

- 5 The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids which have not been classified as hazardous waste separated from wastewater by unit processes.
6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING REQUIREMENTS

1. Monitoring Requirements

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

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

2. Test Procedures

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.

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

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

4. Additional Monitoring by Permittee

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

Harvest Hills Treatment, Ltd.

5. Calibration of Instruments

All automatic flow measuring or recording devices and all totalizing meter 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 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. 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 Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

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

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

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

c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the 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 Enforcement Division (MC 224) as promptly as possible.

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

9. Changes in Discharges of Toxic Substances

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

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

- i. One hundred micrograms per liter (100 µg/L);
- ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
- iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
- iv. The level established by the TCEQ.

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

10. Signatories to Reports

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

PERMIT CONDITIONS

1. General

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

2. Compliance

- a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
- b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or an application for a permit for another facility.
- c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment.
- e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.
- f. A permit may be amended, suspended and reissued, or revoked or cause in accordance with 30 TAC §§ 305.62 and 305.66 and Texas Water Code Section 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

- g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of waste water into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Special Provisions section of this permit.
 - h. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §§7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties).
3. Inspections and Entry
- a. Inspection and entry shall be allowed as prescribed in the Texas Water Code Chapters 26, 27, and 28, and Texas Health and Safety Code Chapter 361.
 - b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in Texas Water Code Section 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.
4. Permit Amendment and/or Renewal
- a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:
 - i. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9;
 - ii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
 - b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.
 - c. The permittee must apply for an amendment or renewal prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.
 - d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.
 - e. In accordance with the Texas Water Code § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.

5. Permit Transfer

- a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Water Quality Applications Team (MC 161) of the Registration, Review, and Reporting Division.
- b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

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

7. Property Rights

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

8. Permit Enforceability

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

9. Relationship to Permit Application

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

10. Notice of Bankruptcy.

- a. Each permittee shall notify the executive director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:
 - i. the permittee;
 - ii. an entity (as that term is defined in 11 USC, §101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or
 - iii. an affiliate (as that term is defined in 11 USC, §101(2)) of the permittee.
- b. This notification must indicate:
 - i. the name of the permittee;
 - ii. the permit number(s);
 - iii. the bankruptcy court in which the petition for bankruptcy was filed; and
 - iv. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.
2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge 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 Land Application Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.
4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.
5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.
6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under Texas Water Code § 7.302(b)(6).
7. Documentation

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

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

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

If in the judgement of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 149) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

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

- c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.
9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
10. Facilities which generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:
- a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.
 - c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Corrective Action Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.
 - d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Registration, Review, and Reporting Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.
 - e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.
 - f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:
 - i. Volume of waste and date(s) generated from treatment process
 - ii. Volume of waste disposed of on-site or shipped off-site;
 - iii. Date(s) of disposal;
 - iv. Identity of hauler or transporter;
 - v. Location of disposal site; and
 - vi. Method of final disposal.
- The above records shall be maintained on a monthly basis. The records shall be retained at the facility site, or shall be readily available for review by authorized representatives of the TCEQ for at least five years.
11. For industrial facilities to which the requirements of 30 TAC Chapter 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with Chapter 361 of the Texas Health and Safety Code.

SLUDGE PROVISIONS

The permittee is authorized to dispose of sludge only at a Texas Commission on Environmental Quality (TCEQ) registered or permitted land application site, commercial land application site or co-disposal landfill. The disposal of sludge 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 permitted or registered with the TCEQ. This provision does not authorize Distribution and Marketing of sludge. This provision does not authorize land application of Class A Sludge. This provision does not authorize the permittee to land apply sludge on property owned, leased or under the direct control of the permittee.

SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE LAND APPLICATION

A. General Requirements

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

B. Testing Requirements

1. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method, which receives the prior approval of the TCEQ for the contaminants listed in Table 1 of 40 CFR Section 261.24. Sewage sludge 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 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 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 Registration, Review, and Reporting Division and the Regional Director (MC Region 13) 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, Registration, Review, and Reporting 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 13) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year.
2. Sewage sludge shall not be applied to the land if the concentration of the pollutants exceed the pollutant concentration criteria in Table 1. The frequency of testing for pollutants in Table 1 is found in Section I.C.

TABLE 1

<u>Pollutant</u>	<u>Ceiling Concentration</u> <u>(milligrams per kilogram)*</u>
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 shall be treated by one of the following methods to ensure that the sludge meets either the Class A or Class B pathogen requirements.

- a. Six alternatives are available to demonstrate compliance with Class A sewage sludge. The first 4 options require either the density of fecal coliform in the sewage sludge be less than 1000 Most Probable Number (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. Below are the additional requirements necessary to meet the definition of a Class A sludge.

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 Section 312.82(a)(2)(A) for specific information.

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 degrees 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 percent.

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 Section 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 Section 312.82(a)(2)(C)(iv-vi) for specific information.

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.

Alternative 5 (PFRP) - Sewage sludge that is used or disposed of shall 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.

Alternative 6 (PFRP Equivalent) - Sewage sludge that is used or disposed of shall 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. Three alternatives are available to demonstrate compliance with Class B criteria for sewage sludge.

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, the following site restrictions must be met if Class B sludge is land applied:

- i. Food crops with harvested parts that touch the sewage sludge/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of sewage sludge.
- ii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of sewage sludge when the sewage sludge remains 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 sewage sludge when the sewage sludge remains 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 sewage sludge.
- v. Animals shall not be allowed to graze on the land for 30 days after application of sewage sludge.
- vi. Turf grown on land where sewage sludge is applied shall not be harvested for 1 year after application of the sewage sludge 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 sewage sludge.
- viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge.
- ix. Land application of sludge shall be in accordance with the buffer zone requirements found in 30 TAC Section 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 percent.
- 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 degrees Celsius. Volatile solids must be reduced by less than 17 percent 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 a percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20 degrees Celsius. Volatile solids must be reduced by less than 15 percent 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 degrees 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 degrees Celsius and the average temperature of the sewage sludge shall be higher than 45 degrees 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 percent 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 percent 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 -
- Sewage sludge shall be injected below the surface of the land.
 - No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.
 - When sewage sludge that is injected below the surface of the land is Class A with respect to pathogens, the sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.
- Alternative 10 -
- Sewage sludge 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.
 - When sewage sludge that is incorporated into the soil is Class A with respect to pathogens, the sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

C. Monitoring Requirements

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

PCBs - once during the term of this permit

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

Amount of sewage sludge (*)
metric tons per 365-day period

Monitoring frequency

0 ≤ Sludge < 290
290 ≤ Sludge < 1,500
1,500 ≤ Sludge < 15,000
15,000 ≤ Sludge

Once/Year
Once/Quarter
Once/Two Months
Once/Month

(*) The amount of bulk sewage sludge applied to the land (dry weight basis).

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

SECTION II. REQUIREMENTS SPECIFIC TO BULK SEWAGE SLUDGE FOR APPLICATION TO THE LAND MEETING CLASS A 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 or B pathogen reduction requirements and that meet the cumulative loading rates in Table 2 below, or the Class B pathogen reduction requirements and contain concentrations of pollutants below listed in Table 3, the following conditions apply:

A. Pollutant Limits

Table 2

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

Table 3

<u>Pollutant</u>	<u>Monthly Average Concentration (milligrams per kilogram)*</u>
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 or Class B pathogen reduction requirements as defined above in Section I.B.3.

C. Management Practices

1. Bulk sewage sludge 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 sewage sludge not meeting Class A requirements shall be land applied in a manner which complies with the Management Requirements in accordance with 30 TAC Section 312.44.
3. Bulk sewage sludge 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 sewage sludge sold or given away. The information sheet shall contain the following information:
 - a. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.
 - b. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instruction on the label or information sheet.
 - c. The annual whole sludge application rate for the sewage sludge application rate for the sewage sludge 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 sewage sludge is applied to land in a State other than Texas, written notice shall be provided prior to the initial land application to the permitting authority for the State in which the bulk sewage sludge is 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 sewage sludge 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 sewage sludge.
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 sewage sludge disposal practice.

E. Record keeping Requirements

The sludge 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 sewage sludge 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 Section 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 B sludges, 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 Section 312.82(a) or (b) and the vector attraction reduction requirements in 30 TAC Section 312.83(b) have been met for each site on which bulk sewage sludge is 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 sewage sludge or a sewage sludge 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 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 Section 312.47 for persons who land apply.

1. 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 Section 312.47(a)(4)(A)(ii) or 30 TAC Section 312.47(a)(4)(A)(ii), as applicable, and to the permittee's specific sludge treatment activities.
2. The location, by street address, and specific latitude and longitude, of each site on which sludge is applied.
3. The number of acres in each site on which bulk sludge is applied.
4. The date and time sludge is applied to each site.
5. The cumulative amount of each pollutant in pounds/acre listed in Table 2 applied to each site.
6. The total amount of sludge applied to each site in dry tons.

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

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 13) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 1 of each year the following information:

1. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.
2. The frequency of monitoring listed in Section I.C. which applies to the permittee.
3. Toxicity Characteristic Leaching Procedure (TCLP) results.
4. Identity of hauler(s) and TCEQ transporter number.
5. PCB concentration in sludge in mg/kg.
6. Date(s) of disposal.
7. Owner of disposal site(s).
8. Texas Commission on Environmental Quality registration number, if applicable.
9. Amount of sludge disposal dry weight (lbs/acre) at each disposal site.
10. 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.
11. Level of pathogen reduction achieved (Class A or Class B).
12. Alternative used as listed in Section I.B.3.(a. or b.). Alternative: describe how the pathogen reduction requirements are met. If Class B sludge, include information on how site restrictions were met.
13. Vector attraction reduction alternative used as listed in Section I.B.4.
14. Annual sludge production in dry tons/year.

15. Amount of sludge land applied in dry tons/year.
16. The certification statement listed in either 30 TAC Section 312.47(a)(4)(A)(ii) or 30 TAC Section 312.47(a)(5)(A)(ii) as applicable to the permittee's sludge treatment activities, shall be attached to the annual reporting form.
17. 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 sewage sludge is applied.
 - c. The date and time bulk sewage sludge is applied to each site.
 - d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk sewage sludge applied to each site.
 - e. The amount of sewage sludge (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 DISPOSED IN A MUNICIPAL SOLID WASTE LANDFILL

- A. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC Chapter 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 Chapter 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
- B. If the permittee generates sewage sludge and supplies that sewage sludge 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 disposal practice.
- D. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I (Toxicity Characteristic Leaching Procedure) or other method, which receives the prior approval of the TCEQ for contaminants listed in Table 1 of 40 CFR Section 261.24. Sewage sludge 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 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 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 Registration, Review, and Reporting Division and the Regional Director (MC Region 13) 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, Registration, Review, and Reporting 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 13) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year.

- E. Sewage sludge 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 13) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year the following information:

1. Toxicity Characteristic Leaching Procedure (TCLP) results.
2. Annual sludge production in dry tons/year.
3. Amount of sludge disposed in a municipal solid waste landfill in dry tons/year.
4. Amount of sludge transported interstate in dry tons/year.
5. A certification that the sewage sludge meets the requirements of 10 TAC Chapter 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
6. Identity of hauler(s) and transporter registration number.
7. Owner of disposal site(s).
8. Location of disposal site(s).
9. 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.

SPECIAL PROVISIONS:

1. This permit is granted subject to the policy of the Commission to encourage the development of areawide waste collection, treatment and disposal systems. The Commission reserves the right to amend this permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an areawide 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 areawide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.
2. The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

This Category D facility must be operated by a chief operator or an operator holding a Category D license or higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. Where shift operation of the wastewater treatment facility is necessary, each shift which does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.
3. The permittee shall maintain and operate the treatment facility in order to achieve optimum efficiency of treatment capability. This shall include required monitoring of effluent flow and quality as well as appropriate grounds and building maintenance.
4. Irrigation practices shall be designed and managed so as to prevent ponding of effluent or contamination of ground and surface waters and to prevent the occurrence of nuisance conditions in the area. Tailwater control facilities shall be provided as necessary to prevent the discharge of any wastewater from the irrigated land.
5. Wastewater shall not be applied for irrigation during rainfall events or when the ground is frozen or saturated.
6. Application rates to the irrigated land shall not exceed 2.88 acre-feet per year per acre irrigated. The permittee is responsible for providing equipment to determine application rates and maintaining accurate records of the volume of effluent applied. These records shall be made available for review by the Texas Commission on Environmental Quality and shall be maintained for at least three years.
7. Holding ponds shall conform to the Texas Commission on Environmental Quality "Design Criteria for Sewerage Systems" requirements for stabilization ponds with regard to construction and levee design, and a minimum of 2 feet of freeboard shall be maintained.
8. Monitoring requirements contained in the permit are suspended from the effective date of the permit until plant startup. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 13) and the Water Quality Applications Team (MC 148) of the Registration, Review, and Reporting Division at least forty-five (45) days prior to plant startup.

9. Prior to commencing land application of treated effluent, the permittee shall obtain representative soil samples from the root zones of the disposal site and analyze the samples as outlined in the following paragraph.

An annual analysis of a representative soil sample taken from the root zone of the irrigated site shall be made. Each soil boring shall be separated into three samples according to the following depth zones: 0 to 6 inches, 6 to 18 inches and 18 to 30 inches below the ground surface. Each zone shall be thoroughly mixed prior to being analyzed. Sampling procedures shall employ accepted techniques of soil science for obtaining representative analytical results. Analysis shall be performed for pH, total nitrogen, potassium, phosphorus and conductivity.

The permittee shall submit the results of the soil sample analyses to the TCEQ Regional Office (MC Region 13) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division during September of each year.

10. The permittee shall maintain a long term contract with the owner(s) of any irrigated land which is authorized for use in this permit, or own the land authorized for irrigation.
11. If the effluent is to be transferred to a holding pond or tank, re-chlorination prior to the effluent being delivered into the irrigation system will be required. A trace chlorine residual shall be maintained in the effluent at the point of irrigation application.
12. Adequate signs shall be erected stating that the irrigation water is from a non-potable water supply. Said signs shall consist of a red slash superimposed over the international symbol for drinking water accompanied by the message "DO NOT DRINK THE WATER" in both English and Spanish. All piping transporting the effluent shall be clearly marked with these same signs.
13. Spray fixtures for the irrigation system shall be of such design that they cannot be operated by unauthorized personnel.
14. Irrigation with effluent shall be accomplished only when the area specified is not in use.
15. Permanent transmission lines shall be installed from the holding pond to each tract of land to be irrigated utilizing effluent from that pond.
16. Facilities for the retention of treated or untreated wastewater shall be adequately lined to control seepage. The following methods of pond lining are acceptable.
- a. In-situ clay soils or placed and compacted clay soils meeting the following requirements:
- 1) More than 30% passing a No. 200 mesh sieve
 - 2) Liquid limit greater than 30%
 - 3) Plasticity index greater than 15
 - 4) A minimum thickness of 2 feet
 - 5) Permeability equal to or less than 1×10^{-7} cm/sec (*)
 - 6) Soil compaction will be 95% standard proctor at optimum moisture content (*)
- (*) For new and/or modified ponds only.
- b. Membrane lining with a minimum thickness of 20 mils, and an underdrain leak detection system.

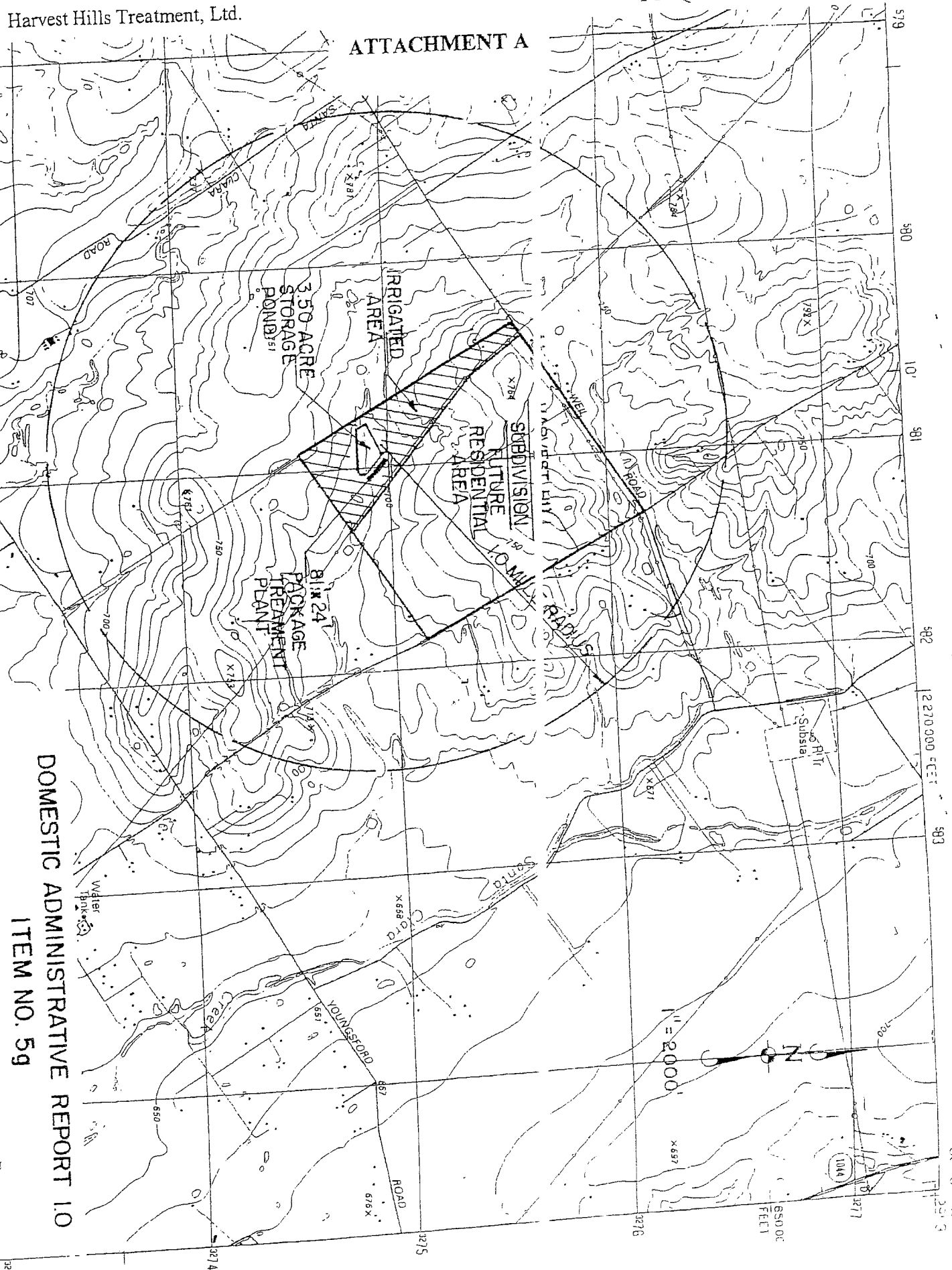
c. An alternate method of pond lining may be utilized with prior approval from the Executive Director.

The permittee shall furnish certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria above prior to utilization of the facilities. The certification shall be sent to the TCEQ Regional Office (MC Region 13) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division.

17. The permittee shall comply with the requirements of 30 TAC Section 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 Section 309.13 (e).
18. The permittee shall construct berms around the entire perimeter of each of the irrigation areas and the storage pond as depicted by the bold lines on the attached schematic drawing entitled "Layout of Harvest Hills Irrigations Systems". (See Attachment A).
19. The permittee shall obtain the Executive Director's approval of the permittee's design plans prior to construction of the proposed facility.

Harvest Hills Treatment, Ltd.

ATTACHMENT A



7.5 MINUTE SERIES (TOPOGRAPHIC)

98° 37' 30"

112° 3'

650.00
FEET

DOMESTIC ADMINISTRATIVE REPORT 1.0

ITEM NO. 5g

CCN [redacted] 11/29/04 filed
10/10/05 granted

FMT Checklist

Applicant: Green Valley Special Utility District to Obtain a Sewer Certificate of Convenience and Necessity (CCN) in Guadalupe, Bexar and Comal Counties

Application No.: 34518-C

Green Valley Special Utility District applies to obtain a sewer CCN that will fall within their water CCN, no. 10646, with some minor exceptions, primarily for existing sewer service areas.

have reviewed the unqualified opinion audit for September 30, 2003. It shows long-term debt of just \$338,279, and equity of \$12,148,135 for a debt to equity ratio of less than .03:1. That strong financial position is a direct result of continuing good operations with net profit of \$1,361,781 for the fiscal year. Engineering estimates of the cost of wastewater facilities necessary for two drainage areas, and done in two phases, totals \$7.09 million, which will likely be funded with revenue bonds issued either to USDA/RUS or TWDB. They will have little difficulty with the financing arrangements. Operational projections beyond the engineering projections were not required.

In my opinion, this applicant has demonstrated adequate financial and managerial capability to provide service to the requested areas. These conclusions are based on information provided by the applicant prior to this date and may not reflect any changes in the applicant's status subsequent to this date.

Signed: Dan Smith Date: April 23, 2004

A. PROJECTED # OF CONNECTIONS	
1. The customer classes and meter sizes are appropriate for the type of development and the predicted consumption patterns.	Date: 04/23/04
Comments: Projections were not required	
2. The growth projections are verifiable and make sense. Note: A growth rate greater than 10% per year will require significant documentation	Date:
Comments:	

FMT Checklist

Applicant: Green Valley Special Utility District to Obtain a Sewer Certificate of Convenience and Necessity (CCN) in Guadalupe, Bexar and Comal Counties

Application No. 34518-C

B. FEASIBILITY OF OBTAINING SERVICE FROM ALTERNATE SOURCES OF SUPPLY WITHIN A 2-MILE RADIUS	
1. There are no alternate sources within a 2-mile radius Go to section C	Date:
Comments:	
2 Application for service was denied. Go to section C.	Date:
Comments:	
3 Applicant is asserting that interconnection is infeasible.	Date:
Comments:	
4. Documentation of the cost of interconnection is verifiable.	Date:
Comments:	
5. Cost information includes the cost of initiating service.	Date:
Comments:	
6. Cost information includes the cost of any facilities that may be need to be constructed to obtain service	Date:
Comments:	
7. Cost information includes costs of receiving and maintaining service for 5 years	Date:
Comments:	
8. Assumptions about the cost of receiving and maintaining service are based on valid information	Date:
Comments:	

FMT Checklist

Applicant: Green Valley Special Utility District to Obtain a Sewer Certificate of Convenience and Necessity (CCN) in Guadalupe, Bexar and Comal Counties

Application No.: 34518-C

C. FEE FOR SERVICE	
1. Projected # of connections agrees with assumptions listed.	Date:
Comments: Projections were not required.	
2. Consumption assumptions are reasonable in light of the types of consumers expected to be on the system, e.g. Large homes on large lots vs mobile home parks, or residential vs. commercial.	Date:
Comments:	
3. Proposed rates reflect cost of service and are affordable. [Could consider the %age of Median Household Income]	Date:
Comments:	
D. DOCUMENTATION RELATED TO PROVIDING SERVICE USING APPLICANT'S FACILITIES	
<i>Note: This section applies to NEW CCNs and substantial amendments.</i>	
1. Cost of construction is based on engineering estimates.	Date:
Comments:	
2. Cost of maintaining and operating the system includes reasonable amounts for a contract operations company.	Date:
Comments:	

FMT Checklist

Applicant: Green Valley Special Utility District to Obtain a Sewer Certificate of Convenience and Necessity (CCN) in Guadalupe, Bexar and Comal Counties

Application No 34518-C

3. Cost of maintaining and operating the system includes reasonable amounts for the following (☆ - Insert Comment # in this column)					
Expense Item	Yes	☆	Expense Item	Yes	☆
Wholesale water or sewer			Insurance - office equipment		
Salaries - O & M Staff			Legal fees		
Salaries - Admin staff			Engineering fees		
Salaries - Owner			Employee training		
Power for operating all facilities			Office supplies/postage		
Treatment Chemicals			Telephone/other office utilities		
Monitoring/Testing			Office rent		
M & R materials & labor			Accounting		
Vehicle maintenance expenses			Income taxes		
Contract Labor			Property taxes		
Equipment rental			Employment taxes		
Insurance - vehicle			Debt service		
Insurance - liability			Bad debt expense		
Insurance - Workmen's comp			Lease payments		
Includes cost of operating system for 5 years_				Date:	
Comments (Number comments to correspond with numbers above:					

FMT Checklist

Applicant: Green Valley Special Utility District to Obtain a Sewer Certificate of Convenience and Necessity (CCN) in Guadalupe, Bexar and Comal Counties

Application No.: 34518-C

E. FINANCING	
1. Applicant has identified sources for funding construction and capital improvements.	Date: 04/23/04
Comments: Yes, the applicant has demonstrated the ability to generate positive cash flow and can secure revenue bond financing from USDA/RUS or TWDB.	
2. Sources of revenue for construction and capital improvements are verifiable and documented.	Date: 04/23/04
Comments: Yes	
3. Sources of revenue for construction and capital improvements are guaranteed or reasonably assured.	Date: 04/23/04
Comments: Reasonably assured	
4. Sources of revenue for shortfalls, other than from rates, are guaranteed, or reasonably assured.	Date: 04/23/04
Comments: Reasonably assured	
5. Applicant has contingency financing plan to fund any unforeseen repairs or equipment replacements, e.g. Reserves equal to depreciation or 1/8 O & M.	Date: 04/23/04
Comments: Yes	

F. OWNERSHIP	
1. Applicant has identified current and any future potential owners.	Date: 04/23/04
Comments: Yes	

FMT Checklist

Applicant: Green Valley Special Utility District to Obtain a Sewer Certificate of Convenience and Necessity (CCN) in Guadalupe, Bexar and Comal Counties

Application No 34518-C

2. Applicant has identified all other affiliated businesses.	Date: 04/23/04
--	-------------------

Comments: Yes

3. Applicant has documented qualifications of all organizations and persons who will be involved in the operation of the system	Date: 04/23/04
---	-------------------

Comments: Yes

G. CONCLUSIONS

1 The source to be used is identified and documentation supports the application	Date: 04/23/04
--	-------------------

Comments: Yes

2 Applicant is capable/of financing and operating the system for at least the 1 st 5 years of operation if the applicant provides financial assurance in the amount of \$ _____ 0 _____.	Date: 04/23/04
---	-------------------

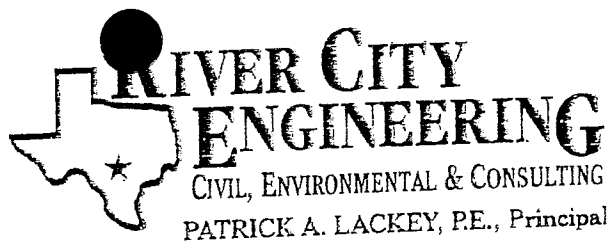
Comments: Yes

3. Applicant is capable of managing the system for the long term	Date: 04/23/04
--	-------------------

Comments: Yes

4. Applicant has the technical capacity to operate the system for the long term	Date: 04/23/04
---	-------------------

Comments: Yes



January 3, 2005

Mr. Kamal Adhikari
Texas Commission on Environmental Quality
P.O. Box 13087
MC-153
Austin, Texas 78711-3087

Re: Green Valley Special Utility District (GVSUD)
Wastewater CCN Application

Dear Mr. Adhikari,

We have prepared the attached response to your request for information regarding the above application. GVSUD has over forty years of utility management experience. Centralized wastewater authority over this rapidly growing area is necessary to prevent a proliferation of investors owned utilities (IOU) that could provide sub standard residential utility service. GVSUD has the capabilities and experience to plan the wastewater needs of its water service area. We will be glad to provide any additional information that you may require.

As requested, here is a response to TCEQ request for additional information. Additional Information needed from Green Valley SUD to proceed with their CCN Application.

1. Since Green Valley does not have its own Wastewater Treatment Plant and has not executed any service agreement with any other utilities in that area, how it can provide adequate and continuous service to the entire proposed area?

Green Valley Special Utility District (GVSUD) has filed an application for a wastewater CCN to mirror its water CCN. This application was made in a response to recent request for wastewater service, within the service area. Wastewater disposal permit application, creation of wastewater investor owned utilities (IOU) and increased requirements for wastewater service, all required GVSUD wastewater planning for its service area.

While GVSUD does not have a centralized wastewater collection system, it is not an immediate requirement for regional wastewater service. GVSUD will work with adjacent wastewater systems on a wholesale basis as

Project 090909 (Green Valley Special Utility District Wastewater CCN Application)

RECEIVED

JAN 05 2004

TEXAS COMMISSION
ON
ENVIRONMENTAL QUALITY

needed and cost effective to provide service. GVSUD will work with developers to provide its operations and management service to own, and operate (IOU) systems. Individual on-site systems will continue to be used as necessary to provide cost effective service. The development of those sub-regional wastewater system will eventually provide a stepping stone to a centralized system.

2. What is the basis for contending that existing Septic Tank is not adequate and a centralized wastewater system is necessary to the people living in that area? How is a centralized system better than septic system?

Septic Tanks are but one means of on-site wastewater treatment and disposal. As more dense development occurs in the Green Valley service area; package plants, septic tanks, centralized systems all have to be regulated and maintained. This is the main purpose for the CCN. Green Valley must regulate and manage within their water service area. The point is that as planning and developments progress, a central authority must be in place with a plan, to manage the wastewater and water utilities.

This rural water service area is rapidly becoming urban, much like TCEQ has seen in the Kyle, Buda, and Round Rock areas. Every developer now wants to build large subdivisions on lots too small for county approved septic tanks. It is the option of the GVSUD that as the population becomes denser; the environment will be adversely impacted by the increase in septic tanks.

3. Did anyone request sewer service from Green Valley? Please provide the list of customers, developers, and landowners who requested service from Green Valley verbally with their name, address, and telephone number. If there are any written requests from anyone, provide the copy of that. Also, indicate in the map where those service requests are from in your proposed area.

Yes, there have been several verbal inquiries from developers as to the provider of sewer service. All requests and permits were provided with the CCN application and Feasibility Study. See attached list.

4. If there is no request for service from anyone, then what is the need for service in that area?

The area encompassed by Green Valley is bordered by San Antonio, New Braunfels Seguin. Cibolo, Schertz, Universal City and includes cities of Marion and Santa Clara. Also, includes two major interstates (I-10 and I-

35)....there is little doubt that the next 5-20 years will see significant growth within Green Valley's area. Proper planning and forward management should be implemented and the area requested should be managed by Green Valley as they are already the water provider.

5. Since there is no existing system and also no service agreement with any other systems, how long it will take for Green Valley to start providing service if someone residing in that area requests for service from Green Valley?

Immediately. It depends on case-by-case basis. Should the need be located and coordinated with an already existing provider (GBRA, CCMA, SARA or others) a service agreement will be reached and working with the developer to install utilities. In more rural areas, onsite systems will be permitted installed and GVSUD will manage and operate.

Sewer service will not be provided to individuals outside of a subdivision requesting it until a major development has driven the need for a service agreement with a provider or for the construction of a WWTP. We will work with a developer to accommodate his time-lieu for construction.

6. The Feasibility Study Report submitted with the application emphasizes on Drainage Area A (2,020 acres) and Drainage Area B(7,010 acres) only, then why Green Valley need a CCN for entire proposed area of 88,500 acres? Why doesn't it discuss anything about the remaining area?

At the time of the report, these areas were of immediate concern. Due to the submission of the CCN, we will be conducting a full system plan and report to look at different options.

7. How long it will take Green Valley to provide service to the entire area of 88,500 acres, if CCN is granted?

Decentralized service will be developed on a case-by-case basis as the need warrants. The schedule will depend on that need.

8. What is the future plan of Green Valley to construct the wastewater treatment plant to provide the service to the people living in that area?

This is subject to planning and area growth. There is a obviously the need for a future centralized plant but it is subject to growth, location, service agreements, onsite system loading and cost.

9. What is your opinion on environmental integrity if CCN is or is not granted to Green Valley?

This is the major issue. As it stands today, a very large portion of Green Valley's water CCN is unregulated in terms of wastewater. Many waterways and watersheds contribute to the area. Currently, a developer can place an onsite wastewater system and no one is available to monitor or regulate environmental activity. Green Valley feels that it is their environmental responsibility as the retail water provider to protect the area. The current and future growth needs require a central authority be in place to handle the regulation and activities.

The environmental integrity of the area will be negatively impacted if too many septic tanks are allowed, especially around our water sources.

10. What is the probable improvement in service or lowering of cost to customers in that area if CCN is granted to Green Valley?

This is subject to a Feasibility and Capitol Improvement Plan. It is not known what lowering of cost (if any) could be obtained. What is known is GVSUD forty (40+) plus years of utility, management experience.

By being able to provide both water and wastewater service to our customers, their costs will be less than if they are having to deal with multiple entities.

11. What will be the effect on other retail public utilities of the same kind already providing service to the proximate area if CCN is granted to Green Valley?

The key is "proximate area"....Green Valley has no intention to "take over" any other retail areas. Their focus is on regulation within their current area and working with surrounding providers to JOINTLY serve the communities and residents.

12. If a service agreement will be reached with any other utilities in that area, please provide the agreement with a report including the number of customers they are providing service to, existing capacity of each utility, etc.

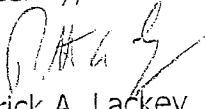
This can be done as soon as any agreements are reached. Green Valley has already received letters of support from GBRA, SARA, City of Marion, City of Santa Clara (see attachments) to work with Green Valley and possibly partner in service....should the need arise.

13. If service agreement is reached, then how long it will take Green Valley to lay the service line in the entire area?

It is unknown at this time. Green Valley will work with developers, local enteritis, service providers, etc. to come up with the best option to provider service. This is again a case-by-case basis. Green Valley fully understands that by applying for a CCN, it ultimately becomes responsible for service and/or regulation. Green Valley is fully confident in that by obtaining the CCN, wastewater service and/or regulation of activity will be managed properly.

We are ready to assist TCEQ with this request by GVSUD for this wastewater CCN application. If you have any further questions please don not hesitate to contact us.

Sincerely,



Patrick A. Lackey, P.E.

Cc: Dorothy Mills ~ Green Valley Special Utility District

Attachments:

1. Wastewater requests received by GVSUD
2. Adjoining utilities in support: Marion, Santa Clara, Bilmar, GBRA, SARA

Project: Green Valley Special Utility District (GVSUD) - Wastewater CCN Application

Wastewater Requests Received by GVSUD

LIST FOR #3:

- | | | |
|-----|---|--------------|
| 1. | Uptmore & Associates
P.O.Box 29389
San Antonio, TX 78299 | 210-696-2522 |
| 2. | Donald Griffin, Land Development Service
16845 Blanco Road, Suite 206-A
San Antonio, TX 78232 | 210-710-2187 |
| 3. | Harry Bennett, HCB Consulting
P. O. Box 597
Schertz, TX 78154 | 210-885-4240 |
| 4. | Gordon A. Woods, Real Estate Dev.
8227 Elm Glade
San Antonio, TX 78251 | 210-725-7840 |
| 5. | Colglazier Properties, John Durbin
1000 East Basse Road, Suite 100
San Antonio, TX 78209 | 210-821-5644 |
| 6. | Country Boy Construction, Gerald Reinhard
204 Sandy Oaks Drive
Seguin, TX 78155 | 830-303-4795 |
| 7. | Dale Dyess, Realtor
200 S. Austin Street
Seguin, TX 78155 | 830-372-3146 |
| 8. | Keith Ferrell, realtor
P. O. Box 124
McQueeney, TX 78123 | 830-557-5824 |
| 9. | Roy Rosin, Rosin-Johnson, Inc.
11925 Starcrest
San Antonio, TX 78247 | 210-490-6001 |
| 10. | Swann Real Estate, Inc.
22525 Fossil Ridge
San Antonio, TX 78261 | 210-865-3446 |

Sewer Utilities within 5 miles of Harvest Hills

20669 CITY OF MARION PO BOX 158 MARION, TX 78124	(512) 420-2391
20282 CITY OF NEW BRAUNFELS PO BOX 310289 NEW BRAUNFELS, TX 78131	(512) 629-8400
20271 CITY OF SCHERTZ 1400 SCHERTZ PKWY SCHERTZ, TX 78154 -1634	(210) 658-7477
CITY OF CIBOLO PO BOX 826 CIBOLO, TX 78108	(210) 658-9900
20973 GREEN VALLEY SUD PO BOX 99 MARION, TX 78124	(830) 914-2330
20892 GUADALUPE-BLANCO RIVER AUTHORITY 933 E COURT ST SEGUIN, TX 78155 -5819	(830) 379-5822
City of Santa Clara P.O. Box 429 MARION, TX 78124	(830) 914-4443

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Margaret Hoffman, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 21, 2003

Mr. Rudolph F. Klein IV, P.E.
Klein Consulting Engineers
8611 Botts Lane, Suite 101
San Antonio, Texas 78217

Re: J. H. Uptmore & assoc., Inc
Harvest Hill Subdivision- WWTP
Texas Commission on Environmental Quality Permit #14037-001
WWPR Log No. 0803/121
Guadalupe County

Dear Mr. Klein:

We have received the project summary transmittal letter dated July 1, 2003.

The rules which regulate the design, installation and testing of domestic wastewater projects are found in 30 TAC, Chapter 317 of the Texas Commission on Environmental Quality (TCEQ) rules titled, Design Criteria for Sewerage Systems.

Section 317.1(a)(3)(D), relating to case-by-case reviews, states in part that upon submittal of a summary transmittal letter, the executive director may approve of the project without reviewing a complete set of plans and specifications

Under the authority of §317.1(a)(3)(D) a technical review of complete plans and specifications is not required. However, the project proposed in the summary transmittal letter is approved for construction. Please note, that this conditional approval does not relieve the applicant of any responsibilities to obtain all other necessary permits or authorizations, such as wastewater treatment permit or other authorization as required by Chapter 26 of the Texas Water Code. Below are provisions of the Chapter 317 regulations, which must be met as a condition of approval. These items are provided as a reminder. If you have already met these requirements, please disregard this additional notice.

- 1 You must keep certain materials on file for the life of the project and provide them to TCEQ upon request. These materials include an engineering report, test results, a summary transmittal letter, and the final version of the project plans and specifications. These materials shall be prepared and sealed by a Professional Engineer licensed in the State of Texas and must show substantial compliance with Chapter 317. All plans and specifications must conform to any waste discharge requirements authorized in a permit by the TCEQ. Certain specific items which shall be addressed in the engineering report are discussed in §317.1(c)-(d). Additionally, the engineering report must include all constants, graphs, equations, and calculations needed to show substantial compliance with Chapter 317. The items which shall be included in the summary transmittal letter are addressed in §317.1(a)(3)(D).

Mr. Rudolph F. Klein IV, P.E.

Page 2

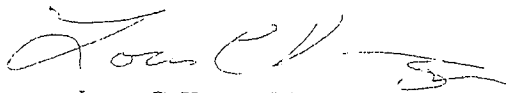
August 21, 2003

2. Any deviations from Chapter 317 shall be disclosed in the summary transmittal letter and the technical justifications for those deviations shall be provided in the engineering report. Any deviations from Chapter 317 shall be based on the best professional judgement of the licensed professional engineer sealing the materials and the engineer's judgement that the design would not result in a threat to public health or the environment.
3. Any variance from a Chapter 317 requirement disclosed in your summary transmittal letter is approved. If in the future, additional variances from the Chapter 317 requirements are desired for the project each variance must be requested in writing by the design engineer. Then, the TCEQ will consider granting a written approval to the variance from the rules for the specific project and the specific circumstances.
4. Within 60 days of the completion of construction, an appointed engineer shall notify both the Wastewater Permits Section of the TCEQ and the appropriate Region Office of the date of completion. The engineer shall also provide written certification that all construction, materials, and equipment were substantially in accordance with the approved project, the rules of the TCEQ, and any change orders filed with the TCEQ. All notifications, certifications, and change orders must include the signed and dated seal of a Professional Engineer licensed in the State of Texas.

This approval does not mean that future projects will be approved without a complete plans and specifications review. The TCEQ will provide a notification of intent to review whenever a project is to undergo a complete plans and specifications review. Please be reminded of §317.1(a)(2) of the rules which states, "Approval given by the executive director...shall not relieve the sewerage system owner or the design engineer of any liabilities or responsibilities with respect to the proper design, construction, or authorized operation of the project in accordance with applicable commission rules."

If you have any questions or if we can be of any further assistance, please call me at (512) 239-4552.

Sincerely,



Louis C. Herrin, III, P.E.
Wastewater Permits Section (MC 148)
Water Quality Division
Texas Commission on Environmental Quality

LCH/mam

cc: TCEQ, Region 13 Office

KLEIN ENGINEERING, INC.

CIVIL / MUNICIPAL / ENVIRONMENTAL ENGINEERS
Texas Registration # F - 000485

May 30, 2007

Water Quality Compliance Monitoring Team - MC224
Enforcement Division - TCEQ
P O. Box 13087
Austin, TX 78711-3087

Re: Harvest Hills Treatment, Ltd., Permit No. WQ0014037001
(RN 103013991; CN 602744997)

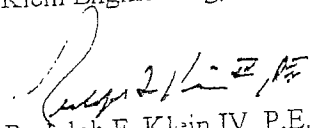
Dear Sir or Madam:

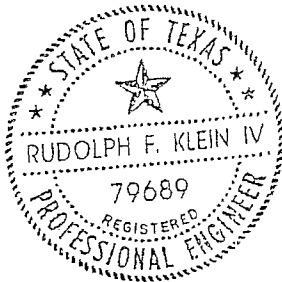
Please accept this letter as certification that the 3.5 Acre storage pond at the above referred treatment facility is completed and the pond lining meets the criteria of Section 16 of the Special Provisions above TCEQ Municipal Wastewater Permit.

Please contact our office should you have any questions or require additional information.
Thank you for your attention to this matter.

Yours Very Truly,

Klein Engineering, Inc.


Rudolph F. Klein IV, P.E.
President



cc: Arthur Locke, TCEQ Regional Office - MC13
Harvest Hills Treatment, Ltd.

KLEIN ENGINEERING, INC.

CIVIL / MUNICIPAL / ENVIRONMENTAL ENGINEERS
Texas Registration # F - 000485

May 30, 2007

Water Quality Applications Team – MC148
Registration, Review and Reporting Division – TCEQ
P O. Box 13087
Austin, TX 78711-3087

Re: Harvest Hills Treatment, Ltd., Permit No. WQ0014037001
(RN 103013991; CN 602744997)

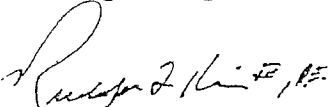
Dear Sir or Madam:

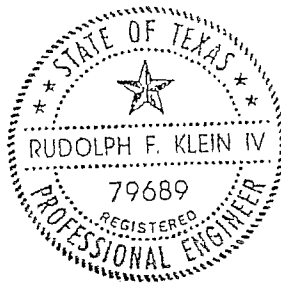
Pursuant to Special Provision No. 8 of the above TCEQ Municipal Wastewater permit, we are writing to notify your office that Harvest Hills Treatment, Ltd. has successfully completed testing of the equipment and lift station for said Wastewater Treatment Facilities. Harvest Hills Treatment, Ltd. is now ready for plant start up.

Please contact our office should you have any questions or require additional information.
Thank you for your attention to this matter.

Yours Very Truly,

Klein Engineering, Inc.


Rudolph F. Klein IV, P.E.
President



cc: Arthur Locke, TCEQ Regional Office – MC13
Harvest Hills Treatment, Ltd.

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
H. S. Buddy Garcia, *Commissioner*
Glenn Shankle, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 30, 2007

CERTIFIED MAIL No 91 7108 2133 3933 7855 0974
RETURN RECEIPT REQUESTED

Mr. Jack Uptmore, President
Harvest Hills Treatment, Ltd.
8400 Blanco Road, Suite 204
San Antonio, Texas 78216

Re: Comprehensive Compliance Investigation at: Harvest Hills WWTP, located off a County Road known as Marion Road, approximately 2.5 miles north-northwest of the City of Marion in Guadalupe County, Texas, Texas Commission on Environmental Quality (TCEQ) Permit Number WQ14037001

Dear Mr. Uptmore:

On May 10, 2007, Arthur Locke of the Texas Commission on Environmental Quality (TCEQ) San Antonio Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable wastewater program requirements. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by the compliance due dates listed in the attached summary of investigation findings, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved.

In the listing of alleged violations, we have cited applicable requirements, including TCEQ rules. If you would like to obtain a copy of the applicable TCEQ rules, you may contact any of the sources listed in the enclosed brochure entitled "Obtaining TCEQ Rules."

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violation as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the San Antonio Region 13 Office within 10 days from the date of this letter. At that

REPLY TO: REGION 13 • 14250 HUDSON RD. • SAN ANTONIO, TEXAS 78233-4480 • 210-490-3096 • FAX 210-545-4329

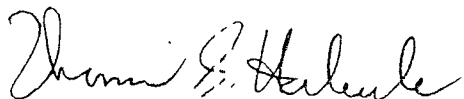
P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • Internet address: www.tceq.state.tx.us

Mr. Jack Uptmore
May 30, 2007
Page 2

time, the Water Section Manager, Mr. Thomas G. Haberle will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Arthur Locke in the San Antonio Region Office at 210/403-4052.

Sincerely,



Thomas G. Haberle
Water Section Manager
San Antonio Region Office

TGH/HAL/eg

HARVEST HILLS TREATMENT, L.T.D.
8400 Blanco, Suite 204
San Antonio, TX 78216
(210) 696-2522 Office
(210) 696-2034 Fax

August 22, 2007

Texas Commission on Environmental Quality
Mr. Arthur Locke
Region 13
14250 Judson Rd.
San Antonio, TX 78233-4480

RE: Harvest Hills Treatment, Ltd Permit No. WQ0014037001
RN 103013991 CN 602744997

Dear Mr. Locke,

Please accept this letter regarding Track No. 275957, fencing around plant facility, and effluent holding pond.

1. Fence around holding pond completed 6-14-07, animal access prevention "8" 2x6 net fence 3 strains of barb wire, 1 bottom, 2 top.
2. Fence around plant facility quoted 5-16-07 before ordering talked to Arthur Locke who noted permit called for 8' not 7' quoted. Ordered 8' (16") 9 gauge green KT, paid deposit 6-25-07. Picked up, post, and paid order 7-12-07. Installed post and rod 7-20-07. Fabric and custom gates 7-24-07. Completed and locked 8-3-07.

Please note in pictures provided **GREEN FENCING** used perimeter of permitted area, lift station not required in permit, effluent holding pond, and plant facility.

Should you have any question, feel free to call my office 210-696-2522 or my cell 210-260-7253.

Sincerely,


J.H. Uptmore

KLEIN ENGINEERING, INC.

CIVIL / MUNICIPAL / ENVIRONMENTAL ENGINEERS
Texas Registration # F - 000485

May 30, 2007

Water Quality Applications Team – MC148
Registration, Review and Reporting Division – TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Re: Harvest Hills Treatment, Ltd., Permit No. WQ0014037001
(RN 103013991; CN 602744997)

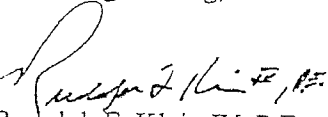
Dear Sir or Madam:

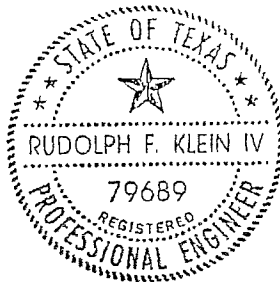
Pursuant to Special Provision No. 8 of the above TCEQ Municipal Wastewater permit, we are writing to notify your office that Harvest Hills Treatment, Ltd. has successfully completed testing of the equipment and lift station for said Wastewater Treatment Facilities. Harvest Hills Treatment, Ltd. is now ready for plant start up.

Please contact our office should you have any questions or require additional information.
Thank you for your attention to this matter.

Yours Very Truly,

Klein Engineering, Inc.


Rudolph F. Klein IV, P.E.
President



cc: Arthur Locke, TCEQ Regional Office – MC13
Harvest Hills Treatment, Ltd.

KLEIN ENGINEERING, INC.

CIVIL / MUNICIPAL / ENVIRONMENTAL ENGINEERS
Texas Registration # F - 000481

May 30, 2007

Water Quality Compliance Monitoring Team - MC224
Enforcement Division - TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Re: Harvest Hills Treatment, Ltd., Permit No. WQ0014037001
(RN 103613991; CN 602744997)

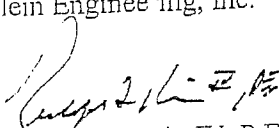
Dear Sir or Madam:

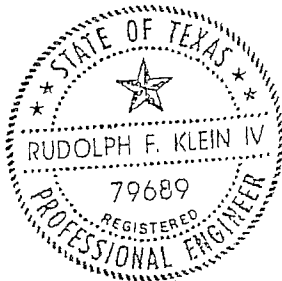
Please accept this letter as certification that the 3.5 Acre storage pond at the above referred treatment facility is completed and the pond lining meets the criteria of Section 16 of the Special Provisions above TCEQ Municipal Wastewater Permit.

Please contact our office should you have any questions or require additional information.
Thank you for your attention to this matter.

Yours Very Truly,

Klein Engineering, Inc.


Rudolph F. Klein IV, P.E.
President



cc: Arthur Locke, TCEQ Regional Office - MC13
Harvest Hills Treatment, Ltd.

Harvest Hills Treatment, Ltd
Income Statement
For the Twelve Months Ending December 31, 2008

	Current Month		Year to Date	
Revenues	\$	26,478.10	100.00	\$ 26,478.10 100.00
Net Revenues		<u>26,478.10</u>	<u>100.00</u>	<u>26,478.10</u> <u>100.00</u>
Cost of Sales		<u>0.00</u>	<u>0.00</u>	<u>0.00</u> <u>0.00</u>
Gross Profit		<u>26,478.10</u>	<u>100.00</u>	<u>26,478.10</u> <u>100.00</u>
Expenses				
Professional & Legal		1,060.00	4.00	1,060.00 4.00
Bank Charges		8.10	0.03	8.10 0.03
Contract Labor		6,510.89	24.59	6,510.89 24.59
Equipment Rental		195.53	0.74	195.53 0.74
Maintenance & Repairs Expense		1,024.56	3.87	1,024.56 3.87
Postage Service		2,406.00	9.09	2,406.00 9.09
Insurance and Permits Expense		400.00	1.51	400.00 1.51
Telephone Expense		3,940.00	14.88	3,940.00 14.88
Interest Expense		51,977.09	196.30	51,977.09 196.30
Supplies Expense		249.51	0.94	249.51 0.94
Utilities Expense		6,003.77	22.67	6,003.77 22.67
Depreciation Expense		56,016.00	211.56	56,016.00 211.56
Total Expenses		<u>129,791.45</u>	<u>490.18</u>	<u>129,791.45</u> <u>490.18</u>
Net Income	\$	<u>(103,313.35)</u>	<u>(390.18)</u>	\$ <u>(103,313.35)</u> <u>(390.18)</u>

John Zylinski
2/10/09

Harvest Hills Treatment, Ltd
Balance Sheet
December 31, 2008

ASSETS

Current Assets		
Castroville CK 513	\$	1,429.68
Due from Harvest Hills, Ltd.		549.10
Due from Partners		1,000.00
		<u>2,978.78</u>
Total Current Assets		
Property and Equipment		735,384.85
Property and Equipment		165,451.00
and		(85,967.00)
Accum. Depreciation - Prop&Eq		<u>814,868.85</u>
Total Property and Equipment		
Other Assets		<u>0.00</u>
Total Other Assets		
	\$	<u>817,847.63</u>
Total Assets		

LIABILITIES AND CAPITAL

Current Liabilities	\$	112,378.84
Due Harvest Hills, Ltd		104,768.60
Due Uptmore Family Ltd. P/S		75,268.65
Due J H Uptmore-Land		500.89
Due Uptmore LLC		<u>292,916.98</u>
Total Current Liabilities		
Long-Term Liabilities		651,489.00
Due Castroville Bank		<u>651,489.00</u>
Total Long-Term Liabilities		
Total Liabilities		944,405.98
Capital		(23,245.00)
Retained Earnings		(103,313.35)
Net Income		<u>(126,558.35)</u>
Total Capital		
Total Liabilities & Capital	\$	<u>817,847.63</u>

J H Uptmore
2/10/09

Harvest Hills Treatment, Ltd
Projected Income Statement
December 31, 2009

Impact Fees Income	\$48,142.00	
Sewer Fees Income	<u>7,626.00</u>	
Total Revenues		\$55,768.00
Expenses:		
Professional & Legal	1,071.00	
Bank Charges	10.00	
Contract Labor	6,575.00	
Equipment Rental	200.00	
Maintenance & Repairs	1,035.00	
Lab Service	2,430.00	
Licenses & Permits	400.00	
Auto	4,100.00	
Interest	35,815.00	
Supplies	255.00	
Utilities	6,065.00	
Depreciation	<u>50,935.00</u>	
Total Expenses		<u>\$108,891.00</u>
Net Profit and Loss		<u><u>-\$53,123.00</u></u>

Harvest Hills Treatment, Ltd
Projected Balance Sheet
December 31, 2009

ASSETS

Current Assets:

Castroville Checking	- \$878.32	
Due from Partners	<u>1,000.00</u>	
Total Current Assets		\$121.68

Property, Plant, and Equipment:

Sewer Plant and Equipment	735,384.85	
Land	165,451.00	
Accum. Depreciation-Property&Eq	(136,902.00)	
Total Property, Plant, and Equipment		<u>763,933.85</u>

Total Assets:

\$764,055.53

LIABILITIES AND CAPITAL

Current Liabilities:

A/P Harvest Hills, Ltd	111,829.74	
A/P Uptmore Family, Ltd	104,768.60	
A/P J.H. Uptmore-Land	75,268.65	
A/P Uptmore, LLC	<u>500.89</u>	
Total Current Liabilities		292,367.88

Long-Term Liabilities

<u>651,489.00</u>	
	<u>651,489.00</u>
	943,856.88

Total Liabilities

Capital		
Retained Earnings	(126,678.35)	
Net Income	<u>(53,123.00)</u>	
		<u>(179,801.35)</u>

764,055.53

Harvest Hills Treatment, Ltd
Projected Income Statement
December 31, 2010

Impact Fees Income	\$48,142.00	
Sewer Fees Income	<u>23,862.00</u>	
Total Revenues		\$72,004.00
Expenses:		
Professional & Legal	1,071.00	
Bank Charges	10.00	
Contract Labor	6,575.00	
Equipment Rental	200.00	
Maintenance & Repairs	1,035.00	
Lab Service	2,430.00	
Licenses & Permits	400.00	
Auto	4,100.00	
Interest	35,815.00	
Supplies	255.00	
Utilities	6,065.00	
Depreciation	<u>46,495.00</u>	
Total Expenses		<u>\$104,451.00</u>
Net Profit and Loss		<u><u>-\$32,447.00</u></u>

Harvest Hills Treatment, Ltd
Projected Balance Sheet
December 31, 2010

ASSETS

Current Assets:

Castroville Checking	\$13,169.68	
Due from Partners	<u>1,000.00</u>	
Total Current Assets		\$14,169.68

Property, Plant, and Equipment:

Sewer Plant and Equipment	735,384.85	
Land	165,451.00	
Accum. Depreciation-Property&Eq	(183,397.00)	
Total Property, Plant, and Equipment		<u>717,438.85</u>

Total Assets:

\$731,608.53

LIABILITIES AND CAPITAL

Current Liabilities:

A/P Harvest Hills, Ltd	111,829.74	
A/P Uptmore Family, Ltd	104,768.60	
A/P J.H. Uptmore-Land	75,268.65	
A/P Uptmore, LLC	<u>200.89</u>	
Total Current Liabilities		292,067.88

Long-Term Liabilities

<u>651,489.00</u>	
	<u>651,489.00</u>
	943,556.88

Total Liabilities

Capital

Retained Earnings	(179,801.35)	
Net Income	<u>(32,447.00)</u>	
		<u>(212,248.35)</u>

731,308.53