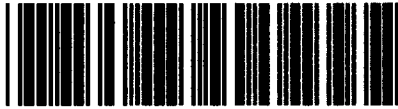


Control Number: 44066



Item Number: 28

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
Legislature, Regular Session, transferred the functions  
relating to the economic regulation of water and sewer  
utilities from the TCEQ to the PUC effective  
September 1, 2014

44066



## TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

SUSAN COMBS • COMPTROLLER • AUSTIN, TEXAS 78774

February 20, 2009

### CERTIFICATE OF ACCOUNT STATUS

THE STATE OF TEXAS  
COUNTY OF TRAVIS

I, Susan Combs, Comptroller of Public Accounts of the State of Texas, DO  
HEREBY CERTIFY that according to the records of this office

**HARVEST HILLS TREATMENT, LTD.**

is, as of this date, in good standing with this office having no franchise  
tax reports or payments due at this time. This certificate is valid through  
the date that the next franchise tax report will be due May 15, 2009.

This certificate does not make a representation as to the status of the  
entity's registration, if any, with the Texas Secretary of State.

This certificate is valid for the purpose of conversion when the converted  
entity is subject to franchise tax as required by law. This certificate is  
not valid for any other filing with the Texas Secretary of State.

GIVEN UNDER MY HAND AND  
SEAL OF OFFICE in the City of  
Austin, this 20th day of  
February 2009 A.D.

A handwritten signature in cursive script that reads "Susan Combs".

Susan Combs  
Texas Comptroller

Taxpayer number: 32035646432  
File number: 0800305176

Form 05-304 (Rev. 12-07/17)

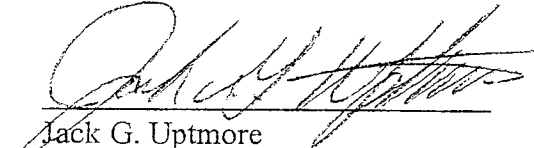
**ARTICLE VI.  
ORGANIZER**

The name and address of the organizer is set forth below.

Jack G. Uptmore  
3740 Colony Dr., Suite 170  
San Antonio, Bexar County, Texas 78230

**EXECUTION**

The undersigned organizer signs these articles of organization subject to the penalty imposed by Article 9.02 of the Texas Limited Liability Company Act, for the submission of a false or fraudulent document.

  
\_\_\_\_\_  
Jack G. Uptmore  
Organizer

**MINUTES OF THE ORGANIZATION RESOLUTIONS  
OF THE MEMBERS OF HH TREATMENT, LLC**

The execution of this document and herein referred to documents by James H. Uptmore, Janice A. Uptmore, Jack G. Uptmore, and Susan G. Uptmore the members of HH TREATMENT, LLC, referred to in these minutes as the "Company," was held pursuant to the provisions of the Texas Limited Liability Company Act at 3740 Colony Dr., Suite 170, San Antonio, Texas on the date indicated below.

James H. Uptmore, Janice A. Uptmore, Jack G. Uptmore, and Susan G. Uptmore, being the members of HH TREATMENT, LLC executed this document to formally organize HH TREATMENT, LLC and to the adoption of the following recitals and resolutions.

**ACCEPTANCE OF ARTICLES OF ORGANIZATION**

James H. Uptmore, Janice A. Uptmore, Jack G. Uptmore, and Susan G. Uptmore read the Articles of Organization that were filed on February 13, 2004 in the office of the Secretary of State of the State of Texas and that the Secretary of State issued a formal Certificate of Organization to the company on that date.

IT WAS RESOLVED, that the Articles of Organization of HH TREATMENT, LLC be accepted and approved in all respects.

**REGULATIONS**

James H. Uptmore, Janice A. Uptmore, Jack G. Uptmore, and Susan G. Uptmore then read the proposed form of regulations and operating agreement for the regulation and management of the affairs of the Company. The proposed regulations were considered and:

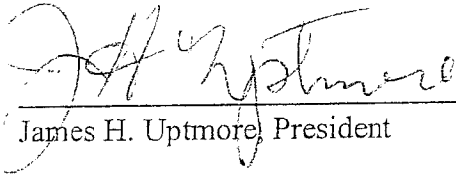
IT WAS RESOLVED, that the form of Regulations submitted and reviewed at this meeting are adopted as the Regulations of HH TREATMENT, LLC.

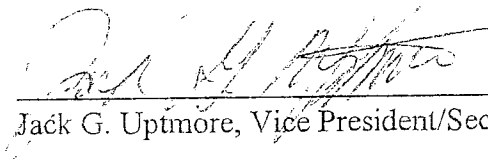
**OFFICERS**

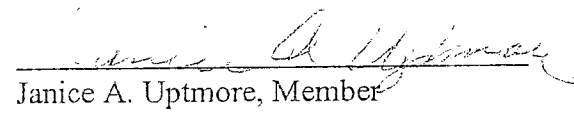
James H. Uptmore, Janice A. Uptmore, Jack G. Uptmore, and Susan G. Uptmore then appointed officers of the Company. The following individuals were appointed to the office preceding their name:

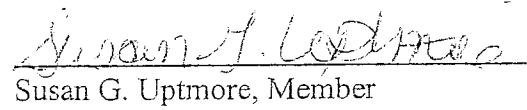
President	James H. Uptmore
Vice President	Jack G. Uptmore
Secretary/Treasurer	Jack G. Uptmore

HH TREATMENT, LLC

  
James H. Uptmore, President

  
Jack G. Uptmore, Vice President/Secretary/Treasurer

  
Janice A. Uptmore, Member

  
Susan G. Uptmore, Member

Harvest Hills Treatment, Ltd  
Current Connections

1	3405 Harolds Hill	Jun-07
2	3333 Jasons Way	Jun-07
3	3331 Ashleys Way	Jun-07
4	3315 Ashleys Way	Aug-07
5	3327 Ashleys Way	Aug-07
6	3344 Ashleys Way	Aug-07
7	3347 Ashleys Way	Sep-07
8	3332 Ashleys Way	Oct-07
9	3336 Ashleys Way	Oct-07
10	3325 Jsons Way	Oct-07
11	3353 Joshs Way	Dec-07
12	3337 Joshs Way	Jan-08
13	3313 Jasons Way	Jan-08
14	3352 Ashleys Way	Jan-08
15	3301 Jasons Way	Feb-08
16	3313 Joshs Way	Mar-08
17	3355 Harvest Hills Blvd	May-08
18	3340 Ashleys Way	Jun-08
19	3305 Jasons Way	Jul-08
20	3309 Jasons Way	Sep-08
21	3317 Jasons Way	Sep-08
22	3347 Harvest Hills Blvd	Nov-08
23	3405 Jasons Way	Nov-08
24	3339 Ashleys Way	Nov-08
25	3345 Joshs Way	Dec-08
26	3306 Joshs Way	Jan-09
27	3329 Jasons Way	Jan-09
28	3321 Jasons Way	Jan-09
29	3331 Harvest Hills Blvd	Feb-09
30	3354 Joshs Way	Feb-09
31	3339 Harvest Hills Blvd	Feb-09
32	3327 Harvest Hills Blvd	Mar-09
33	3343 Ashleys Way	Mar-09
34	3401 Jasons Way	Mar-09
35	3330 Joshs Way	Mar-09

### **Exhibit 3 Summary**

Mr. J.H. Uptmore is the owner of Harvest Hills Treatment, Ltd and the development named Harvest Hills located approximately 1.8 miles north of the City of Santa Clara, Texas. Mr. Uptmore has made service requests and receives water service from Green Valley Special Utility District (GVSUD) since late 1999. GVSUD does not provide wastewater service. As such, Harvest Hills Treatment, Ltd. designed and had permitted in late 2001 a package wastewater treatment plant and water quality permit for the collection, treatment and disposal of the Harvest Hills Subdivision wastewater. The wastewater permit was renewed in 2005. In January of 2004, GVSUD filed for a wastewater CCN which was granted in October 2005 that includes the Harvest Hills Development. In January of 2007, GVSUD sent a letter to Mr. Uptmore the need to place a backflow prevention device at the treatment plant of Harvest Hills. Beginning in May 2007, Mr. Uptmore and his development engineer made several requests to GVSUD for decertification of the recently granted wastewater CCN. It is evidenced that GVSUD was well aware of the Harvest Hills Subdivision development as they provided water to the subdivision which included a back flow assembly on the WWTP. The permit for wastewater treatment was granted in 2001. GVSUD filed for a wastewater CCN in which no notice was provided to Harvest Hills Treatment Ltd., and the area was certificated to GVSUD. In addition, since the certification, GVSUD has been aware of the Harvest Hills Treatment, Ltd. wastewater service and has not filed a cease and desist within 180 days of its knowledge of the service. Harvest Hills Treatment, Ltd. files this CCN application to become certificated for the Harvest Hills Subdivision and to decertify GVSUD.

Included in Exhibit 3 are copies of the following documentation:

1. Letter dated September 28, 1999 from GVSUD to Mr. Uptmore concerning water service to the subdivision.
2. Approval letter dated August 21, 2003 from the TCEQ approving the design and construction of the package WWTP.
3. January 29, 2007 letter from GVSUD requesting a backflow assembly be placed on the WWTP.
4. May 21, 2007 letter and map from Klein Engineering, Inc. requesting decertification from GVSUD.
5. May 21, 2007 letter and map from Klein Engineering, Inc. requesting decertification.
6. E-mail dated June 15, 2007 from Klein Engineering, Inc. requesting placement of requested decertification on the Board of Directors of GVSUD agenda for consideration.
7. Copy of Wastewater Permit, WQ 14037-001 granted to Mr. Uptmore on November 1, 2001 to expire on March 1, 2005.
8. Copy of Wastewater Permit, WQ 14037-001 granted to Mr. Uptmore on May 11, 2005 to expire on March 1, 2015.
9. Copy of FMT Checklist from GVSUD's sewer CCN filed in 2004 (Actual application was not available from the TCEQ Central File Room).



P.O. Box 99  
(830) 914-2330

MARION, TX 78124-0099  
FAX (830) 420-4138

September 28, 1999

J. H. Uptmore & Associates, Inc.  
P. O. Box 29389  
San Antonio, TX 78229

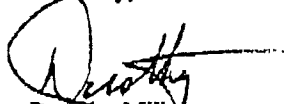
Dear Jim, Jack, Billy:

We have not heard from you in a long time! Hope everything is going well for you. The water business is tough when it is this dry. The last rain we had in our area was on July 21<sup>st</sup>.

In accordance with our Water System Service Agreement, Green Valley S.U.D. has begun construction of the new, 12" water transmission main on Koehler Road. We are doing it with a change order to the contractor who just completed a major job for us in the south part of the system, Mercer Construction Company from Edna Texas. I am enclosing a copy of the Contract Change Order. The line is about half complete and should be tied in by the middle of October. With the apparent delay in your project, we are way ahead of schedule! Green Valley S.U.D. will pay for the new line and await the beginning of your Phase II for your participation. There are no other developments benefiting from this line at this time.

Let me hear from you, especially if you see rain.

Sincerely,

  
Dorothy Mills  
General Manager

## CONTRACT CHANGE ORDER

Date	July 27, 1999
Project Name	Green Valley Special Utility District 1998 Water Main Replacement
Location	Marion, Guadalupe County, Texas
Contract No.	GV9803 / GV9907



you are hereby requested to comply with the following changes from the contract plans and specifications:

Item No. (1)	Description of changes - quantities, units, unit prices, change in completion schedule, etc. (2)	Decrease in contract price (3)	Increase in contract price (4)
	Add 12" PVC Main on Koehler Rd. from Green Valley Rd. to Weil Rd.		
2	Add 7,586 LF 12" PVC C-909, CL 150 Water Main @ \$16.55/LF		\$125,548.30
4	Add 6 EA 12" Gate Valve w/Box & Cover, w/ Valve Markers @ \$980.00/EA		\$5,880.00
5	Add 3 EA 8" Gate Valve w/Box & Cover, w/ Valve Markers @ \$570.00/EA		\$1,710.00
6	Add 2 EA 4" Gate Valve w/Box & Cover, w/ Valve Markers @ \$335.00/EA		\$670.00
7	Add 40 LF Bore & Case 12" C909, CL 150 Pipe Under Roads @ \$95.00/LF		\$3,800.00
9	Add 3 EA 1" Air Release Valve, Complete w/Box & Cover @ \$480.00/EA		\$1,440.00
12	Add 0.74 TON D.I., Compact, Mechanical Joint Fittings @ \$2,300/TON		\$1,702.00
13	Add 3 EA Furn. & Prov. all incidentals necessary for interconnection to existing mains @ \$600.00/EA		\$1,800.00
14	Add 7,586 LF Trench Excavation Protection @ \$0.50/LF		\$3,783.00
15	Add 1 EA Prov. all Incld. necessary to conduct disinfection & pressure testing @ \$500.00/EA		\$500.00
16	Add 2 EA Fire Hydrant w/ 6" gate valve, box & cover, etc. @ \$1,710.00/EA		\$3,420.00
24	Add New Item - 1 EA Pressure Reducing Valve @ \$11,500.00/EA		\$11,500.00
25	Add New Item - 5,500 LF Clear and Mulch 15' Easement @ \$0.95/LF		\$8,175.00
	Change in contract price due to this Change Order:		
	Total decrease	\$0.00	
	Total Increase		\$167,928.30
	Difference between Col. (3) and (4)		\$167,928.30
	Net decrease/increase contract price		\$167,928.30

The sum of \$167,928.30 is hereby added to the total contract price of \$393,408.00, and the total adjusted contract price to date thereby is \$561,336.30.

The time provided for completion in the contract is unchanged. This document shall become an amendment to the contract and all provisions of the contract will apply hereto.

Recommended by:

Garcia & Wright Consulting Engineers, Inc.

7/29/99  
Date

08/06 '99 15:52

ID:GARCIA&WRIGHT CONS ENGRS

FAX:210-349-0715

PAGE 2

## GARCIA & WRIGHT CONSULTING ENGINEERS, INC.

Green Valley Special Utility District  
1998 Water Main Replacement  
Change Order No. 2 - 12" Main on Koehler Road

64-Aug-99

Description	Amount
Construction Cost	\$ 167,928.30
Engineering (Basic Fee @ 8.30%)	\$ 13,938.05
Survey (32 hrs @ \$103.00/hr)	\$ 3,296.00
Total	\$ 185,162.35

Harvest Hill (45 %)	\$ 83,323.05
Tilman Property (20%)	\$ 97,032.47

TOTAL P.01

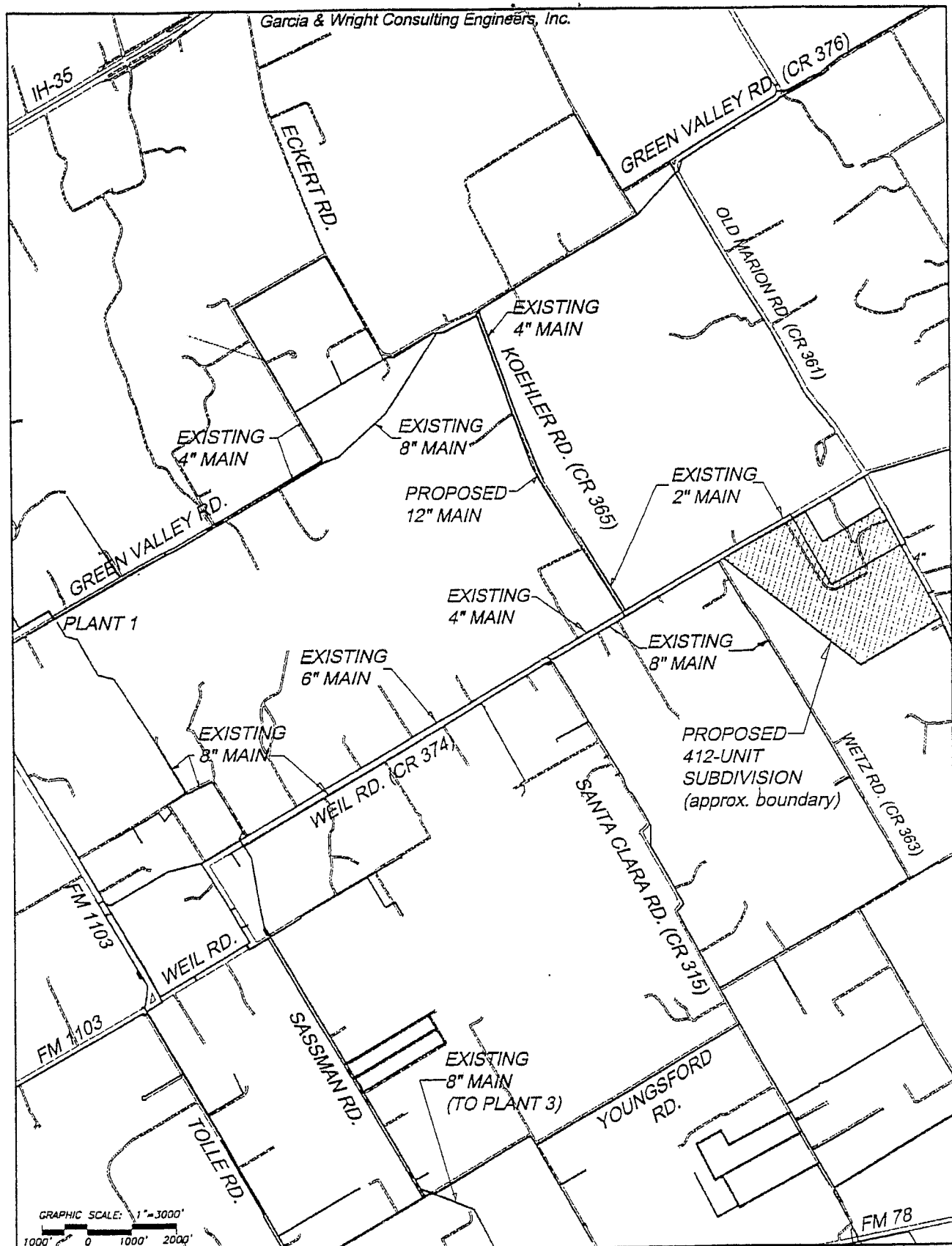


FIGURE 1:  
HARVEST HILLS  
PROPOSED 412 UNIT SUBDIVISION

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

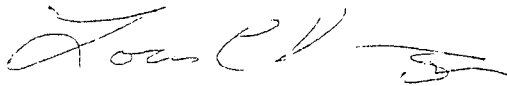
August 21, 2003

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)

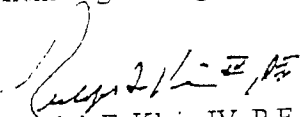
Dear Sir or Madam:

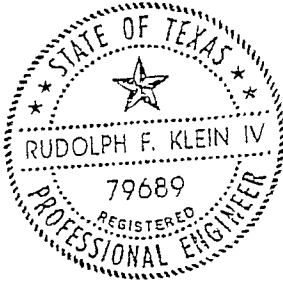
Please accept this letter as certification that the 3.5 Acre storage pond at the above referred treatment facility is completed and the pond lining meets the criteria of Section 16 of the Special Provisions above TCEQ Municipal Wastewater Permit.

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)

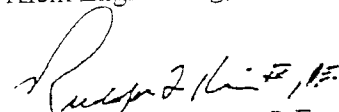
Dear Sir or Madam:

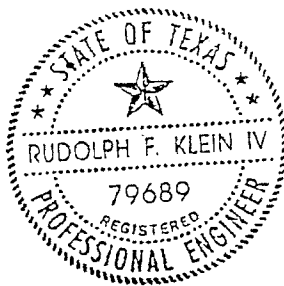
Pursuant to Special Provision No. 8 of the above TCEQ Municipal Wastewater permit, we are writing to notify your office that Harvest Hills Treatment, Ltd. has successfully completed testing of the equipment and lift station for said Wastewater Treatment Facilities. Harvest Hills Treatment, Ltd. is now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



914-2332  
800-942-2332

[www.greenvalleysud.com](http://www.greenvalleysud.com)

MARION TX 78124-0186  
Fax (830) 421-1188

January 29, 2007

Acc. 6048

Mr. Uptmore,

This letter just a formal follow up to our conversation regarding to the sewer plant located at the Harvest Hills Subdivision off of Old Marion Road. We spoke verbally about the need for a Reduced Pressure Zone Back-Flow Assembly (RPZBA) to be placed at the water meter feeding the sewer plant. The RPZBA must be installed and tested prior to Green Valley SUD providing continuous service to the treatment plant. The testing must be performed by a certified Back-Flow Assembly tester and repeated on an annual basis. The test form will need to be filed with Green Valley SUD prior to providing continuous service.

If you have any questions or concerns, please feel free to call. I can be reached at (830)-914-2332 Ext.211.

Thank You,

*Randy Roecker*  
Randy Roecker  
Systems Investigator

*Flow Assembly*

*BA*

*1"*

*back*



# **KLEIN ENGINEERING, INC.**

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

May 21, 2007

Green Valley S.U.D.  
529 South Center St.  
Marion, TX 78124

Attn: Mr. Pat Allen, General Manager

Re: Harvest Hill Sewer Ltd. CCN Application

Dear Mr. Allen:

On behalf of our client, Harvest Hill Sewer, Ltd., Klein Engineering is currently in the process of obtaining a Certificate of Convenience and Necessity (CCN) for the Harvest Hill Subdivision located near the intersection of Marion Road and Weil Road in Guadalupe County, Texas. The Harvest Hill Sewer Ltd. has obtained a permit to treat and discharge municipal waste water (Permit No. 14037-001) for the said Harvest Hill Subdivision. The boundaries of the proposed service area are limited to the  $\pm$  300 acre Subdivision and Wastewater Treatment area.

We are at this time requesting that GVSUD, the current CCN holder, decertify the proposed service area. We have attached herewith showing the proposed Harvest Hill Ltd CCN area.

Please let us know if you have any questions or need additional information concerning this matter.

Yours Very Truly,

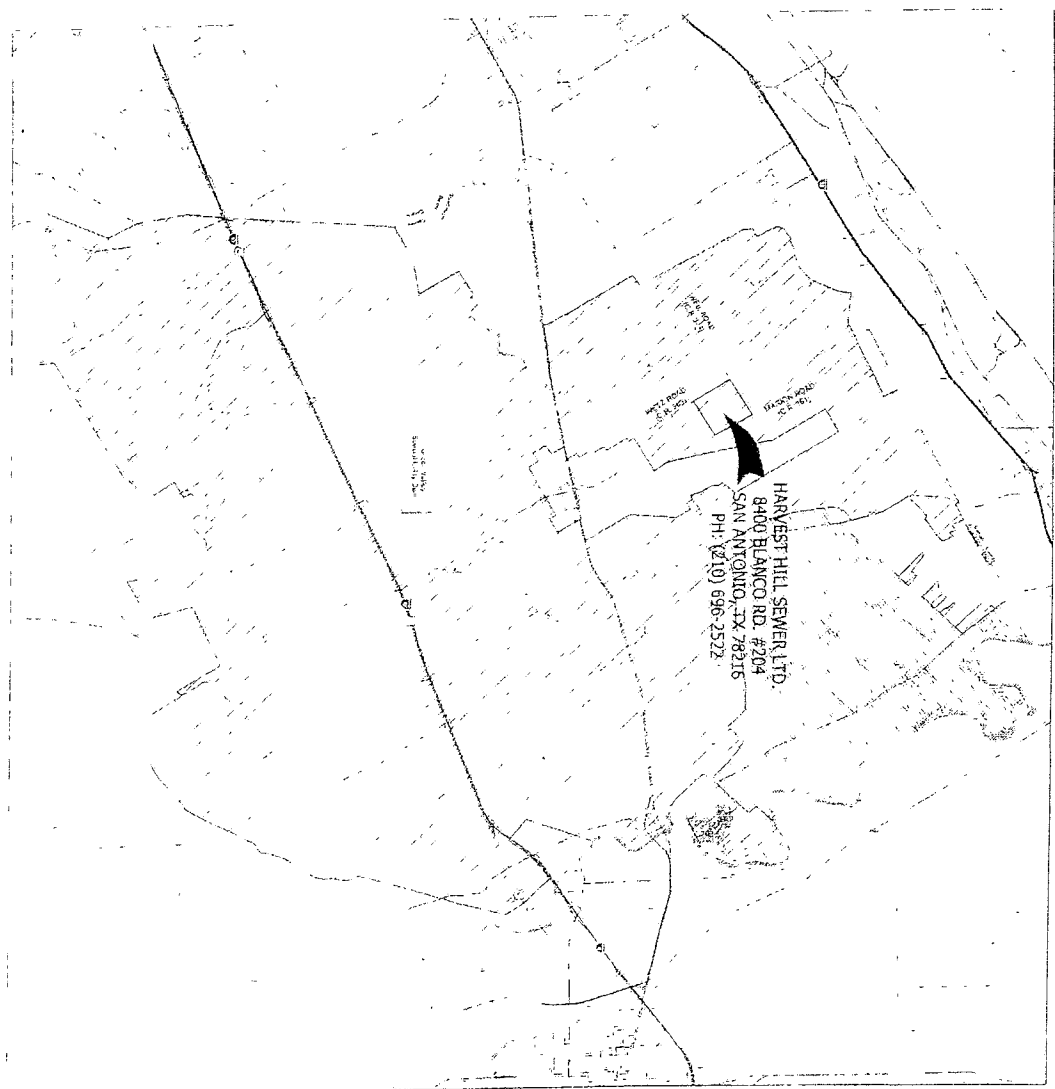
Klein Engineering, Inc.

Rudolph F. Klein IV, P.E.  
President

cc: Mr. Jack Uptmore, Harvest Hill Sewer Ltd.  
3400 Blanco Road, Suite 204  
San Antonio, TX 78216

/attachment

2)



HARVEST HILL SEWER LTD  
8400 BLANCO RD. #204  
SAN ANTONIO, TX 78216  
PH: (210) 696-2522

# **KLEIN ENGINEERING, INC.**

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

May 21, 2007

Green Valley S.U.D.  
529 South Center St.  
Marion, TX 78124  
Attn: Mr. Pat Allen, General Manager

Re: Harvest Hill Sewer Ltd. CCN Application

Dear Mr. Allen:

On behalf of our client, Harvest Hill Sewer, Ltd., Klein Engineering is currently in the process of obtaining a Certificate of Convenience and Necessity (CCN) for the Harvest Hill Subdivision located near the intersection of Marion Road and Weil Road in Guadalupe County, Texas. The Harvest Hill Sewer Ltd. has obtained a permit to treat and discharge municipal waste water (Permit No. 14037-001) for the said Harvest Hill Subdivision. The boundaries of the proposed service area are limited to the  $\pm$  300 acre Subdivision and Wastewater Treatment area.

Harvest Hill Sewer Ltd. has constructed and installed in accordance to TCEQ requirements, a Waste Treatment Facility with a permitted capacity not to exceed 90,000 gpd and a 3.5 Acre storage pond that meets the criteria of Section 16 of the Special Provisions of the above mentioned TCEQ Municipal Wastewater Permit. The equipment and lift station for the Waste Treatment Facility have been tested successfully and is now ready for start-up. Pursuant to Special Provision No. 8, TCEQ has been notified of pending start up of the Waste Treatment Facility.

As has been discussed with GVSUD, there are over 200 connections that are in *immediate need* of sewer service in the Harvest Hills Subdivision. Green Valley SUD is unable to provide the needed service for these connections currently or in the foreseeable future. We are at this time requesting that GVSUD, the current CCN holder, decertify the proposed service area. This request is only to provide the sewer service to the Harvest Hills Subdivision residents and not to compete in any way with GVSUD.

We have attached herewith showing the proposed Harvest Hill Ltd CCN area. Please let us know if you have any questions or need additional information concerning this matter.

Yours Very Truly,

Klein Engineering, Inc.

Rudolph F. Klein IV, P.E.  
DE

Rudolph F. Klein IV, P.E.  
President

cc: Mr. Jack Uptmore, Harvest Hill Sewer Ltd.  
8400 Blanco Road, Suite 204  
San Antonio, TX 78216

/enclosure



**m:** Darla Reid [mailto:dreid@kleinengineering.com]

**nt:** Friday, June 15, 2007 8:54 AM

pallen@gvsud.org

jack@uptmorehomes.com

**bject:** Harvest Hills Decertify Req.

od Morning Mr. Allen.

atter requesting decertification and map showing proposed HH CCN area are attached as request by Mr. Jack Uptmore  
nclusion in board meeting packet.

ase call if you are unable to open either item or should have any questions.

nk you.

la Reid  
n Engineering, Inc.  
828.7070

copy



Renewed Sept 04  
issued May 11, 2005  
PERMIT NO. 14037-001

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
P.O. Box 13087  
Austin, Texas 78711-3087

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

DOCKET 1999-0767-MWD

I. Permittee:

J.H. Uptmore and Associates, Inc.

3740 Colony Drive  
San Antonio, Texas 78230

II. Nature of Business Producing Waste: Domestic wastewater treatment operation, SIC Code 6515

III. General Description and Location of Waste Disposal System:

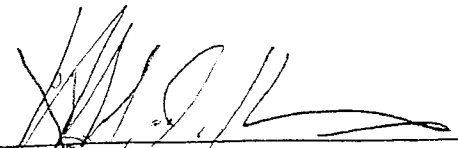
Description: The wastewater treatment facility is a activated sludge package plant using the extended aeration mode. Treatment units include a flow equalization basin, aeration basin, clarifier, sludge holding tank and chlorine contact chamber. The permittee is authorized to dispose of treated domestic wastewater effluent at a daily average flow not to exceed 0.09 million gallons per day (MGD) to the irrigation storage pond with a storage capacity of at least 26 acre-feet and from this pond to irrigate 35 acres of non-public access agriculture and pasture land seeded primarily with Coastal Bermuda grass. Application rates shall not exceed 2.88 acre-feet per year per acre irrigated.

Location: The wastewater treatment facilities and disposal site are located off of a county road known as Marion Road, approximately 2.5 miles north-northwest of the City of Marion in Guadalupe County, Texas.

Drainage Area: The disposal site is located in the drainage area of Santa Clara Creek in Segment No. 1902 of the San Antonio River Basin. No discharge of pollutants into water in the State is authorized by this permit.

This permit and the authorization contained herein shall expire at midnight on March 1, 2005.

ISSUED DATE: NOV 01 2001

  
For the Commission

## IV. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

A. Effluent Limitations

Character: Treated Domestic Sewage Effluent

Volume: 30-day Average - 0.09 MGD from the treatment system

Quality: The following effluent limitations shall be required:

<u>Parameter</u>	<u>Effluent Concentrations</u>	
	(Not to Exceed)	
	<u>30-Day Average</u> mg/l	<u>Single Grab</u> mg/l
Biochemical Oxygen Demand (5-day)	N/A	100

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

The effluent shall be chlorinated in a chlorine contact chamber to a residual of 1.0 mg/l with a minimum detention time of 20 minutes.

B. Monitoring Requirements:

<u>Parameter</u>	<u>Monitoring Frequency</u>	<u>Sample Type</u>
Flow	Five/week	Instantaneous
Biochemical Oxygen Demand (5-day)	One/week	Grab
pH	One/month	Grab
Chlorine	One/week	Grab

The monitoring shall be done after the final treatment unit and prior to irrigation. These records shall be maintained on a monthly basis and be available at the plant site for inspection by authorized representatives of the Commission for at least three years.



**V. SLUDGE PROVISIONS**

The permittee is authorized to dispose of sludge only at a Texas Natural Resource Conservation Commission (TNRCC) 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 TNRCC. 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 Permits 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 TNRCC 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 TNRCC Registration and Evaluation Division (MC 129) 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 and Evaluation Division (MC 129), Texas Natural Resource Conservation Commission, 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 TNRCC Regional Office (MC Region 13) and the Database and Administration 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:

- 1. 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 -
- i. Sewage sludge shall be injected below the surface of the land.
  - ii. No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.
  - iii. When sewage sludge that is injected below the surface of the land is Class A 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 -
- i. 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.
  - ii. 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):

<u>Amount of sewage sludge (*)</u> <u>metric tons per 365-day period</u>	<u>Monitoring Frequency</u>
0 ≤ Sludge < 290	Once/Year
290 ≤ Sludge < 1,500	Once/Quarter
1,500 ≤ Sludge < 15,000	Once/Two Months
15,000 ≤ Sludge	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 III below 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 Permits 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 TNRCC 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 TNRCC 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 TNRCC 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)(5)(A)(i), 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 Natural Resource Conservation Commission upon request.

**F. Reporting Requirements**

The permittee shall report annually to the TNRCC Regional Office (MC Region 13) and Database and Administration 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 TNRCC transporter number.
5. PCB concentration in sludge in mg/kg.
6. Date(s) of disposal.
7. Owner of disposal site(s).
8. Texas Natural Resource Conservation Commission 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.). Alternatives 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 Natural Resource Conservation Commission 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 Permits 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 TNRCC 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 TNRCC Registration and Evaluation Division (MC 129) and the Regional Director (MC Region 13) of the appropriate TNRCC 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 and Evaluation Division (MC 129), Texas Natural Resource Conservation Commission, 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 TNRCC Regional Office (MC Region 13) and the Database and Administration 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 Natural Resource Conservation Commission upon request.

**G. Reporting Requirements**

The permittee shall report annually to the TNRCC Regional Office (MC Region 13) and Database and Administration 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 30 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 Natural Resource Conservation Commission upon request.

**VI. 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. This Category D facility shall be operated and maintained by a chief operator or operator in responsible charge holding a valid Class D certificate of competency or higher according to 30 TAC Chapter 325. All shift supervisors and other plant operators shall be certified in accordance with the provisions of the Chapter therein.
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. Land application rates 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 as irrigation water. These records shall be made available for review by the Texas Natural Resource Conservation Commission and shall be maintained for at least three years.
7. Holding ponds shall conform to the Texas Natural Resource Conservation Commission "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. Prior to construction of the treatment facility, the permittee shall submit to the TNRCC Wastewater Permits Section (MC 148) a summary submittal letter in accordance with the requirements in 30 TAC Section 317.1. If requested by the Wastewater Permits Section, the permittee shall submit plans, specifications and a final engineering design report which comply with 30 TAC Chapter 317, Design Criteria for Sewerage Systems. The permittee shall clearly show how the treatment system will meet the final permitted effluent limitations required on Page 2 of the permit.

9. 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 TNRCC Regional Office (MC Region 13) and Applications Team, Wastewater Permits Section (MC 148) of the Water Quality Division forty-five (45) days prior to plant startup.

10. Prior to commencing irrigation disposal, the permittee shall obtain representative soil samples from the root zones of the irrigation 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 TNRCC Regional Office (MC Region 13) and Database and Administration Team (MC 224) of the Enforcement Division during September of each year.

11. 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.
12. 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.
13. 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.
14. Spray fixtures for the irrigation system shall be of such design that they cannot be operated by unauthorized personnel.
15. Irrigation with effluent shall be accomplished only when the area specified is not in use.
16. Permanent transmission lines shall be installed from the holding pond to each tract of land to be irrigated utilizing effluent from that pond.
17. 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  $1 \times 10^{-7}$  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.

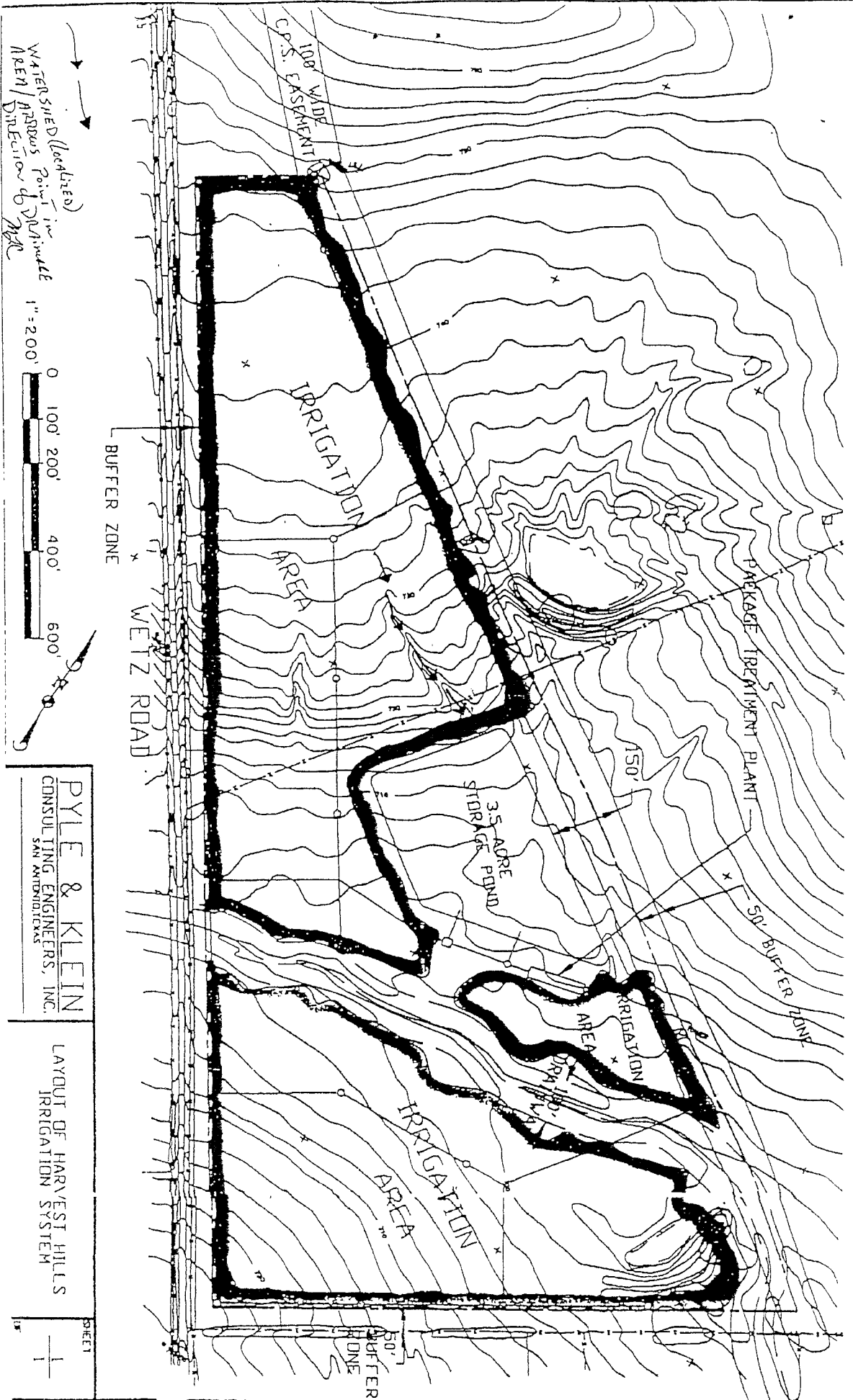
The permittee shall furnish certification by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria above prior to utilization of the facilities. The certification shall be sent to the TNRCC Regional Office (MC Region 13) and Database and Administration Team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

- 18. 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).
- 19. 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 System". (See Attachment 'A').
- 20. The permittee shall obtain the Executive Director's approval of the permittee's design plans prior to construction of the proposed facility.

**VII. STANDARD PROVISIONS:**

1. This permit is granted in accordance with the Texas Water Code and the rules and other Orders of the Commission and the laws of the State of Texas.
- 2.a. Unless specified otherwise, any noncompliance which may endanger human health or safety, or the environment shall be reported to the TNRCC. 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 to the TNRCC Regional Office (MC Region 13) and to the Manager, Water Section of the Enforcement Division (MC 149) 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 anticipated 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. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to waters in the state at any location not permitted as an outfall or otherwise defined in the Special Provisions of this permit. Unauthorized discharges shall be reported under Part 2a of these standard provisions.
- c. Notwithstanding any of the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported in writing to the TNRCC Regional Office (MC Region 13) and to the Manager, Water Section of the Enforcement Division (MC 149) within five (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 TNRCC Database and Administration Team (MC 224) of the Enforcement Division as promptly as possible.
3. Acceptance of this permit constitutes an acknowledgment and agreement that the permittee will comply with all the terms, provisions, conditions, limitations and restrictions embodied in this permit and with the rules and other Orders of the Commission and the laws of the State of Texas. Agreement is a condition precedent to the granting of this permit.
4. Prior to any transfer of this permit, Commission approval must be obtained. The Commission should be notified, in writing, of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Team, Wastewater Permits Section (MC 148) of the Water Quality Division.

5. 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.
6. The permittee is subject to the provisions of 30 TAC Section 305.125.
7. Whenever flow measurements for any sewage treatment facility in the state reaches 75 percent of the permitted average daily flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the wastewater treatment and/or collection facilities. Whenever, the average daily flow reaches 90 percent of the permitted average daily flow for three consecutive months, the permittee shall obtain necessary authorization from the Texas Natural Resource Conservation Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a wastewater treatment facility which reaches 75 percent of the permitted 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 will submit an engineering report supporting this claim to the executive director. If in the judgment of the executive director the population to be served will not cause permit noncompliance, then the requirements of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 219) of the Texas Natural Resource Conservation 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.
8. The permittee shall remit an annual waste treatment inspection fee to the Commission as required by 30 TAC Chapter 305 (Subchapter M). Failure to pay this fee may result in revocation of this permit



**PYLE & KLEIN**  
CONSULTING ENGINEERS, INC.  
SAN ANTONIO, TEXAS

LAYOUT OF HARVEST HILLS  
IRRIGATION SYSTEM

SHEET  
1

J.H. Uptmore and Associates, Inc.  
TNRCC Permit No. 14037-001  
ATTACHMENT "A"

copy



PERMIT NO. WQ0014037001

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

This is a renewal of  
Permit No. 14037-001 issued  
November 1, 2001.

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

Permittee:

Harvest Hills Treatment, Ltd.  
3740 Colony Drive, Suite 170  
San Antonio, Texas 78230

Nature of Business Producing Waste: Domestic wastewater treatment operation, SIC Code 6515

General Description and Location of Waste Disposal System:

Description: The Harvest Hills Subdivision Wastewater Treatment Facilities consist of an activated sludge package plant using the extended aeration mode. Treatment units include a flow equalization basin, aeration basin, final clarifier, sludge holding tank and a chlorine contact chamber. The facility includes a storage pond with a total capacity of 26 acre-feet for storage of treated effluent prior to irrigation. The permittee is authorized to dispose of treated domestic wastewater effluent at a volume not to exceed a daily average flow of 0.09 million gallons per day (MGD) via surface irrigation of 35 acres of non-public access land. Application rates shall not exceed 2.88 acre-feet per year per acre irrigated.

Location: The wastewater treatment facilities and disposal site are located off a county road known as Marion Road, approximately 2.5 miles north-northwest of the City of Marion in Guadalupe County, Texas. (See Attachment A.)

Drainage Area: The disposal site is located in the drainage area of Santa Clara Creek in Segment No. 1902 of the San Antonio River Basin. No discharge of pollutants into water in the State is authorized by this permit.

This permit and the authorization contained herein shall expire at midnight on March 1, 2015.

ISSUED DATE: **MAY 11 2005**

A handwritten signature in dark ink, appearing to be "H. White", written over a horizontal line.

For the Commission

**EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

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

**A. Effluent Limitations**

Character: Treated Domestic Sewage Effluent

Volume: 30-day Average - 0.09 MGD from the treatment system

Quality: The following effluent limitations shall be required:

<u>Parameter</u>	<u>Effluent Concentrations</u>	
	(Not to Exceed)	
	30-day <u>Average</u> mg/	Single <u>Grab</u> mg/l
Biochemical Oxygen Demand (5-day)	N/A	100

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

The effluent shall be chlorinated in a chlorine contact chamber to a residual of 1.0 mg/l with a minimum detention time of 20 minutes.

**B. Monitoring Requirements:**

<u>Parameter</u>	<u>Monitoring Frequency</u>	<u>Sample Type</u>
Flow	Five/week	Instantaneous
Biochemical Oxygen Demand (5-day)	One/week	Grab
pH	One/month	Grab
Chlorine	One/week	Grab

The monitoring shall be done after the final treatment unit and prior to irrigation. These records shall be maintained on a monthly basis and be available at the plant site for inspection by authorized representatives of the Commission for at least three years.

**STANDARD PERMIT CONDITIONS**

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

**DEFINITIONS**

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

**1. Flow Measurements**

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

**2. Concentration Measurements**

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

**3. Sample Type**

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

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

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

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

### 4. Additional Monitoring by Permittee

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



## 5. Calibration of Instruments

All automatic flow measuring or recording devices and all totalizing 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 for cause in accordance with 30 TAC §§ 305.62 and 305.66 and Texas Water Code Section 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.