This submission shall be signed and certified by the permittee *[according to 40 CFR §122.41(k)]*.

3. The permittee shall analyze the treatment facility influent and effluent for the presence of the toxic pollutants listed in the Texas Surface Water Quality Standards [30 TAC Chapter 307], and 40 CFR Part 122, Appendix D, Table II at least **once per six months** and the toxic pollutants listed in 40 CFR Part 122, Appendix D, Table III at least **once per three months**. If, based upon information available to the permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in 40 CFR Part 122, Appendix D, Table V, or any other pollutant, known or suspected to adversely affect treatment plant operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed at least **once per three months** on both the influent and the effluent.

   The influent and effluent samples collected shall be composite samples consisting of at least 12 aliquots collected at approximately equal intervals over a representative 24-hour period and composited according to flow. Sampling and analytical procedures shall be in accordance with guidelines established in 40 CFR Part 136, as amended; as approved by the EPA through the application for alternate test procedures; or as suggested in Tables E-1 and E-2 of the *Procedures to Implement the Texas Surface Water Quality Standards* (RG-194), June 2010*,* as amended and adopted by the TCEQ. The effluent samples shall be analyzed to the minimum analytical level (MAL), if necessary, to determine compliance with the daily average water quality based effluent concentration from the TCEQ's Texas Toxicity Modeling Program (TEXTOX) and other applicable water quality discharge standards. Where composite samples are inappropriate due to sampling, holding time, or analytical constraints, at least four (4) grab samples shall be taken at equal intervals over a representative 24-hour period.

4. The permittee shall prepare annually a list of IUs, which during the preceding twelve (12) months were in significant noncompliance (SNC) with applicable pretreatment requirements. For the purposes of this section of the permit, "CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS," SNC shall be determined based upon the more stringent of either criteria established at 40 CFR §403.8(f)(2)(viii) *[rev. 10/14/05]* or criteria established in the approved POTW pretreatment program. This list is to be published annually during the month of **March** in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW.

   In addition, each **March** the permittee shall submit an updated pretreatment program annual status report, in accordance with 40 CFR §§403.12(i) [*rev. 10/22/15*] and (m), to the TCEQ Pretreatment Team (MC148) of the Water Quality Division. The report summary shall be submitted on the Pretreatment Performance Summary (PPS) form [TCEQ-20218]. The report shall contain the following information as well as the information on the tables in this section:

   a. An updated list of all regulated IUs as indicated in this section. For each listed IU, the following information shall be included:

(1) Standard Industrial Classification (SIC) or North American Industry Classification System (NAICS) code *and* categorical determination.

(2) If the pretreatment program has been modified and approved to incorporate reduced monitoring for any of the categorical IUs as provided by 40 CFR Part 403 [*rev. 10/14/05*], then the list must also identify:

- categorical IUs subject to the conditions for reduced monitoring and reporting requirements under 40 CFR § 403.12(e)(1) [*rev. 10/22/15*] and (3);
- those IUs that are non-significant categorical industrial users (NSCIUs) under 40 CFR §403.3(v)(2); and
- those IUs that are middle tier categorical industrial users (MTCIUs) under 40 CFR §403.12(e)(3).

(3) Control mechanism status.

- Indicate whether the IU has an effective individual or general control mechanism, and the date such control mechanism was last issued, reissued, or modified;
- Indicate which IUs were added to the system, or newly identified, during the pretreatment year reporting period;
- Include the type of general control mechanisms; and
- Report all NSCIU annual evaluations performed, as applicable.

(4) A summary of all compliance monitoring activities performed by the POTW during the pretreatment year reporting period. The following information shall be reported:

- Total number of inspections performed; and
- Total number of sampling events conducted.

(5) Status of IU compliance with effluent limitations, reporting, and narrative standard (which may include enforceable BMPs, narrative limits, and/or operational standards) requirements. Compliance status shall be defined as follows:

- Compliant (C) - no violations during the pretreatment year reporting period;
- Non-compliant (NC) - one or more violations during the pretreatment year reporting period but does not meet the criteria for SNC; and
- Significant Noncompliance (SNC) - in accordance with requirements described above in this section.

(6) For noncompliant IUs, indicate the nature of the violations, the type and number of actions taken (notice of violation, administrative order, criminal or civil suit, fines or penalties collected, etc.), and the current compliance status. If any IU was on a schedule to attain compliance with effluent limits or narrative standards, indicate the date the schedule was issued and the date compliance is to be attained.

b. A list of each IU whose authorization to discharge was terminated or revoked during the pretreatment year reporting period and the reason for termination.

c. A report on any interference, pass through, Act of God, or POTW permit violations known or suspected to be caused by IUs and response actions taken by the permittee.

d. The results of all influent and effluent analyses performed pursuant to Item 3 of this section.

e. An original newspaper public notice, or copy of the newspaper publication with official affidavit, of the list of IUs that meet the criteria of SNC, giving the name of the newspaper and date the list was published.

f. The daily average water quality based effluent concentrations (from the TCEQ's Texas Toxicity Modeling Program (TexTox)) necessary to attain the Texas Surface Water Quality Standards, 30 TAC Chapter 307, in water in the state.

g. The maximum allowable headworks loading (MAHL) in pounds per day (lb/day) of the approved TBLLs or for each pollutant of concern (POC) for which the permittee has calculated a MAHL. In addition, the influent loading as a percent of the MAHL, using the annual average flow of the wastewater treatment plant in million gallons per day (MGD) during the pretreatment year reporting period, for each pollutant that has an adopted TBLL or for each POC for which the permittee has calculated a MAHL. (*See Endnotes No. 2 at the end of this section for the influent loading as a percent of the MAHL equation.*)

h. The permittee may submit the updated pretreatment program annual status report information in tabular form using the example table format provided. Please attach, on a separate sheet, explanations to document the various pretreatment activities, including IU permits that have expired, BMP violations, and any sampling events that were not conducted by the permittee as required.

i. A summary of changes to the POTW's approved pretreatment program that have not been previously reported to the Approval Authority.

Effective December 21, 2025, the permittee must submit the updated pretreatment program annual status report required by this section electronically using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. *[rev. Federal Register/ Vol. 80/ No. 204/ Friday, October 22, 2015/ Rules and Regulations, pages 64064-64158].*

5. The permittee shall provide adequate written notification to the Executive Director, care of the Wastewater Permitting Section (MC 148) of the Water Quality Division, within 30 days

of the permittee's knowledge of the following:

a. Any new introduction of pollutants into the treatment works from an indirect discharger that would be subject to Sections 301 and 306 of the Clean Water Act, if the indirect discharger was directly discharging those pollutants; and

b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.

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

Revised March 2022

TPDES Pretreatment Program Annual Report Form for Updated Industrial Users List

Reporting month/year: _____, _____ to _____, _____

TPDES Permit No.: _____ Permittee:_____ Treatment Plant: _____

PRETREATMENT PROGRAM STATUS REPORT UPDATED INDUSTRIAL USERS[1] LIST																	
Industrial User Name	SIC or NAICS Code	CIU[2]	CONTROL MECHANISM				New User[3] (Y or N)	Times Inspected by the CA	Times Sampled by the CA	COMPLIANCE STATUS During the Pretreatment Year Reporting Period[4] (C = Compliant, NC = Noncompliant, SNC= Significant Noncompliance)						
										REPORTS						
			Y/N or NR[5]	IND or GEN or NR	Last Action[6]	TBLLs or TBLLs only[7]				BMR	90-Day	Semi-Annual	Self-Monitoring[8]	NSCIU Certifications	Effluent Limits	Narrative Standards

1 Include all significant industrial users (SIUs), non-significant categorical industrial users (NSCIUs) as defined in 40 CFR §403.3(v)(2), and/or middle tier categorical industrial users (MTCIUs) as defined in 40 CFR §403.12(e)(3). Please do not include non-significant noncategorical IUs that are covered under best management practices (BMPs) or general control mechanisms.

2 Categorical determination (include 40 CFR citation and NSCIU or MTCIU status, if applicable).

3 Indicate whether the IU is a new user. If the answer is No or N, then indicate the expiration date of the last issued IU permit.

4 The term SNC applies to a broader range of violations, such as daily maximum, long-term average, instantaneous limits, and narrative standards (which may include enforceable BMPs, narrative limits and/or operational standards). Any other violation, or group of violations, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment Program now includes BMP violations (40 CFR §403.8(f)(2)(viii)(H)).

5 Code NR= None required (NSCIUs only); IND = individual control mechanism; GEN = general control mechanism. Include as a footnote (or on a separate page) the name of the general control mechanism used for similar groups of IUs, identify the similar types of operations and types of wastes that are the same for each general control mechanism. Any BMPs through general control mechanisms that are applied to nonsignificant IUs need to be reported separately, *e.g*. the sector type and BMP description.

6 Permit or NSCIU evaluations as applicable.

7 According to 40 CFR §403.12(i)(1), indicate whether the IU is subject to technically based local limits (TBLLs) that are more stringent than categorical pretreatment standards, *e.g*. where there is one end-of-pipe sampling point at a CIU, and you have determined that the TBLLs are more stringent than the categorical pretreatment standards for any pollutant at the end-of-pipe sampling point; **OR** the IU is subject only to local limits (TBLLs only), *e.g*. the IU is a non-categorical SIU subject only to TBLLs at the end-of-pipe sampling point.

8 For those IUs where a monitoring waiver has been granted, please add the code "W" (after either C, NC, or SNC codes) and indicate the pollutant(s) for which the waiver has been granted.

TPDES Pretreatment Program Annual Report Form for Industrial User Inventory Modifications

Reporting month/year: _____, _____ to _____, _____

TPDES Permit No: _____ Permittee: _____ Treatment Plant: _____

INDUSTRIAL USER INVENTORY MODIFICATIONS					
FACILITY NAME, ADDRESS AND CONTACT PERSON	ADD, CHANGE, DELETE (Including categorical reclassification to NSCIU or MTCIU)	IF DELETION: Reason For Deletion	IF ADDITION OR SIGNIFICANT CHANGE:		
			PROCESS DESCRIPTION	POLLUTANTS (Including any sampling waiver given for each pollutant not present)	FLOW RATE [9] (In gpd) R = Regulated U = Unregulated T = Total

9 For NSCIUs, total flow must be given, if regulated flow is not determined.

TPDES Pretreatment Program Annual Report Form for Enforcement Actions Taken

Reporting month/year: _____, _____ to _____, _____

TPDES Permit No: _____Permittee:_____Treatment Plant: _____

Overall SNC ___% SNC [10] based on: Effluent Violations_____%
Reporting Violations_____% Narrative Standard Violations___%

Noncompliant Industrial Users - Enforcement Actions Taken															
Industrial User Name	Nature of Violation [11]				Number of Actions Taken					Penalties Collected (Do not Include Surcharge)	Compliance Schedule			Current Status Returned to Compliance: (Y or N)	Comments
	Effluent Limits	Reports	NSCIU Certifications	Narrative Standards	NOV	A.O.	Civil	Criminal	Other		Y or N	Date Issued	Date Due		

10 # %
__ __ Pretreatment Standards [WENDB-PSNC] (Local Limits/Categorical Standards)
__ __ Reporting Requirements [WENDB-PSNC]
__ __ Narrative Standards

11 Please specify a separate number for each type of violation, *e.g*. report, notification, and/or NSCIU certification.

TPDES Pretreatment Program Annual Report Form for Influent and Effluent Monitoring Results[1]

Reporting month/year: _____, _____ to _____, _____

TPDES Permit No.: _____ Permittee:_____Treatment Plant: _____

PRETREATMENT PROGRAM INFLUENT AND EFFLUENT MONITORING RESULTS											
POLLUTANT	MAHL, if Applicable in lb/day	Influent Measured in µg/L (Actual Concentration or < MAL)				Average Influent % of the MAHL[2]	Daily Average Effluent Limit (µg/L) [3]	Effluent Measured in µg/L (Actual Concentration or < MAL) [4]			
		Date	Date	Date	Date			Date	Date	Date	Date
METALS, CYANIDE AND PHENOLS											
Antimony, Total											
Arsenic, Total											
Beryllium, Total											
Cadmium, Total											
Chromium, Total											
Chromium (Hex)											
Chromium (Tri)[5]											
Copper, Total											
Lead, Total											
Mercury, Total											
Nickel, Total											
Selenium, Total											
Silver, Total											
Thallium, Total											
Zinc, Total											

PRETREATMENT PROGRAM INFLUENT AND EFFLUENT MONITORING RESULTS												
POLLUTANT	MAHL, if Applicable in lb/day	Influent Measured in µg/L (Actual Concentration or < MAL)				Average Influent % of the MAHL[2]	Daily Average Effluent Limit (µg/L) [3]	Effluent Measured in µg/L (Actual Concentration or < MAL) [4]			
		Date	Date	Date	Date			Date	Date	Date	Date
Cyanide, Available [6]											
Cyanide, Total											
Phenols, Total											
VOLATILE COMPOUNDS											
Acrolein											
Acrylonitrile											
Benzene											
Bromoform							See TTHM				
Carbon Tetrachloride											
Chlorobenzene											
Chlorodibromomethane							See TTHM				
Chloroethane											
2-Chloroethylvinyl Ether											
Chloroform							See TTHM				
Dichlorobromomethane							See TTHM				
1,1-Dichloroethane											
1,2-Dichloroethane											
1,1-Dichloroethylene											
1,2-Dichloropropane											

PRETREATMENT PROGRAM INFLUENT AND EFFLUENT MONITORING RESULTS											
POLLUTANT	MAHL, if Applicable in lb/day	Influent Measured in µg/L (Actual Concentration or < MAL)				Average Influent % of the MAHL[2]	Daily Average Effluent Limit (µg/L) [3]	Effluent Measured in µg/L (Actual Concentration or < MAL) [4]			
		Date	Date	Date	Date			Date	Date	Date	Date
1,3-Dichloropropylene											
Ethyl benzene											
Methyl Bromide											
Methyl Chloride											
Methylene Chloride											
1,1,2,2-Tetra-chloroethane											
Tetrachloroethylene											
Toluene											
1,2-Trans-Dichloroethylene											
1,1,1-Trichloroethane											
1,1,2-Trichloroethane											
Trichloroethylene											
Vinyl Chloride											
ACID COMPOUNDS											
2-Chlorophenol											
2,4-Dichlorophenol											
2,4-Dimethylphenol											
4,6-Dinitro-o-Cresol											
2,4-Dinitrophenol											
2-Nitrophenol											

PRETREATMENT PROGRAM INFLUENT AND EFFLUENT MONITORING RESULTS											
POLLUTANT	MAHL, if Applicable in lb/day	Influent Measured in µg/L (Actual Concentration or < MAL)				Average Influent % of the MAHL[2]	Daily Average Effluent Limit (µg/L) [3]	Effluent Measured in µg/L (Actual Concentration or < MAL) [4]			
		Date	Date	Date	Date			Date	Date	Date	Date
4-Nitrophenol											
P-Chloro-m-Cresol											
Pentachlorophenol											
Phenol											
2,4,6-Trichlorophenol											
BASE/NEUTRAL COMPOUNDS											
Acenaphthene											
Acenaphthylene											
Anthracene											
Benzidine											
Benzo(a)Anthracene											
Benzo(a)Pyrene											
3,4-Benzofluoranthene											
Benzo(ghi)Perylene											
Benzo(k)Fluoranthene											
Bis(2-Chloroethoxy)Methane											
Bis(2-Chloroethyl)Ether											
Bis(2-Chloroisopropyl)Ether											
Bis(2-Ethylhexyl)Phthalate											
4-Bromophenyl Phenyl Ether											

PRETREATMENT PROGRAM INFLUENT AND EFFLUENT MONITORING RESULTS											
POLLUTANT	MAHL, if Applicable in lb/day	Influent Measured in µg/L (Actual Concentration or < MAL)				Average Influent % of the MAHL[2]	Daily Average Effluent Limit (µg/L) [3]	Effluent Measured in µg/L (Actual Concentration or < MAL) [4]			
		Date	Date	Date	Date			Date	Date	Date	Date
Butylbenzyl Phthalate											
2-Chloronaphthalene											
4-Chlorophenyl Phenyl Ether											
Chrysene											
Dibenzo(a,h)Anthracene											
1,2-Dichlorobenzene											
1,3-Dichlorobenzene											
1,4-Dichlorobenzene											
3,3-Dichlorobenzidine											
Diethyl Phthalate											
Dimethyl Phthalate											
Di-n-Butyl Phthalate											
2,4-Dinitrotoluene											
2,6-Dinitrotoluene											
Di-n-Octyl Phthalate											
1,2-Diphenyl Hydrazine											
Fluoranthene											
Fluorene											
Hexachlorobenzene											
Hexachlorobutadiene											

PRETREATMENT PROGRAM INFLUENT AND EFFLUENT MONITORING RESULTS											
POLLUTANT	MAHL, if Applicable in lb/day	Influent Measured in µg/L (Actual Concentration or < MAL)				Average Influent % of the MAHL[2]	Daily Average Effluent Limit (µg/L) [3]	Effluent Measured in µg/L (Actual Concentration or < MAL) [4]			
		Date	Date	Date	Date			Date	Date	Date	Date
Hexachloro- cyclopentadiene											
Hexachloroethane											
Indeno(1,2,3-cd)pyrene											
Isophorone											
Naphthalene											
Nitrobenzene											
N-Nitrosodimethylamine											
N-Nitrosodi-n-Propylamine											
N-Nitrosodiphenylamine											
Phenanthrene											
Pyrene											
1,2,4-Trichlorobenzene											
PESTICIDES											
Aldrin											
Alpha-hexachlorocyclohexane (BHC)											
beta-BHC											
gamma-BHC (Lindane)											
delta-BHC											
Chlordane											

PRETREATMENT PROGRAM INFLUENT AND EFFLUENT MONITORING RESULTS											
POLLUTANT	MAHL, if Applicable in lb/day	Influent Measured in µg/L (Actual Concentration or < MAL)				Average Influent % of the MAHL[2]	Daily Average Effluent Limit (µg/L) [3]	Effluent Measured in µg/L (Actual Concentration or < MAL) [4]			
		Date	Date	Date	Date			Date	Date	Date	Date
4,4-DDT											
4,4-DDE											
4,4-DDD											
Dieldrin											
alpha-Endosulfan											
beta-Endosulfan											
Endosulfan Sulfate											
Endrin											
Endrin Aldehyde											
Heptachlor											
Heptachlor Epoxide											
Polychlorinated biphenols (PCBs) *The sum of PCB concentrations not to exceed daily average value.*											
PCB-1242							See PCBs				
PCB-1254							See PCBs				
PCB-1221							See PCBs				
PCB-1232							See PCBs				
PCB-1248							See PCBs				
PCB-1260							See PCBs				

PRETREATMENT PROGRAM INFLUENT AND EFFLUENT MONITORING RESULTS											
POLLUTANT	MAHL, if Applicable in lb/day	Influent Measured in µg/L (Actual Concentration or < MAL)				Average Influent % of the MAHL[2]	Daily Average Effluent Limit (µg/L) [3]	Effluent Measured in µg/L (Actual Concentration or < MAL) [4]			
		Date	Date	Date	Date			Date	Date	Date	Date
PCB-1016							See PCBs				
Toxaphene											
ADDITIONAL TOXIC POLLUTANTS REGULATED UNDER 30 TAC CHAPTER 307											
Aluminum											
Barium											
Bis(chloromethyl)ether [7]											
Carbaryl											
Chloropyrifos											
Cresols											
2,4-D											
Danitol [8]											
Demeton											
Diazinon											
Dicofol											
Dioxin/Furans [9]											
Diuron											
Epichlorohydrin [9]											
Ethylene glycol [9]											
Fluoride											
Guthion											

PRETREATMENT PROGRAM INFLUENT AND EFFLUENT MONITORING RESULTS												
POLLUTANT	MAHL, if Applicable in lb/day	Influent Measured in µg/L (Actual Concentration or < MAL)				Average Influent % of the MAHL[2]	Daily Average Effluent Limit (µg/L) [3]	Effluent Measured in µg/L (Actual Concentration or < MAL) [4]			
		Date	Date	Date	Date			Date	Date	Date	Date
Hexachlorophene											
4,4-Isopropylidenediphenol (bisphenol A) [9]											
Malathion											
Methoxychlor											
Methyl Ethyl Ketone											
Methyl tert-butyl-ether (MTBE) [9]											
Mirex											
Nitrate-Nitrogen											
N-Nitrosodiethylamine											
N-Nitroso-di-n-Butylamine											
Nonylphenol											
Parathion											
Pentachlorobenzene											
Pyridine											
1,2-Dibromoethane											
1,2,4,5-Tetrachlorobenzene											
2,4,5-TP (Silvex)											
Tributyltin [9]											
2,4,5-Trichlorophenol											
TTHM (Total											

PRETREATMENT PROGRAM INFLUENT AND EFFLUENT MONITORING RESULTS											
POLLUTANT	MAHL, if Applicable in lb/day	Influent Measured in µg/L (Actual Concentration or < MAL)				Average Influent % of the MAHL[2]	Daily Average Effluent Limit (µg/L) [3]	Effluent Measured in µg/L (Actual Concentration or < MAL) [4]			
		Date	Date	Date	Date			Date	Date	Date	Date
Trihalomethanes)											

Endnotes:

1. It is advised that the permittee collect the influent and effluent samples considering flow detention time through each wastewater treatment plant (WWTP).

2. The MAHL of the approved TBLLs or for each pollutant of concern (POC) for which the permittee has calculated a MAHL. Only complete the column labeled "Average Influent % of the MAHL," as a percentage, for pollutants that have approved TBLLs or for each POC for which the permittee has calculated a MAHL (U.S. Environmental Protection Agency *Local Limits Development Guidance*, July 2004, EPA933-R-04-002A).

   The % of the MAHL is to be calculated using the following formulas:

   Equation A: $L_{INF} = (C_{POLL} \times Q_{WWTP} \times 8.34) / 1000$

   Equation B: $L_{\%} = (L_{INF} / MAHL) \times 100$

   Where:

L_{INF} =	Current Average (Avg) influent loading in lb/day
C_{POLL} =	Avg concentration in µg/L of all influent samples collected during the pretreatment year.
Q_{WWTP} =	Annual average flow of the WWTP in MGD, defined as the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months (or during the pretreatment year), and as described in the Definitions and Standard Permit Conditions section.
$L_{\%}$ =	% of the MAHL
MAHL =	Calculated MAHL in lb/day
8.34 =	Unit conversion factor

3. Daily average effluent limit (metal values are for total metals) as derived by the Texas Toxicity Modeling Program (TexTox). Effluent limits as calculated are designed to be protective of the Texas Surface Water Quality Standards. The permittee shall determine and indicate which effluent limit is the most stringent between the 30 TAC Chapter 319, Subchapter B (Hazardous Metals) limit, TexTox values, or any applicable limit in the Effluent Limitations and Monitoring Requirements Section of this TPDES permit. Shaded blocks need not be filled in unless the permittee has received a permit requirement/limit for the particular parameter.

4. Minimum analytical levels (MALs) and analytical methods as suggested in Tables E-1 and E-2 of the *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), as amended and adopted by the TCEQ. Pollutants that are not detectable above the MAL need to be reported as less than (<) the MAL numeric value.

5. Report result by subtracting Hexavalent Chromium from Total Chromium.

6. Either the method for Amenable to Chlorination or Weak-Acid Dissociable is authorized.

7. Hydrolyzes in water. Will not require permittee to analyze at this time.

8. EPA procedure not approved. Will not require permittee to analyze at this time.

9. Analyses are not required at this time for these pollutants unless there is reason to believe that these pollutants may be present.

BIOMONITORING REQUIREMENTS

CHRONIC BIOMONITORING REQUIREMENTS: FRESHWATER

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

1. Scope, Frequency, and Methodology

   a. The permittee shall test the effluent for toxicity in accordance with the provisions below. Such testing will determine if an appropriately dilute effluent sample adversely affects the survival, reproduction, or growth of the test organisms.

   b. The permittee shall conduct the following toxicity tests using the test organisms, procedures and quality assurance requirements specified in this part of this permit and in accordance with "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms," fourth edition (EPA-821-R-02-013) or its most recent update:

      1) Chronic static renewal survival and reproduction test using the water flea (*Ceriodaphnia dubia*) (Method 1002.0). This test should be terminated when 60% of the surviving adults in the control produce three broods or at the end of eight days, whichever occurs first. This test shall be conducted once per quarter.

      2) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*) (Method 1000.0). A minimum of five replicates with eight organisms per replicate shall be used in the control and in each dilution. This test shall be conducted once per quarter.

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

   c. The permittee shall use five effluent dilution concentrations and a control in each toxicity test. These effluent dilution concentrations are 32%, 42%, 56%, 75%, and 100% effluent. The critical dilution, defined as 100% effluent, is the effluent concentration representative of the proportion of effluent in the receiving water during critical low flow or critical mixing conditions.

   d. This permit may be amended to require a WET limit, a chemical-specific effluent limit, a best management practice, or other appropriate actions to address toxicity. The permittee may be required to conduct a toxicity reduction evaluation (TRE) after multiple toxic events.

   e. Testing Frequency Reduction

      1) If none of the first four consecutive quarterly tests demonstrates significant toxicity, the permittee may submit this information in writing

and, upon approval, reduce the testing frequency to once per six months for the invertebrate test species and once per year for the vertebrate test species.

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

2. Required Toxicity Testing Conditions

a. Test Acceptance - The permittee shall repeat any toxicity test, including the control and all effluent dilutions, which fail to meet the following criteria:

1) a control mean survival of 80% or greater;

2) a control mean number of water flea neonates per surviving adult of 15 or greater;

3) a control mean dry weight of surviving fathead minnow larvae of 0.25 mg or greater;

4) a control coefficient of variation percent (CV%) of 40 or less in between replicates for the young of surviving females in the water flea test; and the growth and survival endpoints in the fathead minnow test;

5) a critical dilution CV% of 40 or less for young of surviving females in the water flea test; and the growth and survival endpoints for the fathead minnow test, unless statistically significant toxicity is demonstrated at the critical dilution, in which case the test shall be considered valid;

6) a percent minimum significant difference of 47 or less for water flea reproduction; and

7) a PMSD of 30 or less for fathead minnow growth.

b. Statistical Interpretation

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

2) For the fathead minnow larval survival and growth tests, the statistical analyses used to determine the IC25 in survival or growth shall be as described in the methods manual referenced in Part 1.b.

3) The permittee is responsible for reviewing test concentration-response relationships to ensure that calculated test-results are interpreted and

reported correctly. The document entitled "Method Guidance and Recommendation for Whole Effluent Toxicity (WET) Testing (40 CFR Part 136)" (EPA 821-B-00-004) provides guidance on determining the validity of test results.

4) Most point estimates are derived from a mathematical model that assumes a continuous dose-response relationship. For any test result that demonstrates a non-continuous (threshold) response, or a non-monotonic dose-response relationship, the IC25 should be determined based on the method guidance manual referenced in Item 3.

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

c. Dilution Water

1) Dilution water used in the toxicity tests shall be the receiving water collected at a point upstream of the discharge as close as possible to the discharge point but unaffected by the discharge. Where the toxicity tests are conducted on effluent discharges to receiving waters that are classified as intermittent streams, or where the toxicity tests are conducted on effluent discharges where no receiving water is available due to zero flow conditions, the permittee shall:

a) substitute a synthetic dilution water that has a pH, hardness, and alkalinity similar to that of the closest downstream perennial water unaffected by the discharge; or

b) use the closest downstream perennial water unaffected by the discharge.

2) Where the receiving water proves unsatisfactory as a result of pre-existing instream toxicity (i.e. fails to fulfill the test acceptance criteria of Part 2.a.), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

a) a synthetic lab water control was performed (in addition to the receiving water control) which fulfilled the test acceptance requirements of Part 2.a;

b) the test indicating receiving water toxicity was carried out to completion (i.e., 7 days);

c) the permittee submitted all test results indicating receiving water toxicity with the reports and information required in Part 3.

3) The synthetic dilution water shall consist of standard, moderately hard, reconstituted water. Upon approval, the permittee may substitute other appropriate dilution water with chemical and physical characteristics similar to that of the receiving water.

d. Samples and Composites

1) The permittee shall collect a minimum of three composite samples from Outfall 001. The second and third composite samples will be used for the renewal of the dilution concentrations for each toxicity test.

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

3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the first composite sample. The holding time for any subsequent composite sample shall not exceed 72 hours. Samples shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.

4) If Outfall 001 ceases discharging during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions, and the sample holding time are waived during that sampling period. However, the permittee must have collected an effluent composite sample volume sufficient to complete the required toxicity tests with renewal of the effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report.

5) The effluent samples shall not be dechlorinated after sample collection.

3. Reporting

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

a. The permittee shall prepare a full report of the results of all tests conducted in accordance with the manual referenced in Part 1.b. for every valid and invalid toxicity test initiated whether carried to completion or not.

b. The permittee shall routinely report the results of each biomonitoring test on the Table 1 forms provided with this permit.

1) Annual biomonitoring test results are due on or before January 20th for biomonitoring conducted during the previous 12-month period.

2) Semiannual biomonitoring test results are due on or before July 20th and January 20th for biomonitoring conducted during the previous 6-month period.

3) Quarterly biomonitoring test results are due on or before April 20th, July 20th, October 20th, and January 20th for biomonitoring conducted during the previous calendar quarter.

4) Monthly biomonitoring test results are due on or before the 20th day of the month following sampling.

c. Enter the following codes for the appropriate parameters for valid tests only:

1) For the water flea, Parameter T4P3B, enter a "1" if the IC25 for survival is less than the critical dilution; otherwise, enter a "0."

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

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

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

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

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

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

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

d. Enter the following codes for retests only:

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

2) For retest number 2, Parameter 22416, enter a "1" if the IC25 for survival is less than the critical dilution; otherwise, enter a "0."

4. Persistent Toxicity

The requirements of this Part apply only when a test demonstrates a significant effect at the critical dilution. A significant effect is defined as an IC25 of a specified endpoint (survival, growth, or reproduction) less than the critical dilution. Significant lethality is defined as a survival IC25 less than the critical dilution. Similarly, significant sublethality is defined as a growth or reproduction IC25 less than the critical dilution.

a. The permittee shall conduct a total of 2 additional tests (retests) for any species that demonstrates a significant effect (lethal or sublethal) at the critical dilution.

The two retests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two retests in lieu of routine toxicity testing. All reports shall be submitted within 20 days of test completion. Test completion is defined as the last day of the test.

b. If the retests are performed due to a demonstration of significant lethality, and one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5. The provisions of Part 4.a. are suspended upon completion of the two retests and submittal of the TRE action plan and schedule defined in Part 5.

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

c. If the two retests are performed due to a demonstration of significant sublethality, and one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall again perform two retests as stipulated in Part 4.a.

d. If the two retests are performed due to a demonstration of significant sublethality, and neither test demonstrates significant lethality, the permittee shall continue testing at the quarterly frequency.

e. Regardless of whether retesting for lethal or sublethal effects, or a combination of the two, no more than one retest per month is required for a species.

5. Toxicity Reduction Evaluation

a. Within 45 days of the retest that demonstrates significant lethality, or within 45 days of being so instructed due to multiple toxic events, the permittee shall submit a general outline for initiating a TRE. The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.

b. Within 90 days of the retest that demonstrates significant lethality, or within 90 days of being so instructed due to multiple toxic events, the permittee shall submit a TRE action plan and schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical analyses to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE action plan shall describe an approach for the reduction or elimination of lethality for both test species defined in Part 1.b. At a minimum, the TRE action plan shall include the following:

1) Specific Activities - The TRE action plan shall specify the approach the permittee intends to utilize in conducting the TRE, including toxicity characterizations, identifications, confirmations, source evaluations, treatability studies, and alternative approaches. When conducting

characterization analyses, the permittee shall perform multiple characterizations and follow the procedures specified in the document entitled "Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I" (EPA/600/6-91/005F) or alternate procedures. The permittee shall perform multiple identifications and follow the methods specified in the documents entitled "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations: Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081). All characterization, identification, and confirmation tests shall be conducted in an orderly and logical progression;

2) Sampling Plan - The TRE action plan should describe sampling locations, methods, holding times, chain of custody, and preservation techniques. The effluent sample volume collected for all tests shall be adequate to perform the toxicity characterization/identification/confirmation procedures and chemical-specific analyses when the toxicity tests show significant lethality. Where the permittee has identified or suspects a specific pollutant and source of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and suspected pollutant and source of effluent toxicity;

3) Quality Assurance Plan - The TRE action plan should address record keeping and data evaluation, calibration and standardization, baseline tests, system blanks, controls, duplicates, spikes, toxicity persistence in the samples, randomization, reference toxicant control charts, and mechanisms to detect artifactual toxicity; and

4) Project Organization - The TRE action plan should describe the project staff, project manager, consulting engineering services (where applicable), consulting analytical and toxicological services, etc.

c. Within 30 days of submittal of the TRE action plan and schedule, the permittee shall implement the TRE.

d. The permittee shall submit quarterly TRE activities reports concerning the progress of the TRE. The quarterly reports are due on or before April 20th, July 20th, October 20th, and January 20th. The report shall detail information regarding the TRE activities including:

1) results and interpretation of any chemical-specific analyses for the identified and suspected pollutant performed during the quarter;

2) results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;

3) any data and substantiating documentation which identifies the pollutant(s) and source of effluent toxicity;

4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;

5) any data that identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant lethality at the critical dilution; and

6) any changes to the initial TRE plan and schedule that are believed necessary as a result of the TRE findings.

e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species. Testing for the less sensitive species shall continue at the frequency specified in Part 1.b.

f. If the effluent ceases to effect significant lethality, i.e., there is a cessation of lethality, the permittee may end the TRE. A cessation of lethality is defined as no significant lethality for a period of 12 consecutive months with at least monthly testing. At the end of the 12 months, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b.

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

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

g. The permittee shall complete the TRE and submit a final report on the TRE activities no later than 28 months from the last test day of the retest that confirmed significant lethal effects at the critical dilution. The permittee may petition the Executive Director (in writing) for an extension of the 28-month limit. However, to warrant an extension the permittee must have demonstrated due diligence in its pursuit of the toxicity identification evaluation/TRE and must prove that circumstances beyond its control stalled the toxicity identification evaluation/TRE. The report shall provide information pertaining to the specific control mechanism selected that will, when implemented, result in the reduction of effluent toxicity to no significant lethality at the critical dilution. The report shall also provide a specific corrective action schedule for implementing the selected control mechanism.

h. Based on the results of the TRE and proposed corrective actions, this permit may be amended to modify the biomonitoring requirements, where necessary, require a compliance schedule for implementation of corrective actions, specify a WET limit, specify a best management practice, and specify a chemical-specific limit.

i. Copies of any and all required TRE plans and reports shall also be submitted to the U.S. EPA Region 6 office, 6WQ-PO.

TABLE 1 (SHEET 1 OF 4)

BIOMONITORING REPORTING

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION

		Date Time		Date Time
Dates and Times Composites Collected	No. 1 FROM:	_____	TO:	_____
	No. 2 FROM:	_____	TO:	_____
	No. 3 FROM:	_____	TO:	_____

Test initiated: _____am/pm _____date

Dilution water used: _____ Receiving water _____ Synthetic Dilution water

NUMBER OF YOUNG PRODUCED PER ADULT AT END OF TEST

REP	Percent effluent					
	0%	32%	42%	56%	75%	100%
A						
B						
C						
D						
E						
F						
G						
H						
I						
J						
Survival Mean						
Total Mean						
CV%*						

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

TABLE 1 (SHEET 2 OF 4)

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION TEST

PERCENT SURVIVAL

	Percent effluent					
Time of Reading	0%	32%	42%	56%	75%	100%
24h						
48h						
End of Test						

1. Is the IC25 for reproduction less than the critical dilution (100%)? _____ YES _____ NO

2. Is the IC25 for survival less than the critical dilution (100%)? _____ YES _____ NO

3. Enter percent effluent corresponding to each IC25 below:

IC25 survival = _____%

IC25 reproduction = _____%

TABLE 1 (SHEET 3 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW LARVAE GROWTH AND SURVIVAL

		Date Time		Date Time
Dates and Times Composites Collected	No. 1	FROM: _____	TO:	_____
	No. 2	FROM: _____	TO:	_____
	No. 3	FROM: _____	TO:	_____

Test initiated: _____am/pm _____date

Dilution water used: _____ Receiving water _____ Synthetic dilution water

FATHEAD MINNOW GROWTH DATA

Effluent Concentration	Average Dry Weight in replicate chambers					Mean Dry Weight	CV%*
	A	B	C	D	E		
0%							
32%							
42%							
56%							
75%							
100%							

* Coefficient of Variation = standard deviation x 100/mean

TABLE 1 (SHEET 4 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW GROWTH AND SURVIVAL TEST

FATHEAD MINNOW SURVIVAL DATA

Effluent Concentration	Percent Survival in replicate chambers					Mean percent survival			CV%*
	A	B	C	D	E	24h	48h	7 day	
0%									
32%									
42%									
56%									
75%									
100%									

* Coefficient of Variation = standard deviation x 100/mean

1. Is the IC25 for growth less than the critical dilution (100%)? _____ YES _____ NO

2. Is the IC25 for survival less than the critical dilution (100%)? _____ YES _____ NO

3. Enter percent effluent corresponding to each IC25 below:

IC25 survival = _____%

IC25 growth = _____%

24-HOUR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

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

1. Scope, Frequency, and Methodology

a. The permittee shall test the effluent for lethality in accordance with the provisions in this section. Such testing will determine compliance with Texas Surface Water Quality Standard 30 TAC § 307.6(e)(2)(B), which requires greater than 50% survival of the appropriate test organisms in 100% effluent for a 24-hour period.

b. The toxicity tests specified shall be conducted once per six months. The permittee shall conduct the following toxicity tests using the test organisms, procedures, and quality assurance requirements specified in this section of the permit and in accordance with "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms," fifth edition (EPA-821-R-02-012) or its most recent update:

1) Acute 24-hour static toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*). A minimum of five replicates with eight organisms per replicate shall be used in the control and each dilution.

2) Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*). A minimum of five replicates with eight organisms per replicate shall be used in the control and each dilution.

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

c. In addition to an appropriate control, a 100% effluent concentration shall be used in the toxicity tests. Except as discussed in item 2.b., the control and dilution water shall consist of standard, synthetic, moderately hard, reconstituted water.

d. This permit may be amended to require a WET limit, a Best Management Practice (BMP), Chemical-Specific (CS) limits, or other appropriate actions to address toxicity. The permittee may be required to conduct a Toxicity Reduction Evaluation after multiple toxic events.

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

2. Required Toxicity Testing Conditions

a. Test Acceptance - The permittee shall repeat any toxicity test, including the control, if the control fails to meet a mean survival equal to or greater than 90%.

b. Dilution Water - In accordance with item 1.c., the control and dilution water shall normally consist of standard, synthetic, moderately hard, reconstituted water. If the permittee utilizes the results of a chronic test to satisfy the requirements in item 1.e., the permittee may use the receiving water or dilution water that meets the requirements of item 2.a as the control and dilution water.

c. Samples and Composites

1) The permittee shall collect one composite sample from Outfall 001.

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

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

4) If Outfall 001 ceases discharging during the collection of the effluent composite sample, the requirements for the minimum number of effluent portions are waived. However, the permittee must have collected a composite sample volume sufficient for completion of the required test. The abbreviated sample collection, duration, and methodology must be documented in the full report.

5) The effluent sample shall not be dechlorinated after sample collection.

3. Reporting

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

a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this permit in accordance with the manual referenced in Part 1.b. for every valid and invalid toxicity test initiated.

b. The permittee shall routinely report the results of each biomonitoring test on the Table 2 forms provided with this permit.

1) Semiannual biomonitoring test results are due on or before July 20th and January 20th for biomonitoring conducted during the previous 6-month period.

2) Quarterly biomonitoring test results are due on or before April 20th, July 20th, October 20th, and January 20th for biomonitoring conducted

during the previous calendar quarter.

c. Enter the following codes for the appropriate parameters for valid tests only:

1) For the water flea, Parameter TIE3D, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter "1."

2) For the fathead minnow, Parameter TIE6C, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter "1."

d. Enter the following codes for retests only:

1) For retest number 1, Parameter 22415, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter "1."

2) For retest number 2, Parameter 22416, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter "1."

4. Persistent Mortality

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

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

b. If one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5.

5. Toxicity Reduction Evaluation

a. Within 45 days of the retest that demonstrates significant lethality, the permittee shall submit a general outline for initiating a TRE. The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.

b. Within 90 days of the retest that demonstrates significant lethality, the permittee shall submit a TRE action plan and schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE

is a step-wise investigation combining toxicity testing with physical and chemical analysis to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE action plan shall lead to the successful elimination of significant lethality for both test species defined in Part 1.b. At a minimum, the TRE action plan shall include the following:

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

2) Sampling Plan - The TRE action plan should describe sampling locations, methods, holding times, chain of custody, and preservation techniques. The effluent sample volume collected for all tests shall be adequate to perform the toxicity characterization/identification/confirmation procedures, and chemical-specific analyses when the toxicity tests show significant lethality. Where the permittee has identified or suspects a specific pollutant and source of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and suspected pollutant and source of effluent toxicity;

3) Quality Assurance Plan - The TRE action plan should address record keeping and data evaluation, calibration and standardization, baseline tests, system blanks, controls, duplicates, spikes, toxicity persistence in the samples, randomization, reference toxicant control charts, and mechanisms to detect artifactual toxicity; and

4) Project Organization - The TRE action plan should describe the project staff, manager, consulting engineering services (where applicable), consulting analytical and toxicological services, etc.

c. Within 30 days of submittal of the TRE action plan and schedule, the permittee shall implement the TRE.

d. The permittee shall submit quarterly TRE activities reports concerning the progress of the TRE. The quarterly TRE activities reports are due on or before April 20th, July 20th, October 20th, and January 20th. The report shall detail

information regarding the TRE activities including:

1) results and interpretation of any chemical-specific analyses for the identified and suspected pollutant performed during the quarter;

2) results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;

3) any data and substantiating documentation that identifies the pollutant and source of effluent toxicity;

4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;

5) any data that identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to eliminate significant lethality; and

6) any changes to the initial TRE plan and schedule that are believed necessary as a result of the TRE findings.

e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species. Testing for the less sensitive species shall continue at the frequency specified in Part 1.b.

f. If the effluent ceases to effect significant lethality, i.e., there is a cessation of lethality, the permittee may end the TRE. A cessation of lethality is defined as no significant lethality for a period of 12 consecutive weeks with at least weekly testing. At the end of the 12 weeks, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b.

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

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

g. The permittee shall complete the TRE and submit a final report on the TRE activities no later than 18 months from the last test day of the retest that

demonstrates significant lethality. The permittee may petition the Executive Director (in writing) for an extension of the 18-month limit. However, to warrant an extension the permittee must have demonstrated due diligence in its pursuit of the toxicity identification evaluation/TRE and must prove that circumstances beyond its control stalled the toxicity identification evaluation/TRE. The report shall specify the control mechanism that will, when implemented, reduce effluent toxicity as specified in item 5.h. The report will also specify a corrective action schedule for implementing the selected control mechanism.

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

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

i. Based upon the results of the TRE and proposed corrective actions, this permit may be amended to modify the biomonitoring requirements where necessary, require a compliance schedule for implementation of corrective actions, specify a WET limit, specify a best management practice, and specify a chemical-specific limit.

j. Copies of any and all required TRE plans and reports shall also be submitted to the U.S. EPA Region 6 office, 6WQ-PO.

TABLE 2 (SHEET 1 OF 2)

WATER FLEA SURVIVAL

GENERAL INFORMATION

	Time	Date
Composite Sample Collected		
Test Initiated		

PERCENT SURVIVAL

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

Enter percent effluent corresponding to the LC50 below:

24 hour LC50 = _____% effluent

TABLE 2 (SHEET 2 OF 2)

FATHEAD MINNOW SURVIVAL

GENERAL INFORMATION

	Time	Date
Composite Sample Collected		
Test Initiated		

PERCENT SURVIVAL

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

Enter percent effluent corresponding to the LC50 below:

24 hour LC50 = _____% effluent

CITY OF DENTON WATER CONSERVATION PLAN

April 2024

1. INTRODUCTION AND OBJECTIVES

Water supply has always been a key issue in the development of Texas. The increasing population and economic development in Region C have led to growing demands for water. Additional supplies to meet higher demands will be expensive and difficult to develop. It is important to preserve water availability by making efficient use of existing supplies. Effective conservation strategies will delay the need for new supplies, minimize the environmental impacts associated with developing new supplies, and delay the high cost of additional water supply development.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality (TCEQ) has developed guidelines and requirements governing the development of water conservation and drought contingency plans for public water suppliers.[1] The TCEQ guidelines and requirements for water suppliers are included in Appendix B. The City of Denton has adopted this water conservation and drought contingency plan pursuant to TCEQ guidelines and requirements.

The objectives of the water conservation plan are:

- To reduce per capita water consumption.
- To reduce operational water loss
- To reduce wasteful uses of water.
- To promote water reuse.
- To improve efficiency in the use of water.
- To extend the life of current water supplies by implementing sustainable practices

The objectives of the drought contingency plan are:

- To conserve the available water supply in times of drought and emergency.
- To maintain supplies for domestic water use, sanitation, and fire protection.
- To protect and preserve public health, welfare, and safety.
- To minimize the adverse impacts of water supply shortages.
- To minimize the adverse impacts of emergency water supply conditions.

2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

2.1 Conservation Plans

The TCEQ rules governing development of water conservation plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code, which is included in Appendix B. For the purpose of these rules, a water conservation plan is defined as:

> "A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water. A water conservation plan may be a separate document identified as such or may be contained within another water management document(s)."[1]

According to TCEQ rules, water conservation plans for public water suppliers must have a certain minimum content (Section 3), must have additional content for public water suppliers that are projected to supply 5,000 or more people in the next ten years (Section 4), and may have additional optional content (Section 5).

2.2 Drought Contingency Plans

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code, which is included in Appendix B. The rules for wholesale water suppliers are contained in Rule 288.22, included in Appendix B. For the purpose of these rules, a drought contingency plan is defined as:

> "A strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies. A drought contingency plan may be a separate document identified as such or may be contained within another water management document(s)."[1]

The drought contingency plan for the City of Denton is contained in Section 6 of this water conservation and drought contingency plan.

3. MINIMUM REQUIRED WATER CONSERVATION PLAN CONTENT

The minimum requirements in the Texas Administrative Code for water conservation plans for public drinking water suppliers covered in this report are as follows:

- 288.2(a)(1)(A) – Utility Profile – Section 3.1 and Appendix C
- 288.2(a)(1)(B) – Records Management System – Section 3.2

- 288.2(a)(1)(C) – Specification of 5- and 10-Year Savings Targets – Section 3.3
- 288.2(a)(1)(D) – Accurate Metering – Sections 3.4.A
- 288.2(a)(1)(E) – Universal Metering – Section 3.4.B
- 288.2(a)(1)(F) – Determination and Control of Unaccounted Water – Section 3.5
- 288.2(a)(1)(G) – Public Education and Information Program – Section 3.6
- 288.2(a)(1)(H) – Non-Promotional Water Rate Structure – Section 3.7
- 288.2(a)(1)(I) – Reservoir System Operation Plan – Section 3.8
- 288.2(a)(1)(J) – Means of Implementation and Enforcement – Section 3.9, Appendix D
- 288.2(a)(1)(K) – Coordination with Regional Water Planning Group – Section 3.10 and Appendix E

TCEQ places additional requirements on wholesale water suppliers in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.5 of the Texas Administrative Code. This Rule is included in Appendix B.

TCEQ's minimum requirements for water conservation plans are addressed in the following subsections of this report:

- 288.5(1)(C) – Maximum Acceptable Unaccounted-For Water Goal – Section 3.5

3.1 Utility Profile

Appendix C to this water conservation plan is a water utility profile for the City of Denton, based on the format recommended by the TCEQ.[2]

3.2 Records Management System

The Texas Administrative Code requires water systems maintain a record management system which allows for the classification of water sales and uses into the most detailed level of water use data currently available to it, including, if possible, the sectors listed in clauses (i) - (vi) of this subparagraph. Any new billing system purchased by a public water supplier must be capable of reporting detailed water use data as described in clauses (i) - (vi) of this subparagraph:

(i) residential;
  (I) single family;
  (II) multi-family;
(ii) commercial;
(iii) institutional;
(iv) industrial;

(v) agricultural; and,
(vi) wholesale.

The City of Denton Currently Utilizes NorthStar Billing System. While the acquisition and implementation of this software predates the above records management requirements, the system can accommodate the classification of water uses into detailed water use data.

3.3 Specification of 5- and 10-Year Savings Targets

The Texas Administrative Code requires specific, quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal use in total GPCD and residential GPCD.

In December of 1999, the average gallon per capita per day (gpcd) water usage was roughly 160. This figure is arrived at by taking the amount of produced water, subtracting wholesale water amounts, then dividing the remaining amount by the current population. It is important to note, that gpcd is an industry standard, however gpcd does include commercial and industrial water usages. Therefore, it is important to make the distinction that a gpcd figure does not represent household usage alone, but also considers an individual's "water footprint" based on the water consumption of goods and services they enjoy.

In 1999, when gpcd was 160, the original water conservation plan articulated a conservation goal of a 15 percent reduction in per capita water use by 2050, which would be 136 gpcd.

The City's water conservation goals were further amended May 1, 2005, to include the goal of a one percent reduction yearly in per-capita usage for ten years. Resulting in 152 gpcd by 2024. Weather variability presents data interpretation challenges. On average, Denton receives 38 inches of rain. In 2015 Denton received 69.5 inches of rain, that year saw a 132.64 gpcd consumption, surpassing our 2050 goal. In 2023 Denton received 28.8 inches of rain, that year saw 149.78 gpcd consumption. While the 2024 usage is much higher than thew 2015 usage, it is fair to argue 2024 more accurately represents successful reduction. Additionally, the pattern and frequency of rainfall has significant effects on irrigation patterns. For example, if 1" of rain falls per week in .25" increments every other day in August, irrigation would be largely curtailed, however if 1" of rain falls on a Sunday then the rest of the week is dry, irrigation would likely occur by mid-to-end of the week.

Due to a shift in a larger percent of population living in multifamily homes, some of the assumptions comprising the 2050 goal of 136 gpcd were reexamined, and a new goal of 130 gpcd by 2050 is the new target.

The figure below represents Denton's conservation in 2019, 2024 to date actuals, and 5-, 10- and 15-year goals through 2039.

Unit	Unit	2019	2024	2029	2034	2039
City of Denton Population		133,610	156,643	231,334	255412	281995
Gallons Per Capita per Day	gpcd	140	148	145	142	140
Residential Gallons Per-Capita per Day	gpcd	58.3	63.38	60	56.5	53

3.4.A Accurate Metering of Raw Water Supplies and Treated Water Deliveries

The City of Denton meters all raw water diversions from Lake Lewisville and Lake Ray Roberts to each of the Water Treatment Plants. The City of Denton also meters all treated water deliveries to the distribution system from each water treatment plant. Each meter has an accuracy of plus or minus one percent. The meters are calibrated on a semiannual basis by City of Denton personnel to maintain the required accuracy and are repaired or replaced as needed. Both Raw meters for Lake Ray Roberts were replaced in 2018, and both Lake Lewisville meters were replaced in 2021.

3.4.B Metering of Customer and Public Uses and Meter Testing, Repair, and Replacement

Water usage for all customers of the City of Denton, including public and governmental use, is metered. As part of the water conservation plan, the City of Denton will continue to implement a meter replacement program. Denton Water Utility (DWU) staff conducted an extensive study in 2004 in which over 2,000 water meters were bench tested for accuracy. Throughout the years since this study was conducted, it has been updated and to date holds validity in results. In addition, a cost-benefit analysis was conducted to maximize the efficiency of the meters versus the costs of the replacement program. Based on the study, ¾ to 2-inch meters are replaced on a twelve- to fourteen-year cycle. The program focused on replacing the oldest meters in the system first. From 2009 to 2013 DWU has replaced meters to meet the twelve- to fourteen-year cycle. Meters that are 3-inch or larger are tested every year and repaired or replaced as necessary. The meter inventory for the city is in the process of transitioning to AMI or Automatic Meters. A pilot study is currently in progress and it is anticipated that the AMI meters will begin to replace analogue meters in 2027.

In addition, meters registering any unusual or questionable readings are automatically flagged in the billing process and be tested and repaired to restore full functionality.

3.5 Determination and Control of Water Loss

The amended 2003, Texas Water Code (Chapter 16.0121) requires that DWU (a retail public utility that provides potable water) to file an annual audit of system water loss. DWU continues to follow annually in compliance with the TWC.

DWU staff performs a yearly water audit, using the International Water Association/ American Water Works Association (IWA/AWWA) method required by the TWDB. DWU staff has been conducting water audits since the early 1990s. Historically, the City of Denton's non-revenue water, has always been below the AWWA goal. The City of Denton unaccounted-for water is also below the national average and the 2017 Texas average. The City of Denton's system has always met the suggested targets of the newer IWA/AWWA methodology as specified by the TWDB Task Force on water conservation.

The City of Denton will continue to conduct annual water audits using the IWA/AWWA methodologies.

Non-revenue water for the City of Denton has varied from 3.3 percent to 7.5 percent in the last five years, with the highest value still under review regarding accuracy of a source meter. Previous audits led to the discovery and correction of a systematic source metering error at the Ray Roberts Water Treatment Plant. Staff will continue to conduct comprehensive water audits annually and take appropriate measure to minimize system water loss.

3.6 Public Education and Information; Partnerships with Non-profits

The City of Denton continues to have an active role in the education of water conservation with several methods of outreach and public information. Along with their Partnerships with Non-Profits, they execute campaigns throughout the year(s) to spread information on conservation. The continuing public education and information campaign and the partnerships with Non-Profit organizations on water conservation includes the following elements:

a. Promote the City's water conservation measures (presented in Sections 3, 4, and 5).
b. Enforcement of a mandatory twice-a-week watering schedule for landscape.
c. Include inserts on water conservation with water bills at least twice per year. Inserts will include material developed by City of Denton staff and material obtained from the TWDB, the TCEQ, and other sources that pertain to water conservation, irrigation conservation, and protecting pipes from freezing.
d. Encourage local media coverage of water conservation issues and the importance of water conservation.
e. Make the Texas Smartscape materials, water conservation brochures, and other water conservation materials available to the public at the City of Denton Utility Department, other City facilities, and at special events.

f. Make information pertaining to water conservation and irrigation conservation available online at www.sustainabledenton.com and water utilities website www.discussdenton.com/water-wise-denton include links to the Texas Smartscape website and to information relating to water conservation on the TWDB and TCEQ web sites.
g. Provide a Xeriscape and a Water Conservation class once a year to promote conservation landscaping and conservation irrigation practices.
h. Provide links to educational information related to use and installation of rain barrels for irrigation on www.discussdenton.com/water-wise-denton.
i. Promote and educate with non-profit conservation partners such as Master Naturalist, Master Gardeners, and Natural Plant Society, organizations that actively hold informational and educational meetings and volunteer opportunities regularly within our community.
j. Offer presentations to local organizations, schools, and civic groups on the importance of water conservation and ways to save water.

3.7 Non-Promotional Water Rate Structure

With the intent of encouraging water conservation and discouraging waste and excessive use of water, the City of Denton adopted an increasing block (inverted block) rate in 1998. In an inverted-block structure the unit price of water increases with increasing water use.

The City of Denton initially employed an inverted-block rate from May through October. We have since adopted this structure year-round. The structure consists of four blocks. The first block provides enough water to cover a typical household's water usage, which includes a moderate amount for irrigation. The second, third, and fourth blocks are designed to curb discretionary and seasonal outdoor water use. The inverted-block structure only applies to residential customers. DWU bills commercial customers on a flat rate, but has implemented seasonal pricing on commercial irrigation meters to curb summer peak demand.

3.8 Reservoir System Operation Plan

The City of Denton has the right to divert water from Lake Lewisville and Lake Ray Roberts, which we limit to firm yield calculations as follows:

- 19.76 MGD from Lake Ray Roberts
- 4.34 MGD from Lake Lewisville

The City of Denton is the minority water right holder in both reservoirs. The expired agreement with the City of Dallas (majority water right holder) delegates comprehensive coordination of reservoir management to the City of Dallas.

3.9 Implementation and Enforcement of the Water Conservation Plan

Appendix D contains a copy of the resolution of the City of Denton City Council adopting this water conservation and drought contingency plan. The resolution designates responsible officials to implement and enforce the water conservation and drought contingency plan.

3.10 Coordination with Regional Water Planning Group

The City of Denton will provide a copy of this water conservation and drought contingency plan to the Region C Water Planning Group, which is currently developing the Regional Water Plan. Appendix E includes a copy of a letter sent to the Chair of the Region C Water Planning Group.

4. ADDITIONAL REQUIRED WATER CONSERVATION PLAN CONTENT

The Texas Administrative Code also includes additional requirements for water conservation plans for public drinking water suppliers that serve a population of 5,000 people or more and/or a projected population of 5,000 people or more within the next 10 years:

- §288.2(a)(2)(A) – Leak Detection, Repair, and Water Loss Accounting – Sections 3.5, 4.1, and 5.5
- §288.2(a)(1)(B) – Record Management System – Section 4.2
- §288.2(a)(2)(C) – Requirement for Water Conservation Plans by Wholesale Customers – Section 4.3

4.1 Leak Detection and Repair; Pressure Control

Measures to control unaccounted-for water are part of the routine operations of the City of Denton. Meter readers, water and wastewater utility personnel, and the public report leaks in the system. Maintenance crews are on-call 24-hours a day and respond quickly to repair reported leaks. DWU has invested in leak detection and correlator equipment that helps in identifying more leaks and locating leaks more accurately for repair.

The City of Denton also proactively decreases water loss through the waterline replacement program. Areas of the water distribution system in which numerous leaks and line breaks occur are targeted for replacement.

DWU will continue analysis on the life cycle of transmission lines. These pipes have an assumed lifespan of 75 years. DWU continuously assesses the current condition of existing transmission lines and maintains a detailed maintenance history. DWU revises the replacement schedules accordingly for all existing transmission lines to reduce water loss from main breaks by better estimating end of useful live.

To reduce real water losses, the City of Denton will maintain a proactive water loss program. As part of this program, the City will implement the following actions:

a. Continue to implement and improve the waterline replacement program.
b. Conduct an analysis to revise the replacement schedule of transmission lines.
c. Conduct regular inspections of all water main fittings and connections during periods of maintenance and repair.

4.2 Record Management System

As required by TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2(a)(1)(B), the record management system for the City of Denton records water pumped, water delivered, and water sold. However, the City of Denton's record management system does not allow for the separation of water sales and uses into residential, commercial, public/institutional, and industrial categories as required.

The current billing system separates sales and uses into residential, commercial, and wholesale user classes. At such time that the City of Denton procures a new record management system, such system will have the capabilities required in section 288.2(a)(1)(B).

4.3 Requirement for Water Conservation Plans by Wholesale Customers

Each contract for the wholesale sale of water by the City of Denton will include a requirement that the wholesale customer develop and implement a water conservation plan meeting the requirements of Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2(a)(2)(c) of the Texas Administrative Code. If the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with applicable provisions of Chapter 288.

5. OPTIONAL WATER CONSERVATION PLAN CONTENT

TCEQ rules also list optional (not required) conservation strategies, which may be adopted by suppliers to achieve the stated goals of the plan. The following optional strategies are listed in the rules; some are not included in this plan:

- §288.2(a)(3)(A) – Conservation Oriented Water Rates – Section 3.7
- §288.2(a)(3)(B) – Ordinances, Plumbing Codes or Rules on Water-Conserving Fixtures – Section 5.1
- §288.2(a)(3)(C) – Programs for the Replacement or Retrofit of Water-Conserving Plumbing Fixtures in Existing Structures – (Not included in plan)
- §288.2(a)(3)(D) – Reuse and Recycling of Wastewater – Section 5.2
- §288.2(a)(3)(E) – Pressure Control and/or Reduction – (Not included in plan)
- §288.2(a)(3)(F) – Landscape Water Management Ordinance – Section 5.3
- §288.2(a)(3)(G) – Monitoring Method – Section 5.4

- §288.2(a)(3)(H) – Other Conservation Methods – Section 5.5 and 5.6

5.1 Ordinances, Plumbing Codes, or Rules on Water-Conserving Fixtures

The State of Texas has required 2.5 gpm faucets, 3.0 gpm showerheads, and 1.6 gpf toilets for new construction since 1992. Similar standards are also required under federal law. Denton's Plumbing Code complies with the State of Texas requirements. The implementation of the federal rules requiring energy-conserving clothes washers in 2007 improved the water-efficiency of residential clothes washers.

5.2 Reuse and Recycling of Wastewater

The City of Denton's current reuse program delivers approximately 0.5 MGD of reclaimed wastewater effluent. The current distribution system has a maximum capacity of 4 MGD. The city is currently partnering with a consultant to perform an analysis on the system and increase usage by identifying new customers that can feasibly be connected to the system, and identifying infrastructure improvements to allow for expansion. Lasty, new developments of a certain size are required to be constructed with purple pipe to accommodate future system expansion. Staff is identifying internal processes that can be accomplished with reuse water, such as sewer cleaning and street sweeping, and working to accommodate the change from potable to reuse water to accomplish these tasks.

5.3 Landscape Management Ordinance

As part of the development of this water conservation plan, the City of Denton has implemented a lawn and landscape irrigation and water waste ordinance. This ordinance is intended to minimize waste in landscape irrigation and other uses. The ordinance was implemented in 2006, during a drought period when public awareness of the drought was high. The ordinance includes the following elements:

a. Prohibition of outdoor watering, except by hand and for watering foundations, from 10:00 a.m. to 6:00 p.m. every day from June 1 through September 30.
b. Requirement that all new irrigation systems include rain and freeze sensors.
c. Prohibition of designs and installations that spray directly onto impervious surfaces such as sidewalks and roads or onto other non-irrigated areas.
d. Prohibition of use of poorly maintained sprinkler systems that waste water.
e. Requirement that any outside faucet or service line leak be repaired.
f. Enforcement of the ordinance by a system of warnings followed by fines for continued or repeat violations.

Staff is expanding the rules and regulations above to include a twice a week irrigation schedule for all users, as well as hiring an additional staff member to support the public and uphold the restrictions.

The irrigation schedule is as follows:

Address	Irrigation Day
Even Addresses (ending in 0,2,4,6,8 or no address)	Tuesday and Saturday
Odd Addresses (ending in 1,3,5,7,9)	Wednesday and Sunday
Commercial and Multi-Family	Monday and Thursday

The Water Utility Department recognizes that the implementation of the watering schedule is a significant change for our customers. While Sec. 26-234 allows for civil and criminal penalties for violation of any portion of the plan, it is the departments intent to educate and correct behavior without the use of civil and criminal penalties, unless absolutely necessary. Staff plans to implement a 3 year grace period from 2024-2026 before strict enforcement in 2027.

5.4 Monitoring Method

Currently there is not a system in place to accurately measure consumption per capita per day. The meter inventory for the city is in the process of transitioning to AMI or Automatic Meters. A pilot study is currently in progress, and it is anticipated that the AMI meters will begin to replace analogue meters in 2027. As meters are replaced, AMI technology will allow for individual gpcd monitoring.

5.5 Customer Water Audit

The City of Denton will continue to conduct water audits for single- and multi-family residential customers. The four main purposes are to: educate customers about conservative water use habits and replacement of inefficient toilets, clothes washers, and dishwashers; educate customers about water-efficient showerheads and faucet aerators; identify leaks; and optimize irrigation water usage. The City's auditor will review the water use habits of the customer, inspect the system for leaks and excessive use, and recommend any equipment repairs or changes to increase the efficiency of both the domestic and irrigation water systems. Although overall water savings from residential water audits are minimal, residential water audits are crucial to maintaining good customer relations particularly related to high billing complaints.

The City of Denton has and will explore new organizational options that would allow for expansion of the water audit program. In addition to increasing availability of personnel for residential water audits, DWU will begin to expand its focus and implement a program for commercial customers. As Denton's

highest volume water customers are in the commercial sector, commercial water efficiency is expected to make a significant impact toward overall reductions.

5.6 Park, Athletic Fields and Golf Course Conservation

The City of Denton will explore the possibility of additional savings by the proper management of park and athletic field irrigation, landscape, and turf practices. The Texas Water Development Board Water Conservation Best Management Practices Guide includes guidelines for water conservation in parks, athletic fields, and golf courses.[3] DWU will work with other city departments to determine the potential for water and cost savings by proper management practices and implement them when practical. Additionally, Denton is exploring the use of Effluent or Reuse water as a sustainable alternative to potable water. We are currently in the planning stage of this process.

6. DROUGHT CONTINGENCY PLAN

6.1 Introduction

The purpose of this drought contingency plan is as follows:

a. To conserve the available water supply in times of drought and emergency.
b. To maintain supplies for domestic water use, sanitation, and fire protection.
c. To protect and preserve public health, welfare, and safety.
d. To minimize the adverse impacts of water supply shortages.
e. To minimize the adverse impacts of emergency water supply conditions.

6.2 State Requirements for Drought Contingency Plans

This drought contingency plan is consistent with Texas Commission on Environmental Quality (TCEQ) guidelines and requirements for the development of drought contingency plans by public drinking water suppliers, contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code. This rule is included in Appendix B.

TCEQ's minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- 288.20(a)(1)(A) – Provisions to Inform the Public and Provide Opportunity for Public Input – Section 6.3
- 288.20(a)(1)(B) – Provisions for Continuing Public Education and Information – Section 6.4
- 288.20(a)(1)(C) – Coordination with the Regional Water Planning Group – Section 6.9
- 288.20(a)(1)(D) – Criteria for Initiation and Termination of Drought Stages – Section 6.5
- 288.20(a)(1)(E) – Drought and Emergency Response Stages – Section 6.6
- 288.20(a)(1)(F) – Specific, Quantified Targets for Water Use Reductions – Section 6.6
- 288.20(a)(1)(G) – Water Supply and Demand Management Measures for Each Stage – Section 6.6
- 288.20(a)(1)(H) – Procedures for Initiation and Termination of Drought Stages – Section 6.6
- 288.20(a)(1)(I) - Procedures for Granting Variances – Section 6.8
- 288.20(a)(1)(J) - Procedures for Enforcement of Mandatory Restrictions – Section 6.7
- 288.20(a)(3) – Consultation with Wholesale Supplier – Not applicable
- 288.20(b) – Notification of Implementation of Mandatory Measures – Section 6.6

288.20(c) – Review and Update of Plan – Section 6.10TCEQ places additional requirements on wholesale water suppliers in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.22 of the Texas Administrative Code. This Rule is included in Appendix B.

TCEQ's minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- 288.22(a)(1) – Provisions to Inform Wholesale – Section 6.3
- 288.22(a)(7) – Water Supply and Demand Management Measures Conform to Texas Water Code 11.039 – Section 6.6
- 288.22(a)(8) – Wholesale Contract Supply Provisions Conform to Texas Water Code 11.039 – Section 6.6

6.3 Provisions to Inform the Public and Opportunity for Public Input

The City of Denton provided opportunity for public input in the development of this drought contingency plan from January 22 through February 22 of 2024:

a. Written notice of the proposed plan and the opportunity to comment on the plan was posted on the water utilities website www.discussdenton.com/water-wise-denton
b. Notification was given before, after and during the comment period
c. The plan is always available to the public at the City of Denton's web site www.cityofdenton.com and water utilities website www.discussdenton.com/water-wise-denton
d. The public may comment on updates to the plan.
e. The plan will be provided to anyone requesting a copy.

The City of Denton shares water rights with the City of Dallas. Denton is the minority water right holder in both water supply reservoirs. It is by design that Denton's Drought Contingency Plan closely resembles Dallas' plan. The need to coordinate Denton's Plan with the Dallas plan is appropriate and fosters Consistent communication within a media market common to many different water utilities.

6.4 Provisions for Continuing Public Education and Information

The City of Denton will inform and educate the public about its drought contingency plan by the following means:

a. The plan is available to the public through the City of Denton web site at www.cityofdenton.com and the water utility's website www.discussdenton.com/water-wise-denton
b. Including information about the drought contingency plan on the City of Denton's web site, www.cityofdenton.com water utility's website www.discussdenton.com/water-wise-denton.
c. Upon request, make presentations to local organizations, schools, and civic groups on the drought contingency plan (usually in conjunction with presentations on water conservation programs).

d. Open public meetings with the Public Utilities Board, Environment Committee, and City Council.

Any time the drought contingency plan is activated, or the drought stage changes, the City of Denton will notify local media of the issues, the drought response stage, and the specific actions required of the public. The information will also be publicized on the City of Denton website, www.cityofdenton.com. Billing inserts will be used as appropriate.

6.5 Initiation and Termination of Drought Response Stages

6.5.1 Initiation of Drought Response Stages

The Director of Water Utilities or designee may order the implementation of a drought response stage or water emergency when one or more of the trigger conditions for that stage are met. The following actions will be taken when a drought stage is initiated:

a. The public will be notified through local media.
b. Wholesale customers will be notified by telephone with a follow-up letter or email.
c. If any mandatory provisions of the drought contingency plan are activated, the City of Denton will notify the Executive Director of the TCEQ within 5 business days.

The Director of Water Utilities or designee may decide not to order the implementation of a drought response stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors that could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs.

Trigger Condition Types: The three types of water management conditions are discussed below:

For a ***Type A situation*****,** preservation of the total water supply is critical and corresponding water management measures should stress overall reductions in water use. This condition is measured by a reduction in lake supply and results from extended drought. The best opportunity to respond to a drought is early in the drought cycle. Drought Contingency measures should stress overall reductions in water demand (i.e., average-day water demand).

For a ***Type B situation***, in which the water demand approaches the delivery capacity of the system, managing and lessening the peak water demand will be critical, and corresponding drought contingency measures should stress water-use reductions or shifts to off-peak hours. In this situation, the objective of Stages 1 and 2 are to avoid triggering the next stage. A Stage 3 trigger requires immediate and severe water demand reductions. Equipment or system failures that result from

increased stresses to the transmission, treatment, or distribution systems can worsen a ***Type B*** situation. This condition is a result of an increase in demand. In the short term, this typically occurs during the summer months when irrigation requires more water. In the long term, it could occur if treatment plant or distribution system expansions do not keep pace with the growth in consumer demand, which is especially possible in times of significant population growth. Drought contingency measures should stress reductions in peak water demand or redistribution of the demand to off-peak hours.

For a ***Type C situation*** where deficiencies limit the supply capacity, both water-use reductions and shifts to off-peak hours may be necessary. Although the area involved may be localized, immediate action requiring water demand reduction is necessary. Depending upon the severity of the triggering conditions, it is feasible that the plan could proceed immediately to implementation of stage 3. This condition is a result of a break in a large transmission main, mechanical failure to one or more large pumps, or production plant breakdown. Contamination of water supplies or other unforeseen occurrences may also instigate this condition. They may arise with little warning and require immediate and/or aggressive actions.

Drought contingency measures should stress reductions in peak water demand and/or redistribution of the demand to off-peak hours.

6.5.2 Termination of Drought Response Stages

The Director of Water Utilities or designee may order the termination of a drought response stage or water emergency when the conditions for termination are met or at his/her discretion. The following actions will be taken when a drought stage is terminated:

a. The public will be notified through local media.
b. Wholesale customers will be notified by telephone with a follow-up letter or email.
c. When any mandatory provisions of the drought contingency plan that have been activated are terminated, the City of Denton will notify the Executive Director of the TCEQ within 5 business days.

The Director of Water Utilities or designee may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. Factors that could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of conditions that warrant the continuation of the drought stage.

6.6 Drought and Emergency Response Stages

6.6.1 Stage 1, Mild

6.6.1.1 Triggering and Termination Conditions for Stage 1, Mild

6.6.1.1.1 ***Type A*** *Water Management Condition*
Total raw water supply in (1) Denton and Dallas connected lakes (east and west); or (2) western connected lakes; or (3) eastern connected lakes drops below 65% of the total conservation storage of the lakes

6.6.1.1.2 ***Type B*** *Water Management Condition*
Water demand reaches or exceeds 85% of delivery capacity for 4 consecutive days

6.6.1.1.3 ***Type C*** *Water Management Condition*

a. Water demand approaches a reduced delivery capacity for all or part of the system, as determined by DWU
b. A major water line breaks, or a pump or system failure occurs, which cause unprecedented loss of capability to provide treated water service
c. Natural or man-made contamination of the water supply

Requirements for Termination:
Stage 1 may be terminated when Stage 1 conditions no longer exist and would be unlikely to recur upon termination.

6.6.1.2 Goal for Use Reductions and Actions Available Under Stage 1, Mild

The goal for water use reduction under Stage 1, Mild, is a 5 percent reduction of the use that would have occurred in the absence of drought contingency measures. The Director of Water Utilities or a designee can order the implementation of any of the actions listed below, or other actions not listed, as deemed necessary:

All Water Users

a. Require that all landscape watering be limited to the day-of-week schedule between the hours of 6:00PM to 10:00AM. Irrigation of landscaped areas with hose-end sprinklers, or automatic irrigation systems should be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8) and for locations without addresses and limited to Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Apartments, office building complexes or other property containing multiple addresses may be identified by the lowest address number.
b. Require written approval for additional watering beyond twice a week for new and first year landscaping.
c. Encourage only initial filling of ornamental fountains.
d. Encourage reduction in frequency of washing or rinsing of vehicles. Use of bucket/container, hand- held hose with positive shut-off valve or commercial car wash is required.
e. Require written approval for the draining and refilling of swimming pools.
f. Encourage reduction in frequency of recreational water use including use of faucets, hoses or hydrants.
g. Foundations may be watered on any day of the week between the hours of 10 PM and 6 AM. Foundations may be watered with a soaker hose or a hand-held hose equipped with a positive shutoff nozzle only.
h. Prohibit using the hose to clean paved areas, buildings, windows or other surfaces.

City Government

a. Staff will begin review of the problems initiating Stage 1 actions and will identify possible solutions to address the water shortage.
b. Initiate public education campaign teaching and encouraging reduced water use practices.
c. Intensify normal leak detection and repair activities on water pipes and mains.
d. Restrict use of potable water for the irrigation of parks by 25 percent. Park landscape may be irrigated on any day of the week, portions of the park irrigated with reuse water are not required to reduce irrigation,
e. Only flush newly constructed mains and mains that are essential for water quality maintenance.
f. Encourage 25 percent reduction in frequency of wet street sweeping and city vehicle washing and rinsing. Street sweeping and vehicle washing with reuse water are not subject to potable water restrictions.

Commercial Customers

a. Identify and encourage voluntary reduction measures by high-volume water users through water use audits.

b. Restrict water use for the irrigation of parks by 25 percent. Park landscape may be irrigated on any day of the week. Park facilities irrigating with reuse water are not subject to the same watering restrictions.
c. Reduce potable water use for landscape nursery stock by 25 percent.
d. Require reduction of water use through day-of-week landscape watering schedule for golf courses. Golf courses irrigating with reuse water are not subject to the same watering restrictions.
e. Encourage area restaurants to serve customers water by request only.
f. Encourage hotel/motels to request multiple day patrons to reuse linens instead of changing every day.

Interruptible Customers

Reduce usage for interruptible customers per contract terms.

Wholesale Customer Cities

Request proof of implementation of like procedures by wholesale customers.

Notifications

City of Denton

a. Notify major City departments, by telephone and follow-up memo, of Water Awareness Stage #1 and request voluntary water use reduction.
b. Stress voluntary elimination of non-essential uses.

External Customers

Issue press release, radio and video public service announcement to area media describing Water Awareness Stage #1 and the voluntary restrictions that apply.

- Distribute water conservation materials to Denton Independent School District, UNT, TWU and community groups if appropriate.
- Post Water Awareness notices at public buildings including city buildings, county buildings and the federal post office.
- Stress reduction of water use through the publication of the mandatory landscape watering schedule.

Wholesale Customers

Advise wholesale customers by telephone and follow-up memo, of Water Awareness Stage #1 and request proof of water use reduction consistent with actions taken by the City of Denton.

6.6.2 Stage 2, Moderate

6.6.2.1 Triggering Conditions for Stage 2, Moderate

6.6.2.1.1 ***Type A*** *Water Management Condition*
Total raw water supply in (1) Denton and Dallas connected lakes (east and west); or (2) western connected lakes; or (3) eastern connected lakes drops below 50% of the total conservation storage

6.6.2.1.2 ***Type B*** *Water Management Condition*
Water demand reaches or exceeds 90% of delivery capacity for 3 consecutive days

6.6.2.1.3 ***Type C*** *Water Management Condition*

a. Water demand equals a reduced delivery capacity for all or part of the system, as determined by DWU
b. A major water line breaks, or a pump or system failure occurs, which cause unprecedented loss of capability to provide treated water service
c. Natural or man-made contamination of the water supply

Requirements for Termination:
Stage 2 may be terminated when Stage 2 conditions no longer exist and would be unlikely to recur upon termination.

6.6.2.2 Goal For Use Reduction And Actions Available Under Stage 2, Moderate

The goal for water use reduction under Stage 2, Moderate, is a 15 percent reduction of the use that would have occurred in the absence of drought contingency measures. The Director of Water Utilities or a designee can order the implementation of any of the actions listed below, or other actions not listed, as deemed necessary:

All Water Users

a. Require that all landscape watering be limited to single day-of-week schedule between the hours of 6:00 PM to 10:00AM. Irrigation of landscaped areas with hose-end sprinklers or

automatic irrigation systems should be limited to Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8) and for locations without addresses, and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Apartments, office building complexes or other property containing multiple addresses may be identified by the lowest address number.

b. Restrict operation of ornamental fountains or ponds to initial only filling except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
c. Prohibit recreational water use including use of faucets, hoses or hydrants.
d. Restrict washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle to the use of a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses on the designated watering day. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
e. Restrict water use to replacing losses during normal use and replacing evaporation in order to maintain proper water quality and proper operation of the pool equipment. Request that use of water to fill, refill, or add to any indoor or outdoor swimming, wading, or jacuzzi pools be limited to the day-of-week schedule.
f. Prohibit hosing off paved areas, buildings, windows, or other surfaces.
g. Foundations may be watered for a two-hour period only between the hours of 10 PM and 6 AM on the designated single day of the week watering day with soaker or hand-held hose equipped with a positive shutoff nozzle on the watering schedule.

City Government

a. Staff will begin review of the problems initiating Stage 2 actions and will identify possible solutions to address the water shortage.
b. Accelerate public education campaign teaching and encouraging reduced water use practices.
c. Restrict flushing of new mains not immediately required to provide service.

d. Continue intensified leak detection and repair activities on water pipes and mains.
e. Restrict water use for the irrigation of parks by 50 percent. Park landscape may be irrigated on any day of the week. Portions of the park irrigated with reuse water are not subject to the same restrictions.
f. Increase enforcement efforts.
g. Reduce frequency of wet street sweeping and city vehicle washing by 50 percent.

h. Use of water from fire hydrants is limited to firefighting and essential distribution system activities. All other water use from fire hydrants will be by special permit only, including SWPPP related activities. Reuse water hydrants are not subject to the same restrictions.

Commercial Customers

a. Enforce single day-of-week watering schedule for golf courses. Golf courses irrigating with reuse water are not subject to the same restrictions.
b. Reduce potable water use for landscape nursery stock by 50 percent. Nurseries irrigating with reuse water are not subject to the same restrictions.
c. Restrict water use for the irrigation of parks by 50 percent. Park landscape may be irrigated on any day of the week. Park areas irrigated with reuse water are not subject to the same restrictions.

Interruptible Customers

Reduce usage for interruptible customers per contract terms.

Wholesale Customers

a. Require proof of water demand reductions in accordance with contract obligations for wholesale customers.
b. Wholesale water systems asked to abide by City of Denton policy for both internal operations and all retail customers. Reduction in rate of flow controller settings by 10% -20% are optional.

Notifications

City of Denton

a. By telephone and attached follow-up memo, notify all major City department water users of Water Watch Stage #2 and the water use restrictions under this stage. Instruct them to implement restrictions on non-essential uses. Use city department contacts in Appendix F.
b. Coordinate distribution of water emergency plan details, posters, and handouts to customer service representatives, utility dispatch personnel and Denton public access buildings.

Retail Customers

a. TCEQ notified of Stage 2 restrictions.
b. Issue press release, radio and video public service announcement to area media describing Water Watch Stage #2 and the water use restrictions under this stage. Keep media updated on the water situation. Use media contacts listed in Appendix F.
c. By telephone and follow-up letter, notify major area water users of Water Watch Stage #2 and the restrictions that apply. Use plant manager contacts listed in Appendix F.
d. Accelerate public education campaign to promote and encourage efficient water use.
e. If applicable, notify the U.S. Corp of Engineers by telephone and follow-up letter of the Water Watch Stage #2 conservation measures.

Wholesale Customers

Advise wholesale customers by telephone and attached letter of the actions taken by the City of Denton in response to Water Watch Stage #2 and require the implementation of like procedures among their customers. Wholesale customer cities shall either impose water use restrictions equivalent to those imposed on Denton's retail customers OR where applicable, Denton may reduce rate-of-flow controller settings by 10%-20%. Use wholesale customer contacts in Appendix F.

Penalties

a. Initiate a 10% rate increase for residential customers for water usage greater than 15,000 gallons per account per 30 days.
b. Impose a 10% surcharge penalty for commercial and industrial customers for monthly water use above 80% of prior billing volumes for a 30-day period.
c. Initiate code enforcement fines for any violation of the Drought Contingency Plan.

6.6.3 Stage 3, Severe

6.6.3.1 Triggering Conditions for Stage 3, Severe

6.6.3.1.1 ***Type A*** *Water Management Condition*

Total raw water supply in (1) Denton and Dallas connected lakes (east and west); or (2) western connected lakes or (3) eastern connected lakes, drops below 35% of the total conservation storage.

6.6.3.1.2 ***Type B*** *Water Management Condition*

Water demand reaches or exceeds 95% of delivery capacity for 2 consecutive days.

6.6.3.1.3 ***Type C*** *Water Management Condition*

a. Water demand exceeds a reduced delivery capacity for all or part of the system, as determined by DWU
b. A major water line breaks, or a pump or system failure occurs, which cause unprecedented loss of capability to provide treated water service
c. Natural or man-made contamination of the water supply

Requirements for Termination:

Stage 3 may be terminated when Stage 3 conditions no longer exist and would be unlikely to recur upon termination.

6.6.3.2 Goal For Use Reduction And Actions Available Under Stage 3, Severe

The goal for water use reduction under Stage 3, Severe, is a reduction of 20 percent of the use that would have occurred in the absence of drought contingency measures. If the circumstances warrant, the Director of Water Utilities, or a designee can set a goal for greater water use reduction. The Director of Water Utilities or a designee can order the implementation of any of the actions listed below, or other actions not listed, as deemed necessary:

All Water Users

a. Irrigation of landscape with potable water is absolutely prohibited unless otherwise indicated within this section.
b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6 PM to 10 AM.
c. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi type pools is prohibited. Existing pools may add water to replace losses during normal use and to replace evaporation to maintain proper water quality and proper operation of the pool equipment.
d. Prohibit operation of ornamental fountains or ponds to initial filling except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
e. Foundations may be watered for a two-hour period only between the hours of 10 PM and 6 AM on the designated watering day from Stage 2 with soaker or hand-held hose equipped with a positive shutoff nozzle on the watering schedule.
f. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be

approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

g. Permitting of new swimming pools, hot tubs, spas, ornamental ponds and fountain construction is prohibited.
h. Request a 25% reduction of indoor water uses.

City Government

a. Wet street sweeping and city vehicle washing or rinsing using potable water is prohibited, except when in the immediate interest of public health, safety, and welfare.
b. Restrict water use for the irrigation of parks by 75 percent. Park landscape may be irrigated on any day of the week.
c. Restrict use of water from fire hydrants to firefighting, essential distribution system maintenance and related activities. All other water use from fire hydrants will be by special permit only.

Commercial Customers

a. Restrict watering of golf course greens and tee boxes restricted to the allowed watering hours and the day-of-week watering schedule from Stage 2; watering of other golf course areas and parks is prohibited unless the golf course utilizes non potable water or another water source other than that provided by the City of Denton.
b. Reduce potable water use for landscape nursery stock by 75 percent.
c. Restrict potable water use for the irrigation of parks by 75 percent. Park landscape may be irrigated on any day of the week. Parks irrigated with reuse water are not subject to the same restrictions.

Interruptible Customers

Service to interruptible customers is temporarily suspended.

Wholesale Customers

Same external restrictions apply to wholesale suppliers.

Notifications

City of Denton

a. Coordinate dissemination of water conservation plan details, posters, and handouts to customer service representatives, utility dispatch personnel and public access buildings.

b. By telephone and attached follow-up memo, notify all major City department users of Water Warning Stage #3 and of the water use restrictions under this stage. Instruct them to eliminate non-essential uses including street and vehicle washing and operation of ornamental fountains, and to implement restrictions on essential uses. Use same contacts as those listed in Appendix F.

Retail Customers

a. TCEQ notified of Stage 3 restrictions.
b. Issue press release, radio and video public service announcement to area media describing Water Warning Stage #3 and the water use restrictions under this stage. Keep media updated on the water situation. Use same media contacts as those in Appendix F.
c. By telephone and follow-up letter, notify major water users of Water Warning #3 and the mandatory water use reduction. Use contacts listed in Appendix F.
d. Post Water Warning notices at public buildings including city buildings, county buildings, and the federal post office.
e. If applicable, notify U.S. Corps of Engineers by telephone and attached letter of the Water Warning Stage #3 conservation measures.

Wholesale Customers

a. Advise wholesale customers by telephone and attached letter of actions being taken by the City in response to Water Warning Stage #3 and mandatory implementation of similar procedures among their customers. Wholesale customer cities shall impose water use restrictions equivalent to those imposed on Denton's retail customers or, where applicable, reduce their rate-of-flow controller settings by a percentage determined by the Director of Water Utilities. Appendix F lists wholesale customers that need to be contacted.

Penalties

a. Initiate a 20% rate increase for residential customers for water usage greater than 15,000 gallons per account per 30 days.
b. Impose a 20% surcharge penalty for commercial and industrial customers for monthly water use above 70% of prior billing volumes for a 30-day period.
c. Initiate code enforcement fines for any violation of the Drought Contingency Plan.

Water Allocation

Retail Customers:
During Stages 2 and 3 of the Drought Contingency Plan, DWU may impose a retail water rate increase to discourage water use. All rates for usage more than 15,000 gallons per month (per single-family residential account), or any other usage amount above 15,000 gallons per month, as deemed appropriate by the Director, may be increased by a minimum of an additional 10 percent or any other percentage deemed appropriate by the Director.

Wholesale Customers
If the triggering criteria specified above for Stage 3 have been met, the Director is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with the latest revision of Texas Water Code Section 11.039. Texas Water Code Section 1.039, Distribution of Water During Shortage, states:

a. (If a shortage of water in a water supply not covered by a water conservation plan prepared in compliance with Texas Commission on Environmental Quality or Texas Water Development Board rules results from drought, accident, or other cause, the water to be distributed shall be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.
b. (If a shortage of water in a water supply covered by a water conservation plan prepared in compliance with Texas Commission on Environmental Quality or Texas Water Development Board rules results from drought, accident, or other cause, the person, association of person, or corporation owning or controlling the water shall divide the water to be distributed among all customers pro rata, according to:
    1. the amount of water to which each customer may be entitled; or
    2. the amount of water to which each customer may be entitled, less the amount of water the customer would have saved if the customer had operated its water system in compliance with water conservation plan.
c. Nothing in Subsection (a) or (b) precludes the person, association of persons or corporation owning or controlling the water from supplying water to a person who has a prior vested right to the water under the laws of this state.

DWU may curtail water deliveries or reduce diversions in accordance with the terms and conditions of its wholesale water supply contracts. If necessary, or if specific contract provisions are not provided for, DWU may curtail water deliveries or reduce diversions in accordance with Texas Water Code Section 11.039. DWU will have authority to restrict flow to its wholesale water customers through the rate-of-flow controllers.

The Director will establish pro rata water allocations, determined as a percentage reduction of the wholesale customer's water usage, at the time of implementation. The total volume reduction for each wholesale customer will be calculated monthly, based on average water usage for the previous three years. The Director will establish the percentage reduction based on an assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries, and the percentage reduction may be adjusted periodically by the Director. Once pro rata allocation is in effect, water diversions by, or deliveries to, each wholesale customer will be limited to the allocation established for each month.

6.7 Procedures for Enforcement of Mandatory Restrictions

Violations

A person commits an offense if he or she knowingly makes, causes, or permits a use of water contrary to the measures implemented in the Drought Contingency Plan. It is presumed that a person has knowingly made, caused, or permitted use of water contrary to the measures implemented if the mandatory measures have been implemented according to the Plan and any one of the following conditions apply:

a. The Drought Contingency Plan prohibits the manner of use.
b. The amount of water used exceeds that allowed by the Drought Contingency Plan.
c. The manner of use or the amount used violates the terms and conditions of a compliance agreement made following a variance granted by the ACM/Utilities.

Any person in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for their minor children and proof that a violation, committed by a child, occurred on the property within control of the parents shall constitute a rebuttable presumption that the parent committed the violation. But, any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

Any Code Enforcement Officer, Police Officer, or other city employee designated by the City Manager , Assistant City Manager or Director of Utilities, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in municipal court on the date shown on the citation.

Any person who violates this Plan is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than $250 and not more than $2,000. Each day that one or more provisions in this Plan is violated shall constitute a separate offense. Flow restrictors may be placed in lines after two violations have occurred to limit the amount of water passing through the meter in a 24-hour period. The City of Denton Utilities reserves the right to temporarily cancel water service to the customer until the situation can be resolved. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, at an amount established by City ordinance, and any other costs incurred by the DWU in discontinuing service. In addition, suitable assurance must be given to the Director that the same action will not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.

6.8 Procedures for Granting Variances

Granting a Variance

The ACM/Utilities may grant variances from the Drought Contingency Plan in special cases to persons demonstrating extreme hardship and need. In order to obtain a variance, the applicant must sign a compliance agreement on forms provided by the ACM/Utilities and approved by the City Attorney. The applicant must agree to use the water only in the amount and manner permitted by the variance. A variance must meet the following conditions:

a. Granting of a variance must not cause an immediate significant reduction in the City's water supply.
b. The applicant must demonstrate that the extreme hardship or need is related to the health, safety, or welfare of the person requesting it.
c. The variance will not adversely affect the health, safety, or welfare of other persons.
d. No variance is retroactive, nor can it justify any violation of this Drought Contingency Plan before its issuance.
e. The variance will remain in effect during the stage in which it was issued and will expire when the Plan is no longer in effect, or a new stage is activated.

Revoking a Variance

The ACM may revoke a variance granted when the Director of Water Utilities determines any one of the following:

a. Conditions causing initial issuance of the variance are no longer applicable.
b. Violation of the terms of the compliance agreement.
c. The health, safety, or welfare of other persons requires revocation.

Wholesale Customer Variances

The ACM/Utilities may grant variances from the Drought Contingency Plan to wholesale water customers in special cases. Wholesale water customers may request reduced variance allocations for the following conditions:

a. The designated period does not accurately reflect a wholesale customer's normal water usage.
b. The customer agrees to transfer part of its allocation to another wholesale customer.
c. Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

To grant a variance, the applicant must sign a compliance agreement on forms provided by the ACM/Utilities and approved by the City Attorney. No variance shall be retroactive or otherwise justify any violation of this Drought Contingency Plan occurring before the issuance of the variance.

6.9 Coordination with the Regional Water Planning Group

The City of Denton is located within the Region C water planning area. Appendix E includes a copy of a letter sent to the Chair of the Region C Water Planning Group (RCWPG) along with the water conservation and drought contingency plan.

6.10 Review and Update of Drought Contingency Plan

As required by TCEQ rules, the City of Denton will review this drought contingency plan every five years, beginning in 2009. The plan will be updated as appropriate based on new or updated information. As the plan is reviewed and subsequently updated, a copy of the revised Drought Contingency Plan will be submitted to the TCEQ and the RCWPG for their records.

7.0 Severability

The City of Denton Public Utility Board agrees that sections, paragraphs, sentences, clauses, and phrases of this Drought Contingency Plan are severable. If any phrase, clause, sentence, paragraph, or section of this Drought Contingency Plan is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Drought Contingency Plan, since the same City of Denton Public Utility Board without the incorporation into this Drought Contingency Plan of any such unconstitutional phrase clause, sentence paragraph, or section.

Appendix A
Water Rights

Water Rights Sources		
Supply Source	Water Right/ Permit Number	Acre Ft/ YR
Ray Roberts Lake	08-2335	207,896
Lewisville Lake	08-2348	58,424
Bed and Banks of Lewisville Lake	TPDES: WQ0010027003 WQ0014416001	13,497* same day usage

Appendix B
Guidelines for Retail Suppliers

Water Conservation Plans for Municipal Uses by Public Water Suppliers

a) A water conservation plan for municipal water use by public water suppliers must provide information in response to the following. If the plan does not provide information for each requirement, the public water supplier shall include in the plan an explanation of why the requirement is not applicable.

(1) Minimum requirements. All water conservation plans for municipal uses by public water suppliers must include the following elements:

(A) a utility profile in accordance with the Texas Water Use Methodology, including, but not limited to, information regarding population and customer data, water use data (including total gallons per capita per day (GPCD) and residential GPCD), water supply system data, and wastewater system data;

(B) a record management system which allows for the classification of water sales and uses into the most detailed level of water use data currently available to it, including, if possible, the sectors listed in clauses (i) - (vi) of this subparagraph. Any new billing system purchased by a public water supplier must be capable of reporting detailed water use data as described in clauses (i) - (vi) of this subparagraph:

(i) residential;

(I) single family;

(II) multi-family;

(ii) commercial;

(iii) institutional;

(iv) industrial;

(v) agricultural; and,

(vi) wholesale.

(C) specific, quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal use in total GPCD and residential GPCD. The goals established by a public water supplier under this subparagraph are not enforceable;

(D) metering device(s), within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply;

(E) a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement;

(F) measures to determine and control water loss (for example, periodic visual inspections along distribution lines; annual or monthly audit of the water system to determine illegal connections; abandoned services; etc.);

(G) a program of continuing public education and information regarding water conservation;

(H) a water rate structure which is not "promotional," i.e., a rate structure which is cost-based and which does not encourage the excessive use of water;

(I) a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin in order to optimize available water supplies; and

(J) a means of implementation and enforcement which shall be evidenced by:

(i) a copy of the ordinance, resolution, or tariff indicating official adoption of the water conservation plan by the water supplier; and

(ii) a description of the authority by which the water supplier will implement and enforce the conservation plan; and

(K) documentation of coordination with the regional water planning groups for the service area of the public water supplier in order to ensure consistency with the appropriate approved regional water plans.

(2) Additional content requirements. Water conservation plans for municipal uses by public drinking water suppliers serving a current population of 5,000 or more and/or a projected population of 5,000 or more within the next ten years subsequent to the effective date of the plan must include the following elements:

(A) a program of leak detection, repair, and water loss accounting for the water transmission, delivery, and distribution system;

(B) a requirement in every wholesale water supply contract entered into or renewed after official adoption of the plan (by either ordinance, resolution, or tariff), and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements in this chapter. If the customer intends to resell the water, the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of this chapter.

(3) Additional conservation strategies. Any combination of the following strategies shall be selected by the water supplier, in addition to the minimum requirements in paragraphs (1) and (2) of this subsection, if they are necessary to achieve the stated water conservation goals of the plan. The commission may require that any of the following strategies be implemented by the water supplier if the commission determines that the strategy is necessary to achieve the goals of the water conservation plan:

(A) conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;

(B) adoption of ordinances, plumbing codes, and/or rules requiring water-conserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modification or addition;

(C) a program for the replacement or retrofit of water-conserving plumbing fixtures in existing structures;

(D) reuse and/or recycling of wastewater and/or graywater;

(E) a program for pressure control and/or reduction in the distribution system and/or for customer connections;

(F) a program and/or ordinance(s) for landscape water management;

(G) a method for monitoring the effectiveness and efficiency of the water conservation plan; and

(H) any other water conservation practice, method, or technique which the water supplier shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

(b) A water conservation plan prepared in accordance with 31 TAC §363.15 (relating to Required Water Conservation Plan) of the Texas Water Development Board and substantially meeting the requirements of this section and other applicable commission rules may be submitted to meet application requirements in accordance with a memorandum of understanding between the commission and the Texas Water Development Board.

(c) A public water supplier for municipal use shall review and update its water conservation plan, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or

updated information. The public water supplier for municipal use shall review and update the next revision of its water conservation plan every five years to coincide with the regional water planning group.

Source Note: The provisions of this §288.2 adopted to be effective May 3, 1993, 18 TexReg 2558; amended to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384; amended to be effective December 6, 2012, 37 TexReg 9515

Appendix C
Utility Profile

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

CONTACT INFORMATION

Name of Utility: CITY OF DENTON

Public Water Supply Identification Number (PWS ID): TX0610002

Certificate of Convenience and Necessity (CCN) Number: 10195

Surface Water Right ID Number: 1760, 2335-A, 2340-A, 2348, 5463-A

Wastewater ID Number: 20072

Contact: First Name: Haley Last Name: Salazar

Title: Water Resource Administrator

Address: 901-A Texas St City: Denton State: TX

Zip Code: 76209 Zip+4: Email: [redacted]

Telephone Number: 9403497523 Date: 4/29/2024

Is this person the designated Conservation Coordinator? (•) Yes ( ) No

Regional Water Planning Group: C

Groundwater Conservation District:

Our records indicate that you:

☐ Received financial assistance of $500,000 or more from TWDB

☑ Have 3,300 or more retail connections

☑ Have a surface water right with TCEQ

A. Population and Service Area Data

1. Current service area size in square miles: 97

Attached file(s):

File Name	File Description
CCN.JPG	

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. Historical service area population for the previous five years, starting with the most current year.

Year	Historical Population Served By Retail Water Service	Historical Population Served By Wholesale Water Service	Historical Population Served By Wastewater Water Service
2023	156,643	32,539	4,000
2022	146,750	0	10,000
2021	141,000	0	10,000
2020	138,250	0	10,000
2019	134,460	0	10,000

3. Projected service area population for the following decades.

Year	Projected Population Served By Retail Water Service	Projected Population Served By Wholesale Water Service	Projected Population Served By Wastewater Water Service
2030	231,334	35,000	231,334
2040	281,995	35,000	281,995
2050	343,750	35,000	343,750
2060	419,029	35,000	419,029
2070	510,794	35,000	510,794

4. Described source(s)/method(s) for estimating current and projected populations.

current estimates 8.11% growth for next 5 years (from planning dept) then lower growth rate, ending in 2% in out years - Denton still has a large amount of developable land, and is expected to experience boundary growth, the wholesale figure above us challenging to calculate, because a portion of the growth articulated in the retail service population is assuming the current wholesale communities are absorbed by Denton.

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

B. System Input

System input data for the previous five years.
Total System Input = Self-supplied + Imported – Exported

Year	Water Produced in Gallons	Purchased/Imported Water in Gallons	Exported Water in Gallons	Total System Input	Total GPCD
2023	8,670,694,882	0	106,655,643	8,564,039,239	150
2022	8,288,714,000	0	127,470,000	8,161,244,000	152
2021	6,872,530,000	0	95,185,000	6,777,345,000	132
2020	6,760,814,000	0	105,410,000	6,655,404,000	132
2019	6,473,664,000	0	76,135,000	6,397,529,000	130
Historic Average	7,413,283,376	0	102,171,129	7,311,112,248	139

C. Water Supply System

1. Designed daily capacity of system in gallons: 50,000,000
2. Storage Capacity
   - 2a. Elevated storage in gallons: 11,000,000
   - 2b. Ground storage in gallons: 2,000,000

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

D. Projected Demands

1. The estimated water supply requirements for the next ten years using population trends, historical water use, economic growth, etc.

Year	Population	Water Demand (gallons)
2025	161,913	8,569,245,525
2026	174,197	8,901,466,700
2027	191,426	9,781,868,600
2028	218,343	11,157,327,300
2029	226,707	11,584,727,700
2030	231,334	11,821,167,400
2031	235,960	12,057,557,000
2032	240,678	12,274,578,000
2033	245,593	12,549,802,300
2034	250,505	12,775,755,000

2. Description of source data and how projected water demands were determined.

Population data is increased in alignment with our development service projection data. Gallons are decreased to 140 per capita per day as population growth and development is shifting towards more multifamily residential dwellings.

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

E. High Volume Customers

1. The annual water use for the five highest volume **RETAIL customers.**

Customer	Water Use Category	Annual Water Use	Treated or Raw
UNT Office of Alumni Relations	Institutional	300,266,756	Treated
Denton Independant School District	Institutional	107,036,649	Treated
TWU STEAM PLANT	Institutional	100,622,002	Treated
AT OWNER 17 LP	Commercial	60,860,099	Treated
Peterbuilt	Industrial	56,998,300	Treated

2. The annual water use for the five highest volume **WHOLESALE customers.**

Customer	Water Use Category	Annual Water Use	Treated or Raw
UPPER TRINITY REG WTR DIS	Municipal	4,063,266,180	Raw

F. Utility Data Comment Section

Additional comments about utility data.

Section II: System Data

A. Retail Water Supplier Connections

1. List of active retail connections by major water use category.

Water Use Category Type	Total Retail Connections (Active + Inactive)	Percent of Total Connections
Residential - Single Family	38,402	86.25 %
Residential - Multi-Family	0	0.00 %
Industrial	190	0.43 %
Commercial	5,926	13.31 %
Institutional	4	0.01 %
Agricultural	0	0.00 %
Total	44,522	100.00 %

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. Net number of new retail connections by water use category for the previous five years.

	Net Number of New Retail Connections						
Year	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
2023	1,563						1,563
2022	1,040			333			1,373
2021	843			362			1,205
2020	845						845
2019	1,070			4			1,074

B. Accounting Data

The previous five years' gallons of RETAIL water provided in each major water use category.

Year	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
2023	3,780,350,702	0	207,890,782	3,158,279,008	560,054,146	0	7,706,574,638
2022	3,484,956,604	0	15,488,400	3,435,729,112	311,944,504	0	7,248,118,620
2021	3,011,015,026	0	49,958,200	2,531,153,563	463,347,177	0	6,055,473,966
2020	2,966,217,655	0	42,607,600	2,408,361,803	466,649,087	0	5,883,836,145
2019	2,628,200,358	0	54,323,000	2,325,807,119	506,448,870	0	5,514,779,347

C. Residential Water Use

The previous five years residential GPCD for single family and multi-family units.

Year	Total Residential GPCD
2023	66
2022	65
2021	59
2020	59
2019	54
Historic Average	61

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

D. Annual and Seasonal Water Use

1. The previous five years' gallons of treated water provided to RETAIL customers.

Month	Total Gallons of Treated Water				
	2023	2022	2021	2020	2019
January	504,197,000	476,043,000	425,271,000	445,289,000	417,330,000
February	428,788,000	438,412,000	477,690,000	419,335,000	382,122,000
March	531,841,000	512,198,000	486,949,000	446,146,000	444,129,000
April	638,593,000	587,096,000	513,248,000	479,565,000	481,693,000
May	737,887,000	674,946,000	467,876,000	612,883,000	494,689,000
June	840,444,000	804,071,000	562,333,000	733,720,000	573,864,000
July	1,013,344,000	1,107,539,000	709,108,000	862,487,000	826,075,000
August	1,207,142,000	984,366,000	751,238,000	905,564,000	858,385,000
September	987,046,000	867,219,000	788,176,000	653,389,000	84,284,000
October	816,947,000	790,661,000	672,719,000	696,628,000	704,165,000
November	576,170,000	532,379,000	522,651,000	544,683,000	467,247,000
December	527,027,000	513,784,000	493,064,000	464,401,000	448,594,000
Total	8,809,426,000	8,288,714,000	6,870,323,000	7,264,090,000	6,182,577,000

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. The previous five years' gallons of raw water provided to RETAIL customers.

Month	Total Gallons of Raw Water				
	2023	2022	2021	2020	2019
January	0	0	0	0	0
February	0	0	0	0	0
March	0	0	0	0	0
April	0	0	0	0	0
May	0	0	0	0	0
June	0	0	0	0	0
July	0	0	0	0	0
August	0	0	0	0	0
September	0	0	0	0	0
October	0	0	0	0	0
November	0	0	0	0	0
December	0	0	0	0	0
Total	0	0	0	0	0

3. Summary of seasonal and annual water use.

	Summer RETAIL (Treated + Raw)	Total RETAIL (Treated + Raw)
2023	3,060,930,000	8,809,426,000
2022	2,895,976,000	8,288,714,000
2021	2,022,679,000	6,870,323,000
2020	2,501,771,000	7,264,090,000
2019	2,258,324,000	6,182,577,000
Average in Gallons	2,547,936,000.00	7,483,026,000.00

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

E. Water Loss

Water Loss data for the previous five years.

Year	Total Water Loss in Gallons	Water Loss in GPCD	Water Loss as a Percentage
2023	826,218,868	14	9.50 %
2022	935,247,196	18	12.00 %
2021	696,100,019	14	10.00 %
2020	725,519,290	15	11.00 %
2019	796,583,054	16	11.00 %
Average	795,933,685	15	10.70 %

F. Peak Day Use

Average Daily Water Use and Peak Day Water Use for the previous five years.

Year	Average Daily Use (gal)	Peak Day Use (gal)	Ratio (peak/avg)
2023	24,135,413	33270978	1.3785
2022	22,708,805	31478000	1.3862
2021	18,822,802	21985641	1.1680
2020	19,901,616	27193163	1.3664
2019	16,938,567	24547000	1.4492

G. Summary of Historic Water Use

Water Use Category	Historic Average	Percent of Connections	Percent of Water Use
Residential - Single Family	3,174,148,069	86.25 %	48.97 %
Residential - Multi-Family	0	0.00 %	0.00 %
Industrial	74,053,596	0.43 %	1.14 %
Commercial	2,771,866,121	13.31 %	42.76 %
Institutional	461,688,756	0.01 %	7.12 %
Agricultural	0	0.00 %	0.00 %

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

H. System Data Comment Section

Peak use day is incorrect. I was unable to add/ enter data in this chart. For example the auto populated chart shows around 33MG last year - we hit peak at 41 MGD in August of 2023.

Section III: Wastewater System Data

A. Wastewater System Data

1. Design capacity of wastewater treatment plant(s) in gallons per day: 21,000,000

2. List of active wastewater connections by major water use category.

Water Use Category	Metered	Unmetered	Total Connections	Percent of Total Connections
Municipal	0	66,931	66,931	90.37 %
Industrial	0	16	16	0.02 %
Commercial	0	7,117	7,117	9.61 %
Institutional	0		0	0.00 %
Agricultural	0		0	0.00 %
Total	0	74,064	74,064	100.00 %

3. Percentage of water serviced by the wastewater system: 98.00 %

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

4. Number of gallons of wastewater that was treated by the utility for the previous five years.

Month	Total Gallons of Treated Water				
	2023	2022	2021	2020	2019
January	422,820,000	386,010,000	407,690,000	434,140,000	473,860,000
February	486,540,000	373,670,000	415,480,000	444,830,000	360,560,000
March	497,170,000	414,160,000	446,320,000	617,230,000	431,060,000
April	441,370,000	430,860,000	424,570,000	427,340,000	474,770,000
May	449,400,000	465,920,000	589,660,000	484,120,000	593,700,000
June	403,430,000	407,800,000	554,360,000	458,840,000	410,330,000
July	397,350,000	392,540,000	448,080,000	414,210,000	385,360,000
August	393,170,000	410,750,000	446,590,000	359,490,000	397,790,000
September	397,560,000	395,390,000	390,490,000	438,870,000	386,200,000
October	462,620,000	410,540,000	386,260,000	385,620,000	395,950,000
November	397,650,000	439,310,000	376,440,000	365,130,000	371,380,000
December	430,040,000	460,270,000	372,480,000	385,900,000	361,190,000
Total	5,179,120,000	4,987,220,000	5,258,420,000	5,215,720,000	5,042,150,000

5. Could treated wastewater be substituted for potable water?

(●) Yes ( ) No

B. Reuse Data

1. Data by type of recycling and reuse activities implemented during the current reporting period.

Type of Reuse	Total Annual Volume (in gallons)
On-site Irrigation	0
Plant wash down	
Chlorination/de-chlorination	
Industrial	
Landscape irrigation (park,golf courses)	0
Agricultural	
Discharge to surface water	
Evaporation Pond	
Other	
Total	0

Texas Water Development Board

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

C. Wastewater System Data Comment

Additional comments and files to support or explain wastewater system data listed below.

Incorrect data pulled over for reuse. Effluent totals for irrigation were 6.7 million gallons

Appendix D
Means of Implementation & Enforcement

ORDINANCE NO. 24-640

AN ORDINANCE OF THE CITY OF DENTON, A TEXAS HOME-RULE CORPORATION ("CITY"), AMENDING THE CITY'S WATER CONSERVATION
AND DROUGHT CONTINGENCY PLAN PREVIOUSLY ADOPTED BY THE CITY COUNCIL IN ORDINANCE NO. 19-863 ENACTED ON APRIL 16, 2019, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes persistent drought and near-drought conditions can occur in this geographic area and that water supply in area lakes and reservoirs can become severely depleted; and

WHEREAS, the City Council recognizes the importance of water conservation and its vital role in preserving the City's water supply; and

WHEREAS, sections 11.1271 and 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require the City to adopt a Water Conservation Plan and a Drought Contingency Plan; and

WHEREAS, the City must include specific, quantified five-year and ten-year targets for water savings in its Water Conservation Plan and specific quantified targets in its Drought Contingency Plan for water use reductions during periods of water shortages and drought; and

WHEREAS, on April 19, 2005, the City Council adopted Ordinance No. 2005-121 providing for a Water Conservation and Drought Contingency Plan; and

WHEREAS, on May 2, 2006, the City Council adopted the ordinance providing for an Amended Water Conservation and Drought Contingency Plan for the City, by enacting Ordinance No. 2006-127, by adding Appendix "G" to said plan, which was the "Lawn and Landscape Irrigation and Water Waste Ordinance"; and

WHEREAS, on June 2, 2009, the City Council adopted the ordinance providing for the further Amended Water Conservation and Drought Contingency Plan, by enacting Ordinance No. 2009134, by including two additional Texas Water Development Board Best Management Practices recommended by the Task Force's Water Conservation Best Management Practices Guide that relates to park and athletic field conservation; and

WHEREAS, on March 6, 2012, the City Council recognized that the amount of water available to the City and its water utility customers is limited, is subject to depletion, and should be used efficiently; and the City Council desired to further amend the Water Conservation and Drought Contingency Plan to include amendments to Sections 6.6 and 6.7 thereof; as evidenced by Ordinance No. 2012-064; and

WHEREAS, on April 15, 2014, the City Council adopted an ordinance providing for the further Amended Water Conservation and Drought Contingency Plan, by enacting Ordinance No. 2014^{M} 109, which adjusted the four-stage drought contingency plan to a three-stage plan; and

WHEREAS, on April 16, 2019, the City Council adopted the ordinance providing for the readoption of the Water Conservation and Drought Contingency Plan, by enacting Ordinance No. 19-863; and

WHEREAS, the City Council wishes to amend the "Water Conservation and Drought Contingency Plan," by including a required twice weekly irrigation schedule to the conservation portion of the Plan; and

WHEREAS, the City Council accordingly finds that this ordinance is necessary to protect the health, life, and property of the residents of the City of Denton, Texas, in accordance with sections 54.001 and 54.004 of the Texas Local Government Code; and

WHEREAS, the City Council deems it in the public interest to adopt the following amendments to the Water Conservation and the Drought Contingency Plan adopted on April 16, 2019, by adopting the provisions in the "Water Conservation and Drought Contingency Plan" attached hereto as Exhibit "A".

NOW, THEREFORE, THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION I. The recitations contained in the preamble of this ordinance are incorporated herein by reference as findings of the City Council.

SECTION 2. City of Denton Ordinance No. 2005-121, pertaining to the "Water Conservation and Drought Contingency Plan," and codified in Chapter 26 of the Code of Ordinances of the City of Denton, Texas, at sections 26-233 and 26-234, amended, by City of Denton Ordinance No. 2006-127, by adding to it Appendix "G", which is the "Land and Landscape Irrigation and Water Waste Ordinance"; and as further amended by the "Water Conservation and Drought Contingency Plan - April 2009" by City of Denton Ordinance No. 2009-134; and as further amended by the "April 2009 - Water Conservation and Drought Contingency Plan (updated February 2012)" by City of Denton Ordinance No. 2012-064; and as amended by the "April 2014 Water Conservation and Drought Contingency Plan (updated April 2014)" by City of Denton Ordinance No. 2014-109; adopted again April 2019 by Ordinance 19-863; and as now amended to include a required twice weekly irrigation schedule to the conservation portion of the Water Conservation and Drought Contingency Plan, attached hereto as Exhibit "A".

SECTION 3. Any provision of any prior ordinance of the City which conflicts with any provision of this ordinance is hereby repealed to the extent of the conflict, but all other provisions of the ordinance of the city which are not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5. This ordinance shall become effective immediately upon its passage and approval.

The motion to approve this ordinance was made by [B. Chesser] and seconded by [C. Watts].

The ordinance was passed and approved by the following vote [7-0-]

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	✓			
Vicki Byrd, District 1:	✓			
Brian Beck, District 2:	✓			
Paul Meltzer, District 3:	✓			
Joe Holland, District 4:	✓			
Brandon Chase McGee, At Large Place 5:	✓			
Chris Watts, At Large Place 6:	✓			

PASSED AND APPROVED this the 16th day of April, 2024.

GERARD HUDSPETH, MAYOR

ATTEST:
LAUREN THODEN, CITY SECRETARY

BY: Lauren Thoden

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: Christopher Mullins Christopher Mullins 2024.04.03 17:34:09 -05'00'

Appendix E

Coordination with Regional Water Planning Group

Denton Water Utilities
901-A Texas St., Denton, TX 76209 • (940) 349-8086

May 1, 2024

Mr. Kevin Ward
Chair
Region C Water Planning Group
c/o Trinity River Authority
PO Box 60
Arlington, TX 76004

Dear Mr. Ward:

In accordance with Texas Administrative Code, Title 30, Chp. 288, The City of Denton respectfully submits the attached Water Conservation and Drought Contingency Plan. The plans were approved by Denton City Council on April 16, 2024, and will be submitted to the Texas Commission of Environmental Quality.

Please let me know if you have any questions regarding the attached plans.

Sincerely,

Stephen D. Gay
Director
City of Denton Water Utilities

Appendix F
Contact Listing

Please note, this contact list is valid as of May 1, 2024. The Titles associated with the indicated parties should remain valid throughout the 5-year lifecycle of the document.

Internal Contacts to be notified in the event of contingency plan enactment:
940-349-XXXX

1. City Management Office – City Manager Sarah Hensley (x 8224)
2. Water Utilities Director – Stephen Gay (x 8086)
3. Treatment Plant Management – Chris Carroll (x 7190)
4. Water Distribution Management – Casey Bowles (x 8489)
5. Marketing and Communications Director - Dustin Sternbeck (x 8251)
6. Customer Service Director – Bill Shephard (x7493)
7. Planning and Development Director – Scott McDonald (X 8539)

Wholesale Customers to be notified in the event of contingency plan enactment.

*Currently there are no active wholesale agreements, at this time it is Denton's intention to pursue execution of active wholesale agreement(s) with Upper Trinity Regional Water District
1. Main Office – (972) 219-1228

Texas Commission on Environmental Quality

Public Involvement Plan Form for Permit and Registration Applications

The Public Involvement Plan is intended to provide applicants and the agency with information about how public outreach will be accomplished for certain types of applications in certain geographical areas of the state. It is intended to apply to new activities; major changes at existing plants, facilities, and processes; and to activities which are likely to have significant interest from the public. This preliminary screening is designed to identify applications that will benefit from an initial assessment of the need for enhanced public outreach.

All applicable sections of this form should be completed and submitted with the permit or registration application. For instructions on how to complete this form, see TCEQ-20960-inst.

Section 1. Preliminary Screening

☐ New Permit or Registration Application
☒ New Activity – modification, registration, amendment, facility, etc. (see instructions)

If neither of the above boxes are checked, completion of the form is not required and does not need to be submitted.

Section 2. Secondary Screening

☐ Requires public notice,
☐ Considered to have significant public interest, **and**
☒ Located within any of the following geographical locations:

- Austin
- Dallas
- Fort Worth
- Houston
- San Antonio
- West Texas
- Texas Panhandle
- Along the Texas/Mexico Border
- Other geographical locations should be decided on a case-by-case basis

If all the above boxes are not checked, a Public Involvement Plan is not necessary. Stop after Section 2 and submit the form.

☒ Public Involvement Plan not applicable to this application. Provide **brief** explanation.

Bed and banks reuse of water to be discharged under new TPDES authority.

Section 3. Application Information

Type of Application (check all that apply):

Air ☐ Initial ☐ Federal ☐ Amendment ☐ Standard Permit ☐ Title V

Waste ☐ Municipal Solid Waste ☐ Industrial and Hazardous Waste ☐ Scrap Tire
☐ Radioactive Material Licensing ☐ Underground Injection Control

Water Quality

☐ Texas Pollutant Discharge Elimination System (TPDES)

- ☐ Texas Land Application Permit (TLAP)
- ☐ State Only Concentrated Animal Feeding Operation (CAFO)
- ☐ Water Treatment Plant Residuals Disposal Permit

☐ Class B Biosolids Land Application Permit

☐ Domestic Septage Land Application Registration

Water Rights New Permit

☐ New Appropriation of Water

☐ New or existing reservoir

Amendment to an Existing Water Right

☐ Add a New Appropriation of Water

☐ Add a New or Existing Reservoir

☐ Major Amendment that could affect other water rights or the environment

Section 4. Plain Language Summary

Provide a brief description of planned activities.

Section 5. Community and Demographic Information

Community information can be found using EPA's EJ Screen, U.S. Census Bureau information, or generally available demographic tools.

Information gathered in this section can assist with the determination of whether alternative language notice is necessary. Please provide the following information.

(City)

(County)

(Census Tract)
Please indicate which of these three is the level used for gathering the following information.

☐ City ☐ County ☐ Census Tract

(a) Percent of people over 25 years of age who at least graduated from high school

(b) Per capita income for population near the specified location

(c) Percent of minority population and percent of population by race within the specified location

(d) Percent of Linguistically Isolated Households by language within the specified location

(e) Languages commonly spoken in area by percentage

(f) Community and/or Stakeholder Groups

(g) Historic public interest or involvement

Section 6. Planned Public Outreach Activities

(a) Is this application subject to the public participation requirements of Title 30 Texas Administrative Code (30 TAC) Chapter 39?

☐ Yes ☐ No

(b) If yes, do you intend at this time to provide public outreach other than what is required by rule?

☐ Yes ☐ No

If Yes, please describe.

If you answered "yes" that this application is subject to 30 TAC Chapter 39, answering the remaining questions in Section 6 is not required.

(c) Will you provide notice of this application in alternative languages?

☐ Yes ☐ No

Please refer to Section 5. If more than 5% of the population potentially affected by your application is Limited English Proficient, then you are required to provide notice in the alternative language.

If yes, how will you provide notice in alternative languages?

☐ Publish in alternative language newspaper

☐ Posted on Commissioner's Integrated Database Website

☐ Mailed by TCEQ's Office of the Chief Clerk

☐ Other (specify)

(d) Is there an opportunity for some type of public meeting, including after notice?

☐ Yes ☐ No

(e) If a public meeting is held, will a translator be provided if requested?

☐ Yes ☐ No

(f) Hard copies of the application will be available at the following (check all that apply):

☐ TCEQ Regional Office ☐ TCEQ Central Office

☐ Public Place (specify)

Section 7. Voluntary Submittal

For applicants voluntarily providing this Public Involvement Plan, who are not subject to formal public participation requirements.

Will you provide notice of this application, including notice in alternative languages?

☐ Yes ☐ No

What types of notice will be provided?

☐ Publish in alternative language newspaper

☐ Posted on Commissioner's Integrated Database Website

☐ Mailed by TCEQ's Office of the Chief Clerk

☐ Other (specify)

LAST PAGE OF
APPLICATION NO. 08-2348C
AS INITIALLY SUBMITTED