



Control Number: 46745



Item Number: 1

Addendum StartPage: 0



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Austin, TX 78701  
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2017 JAN -9 PM 4:48

PUBLIC UTILITY COMMISSION  
FILING CLERK

Via Hand Delivery

January 9, 2017

Public Utility Commission  
Central Records  
1701 N. Congress, Suite 8-100  
Austin, Texas 78701

▶ 46745

Re: Application for Sale, Transfer, or Merger of a Retail Public Utility for the Acquisition of Water and Wastewater Assets of Orbit Systems, Inc. by Undine Texas, LLC

Dear Public Utility Commission Clerk:

Enclosed please find for filing the original Application for Sale, Transfer, or Merger of a Retail Public Utility for the acquisition of water and wastewater assets of Orbit Systems, Inc. by Undine Texas, LLC ("Undine"), along with six copies of the application.

The confidential sections of the application have been enclosed in separate folders to separate those sections from the non-confidential sections. We have also included two electronic discs with the original application and six copies. The first disc contains the electronic mapping data in appropriate format. The second disc contains the digital system location description for each of the systems being acquired (to facilitate Commission staff's data entry for the application).

We have also attached one copy of the application without attachments for you to file stamp for our records.

Please note that I am counsel of record for Undine Texas, LLC in this matter, and that Undine requests that Commission staff coordinate communications regarding the application through me.

Respectfully submitted,

Peter T. Gregg

Enclosures  
PTG:agg

21004



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**Application for Sale, Transfer, or Merger of a Retail Public Utility**

Pursuant to Chapter 13.251 of the Texas Water Code

July 9 PM 4:47  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**Docket Number:** \_\_\_\_\_

(this number will be assigned by the Public Utility Commission after your application is filed)

7 copies of the application, including the original, along with one copy of the portable electronic storage medium (such as CD or DVD) containing the GIS data shall be filed with

Public Utility Commission of Texas  
Attention: Filing Clerk  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

No later than seven days after filing the application for the boundary change, provide a copy of each paper map and a portable electronic storage medium (such as CD, flash drive or DVD) containing complete and identical data to the portable electronic storage medium submitted above to

Texas Natural Resources Information System  
1700 N. Congress Ave, Room B40  
Austin, Texas 78701

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**Part A – General Information**

\*RN#  \*CN#  \* (PRIOR TCEQ ID numbers)

1. Proposed action of application (check all the boxes that apply):

Sale of  All  Portion of the  Water system(s) under CCN No.:   
 Acquisition  Sewer system(s) under CCN No.:   
 Lease/Rental

Transfer of  All  Portion of the  Certificated water service area – CCN No.:   
 Certificated sewer service area – CCN No.:

If only a portion of a system or certificated service area is affected by this transaction, please specify the areas or subdivision involved:

and to:

Obtain a CCN for the transferee (purchaser) – indicate if purchaser will take the seller's CCN  
 Amend the transferee's CCN No.:   
 Merge or consolidate public utilities   
 Cancel CCN of the transferor (seller)

2. Proposed effective date of this transaction:

(Must be at least 120 days after proper notice is provided)

**Part B – Current Service Provider or Seller Information**

Questions 3 through 5 apply to the transferor (current service provider or seller)

3. For the current CCN holder or service provider please indicate:

A. Name:   
(Individual, Corporation or Other Legal Entity)

who is a(n) of  Individual  Corporation  WSC  HOA or POA  Other

B. Utility Name (if different than above):   
Address:  Telephone: (AC)

C. Contact person. Please provide information about the person to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney or accountant.

Name:  Title:   
Address:  Telephone: (AC)

Fax: (281) 369-0327

Email: peggy@orbitwater.net

4. About the last rate increase for the system or facilities being transferred:

A. What was the effective date of the last rate increase? 10-10-13 (Sewer) and 3-7-16(Water)

B. Was notice of this increase provided to the Public Utility Commission of Texas (commission or PUC) or a predecessor regulatory authority?

No [ ] Yes- Application/Docket Number: 37678-R (Sewer) 45324 (Water) Date 10-10-13 (Sewer) and 3-7-16(Water)

5. Please provide a list of all customers affected by this transaction who have deposits held by the transferor or seller utility, if any, and include the following information (attach additional sheets if necessary):

Name and Address of Utility Customer	Date of Deposit	Amount of Deposit	Amount of Unpaid Interest on Deposit
Please See Attachment 'B'			

Part C – Purchaser or Transferee Information

Questions 6 through 16 refer to the transferee or purchaser.

6. For the person or entity acquiring the facilities and/or CCN:

Applicant: Undine Texas, LLC (Individual, Corporation, or Other Legal Entity)

Utility Name: Undine Texas, LLC (If different than above)

Utility Address: 10913 Metronome Dr, Houston Texas 77043

Fax: (713) 647-0277 Email: cthomas@undinellc.com Telephone (AC): (713) 574-5953

CCN Numbers held prior to the filing of this application: 21019, 20816 and 20832

7. Check the appropriate box and provide information regarding the legal status of the transferee applicant:

- Individual
- Home or Property Owners Association
- Partnership; attach copy of partnership agreement Please See Attachment 'C'
- Corporation; provide charter number as recorded with the Office of the Secretary of State for Texas: 802339329
- Non-profit, member owned, member-controlled Cooperative Corporation (Article 1434(a) Water Sewer Service Corporation); provide charter number:

<input type="checkbox"/>	Municipally-owned utility
<input type="checkbox"/>	District (MUD, SUD, WCID, etc.)
<input type="checkbox"/>	County
<input type="checkbox"/>	Other (please explain):

8. If the applicant is an *Individual* or sole proprietorship, provide the following information. If not, skip to the next question.

Name:	NA	Email:	
Address:	NA		
Telephone (AC):		Fax (AC):	

9. If the applicant is other than an *Individual*, provide the following information regarding the officers or partners of the legal entity applying for the transfer. You must complete either question 8 or question 9, whichever applies to the transferee applicant. Please See Attachment 'C'

•Name:		Telephone (AC):	
Address:			
Position:		Ownership % (if applicable):	0.00%

•Name:		Telephone (AC):	
Address:			
Position:		Ownership % (if applicable):	0.00%

•Name:		Telephone (AC):	
Address:			
Position:		Ownership % (if applicable):	0.00%

•Name:		Telephone (AC):	
Address:			
Position:		Ownership % (if applicable):	0.00%

•Name:		Telephone (AC):	
Address:			
Position:		Ownership % (if applicable):	0.00%

•Name:		Telephone (AC):	
Address:			
Position:		Ownership % (if applicable):	0.00%

- Attach additional sheet(s) if necessary -

**Important:** • If the applicant is a for-profit corporation, please provide a copy of the corporation's "Certification of Account Status" from the State Comptroller Office. This "Certification of Account Status" can be obtained from: Please See Attachment 'D'

Texas Comptroller of Public Accounts  
P. O. Box 13528, Capitol Station  
Austin, Texas 78711  
1-800-252-5555

- If the applicant is an Article 1434a water supply or sewer service corporation or other non-profit corporation, please provide a copy of the Articles of Incorporation and By-Laws.

10. Contact person. Please provide information about the person to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney or accountant.

Name:	Peter T. Gregg	Title:	Partner-Dubois Bryant&Campbell
Address:	303 Colorado, Suite 2300 Austin, Texas 78701	Telephone (AC):	(512) 457-8000
Fax #	(512) 457-8008	Email	pgregg@dbclp.com
Relationship to the applicant:	Attorney		

**IF THERE ARE MORE THAN TWO PARTIES INVOLVED IN THIS TRANSACTION, PLEASE ATTACH SHEETS PROVIDING THE INFORMATION REQUIRED IN QUESTION 6 THROUGH QUESTION 10 FOR EACH PARTY**

11. Please respond to each of the following questions. Attach additional sheets if necessary.

A. Describe the experience and qualifications of the applicant to provide adequate utility service to the requested area

Please See Attachment 'E'

B. Has the applicant acquiring the CCN or facilities or an affiliated interest of the applicant been under enforcement action by the PUC, TCEQ, Texas Department of Health (TDH), the Office of the Attorney General (OAG) or the Environmental Protection Agency (EPA) in the past for noncompliance with rules, orders or State Statutes?  Yes  No

If yes, please attach copies of any correspondence with these regulatory agencies concerning these enforcement actions and describe any actions and efforts to comply with those requirements. Attach additional sheets if needed.

C. Describe the source and availability of funds required to make the planned or required improvements, if any, to meet minimum requirements of the TCEQ and PUC and ensure continuous and adequate service.

Undine Texas, LLC is funded through equity and bank financing. Additional funding information will be provided upon request.



D. Describe the anticipated impact of this transaction on the quality of utility service and explain any anticipated changes in the quality of service.

Undine Texas, LLC intends to raise the standards for quality of customer service, customer and regulatory communications with respect to all regulatory compliance issues

E. How will the transaction serve the public interest?

The public will be better served through Undine Texas, LLC ownership of water and/or wastewater utilities due to the improvements to utility customer service and the improvements to operations and maintenance. The EPA reports to Congress state that the best possible future for small to midsize privately owned utilities is to be acquired by a larger, more responsible provider that possesses the financial, managerial and technical experience to insure the system meets regulatory requirements.

12. Please describe the nature of the proposed transaction:

SEE ATTACHMENT "G"

13. If the transferee applicant is an Investor Owned Utility (IOU) and will be under the rate jurisdiction of the PUC, please provide the following information. Water supply or sewer service corporations and political subdivisions of the state should mark this section N/A:

- A.
- Total Purchase Price: [REDACTED]
  - Total Original Cost (as recorded on books of seller or merging entity): [REDACTED]
  - Accumulated Depreciation as of the proposed effective date of the transaction: [REDACTED]
  - Contributions in Aid of Construction:
    - Specific surcharges approved by TCEQ or PUC: [REDACTED]
    - Revenues from explicit customer agreements: [REDACTED]
    - Developer Contributions (please explain):

None

- Other Contributions (please explain):

None

Total Contributions in Aid of Construction [REDACTED]

• Net Book Value: [REDACTED]

If the Original Cost or any of the above items has been established in a rate case proceeding by the PUC, the TWC or the TCEQ, please provide the Application/Docket Number and date:

Application/Docket Number:  Date:

If the applicant is not under the rate jurisdiction of the TCEQ, only the purchase price and information related to Contributions in Aid of Construction is required.

Please provide any other information concerning the nature of the transaction you believe should be given consideration if not explained elsewhere in the application.  
[attach additional sheet(s) if necessary]:

The public will be better served through Undine Texas, LLC ownership of water and wastewater utilities due to the improvements to utility customer service and the improvements to operations and maintenance. The EPA reports to Congress state that the best possible future for small to midsize privately owned utilities is to be acquired by a larger more responsible provider that possesses the financial, managerial and technical experience to insure the system meets regulatory requirements.

C. Complete the following proposed entries listed below as shown in books of purchasing (or surviving) company. Additional entries may be made; the following are suggested only, and not intended to pose descriptive limitations.

Please See Attachment 'G'	Utility Plant in Service:	<input type="text"/>
	Plant Acquisition Adjustment:	<input type="text"/>
	Extraordinary Loss on Purchase:	<input type="text"/>
	Accumulated Depreciation of Plant:	<input type="text"/>
	Cash:	<input type="text"/>
	Notes Payable:	<input type="text"/>
	Mortgage Payable:	<input type="text"/>
	Others (please list):	<input type="text"/>

As the purchaser, I understand that it is **my responsibility** in any future rate proceeding to provide written evidence and support for the original cost and installation date of all facilities used and useful for providing utility service.

Purchaser's Initials:  Date:

14. Please indicate the proposed effect of this transaction on the rates to be charged to the affected customers:

- All the customers will be charged the same rates as they were charged before the transaction.  
 Some  All customers will be charged different rates than they were charged before the transaction.

If rates are changing, please explain:

Not Applicable

Applicant is an IOU and intends to file with the commission or municipal regulatory authority an application to change rates of some/all of its customers as a result of this transaction. If so, please explain:

Not Applicable

Other. Please explain:

Not Applicable

15. List all neighboring water and /or sewer utilities, cities, and political subdivisions providing the same service within two (2) miles of area affected by this proposed transaction. This information should be available from the water utility database (WUD) or Applicant's licensed water operator.

Please see Attachment 'H'

16. Financial, Managerial and Technical information for the acquiring entity.

Please See Attachment 'G'

**Part D – Historical Financial Information**

<b>HISTORICAL BALANCE SHEETS</b>	<b>CURRENT YEAR (A)</b>	<b>A-1 YEAR</b>	<b>A-2 YEAR</b>	<b>A-3 YEAR</b>	<b>A-4 YEAR</b>	<b>A-5 YEAR</b>
<b>CURRENT ASSETS</b>						
Cash						
Accounts Receivable						
Inventories						
Income Tax Receivable						
Other						
<b>Total</b>						
<b>FIXED ASSETS</b>						
Land						
Collection/Distribution System						
Buildings						
Equipment						
Other						
Less: Accum. Depreciation or Reserves						
<b>Total</b>						
<b>TOTAL ASSETS</b>						
<b>CURRENT LIABILITIES</b>						
Accounts Payable						
Notes Payable, Current						
Accrued Expenses						
Other						
<b>TOTAL</b>						
<b>LONGTERM LIABILITIES</b>						
Notes Payable, Long-term						
Other						
<b>TOTAL LIABILITIES</b>						
<b>OWNER'S EQUITY</b>						
Paid in Capital						
Retained Equity						
Other						
Current Period Profit or Loss						
<b>TOTAL OWNER'S EQUITY</b>						
<b>TOTAL LIABILITIES AND EQUITY</b>						
<b>WORKING CAPITAL</b>						
<b>CURRENT RATIO</b>						
<b>DEBT TO EQUITY RATIO EQUITY TO TOTAL ASSETS</b>						

Please See Attachment 'G'

HISTORICAL INCOME STATEMENT	CURRENT YEAR (A)	A-1 YEAR	A-2 YEAR	A-3 YEAR	A-4 YEAR	A-5 YEAR
<b>METER NUMBER</b>						
Existing Number of Taps						
New Taps Per Year						
<b>Total Meters at Year End</b>						
<b>METER REVENUE</b>						
Fees Per Meter						
Cost Per Meter						
<b>Operating Revenue Per Meter</b>						
<b>GROSS WATER REVENUE</b>						
Fees						
Other						
<b>Gross Income</b>						
<b>OPERATING EXPENSES</b>						
General & Administrative						
Interest						
Other						
<b>NET INCOME</b>						

Please See Attachment 'G'

<b>HISTORICAL EXPENSE DETAIL</b>	<b>CURRENT YEAR (A)</b>	<b>A-1 YEAR</b>	<b>A-2 YEAR</b>	<b>A-3 YEAR</b>	<b>A-4 YEAR</b>	<b>A-5 YEAR</b>
<b>GENERAL/ADMINISTRATIVE EXPENSES</b>						
Salaries						
Office Expense						
Computer Expense						
Auto Expense						
Insurance Expense						
Telephone Expense						
Utilities Expense						
Depreciation Expense						
Property Taxes						
Professional Fees						
Other						
<b>Total</b>						
<b>% Increase Per Year</b>						
<b>OPERATIONAL EXPENSES</b>						
Salaries						
Auto Expense						
Utilities Expense						
Depreciation Expense						
Repair & Maintenance						
Supplies						
Other						
<b>Total</b>						
<b>% Increase Per Year</b>						
<b>ASSUMPTIONS</b>						
Interest Rate/Terms						
Utility Cost/gal.						
Depreciation Schedule						
Other						

Please See Attachment 'G'

**Part E – Projected Information**

**PROJECTED BALANCE SHEETS**

	START UP	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
<b>CURRENT ASSETS</b>						
Cash						
Accounts Receivable						
Inventories						
Income Tax Receivable						
Other						
<b>Total</b>						
<b>FIXED ASSETS</b>						
Land						
Collection/Distribution System						
Buildings						
Equipment						
Other						
Less: Accum. Depreciation or Reserves						
<b>Total</b>						
<b>TOTAL ASSETS</b>						
<b>CURRENT LIABILITIES</b>						
Accounts Payable						
Notes Payable, Current						
Accrued Expenses						
Other						
<b>Total</b>						
<b>LONGTERM LIABILITIES</b>						
Notes Payable, Long-term						
Other						
<b>TOTAL LIABILITIES</b>						
<b>OWNER'S EQUITY</b>						
Paid in Capital						
Retained Equity						
Other						
Current Period Profit or Loss						
<b>TOTAL OWNER'S EQUITY</b>						
<b>TOTAL LIABILITIES AND EQUITY</b>						
<b>WORKING CAPITAL</b>						
<b>CURRENT RATIO</b>						
<b>DEBT TO EQUITY RATIO</b>						
<b>EQUITY TO TOTAL ASSETS</b>						

Please See Attachment 'G'

**PROJECTED INCOME STATEMENT**

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTALS
<b>METER NUMBER</b>						
Existing Number of Taps						
New Taps Per Year						
<b>Total Meters at Year End</b>						
<b>METER REVENUE</b>						
Fees Per Meter						
Cost Per Meter						
<b>Operating Revenue Per Meter</b>						
<b>GROSS WATER REVENUE</b>						
Fees						
Other						
<b>Gross Income</b>						
<b>OPERATING EXPENSES</b>						
General & Administrative						
Interest						
Other						
<b>NET INCOME</b>						



Please See Attachment 'G'

**PROJECTED EXPENSE DETAIL**

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTALS
<b>GENERAL/ADMINISTRATIVE EXPENSES</b>						
Salaries						
Office Expense						
Computer Expense						
Auto Expense						
Insurance Expense						
Telephone Expense						
Utilities Expense						
Depreciation Expense						
Property Taxes						
Professional Fees						
Other						
<b>Total</b>						
<b>% Increase Per Year</b>	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
<b>OPERATIONAL EXPENSES</b>						
Salaries						
Auto Expense						
Utilities Expense						
Depreciation Expense						
Repair & Maintenance						
Supplies						
Other						
<b>Total</b>						
<b>% Increase Per Year</b>	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
<b>ASSUMPTIONS</b>						
Interest Rate/Terms						
Utility Cost/gal.						
Depreciation Schedule						
Other						

Please See Attachment 'G'

**PROJECTED SOURCES AND USES OF CASH STATEMENTS**

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTALS
<b>SOURCES OF CASH</b>						
Net Income						
Depreciation (If Funded)						
Loan Proceeds						
Other						
<b>Total Sources</b>						
<b>USES OF CASH</b>						
Net Loss						
Principle Portion of Pmts.						
Fixed Asset Purchase						
Reserve						
Other						
<b>Total Uses</b>						
<b>NET CASH FLOW</b>						
<b>DEBT SERVICE COVERAGE</b>						
Cash Available for Debt						
<b>SERVICE (CADS)</b>						
Net Income (Loss)						
Depreciation, or Reserve Interest						
<b>Total</b>						
<b>REQUIRED DEBT SERVICE (RDS)</b>						
Principle Plus Interest						
<b>DEBT SERVICE COVERAGE RATIO</b>						
CADS Divided by RDS						

**Part F – TCEQ Public Water or Sewer System Information**

See Attachment 'I'

Please answer questions 17 through 22 on a different sheet for each physically Distinct system being transferred or acquired.

17. A. For Water Systems. TCEQ Public Water System Identification Number:

Date of last inspection:

B. For Wastewater Systems:

-TCEQ Discharge Permit Number: W Q       -     
 -Name of Permittee:   
 -Date of application to transfer Discharge Permit submitted:   
 -Date of application to transfer Discharge Permit approved by TCEQ:

Attachment 'F'

18. A. Are any improvements required to meet TCEQ or PUC standards?  Yes  No. If yes, please explain:

B. Is there a moratorium on new connections?  Yes  No. If yes, please explain:

C. Provide details of each required major capital improvement to correct the deficiencies and meet the TCEQ or PUC standards (attach additional sheets if necessary):

Description of the Required Improvement	Schedule to Complete	Estimated Cost

19. Does the system being transferred operate within the city limits of a municipality or within district boundaries?  Yes  No

If yes, indicate the number of customers within the city limits or district boundaries:

Water                  Sewer

Attach copy of franchise agreement or consent letter from the city or district.

20. Do you currently purchase water or sewer treatment capacity from another source?  Yes  No  
 Water  Sewer Purchased on a  Regular  Seasonal  Emergency Basis

• Source: \_\_\_\_\_ % of total supply:

21. List the number of existing connections to be effected by this transaction.

Water		Sewer	
<input type="text"/>	-Non Metered	<input type="text"/>	-2"meter
<input type="text"/>	-5/8" or 3/4" meter	<input type="text"/>	-3" meter
<input type="text"/>	-1" meter	<input type="text"/>	-4" meter
<input type="text"/>	-1 1/2" meter	<input type="text"/>	-Other
Total Water Connections: <input type="text"/>		Total Sewer Connections: <input type="text"/>	

20. Has the system reached 85% of its capacity based on TCEQ's minimum requirements?  Yes  No  
 If yes, please explain what steps are being taken to address the capacity issues:

23. List the name, class, and license number of the operator(s) that will be responsible for the system:

Name	Class	License#
See Attachment J		

24. Attach the following maps with each copy of the application: **See Attachment 'K'**

- a. One small scale map clearly showing affected service area with enough detail to accurately locate the area if the application is for the transfer of all or a portion of a CCN.
- b. One large scale map showing the proposed service area boundaries being sold, transferred, or merged and, if available, the existing and proposed facilities. Color coding should be used to differentiate existing from proposed facilities. Facilities and service area boundaries should be shown with such exactness that they can be located on the ground. If transferring area not currently in a CCN or a portion of an existing CCN area please attach the following hard copy maps with each copy of the application:
  1. A general location map delineating the proposed service area with enough detail to accurately locate the proposed area within the county.
  2. A map showing only the proposed area by:
    - i. metes and bounds survey certified by a licensed state or registered professional land surveyor; or
    - ii. projectable digital data with metadata (proposed areas should be in a single record and clearly labeled, data disk should be included); or
    - iii. following verifiable natural and man-made landmarks, or
    - iv. a copy of recorded plat map with metes and bounds.
  3. A written description of the proposed service area.

OATH FOR PURCHASER OR ACQUIRING ENTITY

STATE OF Texas

COUNTY OF Harris

I, Carey A. Thomas, being duly sworn, file this application for

sale, lease, rental or merger or consolidation as Sr. VP, Undine Texas, LLC (indicate relationship to applicant) that is, owner, member of partnership, title as officer of corporation, or other authorized representative of applicant); that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the documents filed with this application, and have complied with all the requirements contained in the application; and, that all such statements made and matters set forth therein with respect to applicant are true and correct. Statements about other parties are made on information and belief. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Commission.

I am also authorized and do agree to be bound by and comply with any outstanding orders of the Texas Commission on Environmental Quality, the Public Utility Commission of Texas or the Attorney General which have been issued to the system or facilities being acquired and recognize that I will be subject to administrative penalties or other enforcement actions if I do not comply.

Carey A. Thomas  
AFFIANT  
(Utility's Authorized Representative)

If the Affiant to this form is any person other than the sole owner, partner, officer of the Applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

Applicant represents that all other parties to this transaction have been furnished copies of this completed application.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of Texas, this day 14th of JANUARY, 20 17.

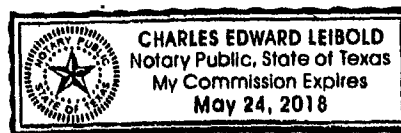
SEAL

Charles E. Leibold  
NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS

CHARLES E. LEIBOLD  
PRINT OR TYPE NAME OF NOTARY

MY COMMISSION EXPIRES 5/24/2018

One copy of this page must be submitted for each utility involved in this transaction.



Part G – Oaths and Notices

OATH FOR SELLER OR FORMER SERVICE PROVIDER

STATE OF Texas

COUNTY OF Brazoria

I, Leggry Paul, being duly sworn, file this application for sale, lease, rental or merger or consolidation as President, Orbit Systems, Inc. (indicate relationship to applicant) that is, owner, member of partnership, title as officer of corporation, or other authorized representative of applicant); that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the documents filed with this application, and have complied with all the requirements contained in the application; and, that all such statements made and matters set forth therein with respect to applicant are true and correct. Statements about other parties are made on information and belief. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Commission.

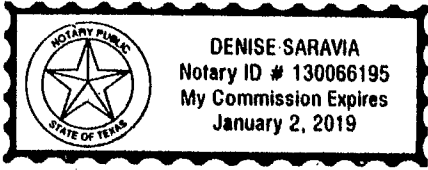
I further state that I have provided to the purchaser or transferee a written disclosure statement about any contributed property as required under Section 13.301(j) and copies of any outstanding Orders of the Texas Commission on Environmental Quality, the Public Utility Commission of Texas, or Attorney General and have also complied with the notice requirements in Section 13.301(k) of the Texas Water Code.

Leggry Paul  
AFFIANT  
(Utility's Authorized Representative)

If the Affiant to this form is any person other than the sole owner, partner, officer of the Applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of Texas, this day 3rd of January, 20 17.

SEAL



Denise Saravia  
NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS

Denise Saravia  
PRINT OR TYPE NAME OF NOTARY

MY COMMISSION EXPIRES 1-2-19

One copy of this page must be submitted for each utility involved in this transaction.

Notice to Current Customers, Neighboring Systems and Cities

Orbit Systems, Inc \_\_\_\_\_ 'S  
(Seller's or Transferor's Name)

NOTICE OF INTENT TO SELL FACILITIES AND TRANSFER CERTIFICATE OF CONVENIENCE AND  
NECESSITY (CCN) NO 11982 & 20682 TO Undine Texas, LLC  
(Purchaser's or Transferee's Name)

IN Brazoria, Fort Bend, & Matagorda COUNTY, TEXAS

To: \_\_\_\_\_ Date Notice Mailed \_\_\_\_\_, 20 \_\_\_\_\_  
(Name of Customer, Neighboring System or City)

\_\_\_\_\_  
(Address)

City State Zip

Orbit Systems, Inc 1302 Airline N. Rosharon, Texas 77583  
Sellers or Transferors' Name Address City/State/Zip Code

has submitted an application with the Public Utility Commission of Texas to sell facilities and transfer  
water or sewer (please select) CCN No. 11982 & 20682 in Brazoria, Fort Bend and Matagorda [County Name]

County to:

Undine Texas, LLC 10913 Metronome Dr. Houston Texas 77043  
Purchasers or Transferee's Name Address City/State/Zip Code

The sale is scheduled to take place as approved by the Commission (V.T.C.A., Water Code §13.301). The transaction and the transfer of  
the CCN include the following subdivision(s):

Please see Attachment 'K'

The area subject to this transaction is located approximately \_\_\_\_\_ miles \_\_\_\_\_ [direction] of  
downtown \_\_\_\_\_, [City or Town] Texas, and is generally bounded on the north by  
P \_\_\_\_\_; on the east by \_\_\_\_\_  
; on the south by \_\_\_\_\_; and on the west by \_\_\_\_\_

The total area being requested includes approximately \_\_\_\_\_ acres and serves \_\_\_\_\_ current customers.  
This transaction will have the following effect on the current customer's rates and services:  
This application will not change the customers rates

Affected persons may file written protests and/or request a public hearing within 30 days of this notice.

To request a hearing, you must:

- (1) state your name, mailing address and daytime telephone number;
- (2) state the applicant's name, application number or another recognizable reference to this application;
- (3) include the statement "I/we request a public hearing";
- (4) write a brief description of how you, the persons you represent, or the public interest would be adversely affected by the proposed transaction and transfer of the CCN; and
- (5) state your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Only those persons who submit a written request to be notified of a hearing will receive notice if a hearing is scheduled. The Commission will issue the CCN requested in the referenced application unless a hearing is scheduled to consider the transaction. If no protests or requests for hearing are filed during the comment period, the Commission may issue the CCN 30 days after publication of this notice.

Persons who wish to protest or request a hearing on this application should write the:

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

**Se desea informacion en Espanol, puede llamar al  
1-888-782-8477**

---

Utility Representative

---

Utility Name



FORM B

Docket No. \_\_\_\_\_

Notice to Current Customers, Neighboring Systems, Landowner and Cities

Orbit Systems, Inc 'S NOTICE OF INTENT TO SELL FACILITIES TO  
(Seller's or Transferor's Name)

Undine Texas, LLC AND FOR Undine Texas, LLC  
(Purchaser's or Transferee's Name) Purchaser's or Transferee's Name)

TO OBTAIN OR AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) IN  
Brazoria, Fort Bend, & Matagorda COUNTY, TEXAS

To: \_\_\_\_\_ Date Notice Mailed \_\_\_\_\_, 20\_\_\_\_  
(Name of Customer, Neighboring System, Landowner or City)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
City State Zip

Orbit Systems, Inc 1302 Airline N. Rosharon, Texas 77583  
Sellers or Transferors' Name Address City/State/Zip Code

has submitted an application with the Public Utility Commission of Texas to sell water or sewer (please  
select) Facilities in Brazoria, Fort Bend, & Matagorda [County Name] County to:

Undine Texas, LLC 10913 Metronome Dr. Houston Texas 77043  
Purchasers or Transferee's Name Address City/State/Zip Code

The transferee has also requested to obtain/amend a CCN in this application. The sale is scheduled to take place as approved by the  
Commission (Texas Water Code §13.301). The transaction and the proposed service area include the following subdivision(s):

Please see Attachment 'K'

The area subject to this transaction is located approximately \_\_\_\_\_ miles \_\_\_\_\_ [direction] of  
downtown \_\_\_\_\_, [City or Town] Texas, and is generally bounded on the north by

\_\_\_\_\_ ; on the east by \_\_\_\_\_  
; on the south by \_\_\_\_\_ ; and on the west by \_\_\_\_\_

The total area being requested includes approximately \_\_\_\_\_ acres and serves \_\_\_\_\_ current customers.

This transaction will have the following effect on the current customer's rates and services:

This application will not change the customers rates

Affected persons may file written protests and/or request a public hearing within 30 days of this notice.

To request a hearing, you must:

- (1) state your name, mailing address and daytime telephone number;
- (2) state the applicant's name, application number or another recognizable reference to this application;
- (3) include the statement "I/we request a public hearing";
- (4) write a brief description of how you, the persons you represent, or the public interest would be adversely affected by the proposed transaction and transfer of the CCN; and
- (5) state your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Only those persons who submit a written request to be notified of a hearing will receive notice if a hearing is scheduled. The  
Commission will issue the CCN requested in the referenced application unless a hearing is scheduled to consider the transaction. If no

protests or requests for hearing are filed during the comment period, the Commission may issue the CCN 30 days after publication of this notice.

Persons who wish to protest or request a hearing on this application should write the:

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

**Se desea informacion en Espanol, puede llamar al  
1-888-782-8477**

---

Utility Representative

---

Utility Name

## TABLE OF CONTENT

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### Application for Sale, Transfer, or Merger of a Retail Public Utility

<b>Attachment 'A'</b>	CCN Number, Subdivision Name(s), RN Number(s), TPDES Permit Number, and Current Tariff
<b>Attachment 'B'</b> Confidential	Customer Name, Address, and Deposit Information
<b>Attachment 'C'</b> Confidential	Limited Liability Company – Undine Texas, LLC Organizational Chart
<b>Attachment 'D'</b>	Certificate of Account Status
<b>Attachment 'E'</b> Confidential	Evidence of Financial, Managerial and Technical, and Capabilities
<b>Attachment 'F'</b>	Wastewater Permit Transfer Application
<b>Attachment 'G'</b> Confidential	Financial Information
<b>Attachment 'H'</b>	Utilities within 2-Miles
<b>Attachment 'I'</b>	Individual Page 16 & 17 for Each System, and Inspection Reports
<b>Attachment 'J'</b>	Operators Information
<b>Attachment 'K'</b>	CCN Maps to be Transferred with this Application, and CCN Descriptions
<b>Attachment 'L'</b> Confidential	Letter of Intent

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## **Attachment 'A'**

CCN Number, Subdivision Name, RN Number, TPDES Permit  
Number, Current Tariff

**723 Utility**

CN 600625198  
CCN 11982  
RN 104311618  
PWSID No 0790425  
Subdivision River Ranch

**Angle Acres Mobil Home Park**

CN 600625198  
CCN 20682  
RN 101609832  
TPDES Permit No WQ0012420-001  
EPA ID Number TX0088366  
Subdivision Angle Acres

**Angle Acres Water System**

CN 600625198  
CCN 11982  
RN 101240109  
PWSID No 0200244  
Subdivision Angle Acres

**Bayou Colony Subdivision**

CN 600625198  
CCN 11982  
RN 101232197  
PWSID No 0200358  
Subdivision Raw Land

**Beechwood WWTP**

CN 600625198  
CCN 20682  
RN 101702470  
TPDES Permit No WQ0012113-001  
EPA ID Number TX0079260  
Subdivision Beechwood

**Beechwood Subdivision**

CN 600625198  
CCN 11982  
RN 101197648  
PWSID No 0200245  
Subdivision Beechwood

**Bernard Oaks Subdivision**

CN 600625198  
CCN 11982

RN 101283638  
PWSID No 0200338  
Subdivision Bernard Oaks

**Blue Sage Gardens Subdivision**

CN 600625198  
CCN 11982  
RN 101178028  
PWSID No 0200323  
Subdivision Blue Sage Gardens

**Brandi Estates**

CN 600625198  
CCN 11982  
RN 101256535  
PWSID No 0200325  
Subdivision Brandi Estates

**Brazos Oaks Subdivision**

CN 600625198  
CCN 11982  
RN 104730411  
PWSID No 0200639  
Subdivision Brazos Oaks

**Briar Meadows**

CN 600625198  
CCN 11982  
RN 101209054  
PWSID No 0200410  
Subdivision Briar Meadows

**Colony Cove Subdivision Water System**

CN 600625198  
CCN 11982  
RN 101192722  
PWSID No 0200324  
Subdivision Colony Cove

**Colony Trails Subdivision**

CN 600625198  
CCN 11982  
RN 101187201  
PWSID No 0200604  
Subdivision Colony Trails

**Country Acre Estates**

CN 600625198

CCN 11982  
RN 101270312  
PWSID No 0200274  
Subdivision Country Acre Estates

**Country Meadows**

CN 600625198  
CCN 11982  
RN 101438331  
PWSID No 0200273  
Subdivision Country Meadows

**Crystal Lake Estates PWS**

CN 600625198  
CCN 11982  
RN 105599195  
PWSID No 0790510  
Subdivision Crystal Lake Estates

**Demi John I S Water System**

CN 600625198  
CCN 11982  
RN 101192078  
PWSID No 0200234  
Subdivision Demi John Island

**Demi John Place Water System**

CN 600625198  
CCN 11982  
RN 101190361  
PWSID No 0200185  
Subdivision Demi John Place

**Larkspur Subdivision**

CN 600625198  
CCN 11982  
RN 101245637  
PWSID No 0200339  
Subdivision Larkspur Subdivision

**Lee Ridge Subdivision**

CN 600625198  
CCN 11982  
RN 101225456  
PWSID No 0200506  
Subdivision Lee Ridge

**Mark V Estates**

CN 600625198  
CCN 11982  
RN 101182608  
PWSID No 0200432  
Subdivision Mark V Estates

**Mooreland Subdivision Water System**

CN 600625198  
CCN 11982  
RN 101236081  
PWSID No 0200094  
Subdivision Mooreland

**Quail Valley Ranches Section IV**

CN 600625198  
CCN 11982  
RN 102670759  
PWSID No 0200592  
Subdivision Quail Valley Ranches Section IV

**Riverside Estates**

CN 600625198  
CCN 11982  
RN 101256857  
PWSID No 0200058  
Subdivision Riverside Estates

**Rosharon Road Estates Subdivision**

CN 600625198  
CCN 11982  
RN 101180693  
PWSID No 0200346  
Subdivision Rosharon Road Estates

**Ryan Long Subdivision 2 Water System**

CN 600625198  
CCN 11982  
RN 101277531  
PWSID No 0200108  
Subdivision Ryan Long 2

**San Bernard River Estates**

CN 600625198  
CCN 11982  
RN 102317591  
PWSID No 0200460



Subdivision San Bernard River Estates

**Sandy Meadow Estates Subdivision**

CN 600625198  
CCN 11982  
RN 101177236  
PWSID No 0200335

Subdivision Sandy Meadow Estates

**Snug Harbor Subdivision**

CN 600625198  
CCN 11982  
RN 101224541  
PWSID No 0200053

Subdivision Snug Harbor

**Spanish Bit Plantation Sub**

CN 600625198  
CCN 11982  
RN 101240000  
PWSID No 1610102

Subdivision Spanish Bit Plantation

**Tejas Lakes Subdivision**

CN 600625198  
CCN 11982  
RN 105447775  
PWSID No 0790504

Subdivision Tejas Lakes

**Village Lakes Subdivision**

CN 600625198  
CCN 11982  
RN 104487236  
PWSID No 0200638

Subdivision Raw Land

**Wilco Water**

CN 600625198  
CCN 11982  
RN 101284453  
PWSID No 0200083

Subdivision Wilco

**Wolf Glen Water System**

CN 600625198  
CCN 11982

---

RN

101227528

PWSID No

0200370

Subdivision

Wolf Glen



**WATER UTILITY TARIFF**  
**Docket Number: 45324**

Orbit Systems, Inc.  
(Utility Name)

1302 Airline North  
(Business Address)

Rosharon, Texas 77583  
(City, State, Zip Code)

(281) 369-2041  
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

11982

This tariff is effective in the following counties:

Brazoria, Fort Bend and Matagorda

This tariff is effective in the following cities or unincorporated towns (if any):

City of Manvel (Brandi Estates)

**“The rates set or approved by the city for the systems within its corporate boundary are not presented in this tariff. Those rates are not under the original jurisdiction of the PUC and will have to be obtained from the city or utility.”**

This tariff is effective in the following subdivisions and public water systems:

See attached list

**TABLE OF CONTENTS**

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

SECTION 1.0 -- RATE SCHEDULE.....	2
SECTION 2.0 -- SERVICE RULES AND POLICIES .....	4
SECTION 3.0 -- EXTENSION POLICY .....	15
SECTION 4.0 -- DROUGHT CONTINGENCY PLAN .....	14

APPENDIX A -- SAMPLE SERVICE AGREEMENT  
APPENDIX B -- APPLICATION FOR SERVICE

**PUBLIC UTILITY COMMISSION OF TEXAS**  
**APPROVED**

MAR 07 '16      45324

DOCKET  
CONTROL # \_\_\_\_\_

SECTION 1.0 -- RATE SCHEDULE

Section 1.01 - Rates

<u>Meter Size</u>	<u>Monthly Base Rate</u>	<u>Gallage Charge</u>
5/8" or 3/4"	<u>\$35.00</u> (Includes 0 gallons)	<u>\$3.00</u> per 1000 gallons
1"	<u>\$70.00</u>	
1 1/2"	<u>\$175.00</u>	
2"	<u>\$280.00</u>	
3"	<u>\$525.00</u>	
4" & larger	<u>\$1,100.00</u>	
Unmetered	<u>\$54.78</u>	

**Brazoria County Groundwater Conservation District Production Fee**  
 (Brazoria County Subdivisions only) ..... \$0.03  
 per 1,000 gallons of water usage

**North Fort Bend Water Authority Production Fee**  
 (723 Utility/Riverside Ranch Subdivision only) ..... \$2.75  
 per 1,000 gallons of water usage  
 (Docket No. 45324)

FORM OF PAYMENT: The utility will accept the following forms of payment:

Check X, Money Order X, Other (specify) Online Payment or Automatic Bank Draft  
 THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN \$1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS.

REGULATORY ASSESSMENT ..... 1.0%  
 PUC RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL AND TO REMIT THE FEE TO THE TCEQ.

Section 1.02 - Miscellaneous Fees

TAP FEE ..... \$600.00  
 TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A STANDARD RESIDENTIAL 5/8" or 3/4" METER. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

TAP FEE (Unique costs) ..... Actual Cost  
 FOR EXAMPLE, A ROAD BORE FOR CUSTOMERS OUTSIDE OF SUBDIVISIONS OR RESIDENTIAL AREAS.

TAP FEE (Large meter) ..... Actual Cost  
 TAP FEE IS THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR METER SIZE INSTALLED.

METER RELOCATION FEE ..... Actual Relocation Cost, Not to Exceed Tap Fee  
 THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS THAT AN EXISTING METER BE RELOCATED.

Docket No. 45324

PUBLIC UTILITY COMMISSION OF TEXAS  
 APPROVED  
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 45324  
 CONTROL # \_\_\_\_\_

SECTION 1.0 -- RATE SCHEDULE (Continued)

METER TEST FEE .....\$25.00
THIS FEE WHICH SHOULD REFLECT THE UTILITY'S COST MAY BE CHARGED IF A CUSTOMER REQUESTS A SECOND METER TEST WITHIN A TWO-YEAR PERIOD AND THE TEST INDICATES THAT THE METER IS RECORDING ACCURATELY. THE FEE MAY NOT EXCEED \$25.

RECONNECTION FEE
THE RECONNECT FEE MUST BE PAID BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS (OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF):
a) Non payment of bill (Maximum \$25.00).....\$25.00
b) Customer's request that service be disconnected .....\$50.00

TRANSFER FEE .....\$25.00
THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHEN THE SERVICE IS NOT DISCONNECTED.

LATE CHARGE (EITHER \$5.00 OR 10% OF THE BILL) .....\$5.00
PUC RULES ALLOW A ONE-TIME PENALTY TO BE CHARGED ON DELINQUENT BILLS. A LATE CHARGE MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE .....\$25.00
RETURNED CHECK CHARGES MUST BE BASED ON THE UTILITY'S DOCUMENTABLE COST.

CUSTOMER DEPOSIT RESIDENTIAL (Maximum \$50).....\$50.00

COMMERCIAL & NON-RESIDENTIAL DEPOSIT..... 1/6TH OF ESTIMATED ANNUAL BILL

GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE:
WHEN AUTHORIZED IN WRITING BY PUC AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING. [§24.21(K)(2)]

LINE EXTENSION AND CONSTRUCTION CHARGES:
REFER TO SECTION 3.0--EXTENSION POLICY FOR TERMS, CONDITIONS, AND CHARGES WHEN NEW CONSTRUCTION IS NECESSARY TO PROVIDE SERVICE.

PURCHASED WATER AND/OR DISTRICT FEE PASS THROUGH CLAUSE:
Changes in fees imposed by any non-affiliated third party water supplier or underground water district having jurisdiction over the Utility shall be passed through as an adjustment to the water gallonage charge according to the following formula:

AG=G + B/(1-L), where
AG= adjusted gallonage charge, rounded to the nearest one cent:
G= approved gallonage charge (per 1,000 gallons);
B=change in purchased water/district gallonage charge (per 1,000 gallons);
L=system average line loss for preceding 12 months not to exceed 0.15

Docket No. 45324

PUBLIC UTILITY COMMISSION OF TEXAS
APPROVED
MAR 07 '16 45324
CONTROL #

This tariff is effective in the following subdivisions or systems:

PWS #	Subdivision/Facility Name	County
0790425	723 Utility/Riverside Ranch	Fort Bend
0200244	Angle Acres Mobile Home Park	Brazoria
0200245	Beechwood	Brazoria
0200358	Bayou Colony Subdivision	Brazoria
0200338	Bernard Oaks	Brazoria
0200323	Blue Sage Gardens	Brazoria
0200325	Brandi Estates *	Brazoria
0200639	Brazos Oaks Subdivision	Brazoria
0200410	Briar Meadows	Brazoria
0200324	Colony Cove	Brazoria
0200604	Colony Trails	Brazoria
0200275	Coronado Country	Brazoria
0200274	Country Acres Estates	Brazoria
0200273	Country Meadows	Brazoria
0790510	Crystal Lake Estates	Fort Bend
0200185	Demi-John Place	Brazoria
0200234	Demi-John Island	Brazoria
0200360	Grasslands (Airline Road Est)	Brazoria
0200339	Larkspur	Brazoria
0200506	Lee Ridge	Brazoria
0200432	Mark V Subdivision	Brazoria
0200094	Mooreland	Brazoria
0200566	Oak Meadows	Brazoria
0200597	Paloma Acres Subdivision	Brazoria
0200592	Quail Valley Ranches Sec. IV	Brazoria
0200058	Riverside Estates	Brazoria
0200346	Rosharon Road Estates	Brazoria
0200036	Rosharon Township	Brazoria
0200108	Ryan Long II	Brazoria
0200460	San Bernard River Estates	Brazoria
0200335	Sandy Meadows	Brazoria
0200053	Snug Harbor	Brazoria
1610102	Spanish Bit Plantation	Matagorda
0200624	Stoneridge Lakes Subdivision	Brazoria
0790504	Tejas Lakes	Fort Bend
0200638	Village Lakes	Brazoria
0200083	Wilco Water/Holiday Beach	Brazoria
0200370	Wolf Glen	Brazoria

\*Brandi Estates subject to City of Manvel Approval

Docket No. 45324

PUBLIC UTILITY COMMISSION OF TEXAS  
APPROVED

MAR 07 '16 45324

CONTROL # \_\_\_\_\_

**SEWER UTILITY TARIFF  
FOR**

Orbit Systems, Inc.  
(Utility Name)

1302 Airline North  
(Business Address)

Rosharon, Texas, 77583  
(City, State, Zip Code)

(713) 266-8288  
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

20682

This tariff is effective in the following county:

Brazoria

This tariff is effective in the following cities or unincorporated towns (if any):

None

This tariff is effective for the following water quality permit numbers:

Angle Acres WWTP (12420-001)

Beechwood WWTP (12113-001)

Grasslands WWTP (12672-001)

**TABLE OF CONTENTS**

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

SECTION 1.0 – RATE SCHEDULE .....	2
SECTION 2.0 – SERVICE RULES AND POLICIES.....	3
SECTION 3.0 – EXTENSION POLICY .....	7
APPENDIX A – SAMPLE SERVICE AGREEMENT	

TEXAS COMM. ON ENVIRONMENTAL QUALITY  
37678-R, CCN 20682, OCTOBER 10, 2013  
APPROVED TARIFF BY gg / BT

SECTION 1.0 - RATE SCHEDULE

<u>Meter Size</u>	<u>Monthly Minimum Charge</u>	<u>Gallage Charge</u>
All Meters	\$30.00 (Includes 0 gallons)	\$3.00 per 1000 gallons

**Flat Rate** \$47.01 for new service prior to establishment of winter months' average.

Volume charges are determined based on average consumption for winter period which includes the following months: December, January, and February.

FORM OF PAYMENT: The utility will accept the following forms of payment:  
Check X, Money Order X, Other (specify) Online Payment or Automatic Bank Draft  
THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN \$1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS.

REGULATORY ASSESSMENT.....1.0%  
TCEQ RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL.

Section 1.02 - Miscellaneous Fees

TAP FEE.....\$600.00  
TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A STANDARD RESIDENTIAL CONNECTION. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

TAP FEE (Large Connection Tap) .....Actual Cost  
TAP FEE IS THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR TAP SIZE INSTALLED.

RECONNECTION FEE  
THE RECONNECT FEE MUST BE PAID BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS (OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF):

- a) Non payment of bill (Maximum \$25.00).....\$25.00
- b) Customer's request that service be disconnected ..... \$50.00

RATES LISTED ARE EFFECTIVE ONLY  
IF THIS PAGE HAS TCEQ APPROVAL STAMP.

TEXAS COMM. ON ENVIRONMENTAL QUALITY  
37678-R, CCN 20682, OCTOBER 10, 2013  
APPROVED TARIFF BY gg/BD



SECTION 1.0 - RATE SCHEDULE

TRANSFER FEE.....\$25.00  
THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHEN THE SERVICE IS NOT DISCONNECTED

LATE CHARGE (EITHER \$5.00 OR 10% OF THE BILL).....\$5.00  
TCEQ RULES ALLOW A ONE-TIME PENALTY TO BE CHARGED ON DELINQUENT BILLS. A LATE CHARGE MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE .....\$25.00  
RETURNED CHECK CHARGES MUST BE BASED ON THE UTILITY-S DOCUMENTABLE COST.

CUSTOMER DEPOSIT RESIDENTIAL (Maximum \$50) ..... \$50.00

COMMERCIAL & NON-RESIDENTIAL DEPOSIT .....1/6TH OF ESTIMATED ANNUAL BILL

GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE:  
WHEN AUTHORIZED IN WRITING BY TCEQ AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING. [30 TAC 291.21(K)(2)]

LINE EXTENSION AND CONSTRUCTION CHARGES:  
REFER TO SECTION 3.0--EXTENSION POLICY FOR TERMS, CONDITIONS, AND CHARGES WHEN NEW CONSTRUCTION IS NECESSARY TO PROVIDE SERVICE.

RATES LISTED ARE EFFECTIVE ONLY  
IF THIS PAGE HAS TCEQ APPROVAL STAMP

TEXAS COMM. ON ENVIRONMENTAL QUALITY  
37678-R, CCN 20682, OCTOBER 10, 2013  
APPROVED TARIFF BY gjj/BD

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**Attachment 'B'**

***Confidential***

Customer Name and Address and Deposit Information

**Attachment 'C'**

***Confidential***

Limited Liability Company Agreement Undine Texas, LLC  
Organizational Chart

---

## **Attachment 'D'**

Certificate of Account Status

Corporations Section  
P.O.Box 13697  
Austin, Texas 78711-3697



Carlos H. Cascos  
Secretary of State

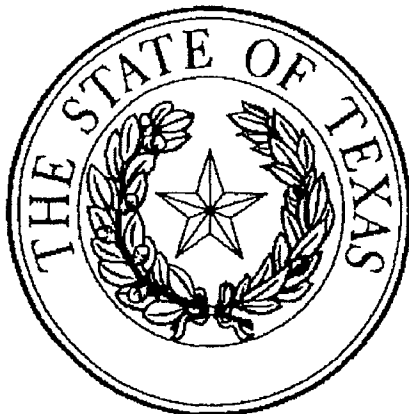
## Office of the Secretary of State

### Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Application for Registration for Undine Texas, LLC (file number 802339329), a DELAWARE, USA, Foreign Limited Liability Company (LLC), was filed in this office on November 25, 2015.

It is further certified that the entity status in Texas is in existence.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on January 04, 2017.



A handwritten signature in black ink, appearing to read "Cascos", followed by a horizontal line.

Carlos H. Cascos  
Secretary of State

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## **Attachment 'E'**

***Confidential***

Evidence of Financial, Managerial and Technical Capabilities

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## **Attachment 'F'**

Wastewater Permit Transfer Application  
**Please Note That Transfer Will Not Occur Until PUC  
Approvals Have Been Obtained**

January 4, 2017

Executive Director  
Texas Commission on Environmental Quality  
Attn: Water Quality Division  
Applications Review and Processing Team (MC 148)  
P.O. Box 13087  
Austin, Texas 78711-3087

To Whom It May Concern:

Please find enclosed one original application for a Wastewater Discharge Permit Transfer according to the following:

Type of Application: **Domestic Wastewater Discharge Permit Transfer**

Applicant: **Undine Texas, LLC**

Permit Number: **WQ00 12420-001**

Name of the Facility: **Angle Acres WWTP**

**Please note that the transfer will not occur until the Public Utility Commission of Texas has approved a pending Sale, Transfer Merger Application.**

Thank you,



Jeff Goebel  
Manager of Business Development

Enclosure







# Application and Instructions to Transfer a Wastewater Permit or CAFO Permit

## Submission Checklist - Submit This with the Application

Indicate If The Following Are Included In The Application. Additional Blank Spaces Provided for Referencing Applicant's Attachments to the application.

Attachments	Y	N
Required Signature Pages	✓	
Copy Of The Check or Payment Voucher Submitted For Transfer Application Processing Fee	✓	
Core Data Form - Required To Complete Transfer Application	✓	
Lease Agreements – if applicable		✓
Proof of Ownership – Required for CAFO Permits		✓

### For Commission Use Only

Permit Number WQ00 \_\_\_\_\_ EPA I.D. No. \_\_\_\_\_

Expiration Date \_\_\_\_\_ County \_\_\_\_\_ Region \_\_\_\_\_

**1. Applicant General Information**

What is the Legal Name of the entity (applicant) applying for this permit? *(The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal document forming the entity.)*

a. **Facility Owner:** Undine Texas, LLC.

What is the applicant's mailing address (for use on the permit and permit correspondence) as recognized by the US Postal Service? You may verify the address at:

<http://zip4.usps.com/zip4/welcome.jsp>

Street Number/Name 10913 Metronome Street type Dr. **OR**

P.O. Box \_\_\_\_\_ City Houston State TX Zip code 77043

Telephone number (713) 574-5953 Fax number (713) 647-0277

Email address: info@undinellc.com

Tax Identification Number issued by the State Comptroller 32058916225

Charter Number issued by the Texas Secretary of State 802339329

If the applicant is currently a customer with TCEQ, what is the Customer Number (CN)? Search for your CN at:

<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN \_\_\_\_\_

If the owner has not yet received a Customer Reference Number a complete Core Data Form(TCEQ-10400) listing the owner as the customer and this facility as the regulated entity must be attached to this application.

b. **Co-Permittee Information** - (Complete only if the operator is required to apply as a co-permittee)

**Co-Permittee Name:** \_\_\_\_\_

What is the mailing address (for use on the permit and permit correspondence) as recognized by the US Postal Service? You may verify the address at:

<http://zip4.usps.com/zip4/welcome.jspMailing>

Street Number/Name \_\_\_\_\_ Street type \_\_\_\_\_ **OR**

P.O. Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip code \_\_\_\_\_

Telephone number \_\_\_\_\_ Fax number \_\_\_\_\_

Email address: \_\_\_\_\_

Tax Identification Number issued by the State Comptroller \_\_\_\_\_

Charter Number issued by the Texas Secretary of State \_\_\_\_\_

If the applicant is currently a customer with TCEQ, what is the Customer Number (CN)? Search for your CN at:

<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN \_\_\_\_\_

If the owner has not yet received a Customer Reference Number a complete Core Data Form (TCEQ-10400) listing the owner as the customer and this facility as the regulated entity must be attached to this application.

- c. **Individual information** - Pursuant to the Texas Water Code 26.027(b), supply the following information when the applicant is an individual.

Male       Female

Full Legal Name:

First \_\_\_\_\_ Middle \_\_\_\_\_ Last \_\_\_\_\_

State ID Number: \_\_\_\_\_ Date of Birth \_\_\_\_\_

Street Number/Name \_\_\_\_\_ Street type \_\_\_\_\_

Telephone number \_\_\_\_\_ Fax number \_\_\_\_\_

Email address: \_\_\_\_\_

If the applicant is currently a customer with TCEQ, what is the Customer Number (CN)? Search for your CN at:

<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN \_\_\_\_\_

If the owner has not yet received a Customer Reference Number a complete Core Data Form (TCEQ-10400) listing the owner as the customer and this facility as the regulated entity must be attached to this application.

## 2. **Contact Information**

### a. **Application Contact**

Identify the person, including a complete mailing address, telephone number, and fax number, authorized to act for the applicant during the processing of the transfer application. The person identified will be contacted if additional information is needed during the transfer process.

First/Last Name: Jeff Goebel

Street Number/Name 10913 Metronome Street type Dr. **OR**

P.O. Box \_\_\_\_\_ City Houston State TX Zip code 77043

Telephone number (713) 574-5953 Fax number (713) 647-0277

Email address: jgoebel@undinellc.com

### b. **Permit Contact:**

Identify the person, including a complete mailing address, telephone number, and fax number, that can be contacted by the agency as needed throughout the term of the permit/registration.

First/Last Name: Andy Thomas  
Street Number/Name 10913 Metronome Street type Dr. OR  
P.O. Box \_\_\_\_\_ City Houston State TX Zip code 77043  
Telephone number (713) 574-5953 Fax number (713) 647-0277  
Email address: athomas@undinellc.com

### 3. Permit/Registration Information

- a. What is the TCEQ Water Quality Permit No.? WQ0012420001
- b. What is the EPA ID No.?: TX 0088366
- c. What is the permit expiration date?: 9/1/18
- d. Check if applicable (for POTWs only)  NA  
 The permit to be transferred requires implementation of an approved pretreatment program by a POTW. (Note: The transferee must contact the Stormwater and Pretreatment Team staff before this application may be processed.)
- e. Check if applicable (for domestic reclaimed water authorizations)  
 There is a domestic reclaimed water authorization associated with this permit. (Note: The domestic reclaimed water authorization associated with this permit will be transferred. If you do not want the domestic reclaimed water authorization transferred, please state this and the authorization will be cancelled on the same date the transfer took place.)

### 4. Site Information

- a. TCEQ issued RE Reference Number (RN): Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at:  
<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch>  
RN 101609832
- b. Site Name: Angle Acres WWTP
- c. County in which the facility is located Brazoria
- d. Owner of the land where the facility is/will be: (if not the same as the facility owner, please see instructions) same  
Street Number: \_\_\_\_\_ Street Name: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_
- e. Owner of the effluent disposal site (if not the same as the facility owner, please see instructions) NA  
Street Number: \_\_\_\_\_ Street Name: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

- f. For CAFOs – please provide one of the following:  NA
- Warranty Deed  Property Tax Records
- Lease – includes authorization to use the land for the duration of the permit. The owner of the land must be the co-permittee
- \_\_\_ Facility Size - indicated in proof of ownership: \_\_\_\_\_ acres (should be the same as what is authorized in the current permit)

### 5. The Date Transfer of Ownership/Operator Will Occur

Date: \_\_\_\_\_ Upon PUC Approval

Please note that the transfer will be processed once the change in ownership occurs. If the anticipated date of transfer of ownership changes, the transferee or the transferor must notify the Applications Review and Processing Team in writing, prior to the above given date. The transferee assumes complete responsibility of the permit/registration once the permit/registration transfer is issued, unless an executed agreement by the transferor and transferee is provided with the transfer application including payment of any outstanding annual fees.

### 6. Reporting and Billing Information

- a. Please provide the mailing address for receiving self-reporting/DMR Forms.

Prefix (Mr. Ms, Miss): Ms.

First/Last Name: Carey A. Thomas Suffix: \_\_\_\_\_

Title: Sr. Vice President Credential: \_\_\_\_\_

Organization Name: Undine Texas, LLC.

Billing Mailing Address: 10913 Metronome Dr.

Internal Routing (Mail Code, Etc.): \_\_\_\_\_

City: Houston State: TX ZIP Code: 77043

Mailing Information if outside USA:

Territory: \_\_\_\_\_ Country Code: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone No.: (713) 574-5953 Extension: \_\_\_\_\_

Fax No.: (713) 647-0277 E-mail Address: cthomas@undinellc.com



Did you know you can submit DMR data on line? Go to Sign up now at: <https://www6.tceq.texas.gov/steers/>

- b. The permittee is responsible for paying the annual fee. The annual fee will be assessed to permits active on September 1 of each year. TCEQ will send a bill to the address provided in this section. The permittee is responsible for terminating the permit when it is no longer needed.

Is the billing address the same as the permittee or co-permittee?

Permittee     Co-permittee     No, fill out this section

Prefix (Mr. Ms, Miss): \_\_\_\_\_

First/Last Name: \_\_\_\_\_ Suffix: \_\_\_\_\_

Title: \_\_\_\_\_ Credential: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Billing Mailing Address: \_\_\_\_\_

Internal Routing (Mail Code, Etc.): \_\_\_\_\_

City: \_\_\_\_\_ State: TX ZIP Code: \_\_\_\_\_

Mailing Information if outside USA.

Territory: \_\_\_\_\_ Country Code: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Extension: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

- c. Delinquent fees owed.

Do you owe fees to the TCEQ?     Yes     No

If yes, please provide the amount past due, the type of fee, and an identifying number.

\_\_\_\_\_

- d. Delinquent penalties owed.

Do you owe penalties to the TCEQ?     Yes     No

If yes, please provide the amount past due, the type of penalty, and an identifying number.

\_\_\_\_\_

7. **Transferor (Current Permittee)**

Owner of Permitted Facility

I, Peggy Paul Title President  
(Executive Principal Officer / Ranking Elected Official)

consent to the transfer of the permit and I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized under 30 Texas Administrative Code '305.44 to sign this document and can provide documentation in proof of such authorization upon request.

Signature: Peggy Paul Date: 1/3/2017

**NOTE: ALL APPLICATIONS MUST BEAR THE SIGNATURE AND SEAL OF NOTARY PUBLIC.**

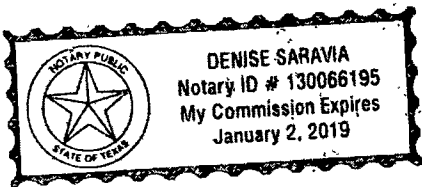
SUBSCRIBED AND SWORN to before me by the said Peggy Paul

on this 3rd day of January, 2017

My commission expires on the 2nd day of January, 2019

(Seal)

Denise Saravia  
Notary Public  
Brazoria  
County, Texas



**8. Transferor (Operator of Permitted Facility)**

(Operator's signature is required only if the operator is co-permittee on the current permit).

I, \_\_\_\_\_ Title: \_\_\_\_\_  
(Executive Principal Officer / Ranking Elected Official)

consent to the transfer of the permit and I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized under 30 Texas Administrative Code '305.44 to sign this document and can provide documentation in proof of such authorization upon request.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTE: ALL APPLICATIONS MUST BEAR THE SIGNATURE AND SEAL OF NOTARY PUBLIC.**

SUBSCRIBED AND SWORN to before me by the said \_\_\_\_\_

on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
County, Texas



9. Transferee (New Site Owner and/or Operator)

Please refer to page 3 of this application for signature requirements

I, Carey A. Thomas Title Sr. Vice President  
(Printed name and title of executive officer of at least the level of V.P. or equivalent)

Name of company: Undine Texas, LLC

being duly sworn, depose and say: that a change of ownership of the facility for the subject permit has been issued will occur as indicated in the application. As a condition of the transfer, I do hereby declare that:

The transferee will be the owner of the existing treatment facility from which wastewater is discharged, deposited or disposed or the facilities required to comply with the permit will be constructed as described in the application considered by the TCEQ prior to the issuance of the permit.

The transferee possesses a copy of the permit, understands the terms and conditions therein, and does accept and assume all obligations of the permit.

The transferee assumes financial responsibility for the proper maintenance and operation of all waste treatment and disposal facilities required by the permit or which may be required to comply with the permit terms and conditions. The transferee certifies that the transfer is not made for the purpose of avoiding liability for improper actions carried out prior to the date of transfer. Neither is the transfer made for the purpose of transferring responsibility for improper operations to an insolvent entity.

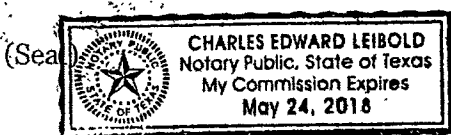
The transferee certifies under penalty of law that this document is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations and revocation of this permit.

Signature: Carey A. Thomas Date: 1/4/2017

SUBSCRIBED AND SWORN to before me by the said CAREY A. THOMAS on

this 4<sup>th</sup> day of JANUARY, 2017

My commission expires on the 24<sup>th</sup> day of MAY, 2018.



Charles E. Leibold  
Notary Public

HARRIS  
County, Texas

\*\* Operator is required to sign only if operator is required to be a co-permittee.

10. THIS PAGE IS APPLICABLE TO PERMITS THAT INCLUDE COMPOSTING FACILITIES, LAND APPLICATION AND/OR DISPOSAL OF SEWAGE SLUDGE AND THE TRANSFEREE DOES NOT OWN THE LAND WHERE THE DISPOSAL ACTIVITY IS CONDUCTED.

**Site Operator**

I, \_\_\_\_\_ Title \_\_\_\_\_  
(Typed or Printed Name)

understand that I am responsible for operating the site described in the legal description in accordance with the Texas Commission on Environmental Quality requirements in 30 TAC, Chapter 332 and/or 312, the conditions set forth in the permit, and any additional conditions as required by the Texas Commission on Environmental Quality. I also certify under penalty of law that all information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine, imprisonment for violations, and revocation of this permit.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTE: ALL APPLICATIONS MUST BEAR THE SIGNATURE AND SEAL OF NOTARY PUBLIC.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me by the said \_\_\_\_\_ on

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
County, Texas

**Complete Only If Landowner Is Not the Site Operator**

I, \_\_\_\_\_ Title \_\_\_\_\_  
(Typed or Printed Name)

owner of the land described in the attached legal description, have all rights and covenants to authorize, the applicant for this Permit, to use this site for the composting, disposal and /or land application Facility. I understand that 30 TAC, Chapter 332 and/or 312 requires me to make a reasonable effort to see that the applicant complies to the required operating conditions stated in the above paragraph. I also certify under penalty of law that all information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine, imprisonment for violations, and revocation of this permit.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTE: ALL APPLICATIONS MUST BEAR THE SIGNATURE AND SEAL OF NOTARY PUBLIC.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me by the said \_\_\_\_\_ on

this \_\_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_

My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
County, Texas

## **Instructions**

### **This application applies to:**

Industrial and Municipal Permits authorized under Chapter 305  
Agriculture Permits authorized under Chapter 321  
Domestic Reclaimed Authorization authorized under Chapter 210

A permit must be transferred when a change in ownership or operator\* occurs. (\*Only if the operator is a co-permittee or is required to hold the permit.)

### **The mailing address for submitting an application is:**

Executive Director  
Texas Commission on Environmental Quality  
Attn: Water Quality Division  
Applications Review and Processing Team (MC 148)  
P.O. Box 13087  
Austin, Texas 78711-3087

### **For Express Mail or Hand Delivery, the physical address is:**

Executive Director  
Texas Commission on Environmental Quality  
Attn: Water Quality Division  
Customer Information and Processing Section  
Applications Review and Processing Team (MC 148)  
Building F, Room 2101  
12100 Park 35 Circle  
Austin, Texas 78753

### **Telephone Inquiries:**

(512) 239-4671	General Permit Information and Application Forms
(512) 239-4671	Domestic Permit Team, Technical Information
(512) 239-4671	Industrial Permit Team, Technical Information
(512) 239-3410	Land Application Team, Technical Information
(512) 239-4671	Stormwater/Pretreatment Team, Pretreatment Information
(512) 239-0600	Environmental Law Division
(512) 239-4427	Stream Survey and Receiving Water Assessment
(512) 239-4427	Toxicity Testing Requirements

Copies of records and/or permits on file with the TCEQ, Records Management Office may be obtained for a minimal fee, by calling (512) 239-2900.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, please contact us at (512) 239-3282.

## **Application Fees**

An application fee of \$100.00 must be paid by check or money order made payable to the Texas Commission on Environmental Quality.

### **\$ Mailed Payments**

Payment must be mailed in a separate envelope to one of the addresses below. Include the attached Application Fee submittal form.

#### **BY REGULAR U.S. MAIL**

Texas Commission on Environmental Quality  
Financial Administration Division  
Cashier's Office, MC-214  
P.O. Box 13088  
Austin, TX 78711-3088

#### **BY OVERNIGHT/EXPRESS MAIL**

Texas Commission on Environmental Quality  
Financial Administration Division  
Cashier's Office, MC-214  
12100 Park 35 Circle  
Austin, TX 78753

### **\$ ePAY Electronic Payment**

Go to: <https://www6.tceq.texas.gov/epay/>

When making the payment you must select Water Quality, and then select the fee category "CAFO PERMIT- TRANSFER APPLICATION." You must include a copy of the payment voucher with your application, which will not be considered complete without the payment voucher.

To verify receipt of payment or any other questions you may have regarding payment of fees to the TCEQ, you may call the Revenues Section, Cashiers Office at (512) 239-0357.

## **Water Quality Fees**

This fee is assessed under the Texas Water Code, Chapter 26, to permittees with an active permit on September 1 of each year. The permittee will receive an invoice for payment of the annual fee in November. The payment will be due 30 days from the invoice date, November 30th. A 5% penalty will be assessed if the payment is not received by TCEQ by the due date. Annual fee assessments cannot be waived as long as the permit is active on September 1.

Pursuant to 30 TAC, Section 305.66, failure to pay fees is good cause for permit denial or revocation. If an applicant has outstanding fees, a proposed permit application will not be considered for approval by the Commission or Executive Director. For account balance information, contact the Financial Administration Division, Revenue Section, at (512) 239-0344.

## 1. Applicant General Information

The permittee/registrant shall submit to the Executive Director an application for transfer at least 30 days before the proposed transfer date.

One original and one copy of the application, including attachments is to be provided. Please read the application and instructions carefully. It has been designed to obtain specific information and anything that is missing or unclear will cause delays in the process.

The entity/individual to which a permit is issued is held responsible and liable for complying with the terms and conditions of the permit. This permit may be transferred upon approval by the Texas Commission on Environmental Quality. An attempted transfer is not effective for any purpose until actually approved by the Commission.

If no agreement regarding transfer of permit responsibility and liability is provided, responsibility for compliance with the terms and conditions of the permit and liability for any violation associated therewith is assumed by the transferee, effective on the date of the approved transfer. This section is not intended to relieve a transferor of any liability.

If the transferor has an approved pretreatment program, then the transferee is required to contact the Stormwater and Pretreatment Team staff before this transfer application may be processed.

If a person attempting to acquire a permit causes or allows operation of the facility before approval is given, such person shall be considered to be operating without a permit or other authorization.

The Commission may refuse to approve a transfer where conditions of a judicial decree, compliance agreement or other enforcement order have not been entirely met. The Commission shall also consider the prior compliance record of the transferee, if any.

### Who Applies for a Permit?

**For all Texas Pollutant Discharge Elimination System (TPDES) permits:** it is the duty of the facility operator to submit an application for a permit as co-permittee with the facility owner when the operator is contracted by the owner. The operator is not required to apply as co-permittee when the operator is an employee of the facility owner. **If the owner of the facility is not the same as the owner of the land, please see Lease and Easement Requirements.**

**For Texas Land Application Permits:** it is the duty of the owner of the facility to submit an application for a permit. **If the owner of the facility is not the same as the owner of the land, please see Lease and Easement Requirements below.** In special circumstances, it is the duty of the owner and the operator of the treatment facility to submit an application for a permit, as co-permittees.

**For all CAFOs:** the owner of the land must be either the applicant or co-applicant. If the owner of the facility is a separate entity or individual, then the owner of the facility must be included as the applicant or co-applicant. For all CAFO TPDES permits, the operator must be listed as a co-applicant. A signature page must be completed for each applicant. A copy of a recorded deed or tax records showing ownership, or a copy of a contract or lease agreement between the applicant and the owner/operator of any lands to be utilized under the CAFO must be provided. This requirement does not apply to any lands not owned, operated, or controlled by the applicant for the purpose of off-site land application of manure if the manure is given or sold to others for beneficial use, provided the owner/operator of the CAFO is not involved in the application of the manure.

### **Lease and Easement Requirements**

If the owner of the land on which the treatment facility is located is different from the owner of the treatment facility and the treatment facility is not a fixture of the land, the applicant must provide a copy of a lease agreement or recorded easement giving the applicant authorization to use the land, on which the treatment plant is located, for at least the term of the permit.

If the owner of the land on which the treatment facility is located is different from the owner of the treatment facility and the treatment facility **is a fixture of the land**, (Example: pond system, evaporation pond, units halfway in ground, holding ponds, etc.) the owner of the land will need to provide a copy of a deed recorded easement giving the applicant's sufficient rights to use the land for the life of the facility, or apply as a co-permittee with the owner of the treatment facility.

If the applicant does not own the land where the effluent disposal site is located, the applicant must provide a copy of a lease agreement which includes a term of at least 5 years, and is current or if the lease term has passed it includes an option to renew the term, and is between the current applicant and the landowner.

**For CAFOs:** A copy of a recorded deed or tax records showing ownership, or a copy of a contract or lease agreement between the applicant and the owner/operator of any lands to be utilized under the CAFO must be provided. This requirement does not apply to any lands not owned, operated, or controlled by the applicant for the purpose of off-site land application of manure if the manure is given or sold to others for beneficial use, provided the owner/operator of the CAFO is not involved in the application of the manure.

## **2. Contact Information**

### **Application Contact**

Identify the person, including a complete mailing address, telephone number, and fax number, authorized to act for the applicant during the processing of the transfer application. The person identified will be contacted if additional information is needed during the transfer process.

**Permit Contact:**

Identify the person, including a complete mailing address, telephone number, and fax number, that can be contacted by the agency as needed throughout the term of the permit/registration.

**3. Permit/Registration Information**

Enter the TCEQ Water Quality Permit or Registration No. and the EPA ID Number if the permit is a TPDES (discharge) permit.

**4. Site Information**

Enter the TCEQ issued RE Reference Number (RN). To search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site go to:

<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch>

Please provide the site name. If a new site name is requested, enter it in the space provided as well as the Core Data Form.

Enter the physical address for the site. Verify the address with USPS. If the address is not recognized as a delivery address, provide the address as identified for overnight mail delivery, 911 emergencies, or other online map tool to confirm an address.

**5. The Date Transfer of Ownership/Operator Will Occur**

Please enter the date the transfer of ownership will/ has occurred. We cannot process the transfer of ownership until a date is provided. If the date is in the future, please be aware that the transfer application will be reviewed, but not processed until a final date is provided by the applicant.

**6. Reporting and Billing Information**

Please provide the mailing address for receiving annual summary sheet. Provide the name of the person and their complete mailing address delegated to receive and submit Discharge Monitoring Report Forms.

An annual fee is assessed to each permittee on September 1 of each year. Provide the complete mailing address where the annual fee invoice should be mailed. Verify the address with the USPS. It must be an address for delivery of regular mail, not overnight express mail. Also, provide a phone number of the permittee's representative responsible for payment of the invoice.

**Delinquent Fees and Penalties**

Please note that effective September 1, 2006, the TCEQ will no longer issue, amend, or



renew permits, registrations, certifications, or licenses to an entity or person who is delinquent on a penalty or fee owed to the TCEQ. The TCEQ will not declare any application administratively complete that is submitted by a person or entity who is delinquent on a fee or penalty until the fee or penalty is paid, or if on an approved installment plan, that payments under the plan are current. The TCEQ will withhold final action on an application until the fee or penalty is paid and the account is current, if after the application is considered administratively complete, we discover that the owner or entity who submitted the application is delinquent on a fee or penalty.

Please identify whether you owe any fees or penalties to the TCEQ. If fees or penalties are owed, please identify the type of fee or penalty owed, the amount past due, and the TCEQ identifying number. For penalties, please provide the TCEQ docket number. For further information on the Delinquent Fee & Penalty Protocol, see the TCEQ web site at: <http://www.tceq.texas.gov/agency/delin/index.html>.

## Signature Requirements

Pursuant to 30 Texas Administrative Code (TAC) Section 312.10(i): If the transfer form is not signed by both the site operator and the landowner, the application shall be considered a request to cancel the permit.

Signatures on Application: The transferee and transferor are **both** required to sign the transfer application form.

### **An application submitted by a:**      **The application must be signed by:**

- Corporation                      a principal executive officer of at least the level of vice president
- Partnership                      If partnership is registered with the Texas Secretary of State, a general partner as identified in the partnership agreement may sign

If partnership is not registered with the Texas Secretary of State, each partner must sign

- Individual                              the individual
- Trust or Estates                      Each trustee, the executrix or executor, and all parties listed in the trust or estate must sign
- City or county government      a ranking elected official
- Independent school district      at least the level of Assistant Superintendent
- State or Federal                      the application must be signed by a principal executive officer

When another person signs on behalf of the applicant(s), his title or relationship to the applicant must be shown. In all cases, the person signing the form must be authorized to do so by the applicant. A person signing an application on behalf of an applicant(s) must provide proof of authorization. A copy of the authorization letter from the executive officer must be included with the application.

The signature page must bear the seal of a notary public. The date signed by the applicant must be the same as the date notarized. The signature page will not be acceptable if the dates are different.



# TCEQ Core Data Form



For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

## SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.)		
<input type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)		
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)	<input checked="" type="checkbox"/> Other WW Permit Transfer	
2. Customer Reference Number (if issued)	Follow this link to search for CN or RN numbers in <b>Central Registry**</b>	3. Regulated Entity Reference Number (if issued)
CN Pending		RN 101609832

## SECTION II: Customer Information

4. General Customer Information	5. Effective Date for Customer Information Updates (mm/dd/yyyy)		
<input type="checkbox"/> New Customer <input type="checkbox"/> Update to Customer Information <input checked="" type="checkbox"/> Change in Regulated Entity Ownership <input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)			
<b>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</b>			
6. Customer Legal Name (If an individual, print last name first: e.g.: Doe, John)		If new Customer, enter previous Customer below:	
Undine Texas, LLC		Orbit Systems, Inc.	
7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number (if applicable)
802339329	32058916225	371817184	
11. Type of Customer:	<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> Individual	Partnership: <input type="checkbox"/> General <input checked="" type="checkbox"/> Limited
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input checked="" type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Other	<input type="checkbox"/> Sole Proprietorship	<input checked="" type="checkbox"/> Other:	
12. Number of Employees		13. Independently Owned and Operated?	
<input checked="" type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
14. Customer Role (Proposed or Actual) - as it relates to the Regulated Entity listed on this form. Please check one of the following:			
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Operator <input checked="" type="checkbox"/> Owner & Operator <input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> Voluntary Cleanup Applicant <input type="checkbox"/> Other:			
15. Mailing Address:	10913 Metronome Dr.		
	City	State	ZIP
	Houston	TX	77043
16. Country Mailing Information (if outside USA)		17. E-Mail Address (if applicable)	
		info@undinellc.com	
18. Telephone Number	19. Extension or Code	20. Fax Number (if applicable)	
(713) 574-5953		(713) 647-0277	

## SECTION III: Regulated Entity Information

21. General Regulated Entity Information (If 'New Regulated Entity' is selected below this form should be accompanied by a permit application)		
<input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input checked="" type="checkbox"/> Update to Regulated Entity Information		
<b>The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC).</b>		
22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)		
Angle Acres WWTP		

23. Street Address of the Regulated Entity: (No PO Boxes)	120 County Rd 547C						
	City	Angleton	State	TX	ZIP	77515	ZIP + 4
24. County	Brazoria						

Enter Physical Location Description if no street address is provided.

25. Description to Physical Location:							
26. Nearest City	Angleton				State	TX	Nearest ZIP Code
27. Latitude (N) In Decimal:	29.157118		28. Longitude (W) In Decimal:	-95.397165			
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds		
29. Primary SIC Code (4 digits)	4952		30. Secondary SIC Code (4 digits)	31. Primary NAICS Code (5 or 6 digits)		32. Secondary NAICS Code (5 or 6 digits)	
33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description.)							
WWTP							
34. Mailing Address:	10913 Metronome Dr.						
	City	Houston	State	TX	ZIP	77043	ZIP + 4
35. E-Mail Address:							
36. Telephone Number		37. Extension or Code		38. Fax Number (if applicable)			
(713) 574-7760				(713) 647-0277			

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input checked="" type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:

SECTION IV: Preparer Information

40. Name:	Jeff Goebel	41. Title:	Manager of Business Development
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(713) 724-9321		(713) 647-0277	jgoebel@undinellc.com

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	Undine Texas, LLC	Job Title:	Sr. Vice President
Name (In Print):	Carey A. Thomas	Phone:	(713) 574-7760
Signature:	<i>Carey A. Thomas</i>	Date:	1/4/2017

January 4, 2017

Texas Commission on Environmental Quality  
Financial Administration Division  
Cashier's Office, MC-214  
P.O. Box 13088  
Austin, TX 78711-3088

To Whom It May Concern:

Please find enclosed the application fee for a Wastewater Discharge Permit Transfer according to the following:

Type of Application: **Domestic Wastewater Discharge Permit Transfer**

Applicant: **Undine Texas, LLC**

Permit Number: **WQ00 12420-001**

Name of the Facility: **Angle Acres WWTP**

**Please note that the transfer will not occur until the Public Utility Commission of Texas has approved a pending Sale, Transfer Merger Application.**

Thank you,



Jeff Goebel  
Manager of Business Development

Enclosure



**WATER QUALITY PERMIT  
PAYMENT SUBMITTAL FORM**

---

**Use this form to submit you APPLICATION FEE, if you are mailing your payment.**

- Complete items 1 through 5 below:
- Staple your check in the space provided at the bottom of this document.
- Do not mail this form with your application form.
- Do not mail this form to the same address as your application.
- Do not submit a copy of the application with this form as it could cause duplicate permit entries.

**Mail this form and your check to:**

*BY REGULAR U.S. MAIL*

Texas Commission on Environmental  
Quality  
Financial Administration Division  
Cashier's Office, MC-214  
P.O. Box 13088  
Austin, TX 78711-3088

*BY OVERNIGHT/EXPRESS MAIL*

Texas Commission on Environmental  
Quality  
Financial Administration Division  
Cashier's Office, MC-214  
12100 Park 35 Circle  
Austin, TX 78753

Fee Code: WQP      Wastewater Permit No: WQ00 12420001

1. Check / Money Order No: 5238
2. Amount of Check/Money Order: \$100.00
3. Date of Check or Money Order: 1/4/2017
4. Name on Check or Money Order: Undine Utility, LLC

5. APPLICATION INFORMATION

If the check is for more than one application, attach a list of each Project/Site (RE) Name and Physical Address exactly as provided on the application.

Project/Site (RE) Name: 101609832

Project/Site (RE) Physical Address: 101609832

Staple Check in This Space

Undine Utility, LLC  
10913 Metronome Dr.  
Houston, TX 77043

Plains Capital Bank  
88-2299/1113

5238

1/4/2017

PAY TO THE ORDER OF Texas Commission on Environmental Quality

\$ \*\*100.00

One Hundred and 00/100

DOLLARS

PROTECTED AGAINST FRAUD

Texas Commission on Environmental Quality  
Financial Administration Division  
Cashier's Office, MC-214  
P.O. Box 13088  
Austin, TX 78711-3088  
Water Quality Permit WQ0012420001

*Carrey Thomas*  
*Charles L. Lubold*

005238 1 1 1 1 3 2 2 9 9 4 1 2 1 0 0 0 1 1 8 4 6

Undine Utility, LLC

5238

Texas Commission on Environmental Quality

1/4/2017

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
1/4/2017	Bill	Permit WQ0012420001	100.00	100.00		100.00
					Check Amount	100.00

Plains Capital Bank - Water Quality Permit WQ0012420001 100.00

Undine Utility, LLC

5238

Texas Commission on Environmental Quality

1/4/2017

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
1/4/2017	Bill	Permit WQ0012420001	100.00	100.00		100.00
					Check Amount	100.00

PAYMENT RECORD

*1/4/17*

Plains Capital Bank - Water Quality Permit WQ0012420001 100.00



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

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

Orbit Systems, Inc.

whose mailing address is

1302 Airline North  
Rosharon, Texas 77583

is authorized to treat and discharge wastes from the Angle Acres Wastewater Treatment Facility, SIC Code 6515

located at 120 County Road 547C, Angleton, on the southwest quadrant of the intersection of County Road 213 and County Road 547, approximately two miles east of the City of Angleton, in Brazoria County, Texas 77515

to a roadside ditch; thence to a Brazoria County Drainage Ditch; thence to a tidal channel; thence to Bastrop Bayou Tidal in Segment No. 1109 of the San Jacinto-Brazos Coastal Basin

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

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

ISSUED DATE: September 10, 2015

TPDES PERMIT NO. WQ0012420001  
[For TCEQ office use only - EPA I.D.  
No. TX0088366]

This minor amendment supersedes and replaces TPDES Permit No. WQ0012420001 issued on September 11, 2013, and is issued pursuant to 30 TAC § 306.62(c)(2).

  
For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall 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 0.0175 million gallons per day (MGD), nor shall the average discharge during any two-hour period (2-hour peak) exceed 24 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations			Min. Self-Monitoring Requirements	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Report Daily Avg. & Max. Single Grab Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	Five/week	Instantaneous
Biochemical Oxygen Demand (5-day)	20 (2.9)	30	45	One/week	Grab
Total Suspended Solids	20 (2.9)	30	45	One/week	Grab
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	N/A	One/quarter	Grab

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



**DEFINITIONS AND STANDARD PERMIT CONDITIONS**

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

**1. Flow Measurements**

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

**2. Concentration Measurements**

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

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

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

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

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

## MONITORING AND REPORTING REQUIREMENTS

### 1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, a monthly effluent report shall be submitted each month, to the Enforcement Division (MC 224), by the 20<sup>th</sup> 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 12) within seven (7) days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 12) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30<sup>th</sup> 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> (Milligrams per kilogram)*
Arsenic	75
Cadmium	85
Chromium	3000
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
PCBs	49
Selenium	100
Zinc	7500

\* Dry weight basis

### 3. Pathogen Control

All sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site must be treated by one of the following methods to ensure that the sludge meets either the Class A, Class AB or Class B 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 (*) 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, Sec 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 12) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30<sup>th</sup> 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 12) 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 12) 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 12) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30<sup>th</sup> 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.