



Control Number: 45489



Item Number: 33

Addendum StartPage: 0

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PUBLIC UTILITY COMMISSION
FILING CLERK

To: Public Utility Commissioner of Texas
Central Records
1701 N Congress PO Box 13326
Austin, Texas 78711-3326

From: Hector Castaneda
LNV

Date: January 27, 2017

Re: Docket No. 45489 Application to Obtain CCN in
City of Gregory, San Patricio County, Texas

**COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION
TO CITY OF GREGORY
QUESTION NOS. STAFF 1-1 THROUGH STAFF 1-7**

Staff 1-1 As the proposed service area overlaps San Patricio MWD, please provide written documentation from San Patricio MWD allowing them to provide retail water service within the district's boundary. Please find attached.

Staff 1-2 Please address the following violations and describe how the applicant will address them:

a) Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 Tex. Admin. Code § 290.46(m) (TAC), as documented during an investigation conducted on September 24, 2014 and a record review conducted by August 14, 2015. Specifically, it was documented that the roof vent, access hatch, and ladder for the elevated storage tank on Ayers Street were heavily corroded. The City of Gregory is currently having the 100,000 Gallon Elevated Water Storage Tank Rehabilitated to bring the facility in compliance with TCEQ Chapert 290 Regulations. The have contracted NG Painting and they started at the beginning of the 2017 year.

b) Failed to adopt an adequate plumbing ordinance, regulations, or service Agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TAC § 290.46(i), as documented during an investigation conducted on September 24, 2014 and a record review conducted on August 14, 2015. The City is in the process of addressing this.

33

Staff 1-3 Please provide a copy of the most current purchase water contract with San Patricio MWD. Please find attached.

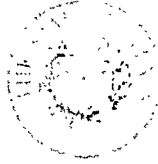
Staff 1-4 Does the applicant currently seek a sewer CCN? The applicant provided a waste water permit number, but did not provide a copy of the permit. Yes please find attached.

Staff 1-5 Please provide all pertinent information that justifies the need for service outside of the current City limits. Please find attached.

Staff 1-6 Please provide a report from the TCEQ stating the listed violations have been ameliorated. Please find attached.

Staff 1-7 Please provide a copy of the most recent enforcement action from 2015. Please find attached.

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 29, 2016

The Honorable Freddy Garcia
Mayor of Gregory
P.O. Box 297
Gregory, Texas 78359

Re: Notice of Compliance with Notice of Violation (NOV) dated *August 17, 2015*:
City of Gregory Wastewater Treatment Plant, 300 Sunset, Gregory (San Patricio County), Texas
Regulated Entity No.: 101917623, TCEQ ID No.: WQ0010092001, Investigation No.: 1268461

Dear Mayor Garcia:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Corpus Christi Regional Office has received adequate compliance documentation on September 14, 2015 to resolve the alleged violation documented during the investigation of the above-referenced regulated entity conducted on July 2, 2015. Based on the information submitted, no further action 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, please feel free to contact Jay Halepeska at the Corpus Christi Regional Office at (361) 825-3100.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie Edwards", is located below the "Sincerely," text.

Melanie Edwards
Water Section Manager
Corpus Christi Regional Office

ME/JH/mjd

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 17, 2015

CERTIFIED MAIL #91 7199 9991 7031 341 6504
RETURN RECEIPT REQUESTED

The Honorable Freddy Garcia
Mayor of Gregory
P.O. Box 297
Gregory, Texas 78359

Re: Notice of Violation for the Comprehensive Compliance Investigation at:
City of Gregory Wastewater Treatment Plant, 300 Sunset, Gregory (San Patricio County), Texas
Regulated Entity No.: 101917623, TCEQ ID No.: WQ0010092001, EPA ID No.: TX0083062,
Investigation No.: 1268461

Dear Mayor Garcia:

On July 2, 2015, Jay Halepeska of the Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for wastewater treatment. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by September 16, 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 Corpus Christi Region Office at (361) 825-3100 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 violation(s) documented in this notice. Should you choose to do so, you must notify the Corpus Christi Region Office within 10 days from the date of this letter.

1. The first part of the document is a header section containing the title and the author's name.

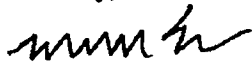
2. The second part of the document is a list of references, which includes the names of the authors and the titles of the works.

Mayor Garcia
Page 2
August 17, 2015

At that time, a manager will schedule a violation review meeting. 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 enclosed 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 Mr. Halepeska in the Corpus Christi Region Office at (361) 825-3100.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melanie Edwards', with a stylized flourish at the end.

Melanie Edwards, Water Section Manager
Corpus Christi Region Office
Texas Commission on Environmental Quality

ME/JH/mjd

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

CITY OF GREGORY

300 SUNSET

GREGORY, SAN PATRICIO COUNTY, TX 78359

Investigation #

1268461

Investigation Date: 07/02/2015

Additional ID(s): WQ0010092001
TX0083062

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 578599 Compliance Due Date: 09/16/2015

30 TAC Chapter 305.125(1)

PERMIT WQ0010092001, Monitoring & Reporting No.7.c

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 (MC224) within 5 working days of becoming aware of the noncompliance.

Alleged Violation:

Investigation: 1268461

Comment Date: 08/13/2015

Failed to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%.

During the investigation conducted on July 2, 2015, it was determined that several effluent limitations were exceeded by more than 40% and proper notification was not provided to the TCEQ. Specifically, the daily average for Ammonia Nitrogen was exceeded for the months of June, 2014 (7 mg/L) July, 2014 (8.7 mg/L), August, 2014 (9.5 mg/L), and October, 2014 (10.1 mg/L). The permitted daily average is 3 mg/L. The single grab for Ammonia Nitrogen was also exceeded for the months of June, 2014 (22.25 mg/L), July, 2014 (24.5 mg/L), and October, 2014 (34.8 mg/L). The permitted single grab for Ammonia Nitrogen is 15 mg/L.

Recommended Corrective Action: Noncompliance notifications shall be reported by the permittee in writing to the Regional Office and Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. Submit the required noncompliance notifications for the Ammonia Nitrogen daily average and single grab exceedances as required.

ALLEGED VIOLATION(S) NOTED AND RESOLVED ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 348190

30 TAC Chapter 305.125(5)

PERMIT WQ0010092001, Operational Requirements No. 1, Pg. 9

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.

Alleged Violation:

Investigation: 706559

Comment Date: 10/30/2008

Failure to at times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

During an investigation conducted on October 1, 2008 the distribution of flow through the clarifier weirs was not even. A quarter size hole was also observed in one of the effluent weirs on clarifier no. 2. Additionally, grease was observed to be passing through to the chlorine contact chamber. Furthermore, the front section of the fencing surrounding the wastewater treatment plant was missing the barbed wire.

Investigation: 760086

Comment Date: 06/25/2009

A file record review was conducted on June 25, 2009 to evaluate the compliance status of this alleged violation. The documentation submitted did not address this alleged violation.

CITY OF GREGORY

Investigation # 1268461

Investigation: 962169

Comment Date: 11/29/2011

Failed to ensure proper maintenance and operation of the wastewater treatment facility. During an investigation conducted on October 13, 2011, the following structures were found to be in need of repair: facility fencing, clarifier weirs, clarifier rakes, clarifier skimmers, SCBA, and one of the two mechanical aerators. The sludge blanket in the chlorine contact chamber was measured at 1.5 ft. Grass was observed growing in the aeration basin and in the chlorine contact chamber.

Investigation: 1014878

Comment Date: 06/26/2012

A File Record Review was conducted on June 26, 2012 to determine the status of the alleged violation.

On January 23, 2012, the TCEQ Region 14 office received compliance documentation from the City of Gregory. The documentation stated that the City is in the process of receiving proposals for the construction of a new fence. Additionally, the clarifier, weirs, rakes, skimmer, and disinfection will be replaced in 2012 when the City builds a new plant. The City stated that new SCBAs have been ordered, but had yet to arrive by the date of the letter (Jan 28, 2012).

The documentation also indicated that the chlorine contact chamber is being cleaned every two weeks and skimmed on a daily basis. Also, the mechanical aerator, which was inoperable during the investigation on October 13, 2011, has been repaired.

The TCEQ recognizes the steps taken by the City towards compliance; however, this violation cannot be resolved until all required repairs are complete and the SCBA devices are readily available.

Investigation: 1268461

Comment Date: 08/13/2015

This violation was addressed during the investigation conducted on July 2, 2015.

Recommended Corrective Action: Ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Please submit to this office by the compliance due date documentation demonstrating compliance has been achieved for this alleged violation.

Resolution: During the investigation, it was noted that the facility and all of its systems of collection, treatment, and disposal were properly operated and maintained.

Track No: 348200**30 TAC Chapter 319.7(a)****PERMIT WQ0010092001, Monitoring Requirements No. 3(c). Pg. 5**

Records of monitoring activities shall include the following:

date, time, and place of sample or measurement;

identity of individual who collected the sample or made the measurement;

date and time of analysis;

identity of the individual who performed the analysis;

the technique or method of analysis; and

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

Alleged Violation:

Investigation: 706559

Comment Date: 10/30/2008

Failure to maintain complete records of monitoring activities.

During an investigation conducted on October 1, 2008, the City of Gregory was only recording the time of sample collection. The records shall also include the date and time of analysis. This is important to verify samples are analyzed within the required holding times.

Investigation: 760086

Comment Date: 06/25/2009

A file record review was conducted on June 25, 2009 to evaluate the compliance status of this alleged violation. The documentation submitted did not adequately address this alleged violation. The monitoring records still indicate only one time is being recorded.

CITY OF GREGORY**Investigation # 1268461****Investigation: 962169****Comment Date: 11/17/2011**

During an investigation conducted on October 13, 2011, investigators reviewed the facility's laboratory chain of custody records. The records for all parameters, with the exception of residual chlorine, included all the data under Monitoring and Reporting Requirements (3)(c) (i-vi) of the facility's water quality permit. However, the operator's chlorine log book was not available at the time of the investigation, and was not provided to investigators when requested on the Exit Interview Form.

Investigation: 1014878**Comment Date: 06/26/2012**

A File Record Review was conducted on June 26, 2012 to determine the status of the alleged violation.

On January 23, 2012, the City of Gregory submitted a copy of the WWTP operator daily check list dated January 2012. The list included the following information with regard to chlorine analysis: sample date, time (not specific as to time of collection or time of analysis), Cl2 measurement, manganese correction, Cl2 corrected for manganese interference, and initials of operator.

The following information, as required by the facility's water quality permit, is not present on the January 2012 operator's log: time and place of sample, time of analysis, technique or method of analysis, and quality assurance/quality control records.

Investigation: 1268461**Comment Date: 08/13/2015**

This violation was addressed during the investigation conducted on July 2, 2015.

Resolution: During the investigation, it was determined that complete monitoring records were being maintained. Specifically the date and time of analysis was being recorded.

Track No: 452644**30 TAC Chapter 305.125(1)****30 TAC Chapter 319.7(d)****PERMIT WQ0010092001, Monitoring & Reporting Req.1 Pg.4**

A monthly effluent report shall be submitted each month, to the Enforcement Division (MC224), 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.

Alleged Violation:**Investigation: 962169****Comment Date: 12/05/2011**

Failed to submit a monthly effluent report by the 20th day of the following month for each discharge described by permit WQ0010092001.

DMRs were signed after the 20th of the following month in August, February, and January of 2011.

Investigation: 1014878**Comment Date: 06/26/2012**

A File Record Review was conducted on June 26, 2012 to determine the status of the alleged violation.

No compliance documentation was received regarding this alleged violation.

Investigation: 1268461**Comment Date: 08/13/2015**

The status of this violation was addressed during the investigation conducted on July 2, 2015.

Resolution: During the investigation, it was noted that the Discharge Monitoring Reports (DMRs) for April, 2014 through May, 2015 were submitted by the 20th of the following month.

Track No: 578603**30 TAC Chapter 319.11(c)****PERMIT WQ0010092001, Monitoring & Reporting 2.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.

CITY OF GREGORY

Investigation # 1268461

Alleged Violation:

Investigation: 1268461

Comment Date: 08/03/2015

Failed to properly analyze effluent samples.

During the investigation conducted on July 2, 2015, it was determined that manganese oxide corrections were not being conducted each time the total chlorine residual was analyzed.

Resolution: On August 5, 2015, compliance documentation was received in the TCEQ Corpus Christi Region Office. The compliance documentation included a chlorine residual table indicating that manganese oxide correction is now being performed each time the chlorine residual is analyzed.

Track No: 578659**30 TAC Chapter 305.125(1)****PERMIT WQ0010092001, Effluent Limitations & Monitoring 2**

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, and shall be monitored five times per week by grab sample.

Alleged Violation:

Investigation: 1268461

Comment Date: 08/03/2015

Failed to maintain compliance with the permitted effluent limits.

During the investigation conducted on July 2, 2015, a grab sample was not compliant with the minimum chlorine residual of 1.0 mg/L. The grab sample collected indicated the chlorine residual was 0.18 mg/L.

Resolution: On August 5, 2015, compliance documentation was received in the TCEQ Corpus Christi Region Office. The compliance documentation included a chlorine residual table indicating that the chlorine residual has been maintained above 1.0 mg/L for the time period of July 27, 2015 to August 5, 2015.

Track No: 579833**30 TAC Chapter 305.125(1)****PERMIT WQ0010092001, Other Requirements No. 4**

A certified operator shall inspect the facility daily and maintain at the plant site a record of these inspections. These records shall be available at the plant site for inspection by authorized representatives of the commission for at least three years.

Alleged Violation:

Investigation: 1268461

Comment Date: 08/10/2015

Failed to inspect the facility daily and maintain at the plant site a record of these inspections.

During the inspection conducted on July, 2, 2015, it was documented that the operator was not maintaining records of daily inspections at the facility.

Resolution: On August 10, 2015, compliance documentation was received in the TCEQ Corpus Christi Region Office. The compliance documentation included a copy of the daily inspection log.

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

Effluent limitations were exceeded for ammonia nitrogen daily average and single grab sample for the months of June, 2014(7 mg/L daily average, 22.25 mg/L single grab), July, 2014(8.7 mg/L daily average, 24.5 mg/L single grab), August, 2014 (9.5 daily average, 18.7 single grab), and October, 2014(10.1 mg/L, 34.8 mg/L). Effluent limitations for total suspended solids daily average was also exceeded for the month of January, 2015 (16 mg/L).

Self-reported effluent violations may be subject to formal enforcement, including penalties upon review by the Enforcement Division.

ORDINANCE NO. 10-02-2015

AN ORDINANCE OF THE CITY OF GREGORY, TEXAS, ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PLUMBING CODE, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF PLUMBING SYSTEMS IN THE CITY OF GREGORY AND EXTRA TERRITORIAL JURISDICTION, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE, SAVINGS SEVERABILITY CLAUSE; PROVIDING A REPEALER; AND EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREGORY, TEXAS;

Section 1. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2. That the International Plumbing Code, 2015 Edition, published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Gregory, in the State of Texas regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use of maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance with the additions, insertions, deletions, and changes, if necessary.

Section 3. Before any person, firm or corporation shall do any business of plumbing in the City or its Extra Territorial Jurisdiction, he, it, or they shall first obtain the proper permits, license and deposit with the City a good and sufficient bond in the sum of \$50,000.00 or provide a copy of their certificate of insurance in the amount of \$50,000.00 or more, conditioned that the person, firm, or corporation engaged in the plumbing business will faithfully observe all the laws pertaining to plumbing, further, that the City shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm, or corporation engaged in the plumbing business, or by any other inadequate work done either by themselves or their agents or employees.

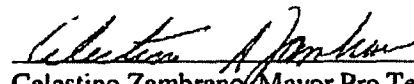
Section 4. Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the City Building Inspector, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine. Failure to obtain proper permits and licenses prior to

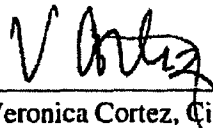
commencing work will result in double the cost of the original permit fee. Each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of such Code is committed, or continued, and upon conviction of any such violation.

In addition to the fines, the City may terminate water service to any user for allowing raw sewage to be deposited under or around any structure. Once the sewer system has been properly repaired, a reconnection and service fee may be charged in order for the service to be turned back on.

This Ordinance shall be and become effective October 5, 2015.

City of Gregory


Celestino Zambrano, Mayor Pro Tem

ATTEST: 
Veronica Cortez, City Secretary

**REVISED AND RESTATED WATER SUPPLY CONTRACT
BETWEEN
SAN PATRICIO MUNICIPAL WATER DISTRICT
AND
THE CITY OF GREGORY, TEXAS**

THE STATE OF TEXAS §
 §
COUNTY OF SAN PATRICIO §

This Revised and Restated Water Supply Contract between San Patricio Municipal Water District and the City of Gregory, Texas (the "Revised and Restated Contract"), is made and entered into by and between San Patricio Municipal Water District, a conservation district and political subdivision of the State of Texas, duly created by the Legislature of the State of Texas, acting herein by and through its duly authorized officers, hereinafter called the "District," and the City of Gregory, Texas, a municipal corporation, duly organized under the laws of the State of Texas, acting by and through its duly authorized officers, hereinafter called the "City."

WITNESSETH:

WHEREAS, the District and the City entered into a Contract and Agreement (the "Contract") dated May 13, 1963, pursuant to which the District has furnished a water supply to the City; and

WHEREAS, the Contract was amended by the Water Contract Amendment (the "First Amendment") dated November 15, 1983; and

WHEREAS, the Contract was again amended by the Second Amendment to Water Supply Contract ("Second Amendment") dated August 15, 1998; and

WHEREAS, the Contract was again amended by the Third Amendment to Water Supply Contract between San Patricio Municipal Water District and the City of Gregory, Texas ("Third Amendment") dated November 15, 2007; and

WHEREAS, the Contract, the First Amendment, the Second Amendment and the Third Amendment are hereafter referred to as the "Prior Contract," and it is now necessary to revise and restate the Prior Contract in its entirety to accommodate the desires of the parties; and

WHEREAS, some or all of the District's retail provider customers have been cited by the Texas Commission on Environmental Quality (the "TCEQ") for failure to comply with 30 TAC §290.45 which requires purchased water systems to have a wholesale contract that obligates the wholesaler to provide an amount of water that, with the addition of the actual production capacity of the purchased water system, is equal to at least 0.60 gpm per connection; and

WHEREAS, the District is willing to commit to providing 0.60 gpm per connection to the City provided that the City provide information annually on its number of connections and water usage, and provided that the City not commit to serving any customer in excess of the limits expressed in paragraph 9.1 of this Revised and Restated Contract, unless such service is consented to in writing by the District.

AGREEMENT

NOW THEREFORE, the District and the City, each acting by and through its official representatives duly authorized by the governing body of each party to execute this Revised and Restated Contract, do hereby agree as follows:

ARTICLE I

Revised and Restated Agreement

1.1 **Effective Agreement.** This Revised and Restated Agreement supercedes and replaces the Prior Agreement in its entirety, effective as of the Effective Date.

ARTICLE II

Quantity

2.1 **Quantity.** The District currently receives raw water, and has the right to receive treated water, from the City of Corpus Christi pursuant to the Raw Water Supply Contract between the City of Corpus Christi and San Patricio Municipal Water District dated March 17, 1997 and the Treated Water Supply Contract between the City of Corpus Christi and San Patricio Municipal Water District dated March 17, 1997, which contracts are hereinafter referred to as the "Corpus Christi Raw Water Contract" and the "Corpus Christi Treated Water Contract," respectively. Subject to the provisions of Articles XI and XVI hereof, and the provisions of the Corpus Christi Raw Water Contract and Corpus Christi Treated Water Contract, the District agrees to sell and deliver to the City at the delivery points hereinafter specified, and the City agrees to purchase and take at said delivery points, all water required by the City during the period of this agreement for its own use and for distribution to all customers served by the City's water distribution system in an amount up to 0.6 gpm per connection. The District will use its best efforts to remain in the position to furnish water sufficient for the reasonable demands of the City, but its obligations shall be limited to the quantity of water available to it under its contracts with the City of Corpus Christi and such other sources of water supply as the District may be able to obtain, having due regard for the equitable rights of other customers of the District to water from the same source.

ARTICLE III

Quality

3.1 **Quality.** The quality of water supplied to the City at the delivery points shall be sufficient to meet the requirements for potable water established by the Texas Commission on

Environmental Quality ("TCEQ") and the United States Environmental Protection Agency ("EPA"). The District shall not be responsible for maintaining any particular amount of disinfectant in the City's system.

ARTICLE IV Points of Delivery and Title

4.1 **Points of Delivery and Title.** The District will deliver water to the City at the existing delivery points and such other delivery points as may be agreed upon by the managers of the District and the City. The District will deliver water at the outlet of the existing meter or meters and such other meters as may be agreed upon by the managers of the District and the City. Title to water shall pass to the City when it passes through the meters at the points of delivery.

ARTICLE V Measuring of Water

5.1 **Measuring of Water.** The District has furnished and installed, and shall operate and maintain at its own expense at said delivery points, the necessary equipment and devices of standard type for measuring properly the quantity of water delivered under this agreement. Such meter or meters and other equipment so installed shall remain the property of the District. The City may, at its option and its own expense, install and operate a check meter to check each meter installed by the District, but the measurement of water for the purpose of this Revised and Restated Contract shall be solely by District's meter.

The District's meter shall be checked annually at the expense of the District by the District's employees or agents as to accuracy of registration. Whenever the District meter is to be checked, the District shall notify the City ten (10) days in advance of such check in order that the City may have a representative present as a witness. If either the City or the District at any time shall notify the other that it desires a special test of the District meter, the District and the City shall cooperate to secure an immediate determination of the accuracy thereof and may make joint observation of any such tests and adjustments. If upon such special tests the meter is found to be less than two percent (2%) high or low, the cost of such test shall be paid by the party requesting it; otherwise, by the District. If upon any test the meter tested is found to be more than two percent (2%) high or low, the registration thereof shall be corrected for a period extending back to the time when such inaccuracy began, if such time is ascertainable, and if such time is not ascertainable, then for a period extending back one-half (½) of the time elapsed since the last date of meter check, but in no event further back than a period of six (6) months. If for any reason the meter is out of service or out of repair so that the amount of water delivered cannot be ascertained or computed from the reading thereof, the water delivered during the period such meter is out of service or out of repair shall be estimated and agreed upon by the parties hereto upon the basis of the best data available.

The City shall have access to the metering equipment of District at all reasonable times, but the reading, calibration, checking and adjustment thereof shall be done by the employees or agents of the District.

For the purpose of this Revised and Restated Contract, the original record or reading of the meter shall be the journal or other record book of District in its office in which the records of the employees or agents of the District who take the reading are or may be transcribed. Upon request, District will permit the City to have access to the records of the District in the office of the District during reasonable business hours.

ARTICLE VI Unit of Measurement

6.1 **Unit of Measurement.** The unit of measurement for water delivered hereunder shall be 1,000 gallons of water, U.S. Standard Liquid Measure.

ARTICLE VII Billing and Payment

7.1 **Billing and Payment.** The District shall read all of the meters monthly and will promptly render monthly bills to the City based on such readings. Such bills shall be due and payable within twenty-five (25) days from the date the same are deposited in the United States mails, properly stamped and addressed to the City.

7.2 **Late Payment.** In the event the City shall fail to make any payment required to be made to the District under this Revised and Restated Contract, within the time specified herein, interest on the amount due shall accrue at the rate of one and one-half percent (1.5%) per month, or the maximum rate allowed by law, whichever is less, from the date such payment becomes due, until paid in full with interest as above specified. In the event any such payment is not made within sixty (60) days from date such payment becomes due, the District may, at its option, discontinue the delivery of water to the City until the amount then due to the District is paid in full with interest as above specified.

ARTICLE VIII Special Conditions

8.1 **Use of Streets and Alleys.** Should any pipeline or appurtenances, including communication lines, owned by the District be installed, whether now or later, in any street, alley or public way within the boundaries of the City, as same are now constituted or as may hereafter be extended, the City hereby grants to the District the right, privilege and franchise of using such streets, alleys and public ways for the purpose of maintaining, operating, laying, repairing and removing such pipelines and appurtenances, including communication lines.

8.2 **Sources of funds For Payment and Sufficiency of Rates and Charges.** The District shall never have the right to demand payment by the City of any obligation assumed or imposed on it under and by virtue of this Revised and Restated Contract from funds raised or to be raised by

taxation. City's obligation under this Revised and Restated Contract shall never be construed to be a debt of the City of such kind as to require it under the laws of this State to levy and collect a tax to discharge such obligation, it being expressly understood by the parties hereto that all payments due by the City hereunder are to be made from the revenues received by the City from its waterworks system.

The City represents and covenants that the water supply to be obtained pursuant to this Revised and Restated Contract is essential and necessary to the operation of its waterworks system, and that all payments to be made hereunder by it will constitute reasonable and necessary "operating expenses" of the City's waterworks system as defined in Chapter 1502 of the Government Code, as amended, and that all such payments will constitute reasonable and necessary "operating expenses" of the City's waterworks system under any and all revenue bond issues of the City, with the effect that the City's obligation to make payments from its waterworks revenues under this Revised and Restated Contract shall have priority over its obligations to make payments of the principal of and interest on any and all of its revenue bonds.

City agrees to fix and collect such rates and charges for water and services to be supplied by its waterworks system as will make possible the prompt payment of all expenses of operating and maintaining its waterworks system, including all payment contracted hereunder, and the prompt payment of the principal of and interest on its obligations payable from the revenues of its waterworks system.

ARTICLE IX

Service to Certain New Nonresidential Customers and Annual Reporting of Number of Connections

9.1 District Consent Required for Service to Certain New or Expanding Nonresidential Customers. If the City wants to serve a new nonresidential customer, or expand the service to an existing nonresidential customer, where, for the new nonresidential customer, or for the expansion to an existing nonresidential customer, the projected increase in the average daily flow will exceed 10% of the average daily flow of the City, averaged over the preceding five calendar years, the City must obtain written consent from the District before providing such new service.

9.2 Annual Reporting of Connections. Each year, on or before January 31, the City will provide the District with a report on the number of connections served at the end of the previous year, in a format that enables the District to determine the number of connections that must be served at 0.60 gpm pursuant to 30 TAC §290.45. The City will, at the same time, provide a projection of that information for the year in which the report is made.

ARTICLE X
Price of Water

10.1 **Rates to Be Cost Based.** All rates charged pursuant to this Revised and Restated Contract shall be set to recover the cost of service, based on generally accepted ratemaking principles, including those set forth in the American Water Works Association AWWA Manual M1 on water rates.

10.2 **Rate Adjustment.** If in any fiscal year there is a material difference between the District's revenues and expenses, as compared to the revenues and expenses as projected in the applicable budget for that year, as determined by the District, the District may, after consultation with the City, to the extent deemed necessary or advisable by the District, in its sole discretion, change the rates to be charged to the City during that year.

10.3 **District Budget.** The District's fiscal year shall be from January 1 through December 31 of each year, or such other period as the District, after sixty (60) days written notice to the City, shall adopt. Not later than the seventh (7th) day after the date of the District's Board of Directors October budget review meeting each year, commencing with the District's fiscal year in which this Revised and Restated Contract becomes effective, the District shall provide the City with a copy of the District's proposed budget for the following fiscal year, showing the budgeted total annual rate, and the components thereof, to be paid by the City to the District for the fiscal year of the District to which the budget applies for sale and purchase of water under this Revised and Restated Contract. City shall have thirty (30) days to review and comment on the proposed budget. The District shall adopt its final budget as soon as practicable following the expiration of such thirty (30)-day period and shall deliver to the City a copy of each final budget within five (5) days after the adoption thereof.

ARTICLE XI
Force Majeure

11.1 **Force Majeure.** If the District should be prevented, wholly or in part, from furnishing water to the City under this Revised and Restated Contract by reason of acts of God, unavoidable accident, acts of the public enemy, strikes, floods, fires, governmental restraint or regulations, pump station failures, breaks in pipelines or for any other cause beyond the District's control, then the obligation of the District to deliver water to the City shall be temporarily suspended during the continuance of such force majeure.

The rights of the City to obtain delivery of water from the District shall also be subject to all rights of the City of Corpus Christi with respect to the furnishing of water by said City of Corpus Christi to the District under the conditions of the District's contracts with the City of Corpus Christi. Reference is here made to each of said contracts, the terms of which are familiar to both of the parties hereto.

No damage shall be recoverable from the District by reason of the temporary suspension of delivery of water due to any of the causes above mentioned or due to the failure of the City of Corpus Christi to deliver water to the District. If the District's ability to deliver water to the City is affected by any of the causes above mentioned, the District shall promptly notify the City in writing, giving the particulars as soon as practicable after the occurrence of the cause or causes for such interruption.

If the supply of water available to the District is insufficient for any reason to serve the requirements of all of its customers, then the available amount of water will be allocated by the District pursuant to the provisions of the District's Drought Contingency Plan, as that plan may be amended from time to time.

ARTICLE XII
Alterations and Repairs

12.1 **Alterations and Repairs.** It is expressly recognized by the City that the District may be compelled to make necessary alterations, repairs and extensions of new or additional water transportation facilities from time to time during the life of this Revised and Restated Contract, and any suspension of delivery to the City due to such operation shall not be cause for claim of damage on the part of the City, provided all reasonable effort is used by the District to provide the City with water in accordance with this Revised and Restated Contract. In such case, the District shall give the City as much advance notice as may be practicable of the suspension of delivery and of the estimated duration thereof.

ARTICLE XIII
Term

13.1 **Term.** Unless sooner terminated or extended by mutual agreement of the parties hereto, this Revised and Restated Contract shall be in force and effect at any time while any of the District's bonds remain outstanding, or thirty (30) years from the Effective Date of this Revised and Restated Contract, whichever is later.

ARTICLE XIV
Effective Date

14.1 **Effective Date.** The Effective Date of this Revised and Restated Contract shall be the date on which it has been executed by both parties.

ARTICLE XV
Modification

15.1 **Modification.** This Revised and Restated Contract shall be subject to change or modification at any time but only with the mutual consent of the governing bodies of each of the parties hereto.

ARTICLE XVI
Corpus Christi Contract and Drought Contingency Plan

16.1 **Corpus Christi Contract and Drought Contingency Plan.** The City acknowledges that it is required by Sec. 11.1272, Water Code, to develop a drought contingency plan consistent with the appropriate approved regional water plan. The City also acknowledges that the Corpus Christi Raw Water Contract and the Corpus Christi Treated Water Contract require that, if the City of Corpus Christi implements any measures under its Water Conservation and Drought Contingency Plan, the District shall within thirty (30) days of notice of the implementation of any restrictions, surcharges or rationing by the City of Corpus Christi, impose similar restrictions, surcharges or rationing measures on its customers. Any contract for the resale of water furnished by the District shall contain a similar condition.

Accordingly, the City agrees that it will adopt a water conservation plan and drought contingency plan consistent with those of the City of Corpus Christi, as the latter may be amended from time to time.

ARTICLE XVII
Forum

17.1 **Forum.** Any disputes between the parties to this Revised and Restated Contract concerning the subject matter of this Revised and Restated Contract shall be submitted for resolution to the District Court of San Patricio County, Texas.

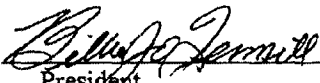
ARTICLE XVIII
Entirety

18.1 **Entirety.** This Revised and Restated Contract supersedes all previous agreements or representations, either written or verbal, heretofore in effect between the District and the City, made with respect to matters herein contained.

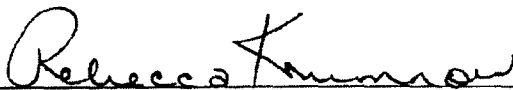
ARTICLE XIX
In Witness Whereof

19.1 **In Witness Whereof.** The parties hereto have caused this document to be executed by their duly authorized representatives as shown below.

SAN PATRICIO MUNICIPAL WATER DISTRICT

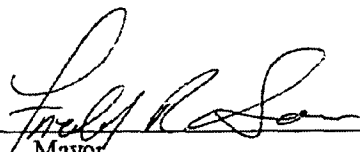
By: 
President
Date of Execution 2-12-13

ATTEST:

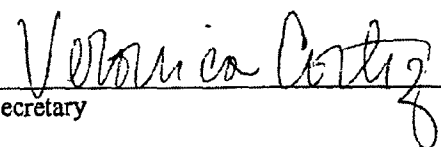

Secretary

[SEAL]

THE CITY OF GREGORY, TEXAS

By: 
Mayor
Date of Execution: _____

ATTEST:


Secretary

[SEAL]

1

2

3



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

TPDES PERMIT NO.
WQ0010092001
[For TCEQ office use only - EPA I.D.
No. TX0083062]

This is a renewal that replaces TPDES
Permit No. WQ0010092001 issued on
August 2, 2010.

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

City of Gregory

whose mailing address is

204 West Fourth Street
Gregory, Texas 78359

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

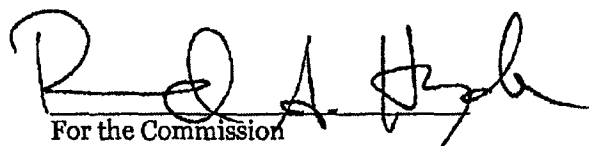
located at the intersection of Sunset Road and Blackwelder Street, approximately 0.5 mile northwest of
the convergence of U.S. Highway 181 and State Highway 35 and southwest of the City of Gregory, in San
Patricio County, Texas 78359

to a drainage ditch; thence to Green Lake; thence to Corpus Christi Bay in Segment No. 2481 of the Bays
and Estuaries

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, **April 1, 2020**.

ISSUED DATE: October 7, 2015


For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

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 0.32 million gallons per day (MGD), nor shall the average discharge during any two-hour period (2-hour peak) exceed 606 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	Single Grab mg/l	Report Daily Avg. & Max. Single Grab Measurement Frequency Sample Type
Flow, MGD	Report	N/A	Report	N/A	Five/week Instantaneous
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (27)	15	25	35	One/week Grab
Total Suspended Solids	15 (40)	25	40	60	One/week Grab
Ammonia Nitrogen	3 (8)	6	10	15	One/week Grab
E. coli, CFU or MPN/100 ml	126	N/A	N/A	399	One/month 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 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.

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SLUDGE PROVISIONS

The permittee is authorized to dispose of sludge only at a Texas Commission on Environmental Quality (TCEQ) authorized land application site 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 14) 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 14) 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.

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

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

4. Vector Attraction Reduction Requirements

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

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

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

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

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

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

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

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

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

Alternative 9 -

- i. Sewage sludge shall be injected below the surface of the land.
- ii. No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.
- iii. When sewage sludge that is injected below the surface of the land is Class A or Class AB with respect to pathogens, the sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

Alternative 10 -

- i. Sewage sludge applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.
- ii. When sewage sludge that is incorporated into the soil is Class A or Class AB with respect to pathogens, the sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

C. Monitoring Requirements

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

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

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

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

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

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

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

A. Pollutant Limits

Table 2

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

Table 3

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

*Dry weight basis

B. Pathogen Control

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

C. Management Practices

1. Bulk sewage sludge shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters in the State.
2. Bulk sewage sludge not meeting Class A requirements shall be land applied in a manner which complies with Applicability in accordance with 30 TAC §312.41 and the Management Requirements in accordance with 30 TAC § 312.44.
3. Bulk sewage sludge shall be applied at or below the agronomic rate of the cover crop.
4. An information sheet shall be provided to the person who receives bulk sewage sludge sold or given away. The information sheet shall contain the following information:
 - a. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.
 - b. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instruction on the label or information sheet.
 - c. The annual whole sludge application rate for the sewage sludge application rate for the sewage sludge that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

D. Notification Requirements

1. If bulk sewage sludge is applied to land in a State other than Texas, written notice shall be provided prior to the initial land application to the permitting authority for the State in which the bulk sewage sludge is proposed to be applied. The notice shall include:
 - a. The location, by street address, and specific latitude and longitude, of each land application site.
 - b. The approximate time period bulk sewage sludge will be applied to the site.
 - c. The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) for the person who will apply the bulk sewage sludge.
2. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

E. Record keeping Requirements

The sludge documents will be retained at the facility site and/or shall be readily available for review by a TCEQ representative. The person who prepares bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at

the facility site and/or shall be readily available for review by a TCEQ representative for a period of five years. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply.

1. The concentration (mg/kg) in the sludge of each pollutant listed in Table 3 above and the applicable pollutant concentration criteria (mg/kg), or the applicable cumulative pollutant loading rate and the applicable cumulative pollutant loading rate limit (lbs/ac) listed in Table 2 above.
2. A description of how the pathogen reduction requirements are met (including site restrictions for Class AB and Class B sludge, if applicable).
3. A description of how the vector attraction reduction requirements are met.
4. A description of how the management practices listed above in Section II.C are being met.
5. The following certification statement:

"I certify, under penalty of law, that the applicable pathogen requirements in 30 TAC § 312.82(a) or (b) and the vector attraction reduction requirements in 30 TAC § 312.83(b) have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

6. The recommended agronomic loading rate from the references listed in Section II.C.3. above, as well as the actual agronomic loading rate shall be retained. The person who applies bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative indefinitely. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply:
 - a. A certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii), as applicable, and to the permittee's specific sludge treatment activities.
 - b. The location, by street address, and specific latitude and longitude, of each site on which sludge is applied.
 - c. The number of acres in each site on which bulk sludge is applied.
 - d. The date and time sludge is applied to each site.

- e. The cumulative amount of each pollutant in pounds/acre listed in Table 2 applied to each site.
- f. The total amount of sludge applied to each site in dry tons.

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

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 14) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year the following information:

1. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.
2. The frequency of monitoring listed in Section I.C. that applies to the permittee.
3. Toxicity Characteristic Leaching Procedure (TCLP) results.
4. Identity of hauler(s) and TCEQ transporter number.
5. PCB concentration in sludge in mg/kg.
6. Date(s) of disposal.
7. Owner of disposal site(s).
8. Texas Commission on Environmental Quality registration number, if applicable.
9. Amount of sludge disposal dry weight (lbs/acre) at each disposal site.
10. The concentration (mg/kg) in the sludge of each pollutant listed in Table 1 (defined as a monthly average) as well as the applicable pollutant concentration criteria (mg/kg) listed in Table 3 above, or the applicable pollutant loading rate limit (lbs/acre) listed in Table 2 above if it exceeds 90% of the limit.
11. Level of pathogen reduction achieved (Class A, Class AB or Class B).
12. Alternative used as listed in Section I.B.3.(a. or b.). Alternatives describe how the pathogen reduction requirements are met. If Class B sludge, include information on how site restrictions were met.
13. Vector attraction reduction alternative used as listed in Section I.B.4.
14. Annual sludge production in dry tons/year.
15. Amount of sludge land applied in dry tons/year.
16. The certification statement listed in either 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii) as applicable to the permittee's sludge treatment activities, shall be attached to the annual reporting form.

17. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the annual reporting form.
 - a. The location, by street address, and specific latitude and longitude.
 - b. The number of acres in each site on which bulk sewage sludge is applied.
 - c. The date and time bulk sewage sludge is applied to each site.
 - d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk sewage sludge applied to each site.
 - e. The amount of sewage sludge (i.e., dry tons) applied to each site.

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

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

- A. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC § 330 and all other applicable state and federal regulations to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present. The permittee shall ensure that the sewage sludge meets the requirements in 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
- B. If the permittee generates sewage sludge and supplies that sewage sludge to the owner or operator of a municipal solid waste landfill (MSWLF) for disposal, the permittee shall provide to the owner or operator of the MSWLF appropriate information needed to be in compliance with the provisions of this permit.
- C. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.
- D. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I (Toxicity Characteristic Leaching Procedure) or other method, which receives the prior approval of the TCEQ for contaminants listed in Table 1 of 40 CFR § 261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal.

Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 14) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 14) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

- E. Sewage sludge shall be tested as needed, in accordance with the requirements of 30 TAC Chapter 330.
- F. Record keeping Requirements

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

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

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

G. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 14) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year the following information:

1. Toxicity Characteristic Leaching Procedure (TCLP) results.
2. Annual sludge production in dry tons/year.
3. Amount of sludge disposed in a municipal solid waste landfill in dry tons/year.
4. Amount of sludge transported interstate in dry tons/year.
5. A certification that the sewage sludge meets the requirements of 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
6. Identity of hauler(s) and transporter registration number.
7. Owner of disposal site(s).
8. Location of disposal site(s).
9. Date(s) of disposal.

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

SECTION IV. REQUIREMENTS APPLYING TO SLUDGE TRANSPORTED TO ANOTHER FACILITY FOR FURTHER PROCESSING

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

A. General Requirements

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

B. Record Keeping Requirements

1. For sludge transported by an approved pipeline, the permittee must maintain records of the following:
 - a. the amount of sludge transported;
 - b. the date of transport;
 - c. the name and TCEQ permit number of the receiving facility or facilities;
 - d. the location of the receiving facility or facilities;
 - e. the name and TCEQ permit number of the facility that generated the waste; and
 - f. copy of the written agreement between the permittee and the receiving facility to accept sludge.
2. For sludge transported by a registered transporter, the permittee must maintain records of the completed trip tickets in accordance with 30 TAC § 312.145(a)(1)-(7) and amount of sludge transported.
3. The above records shall be maintained on-site on a monthly basis and shall be made available to the TCEQ upon request. These records shall be retained for at least five years.

C. Reporting Requirements

The permittee shall report the following information annually to the TCEQ Regional Office (MC Region 14) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year:

1. the annual sludge production;
2. the amount of sludge transported;
3. the owner of each receiving facility;
4. the location of each receiving facility; and
5. the date(s) of disposal at each receiving facility.

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OTHER REQUIREMENTS

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

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

2. The Executive Director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the General Land Office (GLO) and has determined that the action is consistent with the applicable CMP goals and policies.
3. The permittee is hereby placed on notice that this permit may be reviewed by the TCEQ after the completion of any new intensive water quality survey on Segment No. 2481 of the Bays and Estuaries and any subsequent updating of the water quality model for Segment No. 2481, to determine if the limitations and conditions contained herein are consistent with any such revised model. The permit may be amended, pursuant to 30 TAC § 305.62, as a result of such review. The permittee is also hereby placed on notice that effluent limits may be made more stringent at renewal based on, for example, any change to modeling protocol approved in the TCEQ Continuing Planning Process.
4. A certified operator shall inspect the facility daily and maintain at the plant site a record of these inspections. These records shall be available at the plant site for inspection by authorized representatives of the commission for at least three years.

During the daily inspection the certified operator shall conduct proper sampling, calibrate instruments and retain calibration logs. In addition, the proper operation and maintenance of the treatment units shall be required.

5. In accordance with 30 TAC § 319.9, a permittee that has at least twelve months of uninterrupted compliance with its bacteria limit may notify the commission in writing of its compliance and request a less frequent measurement schedule. To request a less frequent schedule, the permittee shall submit a written request to the TCEQ Wastewater Permitting Section (MC 148) for each phase that includes a different monitoring frequency. The request must contain all of the reported bacteria values (Daily Avg. and Daily Max/Single Grab) for the twelve consecutive months immediately prior to the request. If the Executive Director finds that a less frequent measurement schedule is protective of human health and the environment, the permittee may be given a less frequent measurement schedule. For this permit, 1/month may be reduced to 1/quarter. **A violation of any bacteria limit by a facility that has been granted a less frequent measurement schedule will require the permittee to return to the standard frequency schedule and submit written notice to the TCEQ Wastewater Permitting Section (MC 148).** The permittee may not apply for another reduction in measurement frequency for at least 24 months from the date of the last violation. The Executive Director may establish a more frequent measurement schedule if necessary to protect human health or the environment.

CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS

1. The following pollutants may not be introduced into the treatment facility:
 - a. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR § 261.21;
 - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case shall there be discharges with a pH lower than 5.0 standard units, unless the works are specifically designed to accommodate such discharges;
 - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference;
 - d. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
 - e. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference but in no case shall there be heat in such quantities that the temperature at the POTW treatment plant exceeds 104 degrees Fahrenheit (40 degrees Celsius) unless the Executive Director, upon request of the POTW, approves alternate temperature limits;
 - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
 - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and
 - h. Any trucked or hauled pollutants except at discharge points designated by the POTW.
2. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Clean Water Act, including any requirements established under 40 CFR Part 403 *[rev. Federal Register/ Vol. 70/ No. 198/ Friday, October 14, 2005/ Rules and Regulations, pages 60134-60798]*.
3. The permittee shall provide adequate notification to the Executive Director, care of the Wastewater Permitting Section (MC 148) of the Water Quality Division, within 30 days subsequent to the permittee's knowledge of either of the following:
 - a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 and 306 of the Clean Water Act if it were directly discharging those pollutants; and

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

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

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