

Alleged Violation:

Investigation: 1145783

Comment Date: 04/02/2014

Failed to prevent the unauthorized discharge of wastewater and sludge. Specifically, during the investigation unauthorized discharges were noted due to an aeration basin overflow. In addition, evidence of an unauthorized discharge (sludge) was noted along the fence line. See attached photos.

Recommended Corrective Action: There shall be no unauthorized discharge of wastewater. Submit documentation indicating that the unauthorized discharges have been cleaned up. In addition, submit the steps taken to prevent the recurrence of unauthorized discharges from the wastewater treatment plant.

Resolution: The permittee submitted documentation on February 20, 2014, indicating that the violation has been resolved.

ADDITIONAL ISSUES**Description****Additional Comments**

Aeration basin(s) or tank(s)?

Excessive foam was noted in the south plant's aeration basins. The source and/or cause of the foam should be investigated to protect the quality of the final effluent.

Chlorine contact basin(s)?

The baffles in the chlorine contact basins were badly corroded and structural integrity of the basin is questionable. The flow through the chlorine contact basin should be dye tested to determine if short circuiting is occurring. See attached photos.

Is the regulated entity compliant with the self-monitored effluent limitations?

Failure to maintain compliance with permitted effluent limits. Specifically, during the review period of September 2012 to January 2014, several violations of the permitted limits of ammonia nitrogen (NH₃-N) and Escherichia coli (E. coli) bacteria were noted. See attached "Effluent Violations for Select Facility." The violations are being addressed in TCEQ Agreed Order Docket No. 2010-0787-MWD-E.

ATTACHMENT

ACCURACY CHECK

FLOW INDICATING/RECORDING EQUIPMENT

Items Checked	Information Collected
Outfall	001
Type of primary flow measuring device	90° V-notch weir
Type of secondary flow measuring device	Milltronics Hydro Ranger Ultrasonic Flow Meter
Time	10:45 A.M.
Head	6.25 (X) inches () feet
Recorded flow at time listed	0.5149 MGD
Calculated flow	0.3151 MGD
Reference for calculated flow	ISCO Open Channel Flow Handbook
Percent error	63.41%
$\frac{(\text{recorded value} - \text{calculated value}) (100)}{\text{calculated value}}$	$\frac{(0.5149 - 0.3141) \times 100}{0.3141}$
Date of last calibration	JANUARY 10, 2014
Calibration performed by	Prescott Control Solutions

Comments:

Effluent Violations for Select Facility
10/01/2012 through 12/10/2013

*** NOT ICIS CERTIFIED ***

TPDES ID	NPDES ID	Facility Name	CMC Name	Enf Auth Major/Minor	TCEQ Region	Issue Date	Expiration Date	Primary SIC
11193001	TX0075434	BRITTMORE WWTP	WU	STATE Major	SEG 1017	7/11/2012	3/1/2017	4952

Outfall No.	Limit Set Name	Limit Start Date	Limit End Date
001A	DOMESTIC FACILITY - 001	8/1/12	3/1/17

Monitoring Period	Pram_Cd	Parameter	MLOC	Limit (%Vio) 1 MO MIN (mg/L)	RNC Vio	Received Date
10/31/2012	50060	Chlorine, total residual	1	(100%)		11/15/12

Monitoring Period	Pram_Cd	Parameter	MLOC	Limit (%Vio) 200 DAILY MX (CFU/10C)	RNC Vio	Received Date
10/31/2013	51040	E. coli	1	548 (174%)		11/19/13

Monitoring Period	Pram_Cd	Parameter	MLOC	Limit (%Vio) 3 DAILY AV (mg/L)	RNC Vio	Received Date	Limit (%Vio) 24 DAILY AV (mg/L)	RNC Vio	Received Date
5/31/2013	00610	Nitrogen, ammonia total [as N]	1	6.36 (112%)	T	6/17/13			
7/31/2013	00610	Nitrogen, ammonia total [as N]	1	9.85 (229%)	T	8/20/13			
8/31/2013	00610	Nitrogen, ammonia total [as N]	1	4.85 (62%)	T	9/20/13			
9/30/2013	00610	Nitrogen, ammonia total [as N]	1	5.93 (98%)	T	10/18/13			
10/31/2013	00610	Nitrogen, ammonia total [as N]	1	<8.52 (184%)		11/19/13	<38.94 (62%)		11/19/13

Bypasses for AQUA TEXAS INC

BRITMORE

TCEQ Permit WQ0011193001

Saturday, August 04, 2012 through Monday, February 03, 2014

Start Date	Total Vol Lost	Address	Excursion Cause
1/11/2014	50	PLANT	HIGH LEVELS IN PLANT
Subscriber Name:			
1/6/2014	1,000	16003 BRITTMOORE	BLOWN FUSE IN CONTROL PANEL
Subscriber Name:			
10/23/2012	100	WWTP	CLOGGED DRAIN LINE
Subscriber Name:			

PHOTOGRAPHIC DOCUMENTATION

TCEQ Permit No:	Facility Name:	County Name:	Inspection Date:	TCEQ Investigator:
WQ0011193-001	BRITTMORE I&II WWTP	HARRIS	FEB. 04, 2014	Nwachukwu Sam Okonkwo



This is a photo of the outfall ditch. Notice the foam and scum in the ditch.



This is a close-up photo of the receiving ditch showing foam and scum in the ditch.

PHOTOGRAPHIC DOCUMENTATION

TCEQ Permit No:	Facility Name:	County Name:	Inspection Date:	TCEQ Investigator:
WQ0011193-001	BRITTMORE I&II WWTP	HARRIS	FEB. 04, 2014	Nwachukwu Sam Okonkwo



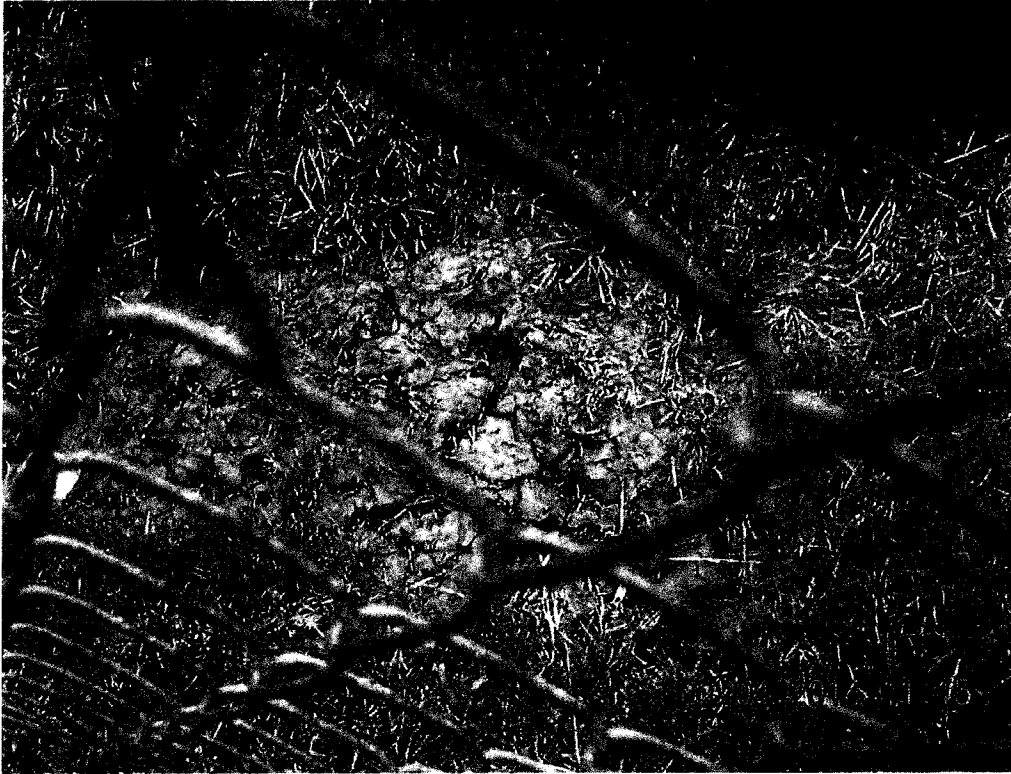
This is a photo of the clarifier. Notice the flow over the weirs on this section of the clarifier.



This is a photo of the clarifier. Notice that there is no flow over the weirs on this section of the clarifier.

PHOTOGRAPHIC DOCUMENTATION

TCEQ Permit No:	Facility Name:	County Name:	Inspection Date:	TCEQ Investigator:
WQ0011193-001	BRITTMORE I&II WWTP	HARRIS	FEB. 04, 2014	Nwachukwu Sam Okonkwo



This is an evidence of a sludge spill along the fence line noted at the time of the investigation.



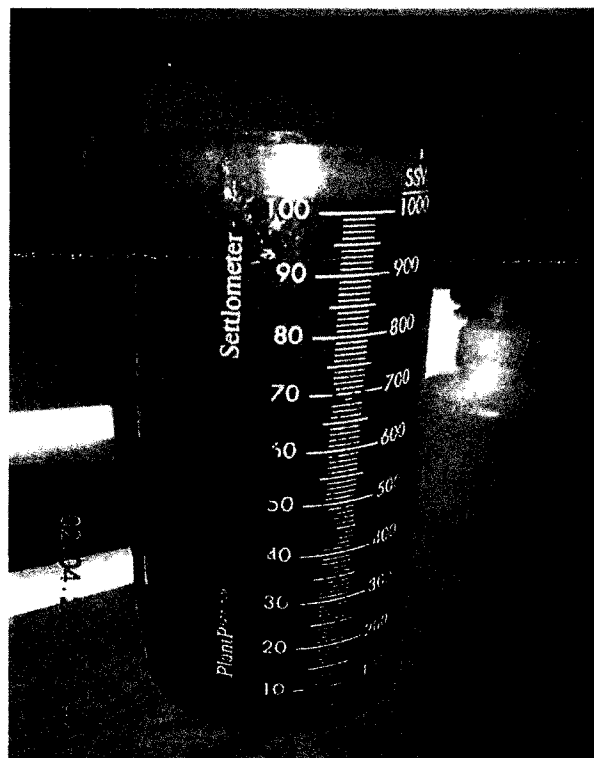
This is an evidence of an authorized discharge from the aeration basin that was not cleaned up.

PHOTOGRAPHIC DOCUMENTATION

TCEQ Permit No:	Facility Name:	County Name:	Inspection Date:	TCEQ Investigator:
WQ0011193-001	BRITTMORE I&II WWTP	HARRIS	FEB. 04, 2014	Nwachukwu Sam Okonkwo



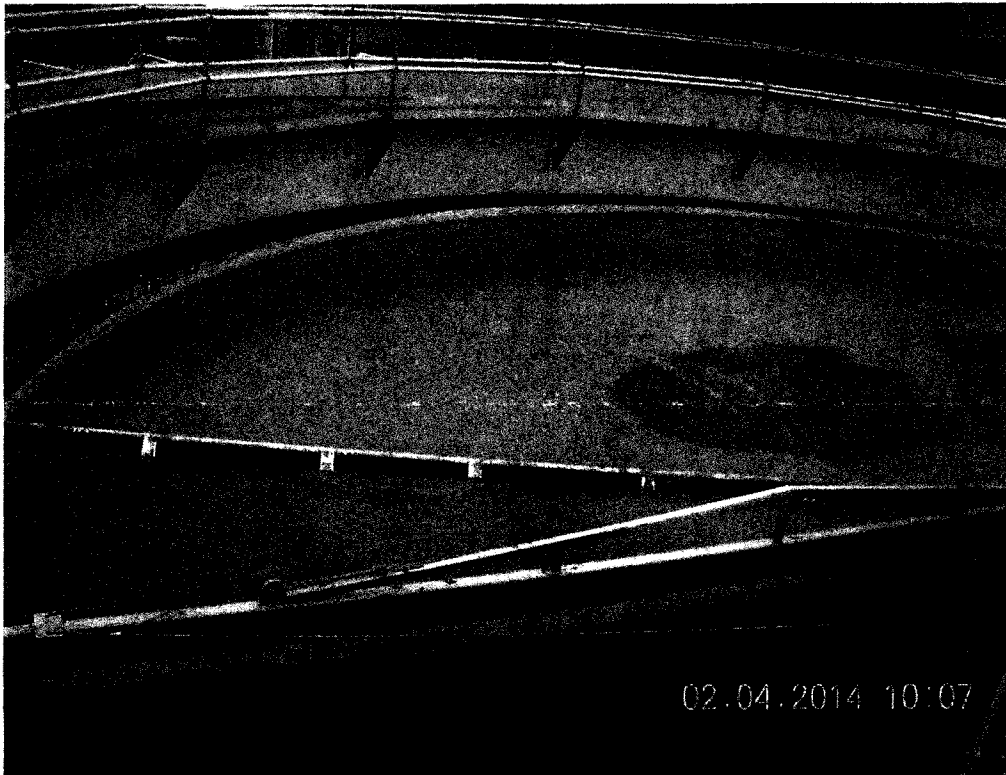
This is a photo of the aeration basin overwhelmed with foam at the time of the investigation.



This is a photo of the 30 minutes settling test. Notice that the foam and cloudy supernatant.

PHOTOGRAPHIC DOCUMENTATION

TCEQ Permit No:	Facility Name:	County Name:	Inspection Date:	TCEQ Investigator:
WQ0011193-001	BRITTMORE I&II WWTP	HARRIS	FEB. 04, 2014	Nwachukwu Sam Okonkwo



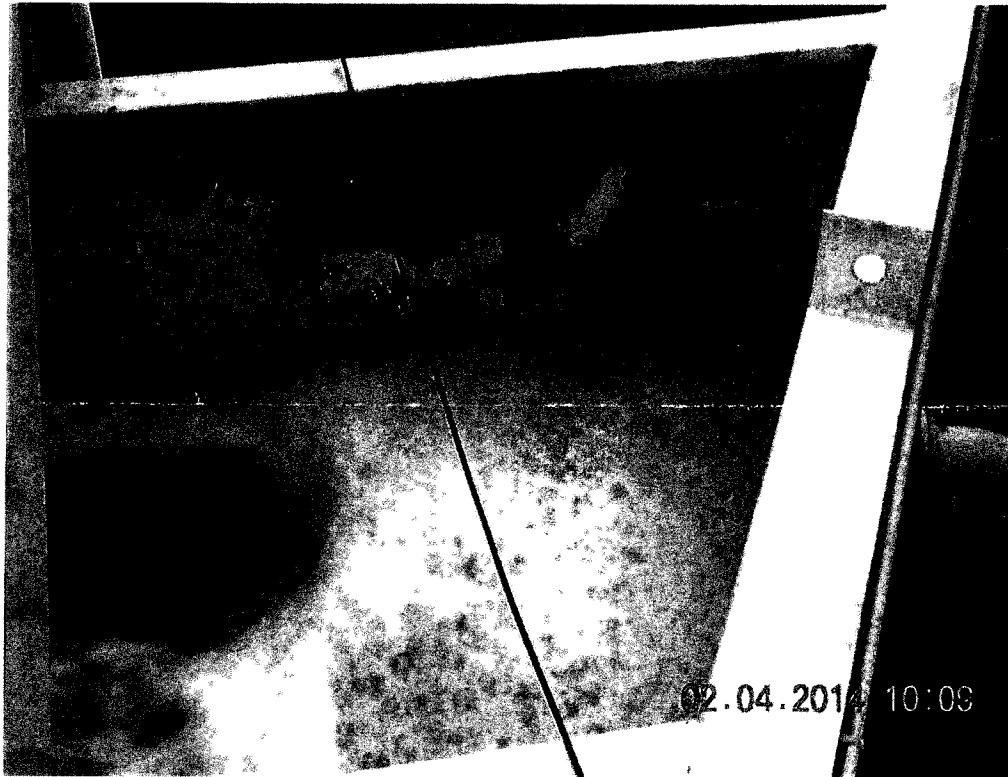
This is a photo of the clarifier. Notice the scum on the surface of the clarifier.



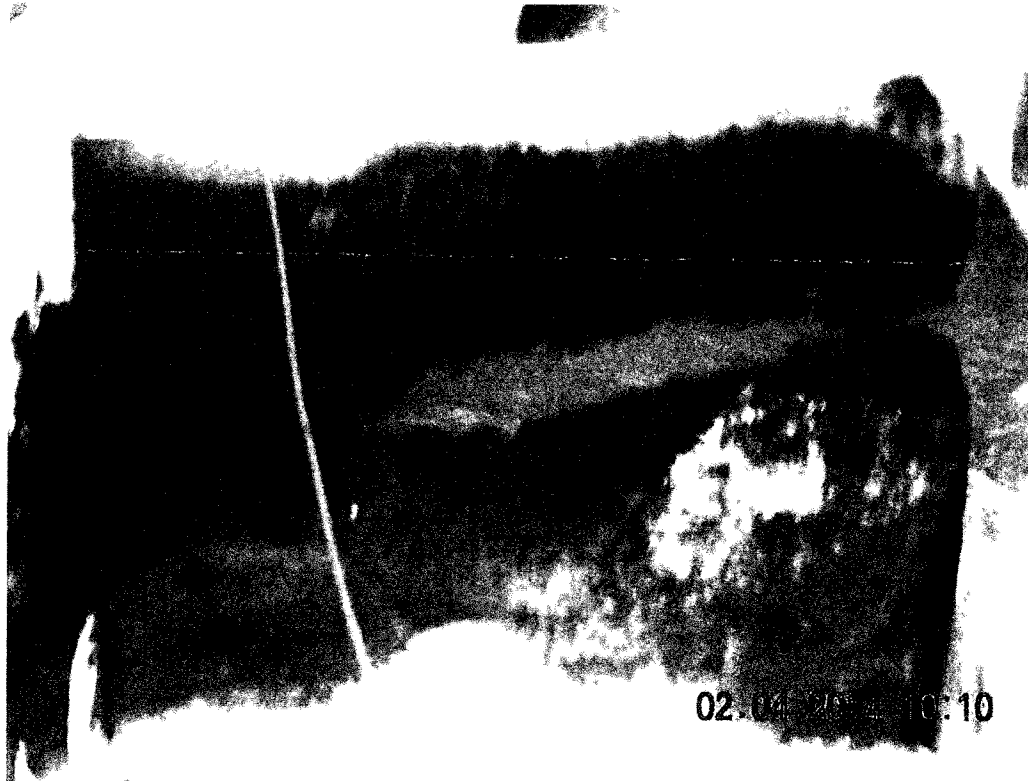
This is a photo of the chlorine contact basin. Notice the foam and scum in the basin.

PHOTOGRAPHIC DOCUMENTATION

TCEQ Permit No:	Facility Name:	County Name:	Inspection Date:	TCEQ Investigator:
WQ0011193-001	BRITTMORE I&II WWTP	HARRIS	FEB. 04, 2014	Nwachukwu Sam Okonkwo



This is a photo of the chlorine contact basin. Notice the corrosion on the baffles.



This is a close up photo of the chlorine contact basin showing the corroded baffles.

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

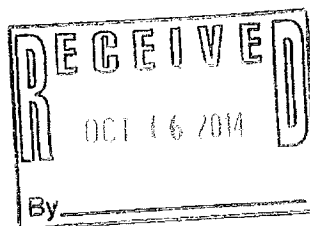


Ray

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 13, 2014



Mr. Robert Laughman, President
Aqua Utilities, Inc.
1106 Clayton Lane, Suite 400 W
Austin, Texas 78723

Re: Notice of Compliance with Notice of Violation (NOV) dated April 2, 2014 at:
Brittmoore I & II Wastewater Treatment Facility located approximately 2000 feet southeast
of the intersection of Fisher and Brittmore Roads in Houston (Harris County) Texas
TCEQ ID No.: WQ0011193-001, EPA ID No.: TX0075434

Dear Mr. Laughman:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Houston Region Office has received the compliance documentation that you submitted April 30 and August 11, 2014, for the alleged violations noted during the investigation of the above-referenced facility conducted on April 2, 2014. The compliance documentation contained in your response appears to indicate that corrective action has been taken for the alleged violations. No further submittal from you is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Nwachukwu Sam Okonkwo in the Houston Region Office at 713-767-3692.

Sincerely,

A handwritten signature in dark ink, appearing to read "BS Sullivan".

Barbara S. Sullivan
Team Leader
Water Quality Management
Houston Region Office

BSS/NSO/mar

cc: Mr. Abel Bautista, Wastewater Compliance Coordinator, Aqua Texas, Inc.,
2211 Louetta Road, Spring, Texas 77388-4106



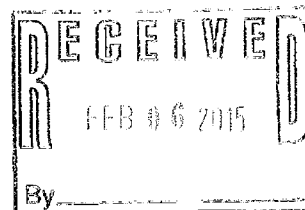
Pollution Control Services Department

101 S. Richey, Suite H
Pasadena, Texas 77506
FAX: 713-274-6475

713-920-2831

February 3, 2015

VIOLATION NOTICE



Aqua Texas, Inc.
1106 Clayton Lane, Suite 400W
Austin, TX 78723

Dear Sir or Madam:

The circumstances described below constitute a violation of Chapter 26 of the Texas Water Code. You are requested to inform Compliance Coordinator Denise Hall in writing within ten (10) days of the steps being taken to be in compliance with this law and to prevent recurrence. Ms. Hall's address is: Pollution Control Services Department, 101 S. Richey, Suite H, Pasadena, TX 77506, her fax number is 713-274-6475, and her e-mail is denise.hall@pcs.hctx.net. Should you have any questions concerning this Violation Notice, or wish to arrange a conference to discuss any compliance plan, please call Ms. Hall at 713-274-6356. If the services of an independent laboratory or consultant have been used in making your response, please provide the name and address.

NAME OF OFFENDER: Aqua Texas – Brittmoore

NATURE OF VIOLATION:

On January 13, 2015 at 1:14 p.m., Tony Tomlinson of this office collected a sample from the Brittmoore Wastewater Treatment Plant – Outfall 001. Analysis of this sample using accepted analytical methods determined the following violation of discharge permit number WQ11193-01:

<u>ITEM</u>	<u>DETERMINED CONCENTRATION</u>	<u>LIMIT</u>
Chlorine	8.26 mg/l	1.0-4.0 mg/l

VIOLATION NOTICE

Aqua Texas, Inc.

February 3, 2015

Page 2

Under the Texas Water Code you are subject to civil penalties of \$50 to \$25,000 per day, criminal penalties of up to \$250,000 per day or more for each violation, and possible confinement up to 10 years or more. Under the Regulations of Harris County for Storm Water Quality Management, you may be subject to civil penalties up to \$1,000 per day. A case-by-case review is conducted when each Violation Notice is issued. The ultimate disposition of each case is dependent upon factors such as the nature, magnitude and duration of this violation, steps taken to mitigate the violation, previous violations, and the contents of any response received. In the event that further enforcement action is appropriate, this office may file charges in a court of proper jurisdiction, as provided by law.

Sincerely,



Michael Cantu

Manager – Laboratory Services



MC/ljg

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



Ray

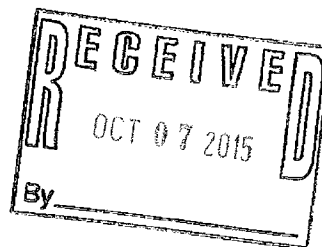
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 5, 2015

CERTIFIED MAIL 7008 3230 0002 9593 3442
RETURN RECEIPT REQUESTED

Robert Laughman, President
Aqua Texas, Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723



Re: Notice of Violation for the Compliance Evaluation Investigation at:
Brushy Creek Wastewater Treatment Facility, 23919 Brushy Woods Street,
Hockley (Montgomery County), Texas
TCEQ ID No.: WQ0012898001, EPA ID No.: TX0095125

Dear Mr. Laughman:

On August 6, 2015, Ms. Joanna Wilson of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable water quality requirements. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. An additional issue was also identified. Please submit to this office by November 4, 2015 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Houston Region Office at 713-767-3650 or the Central Office Publications Ordering Team at 512-239-0028.

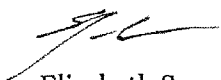
The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. Self-reported violations may be subject to enforcement, including penalties, upon review by the Enforcement Division. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the Houston Region Office within 10 days from the date of this letter. At that time, Ms. Elizabeth Sears,

Robert Laughman, President
October 5, 2015
Page 2

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

If you or members of your staff have any questions, please feel free to contact Ms. Joanna Wilson in the Houston Region Office at #713-767-3716.

Sincerely,



Elizabeth Sears
Team Leader
Water Quality Management
Region 12 Houston

EWS/JKW/ci

cc: Abel Bautista, Wastewater Compliance Coordinator, Aqua Texas, Inc., 2211 Louetta Road, Spring, Texas 77388

Enclosure(s): Summary of Investigation Findings

Summary of Investigation Findings

BRUSHY CREEK WWTP

Investigation #

1281251

Investigation Date: 08/06/2015

, MONTGOMERY COUNTY,

Additional ID(s): WQ0012898001

TX0095125

OUTSTANDING ALLEGED VIOLATION(S)

Track No: 584628 Compliance Due Date: 08/20/2015

30 TAC Chapter 305.125(5)

Alleged Violation:

Investigation: 1281251

Comment Date: 10/02/2015

Failed to properly operate and maintain the facility. Specifically, the chlorine contact chamber contained 2.3 feet of sludge in a total water depth of 8.5 feet.

Recommended Corrective Action: The wastewater treatment plant must be operated in a manner which prevents a reduction of capacity in the chlorine contact chamber and minimizes the risk of untreated or inadequately treated wastewater from being discharged to the receiving stream. Submit documentation indicating that the sludge has been removed from the chlorine contact chamber and disposed of properly.

Track No: 584631 Compliance Due Date: 08/20/2015

2D TWC Chapter 26.121(a)(1)

30 TAC Chapter 305.125(1)

30 TAC Chapter 305.125(4)

PERMIT WQ0012898001, PC

Permit Conditions, No. 2.g

Alleged Violation:

Investigation: 1281251

Comment Date: 09/24/2015

Failed to prevent the unauthorized discharge of wastewater. Specifically, during the investigation a hole was observed at the base of the chlorine contact chamber which was causing a constant unauthorized discharge to occur.

Recommended Corrective Action: There shall be no unauthorized discharge of wastewater. Submit the steps taken to prevent the recurrence of unauthorized discharges from the wastewater treatment plant.

Track No: 584632 Compliance Due Date: 08/20/2015

30 TAC Chapter 305.125(1)

PERMIT WQ0012898001, M&RR

Monitoring and Reporting Requirements, No. 7.a & No. 7.b.i

Alleged Violation:

Investigation: 1281251

Comment Date: 10/02/2015

Failed to provide notification of any noncompliance which may endanger human health or safety, or the environment. Specifically, during the investigation an ongoing unauthorized discharge was noted at the chlorine contact chamber.

Recommended Corrective Action: Report of such information shall be provided orally or by 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. Submit the required noncompliance notifications. Also, submit documentation

outlining the steps taken to ensure the proper notification of unauthorized discharges.

ADDITIONAL ISSUES

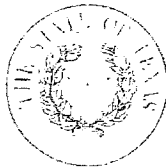
Description

Is an RPZ backflow prevention device or an air gap installed on the main potable line to the WWTP and are atmospheric vacuum breakers installed on hose bibs? If there is an RPZ backflow prevention device is the device operated properly and tested annually?

Additional Comments

All backflow prevention devices shall be tested annually and a passing test certificate must be available for review. This facility is under the 317 design criteria; as such, this will be addressed as an additional issue.

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



*Brewster Creek
Reg*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 4, 2015

Mr. Abel Bautista
Wastewater Compliance Coordinator
Aqua Texas, Inc.
2211 Louatta Road
Spring, Texas 77388

RECEIVED

MAR 09 2015

Re: Aqua Texas, Inc. - TPDES Permit No. WQ0012898001, TX0005125
(CN604062463; RN101203685) **TX ADMIN-AUSTIN**

Dear Mr. Bautista:

Enclosed for your review and comment is a copy of a draft permit and Statement of Basis/Technical Summary and Executive Director's Preliminary Decision for the above-referenced operation. This draft permit is subject to further staff review and modification; however, we believe it generally includes the terms and conditions that are appropriate to your discharge. **Please read the entire draft carefully as there may be changes from the existing permit and note the following:**

1. The draft permit will be issued to expire **March 01, 2018**, in accordance with 30 Texas Administrative Code (TAC) §305.71, Basin Permitting.
2. The Standard Permit Conditions, Sludge Provisions, and Other Requirements sections of the draft permit have been updated.
3. The single grab or bacteria limits have been changed from 197 *E. coli*, CFU or MPN per 100 ml to 200 *E. coli*, CFU or MPN per 100 ml, based on the EPA approved portions of the 2010 Texas Surface Water Quality Standards. The bacteria limits in the draft permit are consistent with the requirements of the TMDL and Implementation Plan for TMDL Project No. 82.
4. Other Requirement No. 6 on page 31 in the existing permit has been removed since it is no longer applicable.
5. If you do not have any comments on the draft permit, please inform me in writing and fax it to my attention at 512-239-4430 indicating that you do not have any comments. If your response is received before the two weeks official comment period deadline, the file will be forwarded to the Office of the Chief Clerk for processing.

Mr. Abel Bautista

Page 2

March 4, 2015

Also enclosed for your review and comment is a copy of the draft second notice, the Notice of Application and Preliminary Decision (NAPD), that was prepared for your application. Please review this notice and provide comments if there are any inaccuracies or any information that is not consistent with your application. Please do not publish the notice at this time; after the draft permit is filed with the Office of the Chief Clerk, you will receive instructions for publishing this notice in a newspaper from the Office of the Chief Clerk. Please note that these instructions will not be mailed if the Office of the Chief Clerk has not received the requested proof that the first notice (Notice of Receipt and Intent to Obtain a Permit) has been published. This could cause delays in the processing of your application and the final issuance of the draft permit. When the NAPD notice is received, please publish promptly and submit proof of publication (affidavit and tearsheet) to the Office of the Chief Clerk. Failure to publish notice and submit proof of publication in a timely manner may result in returning of the application and loss of authorization to operate.

Please read the enclosed "Draft Permit Comments Form". It is your responsibility to submit your comments prior to the deadline that is indicated on the form. Comments can be sent to Sonia.Bhuiya@tceq.texas.gov in place of or in addition to a hard copy. If your comments are not received by the deadline, I will presume that you accept the provisions of the draft permit which will then be transferred to the Office of the Chief Clerk. Comments received after this deadline date will not be considered. Please see the enclosed form for further details.

If you have any comments or questions, please contact me at (512) 239-1205 or if by correspondence, include MC 148 in the letterhead address following my name.

Sincerely,

Sonia Bhuiya

Sonia Bhuiya, Permit Coordinator
Municipal Permits Team
Wastewater Permitting Section (MC 148)
Water Quality Division
Texas Commission on Environmental Quality

Enclosures

cc: Mr. Scot Foltz, Environmental Compliance Coordinator, Aqua Texas, Inc., 1106 Clayton Lane, Suite 400W, Austin, Texas 78723
TCEQ Region 12

WASTEWATER PERMITTING SECTION
DRAFT PERMIT COMMENTS FORM

Comments to the draft permit must be received from the applicant no later than:

March 18, 2015

To help expedite the permit processing, please fax or email your comments to the
attention of the permit coordinator
at (512) 239-4430.

Please note the draft permit will be filed with the Office of the Chief Clerk for
issuance of the public notice no later than one (1) week from the deadline
indicated above.

Texas Commission on Environmental Quality



DRAFT

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER RENEWAL

PERMIT NO. WQ0012898001

APPLICATION AND PRELIMINARY DECISION. Aqua Texas, Inc., 1106 Clayton Lane, Suite 400W, Austin, Texas 78723, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0012898001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 75,000 gallons per day. TCEQ received this application on September 05, 2014.

The facility is located at 23919 Brushy Woods Street, Hockley, in Montgomery County, Texas 77447. The treated effluent is discharged to an unnamed tributary; thence to Spring Creek in Segment No. 1008 of the San Jacinto River Basin. The unclassified receiving water use is minimal aquatic life use for unnamed tributary. The designated uses for Segment No. 1008 are high aquatic life use, public water supply, and primary contact recreation. All determinations are preliminary and subject to additional review and/or revisions.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Montgomery County Library, 104 Interstate 45 North, Conroe, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=30.098888&lng=-95.79&zoom=13&type=r>

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name; address, phone number; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are germane to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn. **TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.texas.gov/about/comments.html within 30 days from the date of newspaper publication of this notice.

AGENCY CONTACTS AND INFORMATION. If you need more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information about the TCEQ can be found at our web site at www.TCEQ.texas.gov.

Further information may also be obtained from Aqua Texas, Inc. at the address stated above or by calling Mr. Abel Bautista, Aqua Texas, Inc. at (281) 651-0174, Ext 54119.

Issuance Date _____

**STATEMENT OF BASIS/TECHNICAL SUMMARY
AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**

DRAFT

DESCRIPTION OF APPLICATION

Applicant: Aqua Texas, Inc.
Texas Pollutant Discharge Elimination System (TPDES) Permit
No. WQ0012898001, EPA ID No. TX0095125

Regulated Activity: Domestic Wastewater Permit

Type of Application: Renewal

Request: Renewal with no changes

Authority: Federal Clean Water Act (CWA) § 402; Texas Water Code (TWC)
§ 26.027; 30 Texas Administrative Code (TAC) Chapters 30,
305, 307, 309, 312, and 319; Commission policies; and United
States Environmental Protection Agency (EPA) guidelines.

EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The draft permit includes an expiration date of March 01, 2018, according to 30 TAC § 305.71, Basin Permitting.

REASON FOR PROJECT PROPOSED

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of the existing permit that authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 0.075 million gallons per day. The existing wastewater treatment facility serves Brushy Creek.

PROJECT DESCRIPTION AND LOCATION

The Brushy Creek Wastewater Treatment Facility is an activated sludge process plant operated in the complete mix mode. Treatment units include bar screen, aeration basin, final clarifier, aerobic sludge digester, and chlorine contact chamber. The facility is in operation.

Sludge generated from the treatment facility is hauled by a registered transporter to Richey Road Municipal Utility District Wastewater Treatment Facility, Permit No. WQ0004810000 to be digested, dewatered, and then disposed of with the bulk of the sludge from the plant accepting the sludge. The draft permit also authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

The plant site is located at 23919 Brushy Woods Street, Hockley, in Montgomery County, Texas 77447.

Aqua Texas, Inc.

TPDES Permit No. WQ0012898001

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

The treated effluent is discharged to an unnamed tributary; thence to Spring Creek in Segment No. 1008 of the San Jacinto River Basin. The unclassified receiving water use is minimal aquatic life use for unnamed tributary. The designated uses for Segment No. 1008 are high aquatic life use, public water supply, and primary contact recreation. The effluent limitations in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and/or revisions.

Effluent limitations for the conventional effluent parameters (i.e., Biochemical Oxygen Demand or Carbonaceous Biochemical Oxygen Demand, Ammonia Nitrogen, etc.) are based on stream standards and waste load allocations for water quality limited streams as established in the Texas Surface Water Quality Standards and the State of Texas Water Quality Management Plan (WQMP).

For this type of discharge, end-of-pipe compliance with pH limits between 6.0 and 9.0 standard units reasonably assures instream compliance with the Texas Surface Water Quality Standards for pH when a relatively small discharge volume is authorized and the often-corresponding minimal or limited aquatic life uses within unclassified waterbodies. This conservative assumption is based on TCEQ sampling conducted throughout the state that indicates that instream buffering quickly restores pH levels to ambient conditions.

The effluent limitations in the draft permit have been reviewed for consistency with the WQMP. The proposed effluent limitations are contained in the approved WQMP. A Waste Load Evaluation has not been completed for the segment.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS's) biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998, update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Segment 1008 is currently listed on the State's inventory of impaired and threatened waters (the 2012 Clean Water Act Section 303(d) list). The listing is specifically for depressed dissolved oxygen concentrations from Field Store Road downstream to SH 249 (AU 1008_02). This discharge is to a tributary that enters Spring Creek in the dissolved oxygen-impaired portion of the segment. This application is for renewal of an existing authorization and will not represent an increase in the permitted levels of oxygen-demanding constituents to Segment 1008. Therefore, the existing effluent limits of 10 mg/L CBOD₅, 3 mg/L NH₃-N, and 4 mg/L DO are recommended for the reissued permit. This facility is designed to provide adequate disinfection and when operated properly should not add to the bacterial impairment of the segment.

One finalized Total Maximum Daily Load (TMDL) Project is available for this segment: On April 6, 2011, the TCEQ adopted *Fifteen Total Maximum Daily Loads for Indicator Bacteria in*

Aqua Texas, Inc.

TPDES Permit No. WQ0012898001

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

Watersheds Upstream of Lake Houston (Project 82) The U.S. Environmental Protection Agency (USEPA) approved the TMDL on June 29, 2011. The TMDL addresses elevated levels of bacteria in multiple segments and assessment units in these watersheds. The waste load allocation (WLA) for wastewater treatment facilities was established as the permitted flow for each facility multiplied by one-half the geometric mean criterion for bacteria. Future growth from existing or new permitted sources is not limited by these TMDLs as long as the sources do not exceed the limits of one-half the bacteria geometric mean criterion for *E. coli*. To ensure that effluent limitations for this discharge are consistent with the WLAs provided in the TMDL, a concentration based effluent limitation for *E. coli* of 63 MPN per 100 ml has been included in the draft permit.

SUMMARY OF EFFLUENT DATA

The following is a summary of the applicant's Monthly Effluent Report data for the period January 2008 through January 2015. The average of Daily Average value is computed by the averaging of all 30-day average values for the reporting period for each parameter.

<u>Parameter</u>	<u>Average of Daily Average</u>
Flow, MGD	0.03
CBOD ₅ , mg/l	2.0
TSS, mg/l	3.8
NH ₃ -N, mg/l	0.6
<i>E. coli</i> , CFU or MPN/100 ml	6.1

DRAFT PERMIT CONDITIONS

The draft permit authorizes a discharge of treated domestic wastewater at a volume not to exceed a daily average flow of 0.075 million gallons per day.

The effluent limitations of the draft permit, based on a 30-day average, are 10 mg/l five-day carbonaceous biochemical oxygen demand (CBOD₅), 15 mg/l total suspended solids (TSS), 3 mg/l ammonia-nitrogen (NH₃-N), 63 colony forming units (CFU) or most probable number (MPN) of *E. coli* per 100 ml, and 4.0 mg/l minimum dissolved oxygen (DO). The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow.

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. Sludge generated from the treatment facility is hauled by a registered transporter to Richey Road Municipal Utility District Wastewater Treatment Facility, Permit No. WQ0004810000 to be digested, dewatered, and then disposed of with the bulk of the sludge from the plant accepting the sludge. The draft permit also authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

SUMMARY OF CHANGES FROM APPLICATION

See the next section for additional changes based on the existing permit.

Aqua Texas, Inc.

TPDES Permit No. WQ0012898001

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

SUMMARY OF CHANGES FROM EXISTING PERMIT

The single grab or bacteria limits have been changed from 197 *E. coli*, CFU or MPN per 100 ml to 200 *E. coli*, CFU or MPN per 100 ml, based on the EPA approved portions of the 2010 Texas Surface Water Quality Standards. The bacteria limits in the draft permit are consistent with the requirements of the TMDL and Implementation Plan for TMDL Project No. 82.

The Standard Permit Conditions, Sludge Provisions, and Other Requirements sections of the draft permit have been updated.

Other Requirement No. 6 on page 31 in the existing permit has been removed since it is no longer applicable.

BASIS FOR DRAFT PERMIT

The following items were considered in developing the draft permit:

1. Application received on September 05, 2014, and additional information received on October 15, 2014.
2. TPDES Permit No. WQ0012898001 issued on January 10, 2012.
3. The effluent limitations and conditions in the draft permit comply with the Texas Surface Water Quality Standards, 30 TAC §§ 307.1 - 307.10, effective on August 17, 2000 and the EPA approved portions of the 2010 Texas Surface Water Quality Standards, effective on July 22, 2010. The effluent limitations and/or conditions in the draft permit comply with the requirements in Watershed Protection, 30 TAC Chapter 311, Subchapter D: Water Quality Management within Lake Houston Watershed.
4. The effluent limitations in the draft permit meet the requirements for secondary treatment and the requirements for disinfection according to 30 TAC Chapter 309, Subchapter A: Effluent Limitations.
5. Interoffice memoranda from the Water Quality Assessment Section of the TCEQ Water Quality Division.
6. Consistency with the Coastal Management Plan: The facility is not located in the Coastal Management Program boundary.
7. *Procedures to Implement the Texas Surface Water Quality Standards (IP)*, Texas Commission on Environmental Quality, June 2010, as approved by EPA, and the IP, January 2003, for portions of the 2010 IP not approved by EPA.
8. Texas 2012 Clean Water Act Section 303(d) List, Texas Commission on Environmental Quality, February 21, 2013; approved by the EPA on May 9, 2013.
9. TNRCC Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits, Document No. 98-001.000-OWR-WQ, May 1998.

Aqua Texas, Inc.

TPDES Permit No. WQ0012898001

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

10. *Fifteen Total Maximum Daily Loads for Indicator Bacteria in watersheds Upstream of Lake Houston* (Project No. 82). Segments: 1004E, 1008, 1008H, 1009, 1009C, 1009D, 1009E, 1010, and 1011 was adopted by the TCEQ on 04/06/11 and approved by EPA on 06/29/11.

PROCEDURES FOR FINAL DECISION

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

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

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

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

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

If the Executive Director calls a public meeting or the Commission grants a contested case hearing as described above, the Commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the Commission

Aqua Texas, Inc.

TPDES Permit No. WQ0012898001

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

will consider all public comments in making its decision and shall either adopt the Executive Director's response to public comments or prepare its own response.

For additional information about this application, contact Sonia Bhuiya at (512) 239-1205.

Sonia Bhuiya

Sonia Bhuiya

Municipal Permits Team

Wastewater Permitting Section (MC 148)

3/3/2015

Date



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

TPDES PERMIT NO.
WQ0012898001
[For TCEQ office use only - EPA I.D.
No. TX0095125]

This is a renewal that replaces TPDES
Permit No. WQ0012898001 issued on
January 10, 2012.

DRAFT

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

Aqua Texas, Inc.

whose mailing address is

1106 Clayton Lane, Suite 400W
Austin, Texas 78723

is authorized to treat and discharge wastes from the Brushy Creek Wastewater Treatment Facility, SIC
Code 4952

located at 23919 Brushy Woods Street, Hockley, in Montgomery County, Texas 77447

to an unnamed tributary; thence to Spring Creek in Segment No. 1008 of the San Jacinto River Basin

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

This permit shall expire at midnight, **March 01, 2018**.

ISSUED DATE:

For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.075 million gallons per day (MGD), nor shall the average discharge during any two-hour period (2-hour peak) exceed 181 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Min. Self-Monitoring Requirements</u>	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Report Daily Avg. & Max. Single Grab Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	Five/week	Instantaneous
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (6.3)	15	25	One/week	Grab
Total Suspended Solids	15 (9.4)	25	40	One/week	Grab
Ammonia Nitrogen	3 (1.9)	6	10	One/week	Grab
<i>E. coli</i> , CFU or MPN/100 ml	63	N/A	N/A	One/quarter	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per week by grab sample.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

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

1. Flow Measurements

- a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with one million gallons per day or greater permitted flow.
- b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.
- c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.
- d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.
- e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.
- f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

- a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.
 - i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

- ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.
- b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.
- c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.
- d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day.

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

- e. Bacteria concentration (*E. coli* or Enterococci) - Colony Forming Units (CFU) or Most Probable Number (MPN) of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the n th root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or, computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of bacteria equaling zero, a substituted value of one shall be made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
 - f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as (Flow, MGD x Concentration, mg/l x 8.34).
 - g. Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.
3. Sample Type
- a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (b).

- b. Grab sample - an individual sample collected in less than 15 minutes.
- 4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.
- 5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes.
- 6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, a monthly effluent report shall be submitted each month, to the Enforcement Division (MC 224), by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be reported on an approved self-report form that is signed and certified as required by Monitoring and Reporting Requirements No. 10.

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

2. Test Procedures

- a. Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§ 319.11 - 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.
- b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC § 25, Environmental Testing Laboratory Accreditation and Certification.

3. Records of Results

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

- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR § 264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.
- c. Records of monitoring activities shall include the following:
 - i. date, time and place of sample or measurement;
 - ii. identity of individual who collected the sample or made the measurement.
 - iii. date and time of analysis;
 - iv. identity of the individual and laboratory who performed the analysis;
 - v. the technique or method of analysis; and
 - vi. the results of the analysis or measurement and quality assurance/quality control records.

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

4. Additional Monitoring by Permittee

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

5. Calibration of Instruments

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

6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later

than 14 days following each schedule date to the Regional Office and the 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 that exceeds any effluent limitation in the permit.
 - iii. Violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.
 - c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the 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. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.
8. In accordance with the procedures described in 30 TAC §§ 35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.
9. Changes in Discharges of Toxic Substances
- All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Office, orally or by facsimile transmission within 24 hours, and both the Regional Office and the Enforcement Division (MC 224) in writing within five (5) working days, after becoming aware of or having reason to believe:
- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D,

Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

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

10. Signatories to Reports

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

11. All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Executive Director of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to CWA § 301 or § 306 if it were directly discharging those pollutants;
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and
- c. For the purpose of this paragraph, adequate notice shall include information on:
 - i. The quality and quantity of effluent introduced into the POTW; and
 - ii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

PERMIT CONDITIONS

1. General

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

2. Compliance

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

- f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and TWC§ 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
 - g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.
 - h. In accordance with 30 TAC § 305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility which does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.
 - i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).
3. Inspections and Entry
- a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC § 361.
 - b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC § 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment and/or Renewal

- a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:
 - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC § 305.534 (relating to New Sources and New Dischargers); or
 - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9;
 - iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.
- c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.
- d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.
- e. In accordance with the TWC § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.
- f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA § 307(a) for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be

modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA § 307(a) for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

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

6. Relationship to Hazardous Waste Activities

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

7. Relationship to Water Rights

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

8. Property Rights

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

9. Permit Enforceability

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

10. Relationship to Permit Application

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

11. Notice of Bankruptcy

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

- i. the permittee;
 - ii. an entity (as that term is defined in 11 USC, § 101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or
 - iii. an affiliate (as that term is defined in 11 USC, § 101(2)) of the permittee.
- b. This notification must indicate:
- i. the name of the permittee and the permit number(s);
 - ii. the bankruptcy court in which the petition for bankruptcy was filed; and
 - iii. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.
2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.
3. Domestic wastewater treatment facilities shall comply with the following provisions:
 - a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.
 - b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.
4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.
6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under TWC § 7.302(b)(6).
7. Documentation

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

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

If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 169) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

- b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.
 - c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.
9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.
11. Facilities that generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:
- a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.
 - c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Environmental Cleanup Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

- d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Registration, Review, and Reporting Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.
- e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.
- f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC § 335 and must include the following, as it pertains to wastewater treatment and discharge:
 - i. Volume of waste and date(s) generated from treatment process;
 - ii. Volume of waste disposed of on-site or shipped off-site;
 - iii. Date(s) of disposal;
 - iv. Identity of hauler or transporter;
 - v. Location of disposal site; and
 - vi. Method of final disposal.

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

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

TCEQ Revision 08/2008

SLUDGE PROVISIONS

The permittee is authorized to dispose of sludge only at a Texas Commission on Environmental Quality (TCEQ) authorized 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 authorized with the TCEQ. This provision does not authorize Distribution and Marketing of sludge. This provision does not authorize land application of Class A or Class AB Sewage 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 § 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge.
2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.
3. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

B. Testing Requirements

1. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method that receives the prior approval of the TCEQ for the contaminants listed in 40 CFR Part 261.24, Table 1. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 12) within seven (7) days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 12) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year.

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

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 must be treated by one of the following methods to ensure that the sludge meets either the Class A, Class AB or Class B pathogen requirements.

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

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

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

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

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

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

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

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

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

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

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

Alternative 1

- i. A minimum of seven random samples of the sewage sludge shall be collected within 48 hours of the time the sewage sludge is used or disposed of during each monitoring episode for the sewage sludge.
- ii. The geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 MPN per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

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

- i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;
- ii. An independent Texas Licensed Professional Engineer must make a certification to the generator of a sewage sludge that the wastewater treatment facility generating the sewage sludge is designed to achieve one of the PSRP at the permitted design loading of the facility. The certification need only be repeated if the design loading of the facility is increased. The certification shall include a statement indicating the design meets all the applicable standards specified in Appendix B of 40 CFR Part 503;
- iii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;
- iv. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review; and
- v. If the sewage sludge is generated from a mixture of sources, resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the PSRP, and shall meet the certification, operation, and record keeping requirements of this paragraph.

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

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

- ii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;
- iii. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review;
- iv. The Executive Director will accept from the U.S. Environmental Protection Agency a finding of equivalency to the defined PSRP; and
- v. If the sewage sludge is generated from a mixture of sources resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the Processes to Significantly Reduce Pathogens, and shall meet the certification, operation, and record keeping requirements of this paragraph.

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

- i. Food crops with harvested parts that touch the sewage sludge/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of sewage sludge.
- ii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of sewage sludge when the sewage sludge remains on the land surface for 4 months or longer prior to incorporation into the soil.
- iii. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of sewage sludge when the sewage sludge remains on the land surface for less than 4 months prior to incorporation into the soil.
- iv. Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of sewage sludge.
- v. Animals shall not be allowed to graze on the land for 30 days after application of sewage sludge.
- vi. Turf grown on land where sewage sludge is applied shall not be harvested for 1 year after application of the sewage sludge when the harvested turf is placed on either land with a high potential for public exposure or a lawn.
- vii. Public access to land with a high potential for public exposure shall be restricted for 1 year after application of sewage sludge.