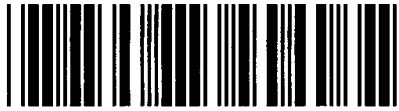




Control Number: 51801



Item Number: 6

Addendum StartPage: 0

The date of the last TCEQ wastewater inspection was December 19th 2018

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The number of additional connections is undetermined at this time as noted in part **B #7** of the application with the box checked the requested area is being developed with no current customers. The property is industrial and could potentially be developed with multiple small customers or one large customers.

The operator information is as follows Robert Dabney TCEQ lic.#ww0042103 and Brandon Bradley TCEQ lic.#ww0064288.

The exact address for Schertz public works is the same as the mailing address referenced in part **A #1** B&C of the application 10 commercial place Bldg.#2



TPDES PERMIT NO. WQ0011269001
[For TCEQ office use only - EPA I.D.
No. TX0077232]

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

This is a renewal that replaces TPDES
Permit No. WQ0011269001 issued on
July 12, 2017.

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

Cibolo Creek Municipal Authority

whose mailing address is

P.O. Box 930
Schertz, Texas 78154

is authorized to treat and discharge wastes from the Odo J. Riedel Regional Water Reclamation
Plant, SIC Code 4952

located at 12423 Authority Lane, in Bexar and Guadalupe Counties, Texas 78154

to Mid Cibolo Creek via Outfall 001 in the Interim phase and via Outfall 001 and Outfall 002 in
the Final Phase in Segment No. 1913 of the San Antonio River Basin (See Attachment B)

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, **five years from the date of issuance.**

ISSUED DATE:

August 21, 2020

A handwritten signature in black ink, appearing to read "T. G. Bahr".

For the Commission

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

1. During the period beginning upon the date of issuance and lasting through completion of expansion to the 10 million gallons per day (MGD) facility, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 6.2 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 11,111 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	Single Grab mg/l	Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	7 (362)	12	22	32	Five/week	Composite
Total Suspended Solids	15 (776)	25	40	60	Five/week	Composite
Ammonia Nitrogen	3 (155)	5	7	15	Five/week	Composite
Chloride	Report (Report)	Report	Report	N/A	Five/week	Composite
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	399	N/A	Three/week	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process. 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 five times per week 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: Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored five times per week by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**Outfall Numbers 001 or 002**

1. During the period beginning upon the completion of expansion of facility to 10 million gallons per day (MGD) and lasting through the date of expiration the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 10 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 18,750 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Daily Max.	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)						
April - October	5 (417)	10	20	30	One/day	Composite
November - March	7 (584)	12	22	32	One/day	Composite
Total Suspended Solids	15 (1,250)	25	40	60	One/day	Composite
Ammonia Nitrogen						
April - October	1.5 (125)	5	7	15	One/day	Composite
November - March	2 (167)	5	7	15	One/day	Composite
Total Phosphorus	1 (83)	2	4	6	One/day	Composite
Chloride	Report (Report)	Report	Report	N/A	One/day	Composite
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	399	N/A	Three/week	Grab

- The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
- The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per day by grab sample.
- There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
- Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
- The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per day by grab sample.
- The annual average flow and maximum 2-hour peak flow shall be reported monthly.

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, effluent monitoring data shall be submitted each month, to the Compliance Monitoring Team of the Enforcement Division (MC 224), by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be submitted online using the NetDMR reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. Monitoring results must be 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 Compliance Monitoring Team of 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. Except as allowed by 30 TAC § 305.132, 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 Compliance Monitoring Team of the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. For Publicly Owned Treatment Works (POTWs), effective December 21, 2023, the permittee must submit the written report for unauthorized discharges and unanticipated bypasses that exceed any effluent limit in the permit using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. 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 Compliance Monitoring Team of 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 Compliance Monitoring Team of 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 Compliance Monitoring Team of 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 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; or
 - 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

- iv. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.
2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.
3. Domestic wastewater treatment facilities shall comply with the following provisions:
 - a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.
 - b. The permittee shall submit a closure plan for review and approval to the 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 219) 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 Corrective Action Section (MC 221) 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 Permitting and Registration Support 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, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge. **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 Sludge. This provision does authorize the permittee to land apply sludge on property owned, leased or under the direct control of the permittee.**

The permittee is authorized to land apply Class B sewage sludge for beneficial use at a rate not to exceed 9 dry tons/acre/year on Fields 1-2, 8.70 dry tons/acre/year on Field 3, 7.12 dry tons/acre/year on Fields 4 and 5, 7.50 dry tons/acre/year on Field 6, 8.72 dry tons/acre/year on Field 7, 8.05 dry tons/acre/year on Field 8, 5.91 dry tons/acre/year on Fields 9 and 10, and 2.06 dry tons/acre/year on the North Field and 2.45 dry tons/acre/year on the East and West Fields within 167.3 acres of land owned by the permittee (See Attachment A).

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.

B. Testing Requirements

1. Sewage sludge shall be tested annually 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 Registration Support Division and the Regional

Director (MC Region 13) 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, Permitting and Registration Support Division (MC 129), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 13) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year. Effective December 21, 2020, the permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

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. of this permit.

TABLE 1

<u>Pollutant</u>	<u>Ceiling Concentration</u> <u>(Milligrams per kilogram)*</u>
Arsenic	75
Cadmium	85
Chromium	3000
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
PCBs	49
Selenium	100
Zinc	7500

* Dry weight basis

3. Pathogen Control

All sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site must be treated by one of the following methods to ensure that the sludge meets either the Class A, Class AB or Class B pathogen requirements.

- a. For sewage sludge to be classified as Class A with respect to pathogens, the density of fecal coliform in the sewage sludge must 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 must 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; or

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 must 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%; or

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; or

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 to the Alternatives 1 – 3, 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	- annually
PCBs	- annually

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

Identify each of the analytic methods used by the facility to analyze enteric viruses, fecal coliforms, helminth ova, *Salmonella* sp., and other regulated parameters.

Identify in the following categories (as applicable) the sewage sludge treatment process or processes at the facility: preliminary operations (e.g., sludge grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.

Identify the nature of material generated by the facility (such as a biosolid for beneficial use or land-farming, or sewage sludge for disposal at a monofill) and whether the material is ultimately conveyed off-site in bulk or in bags.

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

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

A. Pollutant Limits

Table 2

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

Table 3

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

*Dry weight basis

B. Pathogen Control

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

C. Management Practices

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

D. Notification Requirements

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

E. Record keeping Requirements

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

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

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

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

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

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

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

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 13) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year the following information. Effective December 21, 2020, the permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge treatment process or processes at the facility: preliminary operations (e.g., sludge grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. Identify the nature of material generated by the facility (such as a biosolid for beneficial use or land-farming, or sewage sludge for disposal at a monofill) and whether the material is ultimately conveyed off-site in bulk or in bags.
3. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.
4. The frequency of monitoring listed in Section I.C. that applies to the permittee.
5. Toxicity Characteristic Leaching Procedure (TCLP) results.
6. PCB concentration in sludge in mg/kg.
7. Identity of hauler(s) and TCEQ transporter number.
8. Date(s) of transport.
9. Texas Commission on Environmental Quality registration number, if applicable.
10. Amount of sludge disposal dry weight (lbs/acre) at each disposal site.
11. 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.
12. Level of pathogen reduction achieved (Class A, Class AB or Class B).
13. 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.

14. Identify each of the analytic methods used by the facility to analyze enteric viruses, fecal coliforms, helminth ova, *Salmonella* sp., and other regulated parameters.
15. Vector attraction reduction alternative used as listed in Section I.B.4.
16. Amount of sludge transported in dry tons/year.
17. 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.
18. 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 annually 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 Registration Support Division and the Regional Director (MC Region 13) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Permitting and Registration Support Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 13) and the 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 13) and Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year the following information. Effective December 21, 2020, the permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge treatment process or processes at the facility: preliminary operations (e.g., sludge grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. Toxicity Characteristic Leaching Procedure (TCLP) results.
3. Annual sludge production in dry tons/year.
4. Amount of sludge disposed in a municipal solid waste landfill in dry tons/year.
5. Amount of sludge transported interstate in dry tons/year.
6. 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.
7. Identity of hauler(s) and transporter registration number.
8. Owner of disposal site(s).
9. Location of disposal site(s).
10. Date(s) of disposal.

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

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

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

A. General Requirements

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

B. Record Keeping Requirements

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

C. Reporting Requirements

The permittee shall report the following information annually to the TCEQ Regional Office (MC Region 13) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year. Effective December 21, 2020, the permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge treatment process or processes at the facility: preliminary operations (e.g., sludge grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. the annual sludge production;
3. the amount of sludge transported;
4. the owner of each receiving facility;
5. the location of each receiving facility; and
6. the date(s) of disposal at each receiving facility.

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OTHER REQUIREMENTS

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

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

2. The facility is not located in the Coastal Management Program boundary.
3. Chronic toxic criteria apply at the edge of the mixing zone. The mixing zone is defined as 300 feet downstream and 100 feet upstream from the point of discharge.
4. The permittee shall comply with the requirements of 30 TAC § 309.13(a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC § 309.13(e).
5. The permittee shall provide facilities for the protection of its wastewater treatment facility from a 100-year flood.
6. In accordance with 30 TAC § 319.9, a permittee that has at least twelve months of uninterrupted compliance with its bacteria limit may notify the commission in writing of its compliance and request a less frequent measurement schedule. To request a less frequent schedule, the permittee shall submit a written request to the TCEQ Wastewater Permitting Section (MC 148) for each phase that includes a different monitoring frequency. The request must contain all of the reported bacteria values (Daily Avg. and Daily Max/Single Grab) for the twelve consecutive months immediately prior to the request. If the Executive Director finds that a less frequent measurement schedule is protective of human health and the environment, the permittee may be given a less frequent measurement schedule. For this permit, 3/week may be reduced to 1/week in all phases. **A violation of any bacteria limit by a facility that has been granted a less frequent measurement schedule will require the permittee to return to the standard frequency schedule and submit written notice to the TCEQ Wastewater Permitting Section (MC 148).** The permittee may not apply for another reduction in measurement frequency for at least 24 months from the date of the last violation. The Executive Director may establish a more frequent measurement schedule if necessary to protect human health or the environment.
7. The permittee shall notify the TCEQ Regional Office (MC Region 13) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five (45) days prior to the completion of the Final Phase facility on Notification of Completion Form 20007.

8. The permittee is required to notify the local TCEQ Regional Office 48 hours prior to taking annual soil samples at the permitted site.

The permittee shall obtain representative soil samples from the root zones of the land application area. Composite sampling techniques shall be used. Each composite sample shall represent no more than 80 acres with no less than 10 to 15 subsamples representing each composite sample. Subsamples shall be composited by like sampling depth, type of crop and soil type for analysis and reporting. Soil types are soils that have like topsoil or plow layer textures. These soils shall be sampled individually from 0 to 6 inches and 6 to 24 inches below ground level per table below. Soil samples shall be analyzed within 30 days of sample collection.

The permittee shall submit the results of the annual soil sample analyses with copies of the laboratory reports and a map depicting the areas that have received sludge within the permanent land application fields with the "Annual Sludge Summary Report Form" (Attachment C) to the Land Application Team of the Water Quality Assessment Section (MC 150) and the TCEQ Regional Office (MC Region 13), no later than September 30th of each sampling year. If sludge/septage is not applied in a particular year, the permittee shall notify the same TCEQ offices and indicate that sludge has not been applied on the approved land application site(s) during that year.

The permittee must monitor the soil-sludge mixture for the site for the parameters listed below using the soil sampling requirements described in 30 TAC §312.11(d)(2) and (3). Analytical results must be provided on a dry weight basis. The Soil Sampling and Analysis plan shall be provided to the analytical laboratory prior to sample analysis.

No.	PARAMETER ⁷	NOTE	FREQUENCY	SAMPLE DEPTH	
				0" - 6"	6" - 24"
1.	Nitrate Nitrogen (NO ₃ -N, mg/kg)	1	1 per year	X	X
2.	Ammonium Nitrogen (NH ₄ -N,	1	1 per year	X	X
3.	Total Nitrogen (TKN, mg/kg)	2	1 per year	X	X
4.	Phosphorus (plant available,	3	1 per year	X	X
5.	Potassium (plant available, mg/kg)	3	1 per year	X	X
6.	Sodium (plant available, mg/kg)	3	1 per year	X	X
7.	Magnesium (plant available, mg/kg)	3	1 per year	X	X
8.	Calcium (plant available, mg/kg)	3	1 per year	X	X
9.	Electrical Conductivity	4	1 per year	X	X
10.	Soil Water pH (S.U.)	5	1 per year	X	X
11.	Total Arsenic (mg/kg)	6	1 per 5 years	X	N/A
12.	Total Cadmium (mg/kg)	6	1 per 5 years	X	N/A
13.	Total Chromium (mg/kg)	6	1 per 5 years	X	N/A
14.	Total Copper (mg/kg)	6	1 per 5 years	X	N/A
15.	Total Lead (mg/kg)	6	1 per 5 years	X	N/A
16.	Total Mercury (mg/kg)	6	1 per 5 years	X	N/A
17.	Total Molybdenum (mg/kg)	6	1 per 5 years	X	N/A
18.	Total Nickel (mg/kg)	6	1 per 5 years	X	N/A
19.	Total Selenium (mg/kg)	6	1 per 5 years	X	N/A
20.	Total Zinc (mg/kg)	6	1 per 5 years	X	N/A

1. Determined in a 1 N KCl soil extract (<http://soiltesting.tamu.edu/webpages/swftlmethods12009.html>).
 2. Determined by Kjeldahl digestion or an equivalent accepted procedure. Methods that rely on Mercury as a catalyst are not acceptable.
 3. Mehlich III extraction (yields plant-available concentrations) with inductively coupled plasma.
 4. Electrical Conductivity (EC) - determined from extract of 2:1 (volume/volume) water/soil mixture and expressed in dS/m (same as mmho/cm).
 5. Soil pH must be analyzed by the electrometric method, Method 9045C, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" EPA SW-846, as referenced in 40 CFR §260.11 - determined from extract of 2:1 (volume/volume) water/soil mixture.
 6. Analysis for metals in soil must be performed according to methods outlined in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" EPA SW-846; method 3050B.
 7. All parameters must be analyzed on a dry weight basis, except Soil Water pH and Electrical Conductivity.
9. Sludge loading shall not exceed the rates described in the following table:

Land Application Area	Maximum Sludge Application	Maximum Application
	Dry Tons/Acre/application event	Dry Tons/Acre/year
1	3.50	9.00
2	3.14	9.00
3	2.90	8.70
4	3.33	7.12
5	3.52	7.12
6	2.50	7.50
7	3.40	8.72
8	2.90	8.05
9	3.41	5.91
10	3.09	5.91
North	3.18	2.06
East	3.15	2.45
West	3.15	2.45

For the first year of this permit, the maximum sludge application rate shall not exceed the dry tons per acre per year for each field shown as table. On an annual basis, the sludge application rate shall be calculated and adjusted based on current sludge and soil monitoring results. This application rate that is submitted in each annual sludge report shall not exceed the overall maximum application rate (original maximum application rate identified for each field) dry tons per acre per year. A major amendment to this permit shall be required to increase the overall maximum sludge application rate.

10. Consecutive sludge applications in an application area shall be equally spaced throughout the year. No more than three (3) events per year per land application field are allowed at the maximum dry tons per acre per application event. A greater number of application events per land application field are allowed when sludge is applied at a rate less than the maximum dry tons per acre per application event as long as the total sludge application in aggregate does not exceed the maximum application in dry tons/acre/year.

11. The permittee shall submit a separate annual report by September 30th of each year per 30 TAC §312.48 for each site. The annual report must include all the information required under 30 TAC §312.48 (including the items listed below) for a period covering September 1st of the previous year through August 31st of the current year. Additionally, the "Annual Sludge Summary Report Form" (Attachment C) should be filled out and submitted with the annual report. The permittee shall submit the report to the Land Application Team of the Water Quality Assessment Section (MC 150) and the TCEQ Regional Office (MC Region 13). Record retention requirements must be followed in accordance with 30 TAC §312.47. The following information must be included in the report:
 1. Annual Sludge Summary Sheet (a blank form is provided as Attachment C) with the following information:
 - i. permit number;
 - ii. the site location (address or latitude and longitude);
 - iii. operator address, contact person's name, telephone number, and fax number;
 - iv. amount of sludge applied (dry metric tons) at each land application site;
 - v. number of acres on which sludge and septage is land applied;
 - vi. vegetation grown and number of cuttings; and
 - vii. other items listed in the summary sheet.
 2. If the sludge concentration for any metal listed in Table 3 of Section IV.C.4 is exceeded, the report must include the following information:
 - i. date and time of each sludge application;
 - ii. all certification statements required under 30 TAC §312.47(a)(5)(B);
 - iii. a description of how the information from the sludge generator was obtained, per 30 TAC §312.42(e);
 - iv. a description of how each of the management practices in 30 TAC §312.44 were met for this site;
 - v. a description of how the site restrictions in 30 TAC §312.82(b)(3) were met for this site;
 - vi. if the vector attraction reduction requirements in 30 TAC §312.83(b)(9) or (10) were met, a description of how this was done;
 - vii. soil and sludge test reports, as required in Section XII of this permit; and
 - viii. calculations of the current agronomic sludge application rate and the life of the site based on metal loadings (Appendix A of the application, or a similar form).

3. If none of the concentrations for the metals exceed the values listed in Table 3 in Section IV.C.4:
 - i. information per 30 TAC §312.47(a)(3)(B) for Class A sludge; and
 - ii. information per 30 TAC §312.47(a)(4)(B) for Class B Sludge.
4. 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 in Section IV.C.4, the permittee shall provide the following additional information:
 - i. date and time of each sludge application;
 - ii. the information in 30 TAC §312.47(a)(5)(A) must be obtained from the sludge generator and included in the report; and
 - iii. the cumulative amount in pounds per acre of each pollutant listed in Table 2 in Section IV.C.4 applied to each application field of this site through bulk sewage sludge.
5. The permittee shall submit evidence it is complying with the nutrient management plan developed by a certified nutrient management specialist in accordance with the practice standards of the Natural Resources Conservation Service of the United States Department of Agriculture.
12. Sludge must be applied by a method and under conditions that prevent runoff beyond the active application area and that protect the quality of the surface water and the soils in the unsaturated zone. In addition the following conditions must be met:
 - a. Sludge must be applied uniformly over the surface of the land.
 - b. Sludge must not be applied to areas where permeable surface soils are less than 2 feet thick.
 - c. Sludge must not be applied during rainstorms or during periods in which surface soils are water-saturated.
 - d. Sludge must not be applied to any areas having a slope in excess of 8%.
 - e. Where runoff from the active application area is evident, the operator must cease further sludge application until the condition is corrected.
 - f. The site operator must prevent public health nuisances. Sludge debris must be prevented from leaving the site. Where nuisance conditions exist, the operator must eliminate the nuisance as soon as possible.
 - g. Sludge application practices must not allow uncontrolled public access, so as to protect the public from potential health and safety hazards at the site.
 - h. Sludge can be applied only to the land application area shown on Attachment A.
13. The permittee shall submit a quarterly report by the 15th day of the month following each quarter during the reporting period (i.e., quarterly reports will be due December 15th, March

15th, June 15th, and September 15th). Additionally, a "Quarterly Sludge Summary Report Form" (Attachment C) should be filled out and Submitted with the quarterly report. The quarterly report must include all the information listed below. The permittee shall submit the report to the Water Quality Division, Land Application Team (MC 150) and the TCEQ Regional Office (MC Region 13). Record retention requirements must be followed in accordance with 30 TAC §312.47.

- a. The source, quality, and quantity of sludge applied to the land application unit.
 - b. The location of the land application unit, either in terms of longitude and latitude or by physical address, including the county.
 - c. The dates of delivery of Class B sludge.
 - d. The dates of application of Class B sludge.
 - e. The cumulative amount of metals applied to the land application unit through the application of Class B sludge.
 - f. Crops grown at the land application unit site.
 - g. The suggested agronomic application rate for the Class B sludge.
14. The permittee shall post a sign that is visible from a road or sidewalk that is adjacent to the premises on which the land application unit is located stating that a beneficial land use application site is located on the premises.
 15. The permittee may not accept Class B sludge unless the sludge has been transported to the land application unit in a covered container with the covering firmly secured at the front and back.
 16. The permittee shall provide facilities for the protection of its wastewater treatment facilities from a 100-year flood.
 17. Outfall 001 shall be used for normal flow conditions of Cibolo Creek; Outfall 002 shall be used for peak creek flow conditions.

CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS

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

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

Revised July 2007

BIOMONITORING REQUIREMENTS**CHRONIC BIOMONITORING REQUIREMENTS: FRESHWATER**

The provisions of this section apply to Outfall 001 or 002 for whole effluent toxicity (WET) testing.

1. Scope, Frequency, and Methodology

- a. The permittee shall test the effluent for toxicity in accordance with the provisions below. Such testing will determine if an appropriately dilute effluent sample adversely affects the survival, reproduction, or growth of the test organisms.
- b. The permittee shall conduct the following toxicity tests using the test organisms, procedures and quality assurance requirements specified in this part of this permit and in accordance with "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms," fourth edition (EPA-821-R-02-013) or its most recent update:
 - 1) Chronic static renewal survival and reproduction test using the water flea (*Ceriodaphnia dubia*) (Method 1002.0). This test should be terminated when 60% of the surviving adults in the control produce three broods or at the end of eight days, whichever occurs first. This test shall be conducted once per quarter.
 - 2) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*) (Method 1000.0). A minimum of five replicates with eight organisms per replicate shall be used in the control and in each dilution. This test shall be conducted once per quarter.

The permittee must perform and report a valid test for each test species during the prescribed reporting period. An invalid test must be repeated during the same reporting period. An invalid test is defined as any test failing to satisfy the test acceptability criteria, procedures, and quality assurance requirements specified in the test methods and permit.

- c. The permittee shall use five effluent dilution concentrations and a control in each toxicity test. These effluent dilution concentrations are 40%, 52%, 70%, 93%, and 100% effluent. The critical dilution, defined as 93% effluent, is the effluent concentration representative of the proportion of effluent in the receiving water during critical low flow or critical mixing conditions.
- d. This permit may be amended to require a WET limit, a chemical-specific effluent limit, a best management practice, or other appropriate actions to address toxicity. The permittee may be required to conduct a toxicity reduction evaluation (TRE) after multiple toxic events.
- e. Testing Frequency Reduction
 - 1) If none of the first four consecutive quarterly tests demonstrates

significant toxicity, the permittee may submit this information in writing and, upon approval, reduce the testing frequency to once per six months for the invertebrate test species and once per year for the vertebrate test species.

- 2) If one or more of the first four consecutive quarterly tests demonstrates significant toxicity, the permittee shall continue quarterly testing for that species until this permit is reissued. If a testing frequency reduction had been previously granted and a subsequent test demonstrates significant toxicity, the permittee shall resume a quarterly testing frequency for that species until this permit is reissued.

2. Required Toxicity Testing Conditions

- a. Test Acceptance - The permittee shall repeat any toxicity test, including the control and all effluent dilutions, which fail to meet the following criteria:

- 1) a control mean survival of 80% or greater;
- 2) a control mean number of water flea neonates per surviving adult of 15 or greater;
- 3) a control mean dry weight of surviving fathead minnow larvae of 0.25 mg or greater;
- 4) a control coefficient of variation percent (CV%) of 40 or less in between replicates for the young of surviving females in the water flea test; and the growth and survival endpoints in the fathead minnow test;
- 5) a critical dilution CV% of 40 or less for young of surviving females in the water flea test; and the growth and survival endpoints for the fathead minnow test, unless statistically significant toxicity is demonstrated at the critical dilution, in which case the test shall be considered valid;
- 6) a percent minimum significant difference of 47 or less for water flea reproduction, unless statistically significant sublethal toxicity is demonstrated at the critical dilution, in which case the test shall be considered valid; and
- 7) a PMSD of 30 or less for fathead minnow growth, unless statistically significant sublethal toxicity is demonstrated at the critical dilution, in which case the test shall be considered valid.

- b. Statistical Interpretation

- 1) For the water flea survival and reproduction test, the statistical analyses used to determine the inhibition concentration of effluent that would cause a 25% reduction (IC₂₅) in survival or mean young per female shall be as described in the methods manual referenced in Part 1.b.
- 2) For the fathead minnow larval survival and growth tests, the statistical

analyses used to determine the IC₂₅ in survival or growth shall be as described in the methods manual referenced in Part 1.b.

- 3) The permittee is responsible for reviewing test concentration-response relationships to ensure that calculated test-results are interpreted and reported correctly. The document entitled "Method Guidance and Recommendation for Whole Effluent Toxicity (WET) Testing (40 CFR Part 136)" (EPA 821-B-00-004) provides guidance on determining the validity of test results.
- 4) Most point estimates are derived from a mathematical model that assumes a continuous dose-response relationship. For any test result that demonstrates a non-continuous (threshold) response, or a non-monotonic dose-response relationship, the IC₂₅ should be determined based on the method guidance manual referenced in Item 3.
- 5) Pursuant to the responsibility assigned to the permittee in Part 2.b.3), test results that demonstrate a non-monotonic dose-response relationship may be submitted, prior to the due date, for technical review of test validity and acceptability. The method guidance manual referenced in Item 3 will be used as the basis, along with best professional judgement, for making a determination of test validity and acceptability.

c. Dilution Water

- 1) Dilution water used in the toxicity tests shall be the receiving water collected at a point upstream of the discharge as close as possible to the discharge point but unaffected by the discharge. Where the toxicity tests are conducted on effluent discharges to receiving waters that are classified as intermittent streams, or where the toxicity tests are conducted on effluent discharges where no receiving water is available due to zero flow conditions, the permittee shall:
 - a) substitute a synthetic dilution water that has a pH, hardness, and alkalinity similar to that of the closest downstream perennial water unaffected by the discharge; or
 - b) use the closest downstream perennial water unaffected by the discharge.
- 2) Where the receiving water proves unsatisfactory as a result of pre-existing instream toxicity (i.e. fails to fulfill the test acceptance criteria of Part 2.a.), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:
 - a) a synthetic lab water control was performed (in addition to the receiving water control) which fulfilled the test acceptance requirements of Part 2.a;
 - b) the test indicating receiving water toxicity was carried out to

completion (i.e., 7 days);

- c) the permittee submitted all test results indicating receiving water toxicity with the reports and information required in Part 3.
- 3) The synthetic dilution water shall consist of standard, moderately hard, reconstituted water. Upon approval, the permittee may substitute other appropriate dilution water with chemical and physical characteristics similar to that of the receiving water.
- d. Samples and Composites
 - 1) The permittee shall collect a minimum of three composite samples from Outfall 001 or 002. The second and third composite samples will be used for the renewal of the dilution concentrations for each toxicity test.
 - 2) The permittee shall collect the composite samples such that the samples are representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance being discharged on an intermittent basis.
 - 3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the first composite sample. The holding time for any subsequent composite sample shall not exceed 72 hours. Samples shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.
 - 4) If Outfalls 001 and 002 cease discharging during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions, and the sample holding time are waived during that sampling period. However, the permittee must have collected an effluent composite sample volume sufficient to complete the required toxicity tests with renewal of the effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report.
 - 5) The effluent samples shall not be dechlorinated after sample collection.

3. Reporting

All reports, tables, plans, summaries, and related correspondence required in this section shall be submitted to the attention of the Standards Implementation Team (MC 150) of the Water Quality Division.

- a. The permittee shall prepare a full report of the results of all tests conducted in accordance with the manual referenced in Part 1.b. for every valid and invalid toxicity test initiated whether carried to completion or not.
- b. The permittee shall routinely report the results of each biomonitoring test on the

Table 1 forms provided with this permit.

- 1) Annual biomonitoring test results are due on or before January 20th for biomonitoring conducted during the previous 12-month period.
- 2) Semiannual biomonitoring test results are due on or before July 20th and January 20th for biomonitoring conducted during the previous 6-month period.
- 3) Quarterly biomonitoring test results are due on or before April 20th, July 20th, October 20th, and January 20th for biomonitoring conducted during the previous calendar quarter.
- 4) Monthly biomonitoring test results are due on or before the 20th day of the month following sampling.

c. Enter the following codes for the appropriate parameters for valid tests only:

- 1) For the water flea, Parameter T4P3B, enter a "1" if the IC25 for survival is less than the critical dilution; otherwise, enter a "0."
- 2) For the water flea, Parameter T6P3B, report the IC25 for survival.
- 3) For the water flea, Parameter T5P3B, enter a "1" if the IC25 for reproduction is less than the critical dilution; otherwise, enter a "0."
- 4) For the water flea, Parameter T7P3B, report the IC25 for reproduction.
- 5) For the fathead minnow, Parameter T4P6C, enter a "1" if the IC25 for survival is less than the critical dilution; otherwise, enter a "0."
- 6) For the fathead minnow, Parameter T6P6C, report the IC25 for survival.
- 7) For the fathead minnow, Parameter T5P6C, enter a "1" if the IC25 for growth is less than the critical dilution; otherwise, enter a "0."
- 8) For the fathead minnow, Parameter T7P6C, report the IC25 for growth.

d. Enter the following codes for retests only:

- 1) For retest number 1, Parameter 22415, enter a "1" if the IC25 for survival is less than the critical dilution; otherwise, enter a "0."
- 2) For retest number 2, Parameter 22416, enter a "1" if the IC25 for survival is less than the critical dilution; otherwise, enter a "0."

4. Persistent Toxicity

The requirements of this Part apply only when a test demonstrates a significant effect at the critical dilution. A significant effect is defined as an IC25 of a specified endpoint (survival, growth, or reproduction) less than the critical dilution. Significant lethality is

defined as a survival IC₂₅ less than the critical dilution. Similarly, significant sublethality is defined as a growth or reproduction IC₂₅ less than the critical dilution.

- a. The permittee shall conduct a total of 2 additional tests (retests) for any species that demonstrates a significant effect (lethal or sublethal) at the critical dilution. The two retests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two retests in lieu of routine toxicity testing. All reports shall be submitted within 20 days of test completion. Test completion is defined as the last day of the test.
- b. If the retests are performed due to a demonstration of significant lethality, and one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5. The provisions of Part 4.a. are suspended upon completion of the two retests and submittal of the TRE action plan and schedule defined in Part 5.

If neither test demonstrates significant lethality and the permittee is testing under the reduced testing frequency provision of Part 1.e., the permittee shall return to a quarterly testing frequency for that species.

- c. If the two retests are performed due to a demonstration of significant sublethality, and one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall again perform two retests as stipulated in Part 4.a.
- d. If the two retests are performed due to a demonstration of significant sublethality, and neither test demonstrates significant lethality, the permittee shall continue testing at the quarterly frequency.
- e. Regardless of whether retesting for lethal or sublethal effects, or a combination of the two, no more than one retest per month is required for a species.

5. Toxicity Reduction Evaluation

- a. Within 45 days of the retest that demonstrates significant lethality, or within 45 days of being so instructed due to multiple toxic events, the permittee shall submit a general outline for initiating a TRE. The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.
- b. Within 90 days of the retest that demonstrates significant lethality, or within 90 days of being so instructed due to multiple toxic events, the permittee shall submit a TRE action plan and schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical analyses to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE action plan shall describe an approach for the reduction or elimination of lethality for both test species defined in Part 1.b. At a minimum, the TRE action plan shall include the following:

- 1) **Specific Activities** - The TRE action plan shall specify the approach the permittee intends to utilize in conducting the TRE, including toxicity characterizations, identifications, confirmations, source evaluations, treatability studies, and alternative approaches. When conducting characterization analyses, the permittee shall perform multiple characterizations and follow the procedures specified in the document entitled "Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I" (EPA/600/6-91/005F) or alternate procedures. The permittee shall perform multiple identifications and follow the methods specified in the documents entitled "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations: Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081). All characterization, identification, and confirmation tests shall be conducted in an orderly and logical progression;
 - 2) **Sampling Plan** - The TRE action plan should describe sampling locations, methods, holding times, chain of custody, and preservation techniques. The effluent sample volume collected for all tests shall be adequate to perform the toxicity characterization/identification/confirmation procedures and chemical-specific analyses when the toxicity tests show significant lethality. Where the permittee has identified or suspects a specific pollutant and source of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and suspected pollutant and source of effluent toxicity;
 - 3) **Quality Assurance Plan** - The TRE action plan should address record keeping and data evaluation, calibration and standardization, baseline tests, system blanks, controls, duplicates, spikes, toxicity persistence in the samples, randomization, reference toxicant control charts, and mechanisms to detect artifactual toxicity; and
 - 4) **Project Organization** - The TRE action plan should describe the project staff, project manager, consulting engineering services (where applicable), consulting analytical and toxicological services, etc.
- c. Within 30 days of submittal of the TRE action plan and schedule, the permittee shall implement the TRE.
- d. The permittee shall submit quarterly TRE activities reports concerning the progress of the TRE. The quarterly reports are due on or before April 20th, July 20th, October 20th, and January 20th. The report shall detail information regarding the TRE activities including:
- 1) results and interpretation of any chemical-specific analyses for the identified and suspected pollutant performed during the quarter;
 - 2) results and interpretation of any characterization, identification, and

- confirmation tests performed during the quarter;
- 3) any data and substantiating documentation which identifies the pollutant(s) and source of effluent toxicity;
 - 4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;
 - 5) any data that identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant lethality at the critical dilution; and
 - 6) any changes to the initial TRE plan and schedule that are believed necessary as a result of the TRE findings.
- e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species. Testing for the less sensitive species shall continue at the frequency specified in Part 1.b.
- f. If the effluent ceases to effect significant lethality, i.e., there is a cessation of lethality, the permittee may end the TRE. A cessation of lethality is defined as no significant lethality for a period of 12 consecutive months with at least monthly testing. At the end of the 12 months, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b.

This provision accommodates situations where operational errors and upsets, spills, or sampling errors triggered the TRE, in contrast to a situation where a single toxicant or group of toxicants cause lethality. This provision does not apply as a result of corrective actions taken by the permittee. Corrective actions are defined as proactive efforts that eliminate or reduce effluent toxicity. These include, but are not limited to, source reduction or elimination, improved housekeeping, changes in chemical usage, and modifications of influent streams and effluent treatment.

The permittee may only apply this cessation of lethality provision once. If the effluent again demonstrates significant lethality to the same species, the permit will be amended to add a WET limit with a compliance period, if appropriate. However, prior to the effective date of the WET limit, the permittee may apply for a permit amendment removing and replacing the WET limit with an alternate toxicity control measure by identifying and confirming the toxicant and an appropriate control measure.

- g. The permittee shall complete the TRE and submit a final report on the TRE activities no later than 28 months from the last test day of the retest that confirmed significant lethal effects at the critical dilution. The permittee may petition the Executive Director (in writing) for an extension of the 28-month limit. However, to warrant an extension the permittee must have demonstrated due diligence in its pursuit of the toxicity identification evaluation/TRE and must prove that circumstances beyond its control stalled the toxicity identification evaluation/TRE. The report shall provide information pertaining to the specific

control mechanism selected that will, when implemented, result in the reduction of effluent toxicity to no significant lethality at the critical dilution. The report shall also provide a specific corrective action schedule for implementing the selected control mechanism.

- h. Based on the results of the TRE and proposed corrective actions, this permit may be amended to modify the biomonitoring requirements, where necessary, require a compliance schedule for implementation of corrective actions, specify a WET limit, specify a best management practice, and specify a chemical-specific limit.
- i. Copies of any and all required TRE plans and reports shall also be submitted to the U.S. EPA Region 6 office, 6WQ-PO.

TABLE 1 (SHEET 1 OF 4)

BIOMONITORING REPORTING

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION

Dates and Times No. 1 FROM: _____ Date Time TO: _____ Date Time
 Composites
 Collected No. 2 FROM: _____ TO: _____
 No. 3 FROM: _____ TO: _____

Test initiated: _____ am/pm _____ date

Dilution water used: _____ Receiving water _____ Synthetic Dilution water

NUMBER OF YOUNG PRODUCED PER ADULT AT END OF TEST

REP	Percent effluent					
	0%	40%	52%	70%	93%	100%
A						
B						
C						
D						
E						
F						
G						
H						
I						
J						
Survival Mean						
Total Mean						
CV%*						

*Coefficient of Variation = standard deviation x 100/mean (calculation based on young of the surviving adults)

Designate males (M), and dead females (D), along with number of neonates (x) released prior to death.

TABLE 1 (SHEET 2 OF 4)

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION TEST

PERCENT SURVIVAL

Time of Reading	Percent effluent					
	0%	40%	52%	70%	93%	100%
24h						
48h						
End of Test						

1. Is the IC₂₅ for reproduction less than the critical dilution (93%)? ____ YES ____ NO
2. Is the IC₂₅ for survival less than the critical dilution (93%)? ____ YES ____ NO
3. Enter percent effluent corresponding to each IC₂₅ below:
IC₂₅ survival = _____%
IC₂₅ reproduction = _____%

TABLE 1 (SHEET 3 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW LARVAE GROWTH AND SURVIVAL

Dates and Times No. 1 FROM: _____ Date Time TO: _____ Date Time
 Composites
 Collected No. 2 FROM: _____ TO: _____
 No. 3 FROM: _____ TO: _____

Test initiated: _____ am/pm _____ date

Dilution water used: _____ Receiving water _____ Synthetic dilution water

FATHEAD MINNOW GROWTH DATA

Effluent Concentration	Average Dry Weight in replicate chambers					Mean Dry Weight	CV%*
	A	B	C	D	E		
0%							
40%							
52%							
70%							
93%							
100%							

* Coefficient of Variation = standard deviation x 100/mean

TABLE 1 (SHEET 4 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW GROWTH AND SURVIVAL TEST

FATHEAD MINNOW SURVIVAL DATA

Effluent Concentration	Percent Survival in replicate chambers					Mean percent survival			CV%*
	A	B	C	D	E	24h	48h	7 day	
0%									
40%									
52%									
70%									
93%									
100%									

* Coefficient of Variation = standard deviation x 100/mean

1. Is the IC₂₅ for growth less than the critical dilution (93%)? _____ YES _____ NO

2. Is the IC₂₅ for survival less than the critical dilution (93%)? _____ YES _____ NO

3. Enter percent effluent corresponding to each IC₂₅ below:

IC₂₅ survival = _____ %

IC₂₅ growth = _____ %

24-HOUR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

The provisions of this section apply to Outfall 001 or 002 for whole effluent toxicity (WET) testing.

1. Scope, Frequency, and Methodology

- a. The permittee shall test the effluent for lethality in accordance with the provisions in this section. Such testing will determine compliance with Texas Surface Water Quality Standard 30 TAC § 307.6(e)(2)(B), which requires greater than 50% survival of the appropriate test organisms in 100% effluent for a 24-hour period.
- b. The toxicity tests specified shall be conducted once per six months. The permittee shall conduct the following toxicity tests using the test organisms, procedures, and quality assurance requirements specified in this section of the permit and in accordance with "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms," fifth edition (EPA-821-R-02-012) or its most recent update:
 - 1) Acute 24-hour static toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*). A minimum of five replicates with eight organisms per replicate shall be used in the control and each dilution.
 - 2) Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*). A minimum of five replicates with eight organisms per replicate shall be used in the control and each dilution.

The permittee must perform and report a valid test for each test species during the prescribed reporting period. An invalid test must be repeated during the same reporting period. An invalid test is defined as any test failing to satisfy the test acceptability criteria, procedures, and quality assurance requirements specified in the test methods and permit.

- c. In addition to an appropriate control, a 100% effluent concentration shall be used in the toxicity tests. Except as discussed in item 2.b., the control and dilution water shall consist of standard, synthetic, moderately hard, reconstituted water.
- d. This permit may be amended to require a WET limit, a Best Management Practice (BMP), Chemical-Specific (CS) limits, or other appropriate actions to address toxicity. The permittee may be required to conduct a Toxicity Reduction Evaluation after multiple toxic events.
- e. As the dilution series specified in the Chronic Biomonitoring Requirements includes a 100% effluent concentration, the results from those tests may fulfill the requirements of this Section; any tests performed in the proper time interval may be substituted. Compliance will be evaluated as specified in item a. The 50% survival in 100% effluent for a 24-hour period standard applies to all tests utilizing a 100% effluent dilution, regardless of whether the results are submitted to comply with the minimum testing frequency defined in item b.

2. Required Toxicity Testing Conditions

- a. Test Acceptance - The permittee shall repeat any toxicity test, including the control, if the control fails to meet a mean survival equal to or greater than 90%.
- b. Dilution Water - In accordance with item 1.c., the control and dilution water shall normally consist of standard, synthetic, moderately hard, reconstituted water. If the permittee utilizes the results of a chronic test to satisfy the requirements in item 1.e., the permittee may use the receiving water or dilution water that meets the requirements of item 2.a as the control and dilution water.
- c. Samples and Composites
 - 1) The permittee shall collect one composite sample from Outfall 001 or 002.
 - 2) The permittee shall collect the composite samples such that the sample is representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance being discharged.
 - 3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the composite sample. The samples shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.
 - 4) If Outfalls 001 and 002 cease discharging during the collection of the effluent composite sample, the requirements for the minimum number of effluent portions are waived. However, the permittee must have collected a composite sample volume sufficient for completion of the required test. The abbreviated sample collection, duration, and methodology must be documented in the full report.
 - 5) The effluent sample shall not be dechlorinated after sample collection.

3. Reporting

All reports, tables, plans, summaries, and related correspondence required in this section shall be submitted to the attention of the Standards Implementation Team (MC 150) of the Water Quality Division.

- a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this permit in accordance with the manual referenced in Part 1.b. for every valid and invalid toxicity test initiated.
- b. The permittee shall routinely report the results of each biomonitoring test on the Table 2 forms provided with this permit.
 - 1) Semiannual biomonitoring test results are due on or before July 20th and January 20th for biomonitoring conducted during the previous 6-month period.

- 2) Quarterly biomonitoring test results are due on or before April 20th, July 20th, October 20th, and January 20th for biomonitoring conducted during the previous calendar quarter.
 - c. Enter the following codes for the appropriate parameters for valid tests only:
 - 1) For the water flea, Parameter TIE3D, enter a "o" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter "1."
 - 2) For the fathead minnow, Parameter TIE6C, enter a "o" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter "1."
 - d. Enter the following codes for retests only:
 - 1) For retest number 1, Parameter 22415, enter a "o" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter "1."
 - 2) For retest number 2, Parameter 22416, enter a "o" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter "1."
4. Persistent Mortality

The requirements of this part apply when a toxicity test demonstrates significant lethality, which is defined as a mean mortality of 50% or greater of organisms exposed to the 100% effluent concentration for 24 hours.

 - a. The permittee shall conduct 2 additional tests (retests) for each species that demonstrates significant lethality. The two retests shall be conducted once per week for 2 weeks. Five effluent dilution concentrations in addition to an appropriate control shall be used in the retests. These effluent concentrations are 6%, 13%, 25%, 50% and 100% effluent. The first retest shall be conducted within 15 days of the laboratory determination of significant lethality. All test results shall be submitted within 20 days of test completion of the second retest. Test completion is defined as the 24th hour.
 - b. If one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5.
5. Toxicity Reduction Evaluation
 - a. Within 45 days of the retest that demonstrates significant lethality, the permittee shall submit a general outline for initiating a TRE. The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.
 - b. Within 90 days of the retest that demonstrates significant lethality, the permittee

shall submit a TRE action plan and schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical analysis to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE action plan shall lead to the successful elimination of significant lethality for both test species defined in Part 1.b. At a minimum, the TRE action plan shall include the following:

- 1) Specific Activities - The TRE action plan shall specify the approach the permittee intends to utilize in conducting the TRE, including toxicity characterizations, identifications, confirmations, source evaluations, treatability studies, and alternative approaches. When conducting characterization analyses, the permittee shall perform multiple characterizations and follow the procedures specified in the document entitled "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA/600/6-91/003) or alternate procedures. The permittee shall perform multiple identifications and follow the methods specified in the documents entitled "Methods for Aquatic Toxicity Identification Evaluations: Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations: Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081). All characterization, identification, and confirmation tests shall be conducted in an orderly and logical progression;
 - 2) Sampling Plan - The TRE action plan should describe sampling locations, methods, holding times, chain of custody, and preservation techniques. The effluent sample volume collected for all tests shall be adequate to perform the toxicity characterization/identification/confirmation procedures, and chemical-specific analyses when the toxicity tests show significant lethality. Where the permittee has identified or suspects a specific pollutant and source of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and suspected pollutant and source of effluent toxicity;
 - 3) Quality Assurance Plan - The TRE action plan should address record keeping and data evaluation, calibration and standardization, baseline tests, system blanks, controls, duplicates, spikes, toxicity persistence in the samples, randomization, reference toxicant control charts, and mechanisms to detect artifactual toxicity; and
 - 4) Project Organization - The TRE action plan should describe the project staff, manager, consulting engineering services (where applicable), consulting analytical and toxicological services, etc.
- c. Within 30 days of submittal of the TRE action plan and schedule, the permittee shall implement the TRE.
- d. The permittee shall submit quarterly TRE activities reports concerning the

progress of the TRE. The quarterly TRE activities reports are due on or before April 20th, July 20th, October 20th, and January 20th. The report shall detail information regarding the TRE activities including:

- 1) results and interpretation of any chemical-specific analyses for the identified and suspected pollutant performed during the quarter;
 - 2) results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;
 - 3) any data and substantiating documentation that identifies the pollutant and source of effluent toxicity;
 - 4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;
 - 5) any data that identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to eliminate significant lethality; and
 - 6) any changes to the initial TRE plan and schedule that are believed necessary as a result of the TRE findings.
- e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species. Testing for the less sensitive species shall continue at the frequency specified in Part 1.b.
- f. If the effluent ceases to effect significant lethality, i.e., there is a cessation of lethality, the permittee may end the TRE. A cessation of lethality is defined as no significant lethality for a period of 12 consecutive weeks with at least weekly testing. At the end of the 12 weeks, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b.

This provision accommodates situations where operational errors and upsets, spills, or sampling errors triggered the TRE, in contrast to a situation where a single toxicant or group of toxicants cause lethality. This provision does not apply as a result of corrective actions taken by the permittee. Corrective actions are defined as proactive efforts that eliminate or reduce effluent toxicity. These include, but are not limited to, source reduction or elimination, improved housekeeping, changes in chemical usage, and modifications of influent streams and effluent treatment.

The permittee may only apply this cessation of lethality provision once. If the effluent again demonstrates significant lethality to the same species, the permit will be amended to add a WET limit with a compliance period, if appropriate. However, prior to the effective date of the WET limit, the permittee may apply for a permit amendment removing and replacing the WET limit with an alternate toxicity control measure by identifying and confirming the toxicant and an appropriate control measure.

- g. The permittee shall complete the TRE and submit a final report on the TRE activities no later than 18 months from the last test day of the retest that demonstrates significant lethality. The permittee may petition the Executive Director (in writing) for an extension of the 18-month limit. However, to warrant an extension the permittee must have demonstrated due diligence in its pursuit of the toxicity identification evaluation/TRE and must prove that circumstances beyond its control stalled the toxicity identification evaluation/TRE. The report shall specify the control mechanism that will, when implemented, reduce effluent toxicity as specified in item 5.h. The report will also specify a corrective action schedule for implementing the selected control mechanism.
- h. Within 3 years of the last day of the test confirming toxicity, the permittee shall comply with 30 TAC § 307.6(e)(2)(B), which requires greater than 50% survival of the test organism in 100% effluent at the end of 24-hours. The permittee may petition the Executive Director (in writing) for an extension of the 3-year limit. However, to warrant an extension the permittee must have demonstrated due diligence in its pursuit of the toxicity identification evaluation/TRE and must prove that circumstances beyond its control stalled the toxicity identification evaluation/TRE.

The permittee may be exempted from complying with 30 TAC § 307.6(e)(2)(B) upon proving that toxicity is caused by an excess, imbalance, or deficiency of dissolved salts. This exemption excludes instances where individually toxic components (e.g., metals) form a salt compound. Following the exemption, this permit may be amended to include an ion-adjustment protocol, alternate species testing, or single species testing.
- i. Based upon the results of the TRE and proposed corrective actions, this permit may be amended to modify the biomonitoring requirements where necessary, require a compliance schedule for implementation of corrective actions, specify a WET limit, specify a best management practice, and specify a chemical-specific limit.
- j. Copies of any and all required TRE plans and reports shall also be submitted to the U.S. EPA Region 6 office, 6WQ-PO.

TABLE 2 (SHEET 1 OF 2)

WATER FLEA SURVIVAL

GENERAL INFORMATION

	Time	Date
Composite Sample Collected		
Test Initiated		

PERCENT SURVIVAL

Time	Rep	Percent effluent					
		0%	6%	13%	25%	50%	100%
24h	A						
	B						
	C						
	D						
	E						
	MEAN						

Enter percent effluent corresponding to the LC₅₀ below:

24 hour LC₅₀ = _____% effluent

TABLE 2 (SHEET 2 OF 2)
FATHEAD MINNOW SURVIVAL

GENERAL INFORMATION

	Time	Date
Composite Sample Collected		
Test Initiated		

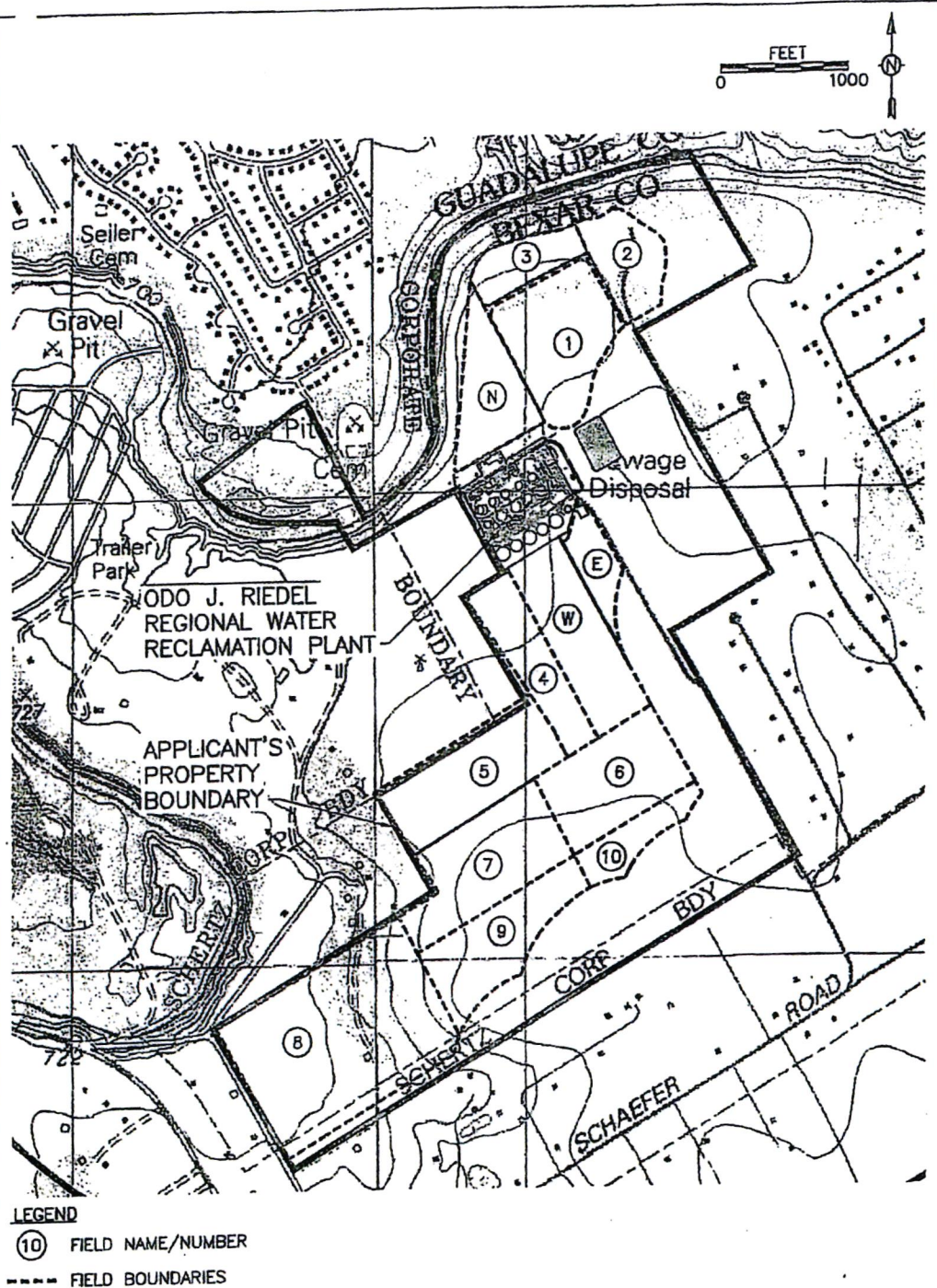
PERCENT SURVIVAL

Time	Rep	Percent effluent					
		0%	6%	13%	25%	50%	100%
24h	A						
	B						
	C						
	D						
	E						
	MEAN						

Enter percent effluent corresponding to the LC₅₀ below:

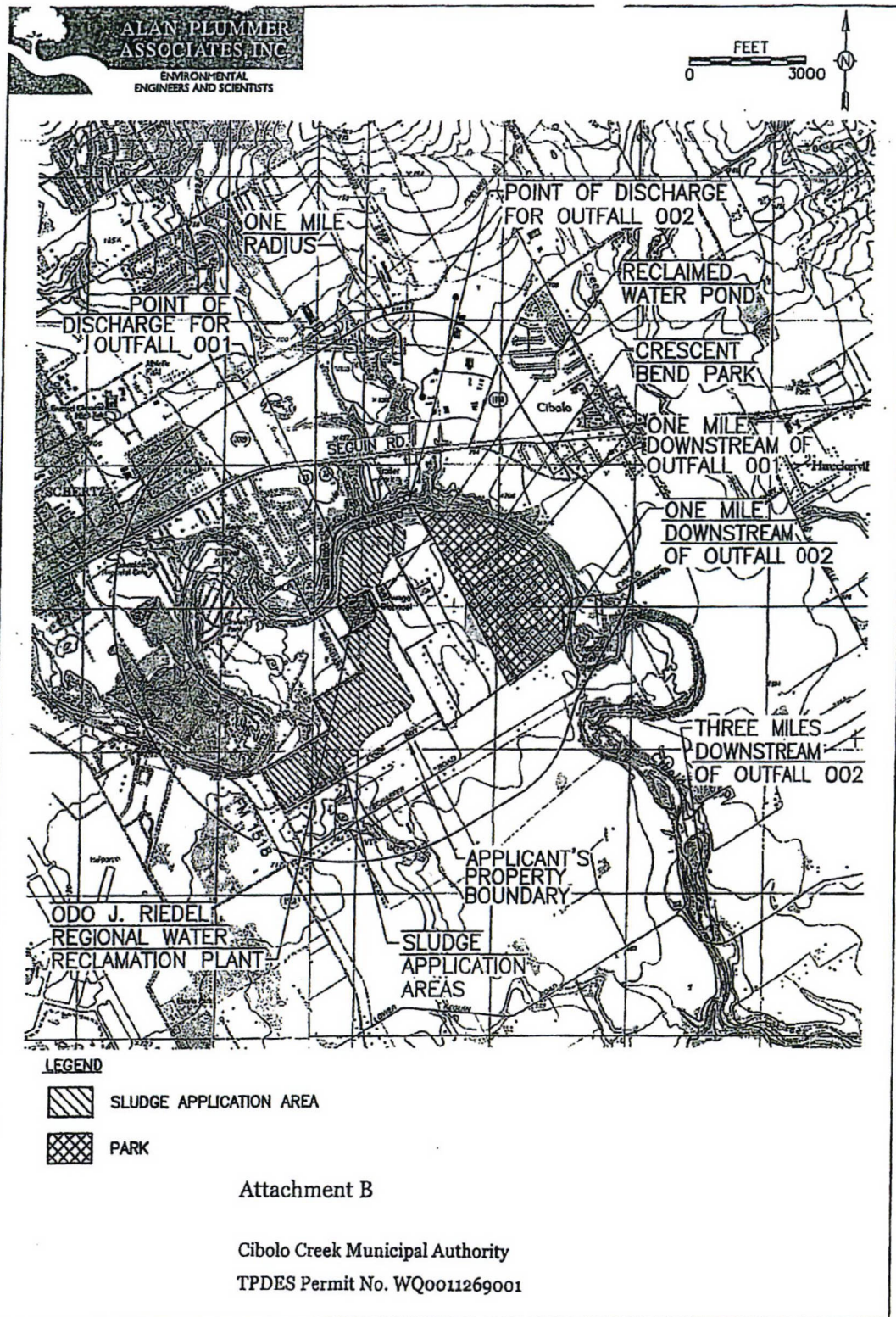
24 hour LC₅₀ = _____% effluent

TPPE FRM REGISTRATION NO. 13 4/20/2010 11:06 AM M:\Projects\0933\001-01\ACAD\Field-Homes.dwg Briond



Attachment "A"
Biosolid Land Application Site
Cibola Creek Municipal Authority
Permit No. WQ0011269001

TEXAS REGISTERED ENGINEERING FIRM F-13
9/7/2012 9:04 AM M:\Projects\0933\003-03\Acad\Figures\USGSMap.dwg Brlind



Attachment C
Annual Sludge Summary Report Form

- Note 1: If your site has more than one land application field, please submit a separate form for each field.
- Note 2: Please note, in addition to the summary form, you need to submit all information as required by 30 TAC §12.48.
- Note 3: If you operate other registered/permitted sludge land application sites, a form should be submitted for each site.
- Note 4: Also send one complete copy of your report and this form to the TCEQ regional office in your area.

For TCEQ Fiscal Year: _____	Reporting period: From September 1, _____ to August 31, _____	
Registration No: _____	Date: _____	
Name of Registrant: _____		
Mailing Address: _____		
Contact Person: _____	Name: _____	Telephone No: _____

Field No. (if any): _____ (Please submit a separate form for each field)

1. Sewage Sludge:
 - a. Land Applied: _____ dry tons/year
 - b. Disposed via Monofill: _____ dry tons/year
 - c. Disposed via MSW Landfill: _____ dry tons/year
2. Treated Domestic Septage - Land Applied:
 - a. Method used to treat Domestic Septage: _____ gallons/year
3. Water Treatment Plant Sludge:
 - a. Land Applied: _____ dry tons/year
 - b. Dedicated Land Disposal: _____ dry tons/year
 - c. Disposed via Monofill: _____ dry tons/year
4. Class A sludge land applied: _____ dry tons/year
5. Acreage used for sludge application/disposal at this site: _____ acres
6. Site vegetation (such as grass type etc.) and number of cuttings: _____

Sewage Sludge only – Please provide information regarding the following 3 items:

1. Does any of the sludge you have generated or received exceed the concentration limits for the metals listed in Table 3 of 30 TAC §12.43 (b)? Yes ☐ No ☐
2. Has your field/site reached or exceeded 90% of the cumulative metal loading rates for any metals as listed in Table 2 of 30 TAC §12.43 (b)? Yes ☐ No ☐
3. Has sewage sludge been applied to the field/site after 90% of cumulative metal loading rates for any of the metals per Table 2 of 30 TAC §12.43 (b) been reached? Yes ☐ No ☐

PLEASE MAIL THE COMPLETED ANNUAL REPORT TO:

Texas Commission on Environmental Quality
Land Application Team (MC 150)
Water Quality Assessment Section
P.O. Box 13087
Austin, TX 78711-3087

Attachment D
Quarterly Sludge Summary Report Form

- Note 1: If your site has more than one land application field, please submit a separate form for each field.
Note 2: Please place this sheet at the top of your Quarterly Sludge Report.
Note 3: If you have more than one permitted site, then fill-out this form for each one of those sites.
Note 4: Please send a copy of this sheet and all attachments to the local TCEQ regional office.

For TCEQ Fiscal Year: _____	Reporting period: From September 1, _____ to August 31, _____	
Registration No: _____	Date: _____	
Name of Registrant: _____		
Mailing Address: _____ _____ _____		
Contact Person: _____	Name: _____	Telephone No: _____

Field No. (if any): _____ (Submit separate form for each field)

1. Class B Sewage Sludge Land Applied: _____ dry tons /quarter
2. Treated Domestic Septage Land Applied: _____ gallons / quarter
3. Method used to treat Domestic Septage: _____
4. Water Treatment Plant Sludge Land Applied: _____ dry tons /quarter
5. Class A sludge land applied: _____ dry tons /quarter
 - a. Acreage used for Sludge Application/disposal at this site _____
 - b. Site Vegetation (such as grass type etc.) and # of cuttings _____
 - c. Does any of the sludge you have generated or received exceed concentration limits for any of the metals listed in Table 3 of 30 TAC §312.43 (b)? Yes ☐ No ☐
 - d. Site location: Latitude: _____ Longitude: _____
 - e. Site physical address: _____

Please attach the information regarding the following items (Sewage Sludge only):

- Please note the following information shall be provided in computer generated report format:
 - Please place check mark before each item below to indicate you have attached that item with this report.
- ☐ 1. Metal concentration, pathogen analysis data and vector attraction certifications of sludge for each source.
- ☐ 2. Provide a list containing the name and permit number of each source of sludge.
- ☐ 3. Date of delivery of each load of sludge land applied.
- ☐ 4. Date of land application of each load of sludge.
- ☐ 5. The cumulative metal loading rates for any metals as listed in Table 2 of 30 TAC §312.43 (b)?
- ☐ 6. The suggested agronomic rate for the Class B sludge.

PLEASE MAIL THE COMPLETED ANNUAL REPORT TO:

Texas Commission on Environmental Quality
Land Application Team (MC 150)
Water Quality Assessment Section
P.O. Box 13087
Austin, TX 78711-3087

ORDINANCE NO. 21-A-04

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LINES OF THE CITY OF SCHERTZ, TEXAS BY THE ANNEXATION OF APPROXIMATELY 142 ACRES OF LAND LOCATED IN COMAL COUNTY APPROXIMATELY 3,500 FEET SOUTHWEST OF THE INTERSECTION OF DOERR LANE AND BELL NORTH DRIVE

WHEREAS, the City Council of the City of Schertz (the "City") has determined that it should annex the territory described on Exhibit A attached hereto and made a part hereof (the "Annexed Land"); and

WHEREAS, the Annexed Land is located entirely within the extraterritorial jurisdiction of the City, is contiguous to the corporate boundaries of the City (or is deemed to be contiguous, pursuant to Section 43.035(c) of the Texas Local Government Code, as amended), and may be annexed pursuant to Chapter 43 of the Texas Local Government Code, as amended; and

WHEREAS, Texas Local Government Code Section 43.028 authorizes the City of Schertz to extend its City limit boundaries through the voluntary annexation of area adjacent to those boundaries upon petition of a landowner; and

WHEREAS, a public hearing notice was published in the San Antonio Express News on December 16, 2020 for the hearing held on January 5, 2021 and notice was published in the San Antonio Express News on January 13, 2021 for the hearing on January 26, 2021; and

WHEREAS, on January 5, 2021 the City Council conducted a public hearing and after considering the request for voluntary annexation, adopted Resolution 21-R-03 accepting a petition for voluntary annexation; and

WHEREAS; the City Council finds that the Annexed Land is suitable, and it is in the best interest of the City and the citizens and inhabitants thereof that the Annexed Land be annexed to and made a part of the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:
THAT:

Section 1. The City hereby annexes the Land described in Exhibit A.

Section 2. The Annexed Land shall be included within the City's corporate limits effective on the effective date of this Ordinance, and all taxable property in the Annexed Land shall hereafter bear its pro rata part of the taxes levied by the City, subject to allowable exemptions.

Section 3. The land and territory more particularly described as that portion of the tract of land described in Exhibit A, attached hereto and incorporated herein by reference shall be part of the City of Schertz, Texas and inhabitants thereof shall be entitled to all of the rights and privileges as citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Schertz, Texas.

Section 4. A service plan outlining the provisions of necessary municipal service to the property described in Exhibit A is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit B.

Section 5. The City manager is hereby authorized and directed to take appropriate action to have the official map of the City revised to reflect the additions to the City's Corporate Limits and the City Secretary is hereby authorized and directed to provide appropriate notice to the State of Texas and the County of Guadalupe of this annexation.

Section 6. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 7. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 9. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.


Section 10. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 11. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 12. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.


Approved on first reading the 26th day of January, 2021.

PASSED, APPROVED AND ADOPTED on final reading the 2nd day of February, 2021.

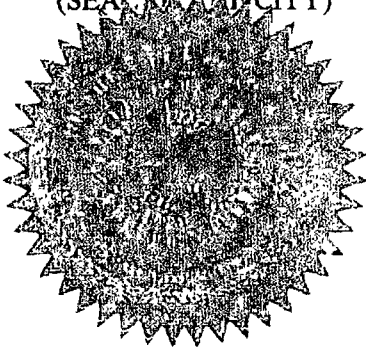


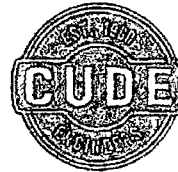
Ralph Gutierrez, Mayor

ATTEST:



Brenda Dennis, City Secretary
(SEAL OF THE CITY)





**LEGAL DESCRIPTION
141.494 ACRES OF LAND**

141.494 acres of land located in the Vicente Micheli Survey Number 114, Abstract Number 383, Comal County, Texas and being a portion of that certain 142.096 acres of land conveyed to Schertz 312, LLC, as described in Document Number 201806024987, Official Public Records of Comal County, Texas; said 141.494 acres being more particularly described as follows:

BEGINNING, at a found 1/4 inch iron rod located in the northwesterly right of way line of the Union Pacific Railroad and marking the most easterly corner of the said 142.096 acres;

THENCE, South 61deg 54' 35" West, along the northwesterly right of way line of the Union Pacific Railroad, a distance of 2,601.87 feet, to a found 1/2 inch iron rod with "CUDE" cap marking the most southerly corner of the said 142.096 acres;

THENCE, North 30deg 20' 49" West, leaving the northwesterly right of way line of the Union Pacific Railroad and along the southwesterly line of the said 142.096 acres, a distance of 1843.02 feet, to a found 1/4 inch iron rod with "CUDE" cap marking the most westerly corner of the said 142.096 acres;

THENCE, North 59deg 35' 59" East, along a northwesterly line of the said 142.096 acres, a distance of 1,074.50 feet, to a found 1/2 inch iron rod with "CUDE" cap marking an interior corner of the said 142.096 acres;

THENCE, North 29deg 38' 06" West, along the southwesterly line of the said 142.096 acres, a distance of 817.74 feet, to a found 1/2 inch iron rod with "CUDE" cap located in the southeasterly right of way line of the Missouri Pacific Railroad and marking the most northerly westerly corner of the said 142.096 acres;

THENCE, North 60deg 08' 45" East, along the southeasterly right of way line of the said Missouri Pacific Railroad, a distance of 1,514.91 feet, to a point located in the current city limit line of the City of Schertz, Texas;

THENCE, along the northeasterly line of the said 142.096 acres, same being the current city limit line of the City of Schertz, Texas, the following courses:

South 30deg 28' 21" East, a distance of 1,132.16 feet, to a found 1/2 inch iron rod;
South 30deg 16' 16" East, a distance of 1,619.85 feet, to the **POINT OF BEGINNING** and containing 141.494 acres of land, more or less.

Basis of bearings is the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (93).

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

James W. Russell 7/23/20
James W. Russell
Registered Professional Land Surveyor No. 4230
Cude Engineers
4122 Pond Hill Road, Suite 101
San Antonio, Texas 78231
TBPELS Firm No. 10048500
TBPE Firm No. 455
Job No. 83227-007



CUDE ENGINEERS
SAN ANTONIO | AUSTIN

4122 POND HILL ROAD, STE 101
SAN ANTONIO, TEXAS 78231

PHONE: (210) 681-2951
CUDEENGINEERS.COM

TBPE NO. 455
TBPELS NO. 10048500

CITY OF SCHERTZ, TEXAS

ANNEXATION SERVICE PLAN

AREA ANNEXED

An approximately 142-acre tract of land, located in the Vincente Micheli Survey Number 114, Abstract Number 383, Comal County, Texas and being a portion of that certain 142.096 acres of land conveyed to Schertz 312, LLC, as described in Document Number 201806024987, Official Public Records of Comal County, Texas; generally located 3,500 feet southwest of the intersection of Doerr Lane and Bell North Drive, Comal County, Texas; Property ID: 77739

See Exhibit A, "*Metes and Bounds Description*", attached hereto for a complete description of the property.

INTRODUCTION

This service plan has been prepared in accordance with Local Government Code Section 43.056. Municipal facilities and services to the annexed area described above will be provided or made available on behalf of the city at the following levels and in accordance with the following schedule:

POLICE PROTECTION

Patrolling, responses to calls, and other police services will be provided on the effective date of the annexation at the same level as provided throughout the city.

FIRE PROTECTION AND FIRE PREVENTION

Fire protection and fire prevention services will be provided on the effective date of the annexation at the same level as provided throughout the city.

EMERGENCY MEDICAL SERVICES

Emergency medical services will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

SOLID WASTE COLLECTION AND DISPOSAL

Solid waste collection and disposal services will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the city. However, no obligation exists for the city to provide solid waste collection services to a person who continues to use the services of a privately owned solid waste management service provider

OPERATION AND MAINTENANCE OF WATER AND WASTEWATER FACILITIES THAT ARE NOT WITHIN THE SERVICE AREA OF ANOTHER WATER OR WASTEWATER UTILITY

Operation and maintenance of water and wastewater facilities that are not within the service area of another water or wastewater utility will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

Development within the annexed property will pay a fee equal to the sewer capital recovery fee that would be assessed and collected per CHAPTER 90, Article V WATER AND WASTEWATER CAPITAL RECOVER FEES and as amended, as if the property was in the established service area City of Schertz.

OPERATION AND MAINTENANCE OF ROADS AND STREETS

Operation and maintenance of roads and streets will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

STREET LIGHTING

Street lighting will be made available on the effective date of the annexation on the same basis and at the same level in comparable areas as provided throughout the city.

OPERATION AND MAINTENANCE OF PUBLIC PARKS AND OTHER PUBLICLY OWNED FACILITIES

If any public park, playground, swimming pool, or any other publicly owned facility, building or service is located within the annexed area, it will be maintained on the effective date of the annexation on the same basis and at the same level as similar facilities are maintained throughout the city.

OTHER SERVICES

Other services that may be provided by the city such as planning, code enforcement, animal control, library, park and recreation, court, and general administration will be made available on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

CAPITAL IMPROVEMENTS

The city will make available to the annexed area any necessary water, sewer, street, and drainage facilities within two and one-half (2-1/2) years of the effective date of the annexation unless the construction of the necessary facilities is interrupted by circumstances beyond the control of the city, or unless this period is extended by an arbitration decision. No impact fees will be charged to any developer or landowner within the annexed area except in conformity with Local Government Code Ch. 395. Construction of other capital improvements shall be considered by the city in the future as the needs dictate on the same basis as such capital improvements are considered throughout the city.

UNIFORM LEVEL OF SERVICES MAY NOT BE REQUIRED

Nothing in this plan shall require the city to provide a uniform level of full municipal services to each area of the city, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

TERM

This service plan shall be valid for a term of ten (10) years. Notwithstanding the foregoing, city's obligation to provide services as set forth herein shall survive expiration of this service plan

AMENDMENTS

The plan shall not be amended unless public hearings are held in accordance with Local Government Code Section 43.0561

AGREEMENT

I desire to enter into this written agreement for municipal services with the City of Schertz pursuant to Section 43.0672 of the Local Government Code. I certify that I was offered a development agreement pursuant to Section 43.016 of the Local Government Code and still requested annexation. I certify that this petition is signed and duly acknowledged by each and every person, corporation, or entity having an ownership interest in said Property.

OWNER(S): (add additional signature lines for each owner)

Signature: BFS Print Name: Ben F. Spencer

NOTARY ACKNOWLEDGEMENT

STATE OF NEW MEXICO

§

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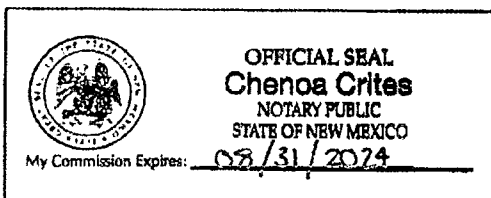
COUNTY OF BERNALILLO

§

BEFORE ME, the undersigned authority, on this day personally appeared Ben F. Spencer, as manager of Titan Lone Star, LLC, as manager of Schertz 312 Management, LLC, as manager of Schertz 312, LLC, owner of the annexed property, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed on behalf of the Owner.

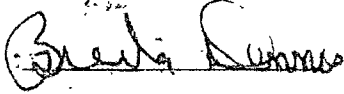
Given under my hand and seal of office this 26th day of January, 2021.

(SEAL)



Chenoa Crites
NOTARY PUBLIC in and for the
~~STATE OF TEXAS~~
STATE OF NEW MEXICO
CHENOA CRITES
Printed Name
My commission expires: 08/31/2024

ATTEST:



City Secretary

SIGNED:

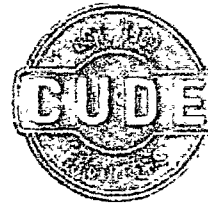


City Manager

Exhibit A

Metes and Bounds Description

APPROXIMATELY 142 ACRES



LEGAL DESCRIPTION
141.494 ACRES OF LAND

141.494 acres of land located in the Vicente Micheli Survey Number 114, Abstract Number 383, Comal County, Texas and being a portion of that certain 142.096 acres of land conveyed to Schertz 312, LLC, as described in Document Number 201806024967, Official Public Records of Comal County, Texas; said 141.494 acres being more particularly described as follows:

BEGINNING, at a found 1/4 inch iron rod located in the northwesterly right of way line of the Union Pacific Railroad and marking the most easterly corner of the said 142.096 acres;

THENCE, South 61deg 54' 35" West, along the northwesterly right of way line of the Union Pacific Railroad, a distance of 2,601.87 feet, to a found 1/4 inch iron rod with "CUDE" cap marking the most southerly corner of the said 142.096 acres;

THENCE, North 30deg 20' 49" West, leaving the northwesterly right of way line of the Union Pacific Railroad and along the southwesterly line of the said 142.096 acres, a distance of 1843.02 feet, to a found 1/4 inch iron rod with "CUDE" cap marking the most westerly corner of the said 142.096 acres;

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THENCE, North 60deg 06' 45" East, along the southeasterly right of way line of the said Missouri Pacific Railroad, a distance of 1,514.91 feet, to a point located in the current city limit line of the City of Schertz, Texas;

THENCE, along the northeasterly line of the said 142.096 acres, same being the current city limit line of the City of Schertz, Texas, the following courses:

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South 30deg 16' 15" East, a distance of 1,619.85 feet, to the **POINT OF BEGINNING** and containing 141.494 acres of land, more or less.

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This document was prepared under 22 TAC 563.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

James W. Russell 9/25/20

James W. Russell
Registered Professional Land Surveyor No. 4230
Cude Engineers
4122 Pond Hill Road, Suite 101
San Antonio, Texas 78231
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PHONE: (210) 681-2951
CUDEENGINEERS.COM

TBPE NO. 455
TBPLS NO. 10048500

Brenda Dennis, TRMC-MMC
City Secretary

February 3, 2021

BY CERTIFIED MAIL – 7011 1570 0002 6858 6885

Comal County
Attn: Cynthia Jaqua
178 E. Mill Street., Suite 100
New Braunfels, TX 78130

Re: City of Schertz Annexation of Property

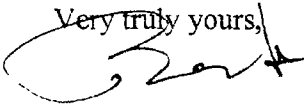
Dear Cynthia,

Pursuant to Section 41.0015 of the Texas Local Government Code, as amended, the City of Schertz hereby notifies your office of the following annexation the City completed, in order to ensure that the City will receive any sales taxes generated in the newly annexed areas.

Certified copies of Ordinance 21-A-04 is enclosed. A map detailing the added territory is attached to the respected Ordinance.

If you have any questions regarding this annexation, please do not hesitate to contact me.

Very truly yours,



Brenda Dennis

Enclosures



1400 SCHERTZ PARKWAY
SCHERTZ, TEXAS 78154-1634
(210) 619-1030
FAX (210) 619-1039
bdennis@schertz.com

Brenda Dennis, TRMC, MMC
City Secretary

February 3, 2021

BY CERTIFIED MAIL 7011 1570 0002 6858 6892

Honorable Ruth R. Hughs
Texas Secretary of State
1019 Brazos Street
Austin, Texas 78701

Re: City of Schertz Annexations of Property

Dear Honorable Hughs:

Pursuant to Section 41.0015 of the Texas Local Government Code, as amended, the City of Schertz hereby notifies your office of the following annexations the City completed, in order to ensure that the City will receive any sales taxes generated in the newly annexed areas.

Certified copies of ordinances 21-A-04 are enclosed. Maps detailing the added territories are attached to the respected ordinances.

If you have any questions regarding these annexations, please do not hesitate to contact me.

Very truly yours,

Brenda Dennis

Enclosures

Brenda Dennis, TRMC-MMC
City Secretary

February 3, 2021

BY CERTIFIED MAIL – 7019 0700 0000 0371 2016

Honorable Kristen H. Hoyt
Tax Assessor-Collector
205 N. Seguin Avenue
New Braunfels Texas 78130

Re: City of Schertz Annexation of Property

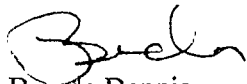
Dear Honorable Kristen Hoyt,

Pursuant to Section 41.0015 of the Texas Local Government Code, as amended, the City of Schertz hereby notifies your office of the following annexation the City completed, in order to ensure that the City will receive any sales taxes generated in the newly annexed areas.

Certified copies of Ordinance 21-A-04 is enclosed. A map detailing the added territory is attached to the respected Ordinance.

If you have any questions regarding this annexation, please do not hesitate to contact me.

Very truly yours,



Brenda Dennis

Enclosures

Brenda Dennis, TRMC-MMC
City Secretary

February 3, 2021

BY CERTIFIED MAIL – 7011 1570 0002 6858 6908

Glenn Hegar
Texas Comptroller of Public Accounts
111 East 17th Street
Lyndon B. Johnson State Office Building
Austin Texas 78774


Dear Sir or Madam,

Pursuant to Section 41.0015 of the Texas Local Government Code, as amended, the City of Schertz hereby notifies your office of the following annexation the City completed, in order to ensure that the City will receive any sales taxes generated in the newly annexed areas.

Certified copies of Ordinance 21-A-04 is enclosed. A map detailing the added territory is attached to the respected Ordinance.

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Very truly yours,


Brenda Dennis

Enclosures



SCHERTZ
1081 ELBEL RD
SCHERTZ, TX 78154-9998
(800)275-8777

02/03/2021 01:42 PM

Product	Qty	Unit Price	Price
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First-Class Mail® Large Envelope	1		\$1.40
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New Braunfels, TX 78130
Weight: 0 lb 2.80 oz
Estimated Delivery Date
Sat 02/06/2021

Certified Mail®			\$3.60
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Tracking #: 70111570000268586885

Return Receipt			\$2.85
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Total	9590 9521 0615 0257 4348 85		\$7.85
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First-Class Mail® Large Envelope	1		\$1.40
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Austin, TX 78701
Weight: 0 lb 2.80 oz
Estimated Delivery Date
Sat 02/06/2021

Certified Mail®			\$3.60
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Tracking #: 70111570000268586892

Return Receipt			\$2.85
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Total	9590 9521 0615 0257 4348 92		\$7.85
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First-Class Mail® Large Envelope	1		\$1.40
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New Braunfels, TX 78130
Weight: 0 lb 2.80 oz
Estimated Delivery Date
Sat 02/06/2021

Certified Mail®			\$3.60
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Tracking #: 70190700000003712016

Return Receipt			\$2.85
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Total	9590 9521 0615 0257 4349 08		\$7.85
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First-Class Mail® Large Envelope	1		\$1.40
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Austin, TX 78774
Weight: 0 lb 2.70 oz
Estimated Delivery Date
Sat 02/06/2021

Certified Mail®			\$3.60
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Tracking #: 70111570000268586908

Return Receipt			\$2.85
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Total	9590 9521 0615 0257 4349 15		\$7.85
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Grand Total:			\$31.40
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Credit Card Remitted			\$31.40
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Card Name: MasterCard
Account #: XXXXXXXXXXXX1583
Approval #: 084492
Transaction #: 485
AID: A0000000041010 Chip
AL: MASTERCARD
PIN: Not Required CREDIT

7019 0700 0000 0371 2016

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only)	
For delivery information, visit our website at www.usps.com .	
New Braunfels, TX 78130	
Certified Mail Fee	\$3.60
Extra Services & Fees (check box, add fee)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$1.40
Total Postage & Fees	\$7.85
0334 77	
Postmark Here	
02/03/2021	
Sent To Honorable Kristen Hoyt 205 N. Seguin Avenue New Braunfels TX 78130	
PS Form 3800, April 2015 PSN 7530-02-000-9947 See Reverse for Instructions	

7011 1570 0002 6858 6885

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com .	
New Braunfels, TX 78130	
Postage	\$3.60
Certified Fee	\$2.85
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$7.85
0334 77	
Postmark Here	
02/03/2021	
Sent To Cynthia J. Jula 178 E. Mill Street, Suite 100 New Braunfels TX 78130	
PS Form 3800, August 2006 See Reverse for Instructions	

7011 1570 0002 6858 6908

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com .	
Austin, TX 78774	
Postage	\$3.60
Certified Fee	\$2.85
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$7.85
0334 77	
Postmark Here	
02/03/2021	
Sent To Honorable Glenn Hepler 111 E 17th Street Austin TX 78774	
PS Form 3800, August 2006 See Reverse for Instructions	

7011 1570 0002 6858 6892

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com .	
Austin, TX 78701	
Postage	\$3.60
Certified Fee	\$2.85
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$7.85
0334 77	
Postmark Here	
02/03/2021	
Sent To Honorable Ruth Hughs 1619 Brazos Street Austin TX 78701	
PS Form 3800, August 2006 See Reverse for Instructions	

Brenda Dennis, TRMC-MMC
City Secretary

February 3, 2021

BY CERTIFIED MAIL – 7011 1570 0002 6858 6885

Comal County
Attn: Cynthia Jaqua
178 E. Mill Street., Suite 100
New Braunfels, TX 78130

Re: City of Schertz Annexation of Property

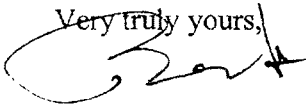
Dear Cynthia,

Pursuant to Section 41.0015 of the Texas Local Government Code, as amended, the City of Schertz hereby notifies your office of the following annexation the City completed, in order to ensure that the City will receive any sales taxes generated in the newly annexed areas.

Certified copies of Ordinance 21-A-04 is enclosed. A map detailing the added territory is attached to the respected Ordinance.

If you have any questions regarding this annexation, please do not hesitate to contact me.

Very truly yours,



Brenda Dennis

Enclosures



1400 SCHERTZ PARKWAY
SCHERTZ, TEXAS 78154-1634
(210) 619-1030
FAX (210) 619-1039
bdennis@schertz.com

Brenda Dennis, TRMC, MMC
City Secretary

February 3, 2021

BY CERTIFIED MAIL 7011 1570 0002 6858 6892

Honorable Ruth R. Hughs
Texas Secretary of State
1019 Brazos Street
Austin, Texas 78701

Re: City of Schertz Annexations of Property

Dear Honorable Hughs:

Pursuant to Section 41.0015 of the Texas Local Government Code, as amended, the City of Schertz hereby notifies your office of the following annexations the City completed, in order to ensure that the City will receive any sales taxes generated in the newly annexed areas.

Certified copies of ordinances 21-A-04 are enclosed. Maps detailing the added territories are attached to the respected ordinances.

If you have any questions regarding these annexations, please do not hesitate to contact me.

Very truly yours,

Brenda Dennis

Enclosures

Brenda Dennis, TRMC-MMC
City Secretary

February 3, 2021

BY CERTIFIED MAIL – 7019 0700 0000 0371 2016

Honorable Kristen H. Hoyt
Tax Assessor-Collector
205 N. Seguin Avenue
New Braunfels Texas 78130

Re: City of Schertz Annexation of Property

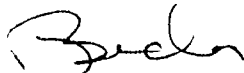
Dear Honorable Kristen Hoyt,

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Very truly yours,



Brenda Dennis

Enclosures

Brenda Dennis, TRMC-MMC
City Secretary

February 3, 2021

BY CERTIFIED MAIL – 7011 1570 0002 6858 6908

Glenn Hegar
Texas Comptroller of Public Accounts
111 East 17th Street
Lyndon B. Johnson State Office Building
Austin Texas 78774


Dear Sir or Madam,

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If you have any questions regarding this annexation, please do not hesitate to contact me.

Very truly yours,


Brenda Dennis

Enclosures

ORDINANCE NO. 21-A-04

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LINES OF THE CITY OF SCHERTZ, TEXAS BY THE ANNEXATION OF APPROXIMATELY 142 ACRES OF LAND LOCATED IN COMAL COUNTY APPROXIMATELY 3,500 FEET SOUTHWEST OF THE INTERSECTION OF DOERR LANE AND BELL NORTH DRIVE

WHEREAS, the City Council of the City of Schertz (the "City") has determined that it should annex the territory described on Exhibit A attached hereto and made a part hereof (the "Annexed Land"); and

WHEREAS, the Annexed Land is located entirely within the extraterritorial jurisdiction of the City, is contiguous to the corporate boundaries of the City (or is deemed to be contiguous, pursuant to Section 43.035(c) of the Texas Local Government Code, as amended), and may be annexed pursuant to Chapter 43 of the Texas Local Government Code, as amended; and

WHEREAS, Texas Local Government Code Section 43.028 authorizes the City of Schertz to extend its City limit boundaries through the voluntary annexation of area adjacent to those boundaries upon petition of a landowner; and

WHEREAS, a public hearing notice was published in the San Antonio Express News on December 16, 2020 for the hearing held on January 5, 2021 and notice was published in the San Antonio Express News on January 13, 2021 for the hearing on January 26, 2021; and

WHEREAS, on January 5, 2021 the City Council conducted a public hearing and after considering the request for voluntary annexation, adopted Resolution 21-R-03 accepting a petition for voluntary annexation; and

WHEREAS; the City Council finds that the Annexed Land is suitable, and it is in the best interest of the City and the citizens and inhabitants thereof that the Annexed Land be annexed to and made a part of the City.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:
THAT:**

Section 1. The City hereby annexes the Land described in Exhibit A.

Section 2. The Annexed Land shall be included within the City's corporate limits effective on the effective date of this Ordinance, and all taxable property in the Annexed Land shall hereafter bear its pro rata part of the taxes levied by the City, subject to allowable exemptions.

Section 3. The land and territory more particularly described as that portion of the tract of land described in Exhibit A, attached hereto and incorporated herein by reference shall be part of the City of Schertz, Texas and inhabitants thereof shall be entitled to all of the rights and privileges as citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Schertz, Texas.

Section 4. A service plan outlining the provisions of necessary municipal service to the property described in Exhibit A is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit B.

Section 5. The City manager is hereby authorized and directed to take appropriate action to have the official map of the City revised to reflect the additions to the City's Corporate Limits and the City Secretary is hereby authorized and directed to provide appropriate notice to the State of Texas and the County of Guadalupe of this annexation.

Section 6. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 7. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 9. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

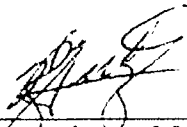
Section 10. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 11. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 12. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.


Approved on first reading the 26th day of January, 2021.

PASSED, APPROVED AND ADOPTED on final reading the 2nd day of February, 2021.

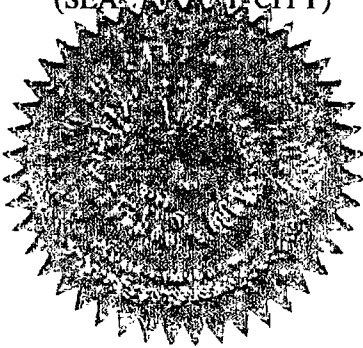


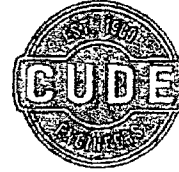
Ralph Gutierrez, Mayor

ATTEST:



Brenda Dennis, City Secretary
(SEAL OF THE CITY)





**LEGAL DESCRIPTION
141.494 ACRES OF LAND**

141.494 acres of land located in the Vincente Micheli Survey Number 114, Abstract Number 383, Comal County, Texas and being a portion of that certain 142.096 acres of land conveyed to Schertz 312, LLC, as described in Document Number 201806024987, Official Public Records of Comal County, Texas; said 141.494 acres being more particularly described as follows:

BEGINNING, at a found 1/2 inch iron rod located in the northwesterly right of way line of the Union Pacific Railroad and marking the most easterly corner of the said 142.096 acres;

THENCE, South 61deg 54' 35" West, along the northwesterly right of way line of the Union Pacific Railroad, a distance of 2,601.87 feet, to a found 1/2 inch iron rod with "CUDE" cap marking the most southerly corner of the said 142.096 acres;

THENCE, North 30deg 20' 49" West, leaving the northwesterly right of way line of the Union Pacific Railroad and along the southwesterly line of the said 142.096 acres, a distance of 1843.02 feet, to a found 1/2 inch iron rod with "CUDE" cap marking the most westerly corner of the said 142.096 acres;

THENCE, North 59deg 35' 59" East, along a northwesterly line of the said 142.096 acres, a distance of 1,074.50 feet, to a found 1/2 inch iron rod with "CUDE" cap marking an interior corner of the said 142.096 acres;

THENCE, North 29deg 38' 06" West, along the southwesterly line of the said 142.096 acres, a distance of 817.74 feet, to a found 1/2 inch iron rod with "CUDE" cap located in the southeasterly right of way line of the Missouri Pacific Railroad and marking the most northerly westerly corner of the said 142.096 acres;

THENCE, North 60deg 06' 45" East, along the southeasterly right of way line of the said Missouri Pacific Railroad, a distance of 1,514.91 feet, to a point located in the current city limit line of the City of Schertz, Texas;

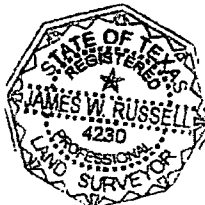
THENCE, along the northeasterly line of the said 142.096 acres, same being the current city limit line of the City of Schertz, Texas, the following courses:

South 30deg 28' 21" East, a distance of 1,132.16 feet, to a found 1/2 inch iron rod;
South 30deg 16' 16" East, a distance of 1,619.85 feet, to the **POINT OF BEGINNING** and containing 141.494 acres of land, more or less.

Basis of bearings is the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (93).

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

James W. Russell 7/23/20
James W. Russell
Registered Professional Land Surveyor No. 4230
Cude Engineers
4122 Pond Hill Road, Suite 101
San Antonio, Texas 78231
TBPELS Firm No. 10048500
TBPE Firm No. 455
Job No. 03227-007



CUDE ENGINEERS
SAN ANTONIO | AUSTIN

4122 POND HILL ROAD, STE 101
SAN ANTONIO, TEXAS 78231

PHONE: (210) 681-2951
CUDEENGINEERS.COM

TBPE NO. 455
TBPLS NO. 10048500

CITY OF SCHERTZ, TEXAS

ANNEXATION SERVICE PLAN

AREA ANNEXED

An approximately 142-acre tract of land, located in the Vincente Micheli Survey Number 114, Abstract Number 383, Comal County, Texas and being a portion of that certain 142.096 acres of land conveyed to Schertz 312, LLC, as described in Document Number 201806024987, Official Public Records of Comal County, Texas; generally located 3,500 feet southwest of the intersection of Doerr Lane and Bell North Drive, Comal County, Texas; Property ID: 77739

See Exhibit A, "*Metes and Bounds Description*", attached hereto for a complete description of the property.

INTRODUCTION

This service plan has been prepared in accordance with Local Government Code Section 43.056. Municipal facilities and services to the annexed area described above will be provided or made available on behalf of the city at the following levels and in accordance with the following schedule:

POLICE PROTECTION

Patrolling, responses to calls, and other police services will be provided on the effective date of the annexation at the same level as provided throughout the city.

FIRE PROTECTION AND FIRE PREVENTION

Fire protection and fire prevention services will be provided on the effective date of the annexation at the same level as provided throughout the city.

EMERGENCY MEDICAL SERVICES

Emergency medical services will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

SOLID WASTE COLLECTION AND DISPOSAL

Solid waste collection and disposal services will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the city. However, no obligation exists for the city to provide solid waste collection services to a person who continues to use the services of a privately owned solid waste management service provider.

OPERATION AND MAINTENANCE OF WATER AND WASTEWATER FACILITIES THAT ARE NOT WITHIN THE SERVICE AREA OF ANOTHER WATER OR WASTEWATER UTILITY

Operation and maintenance of water and wastewater facilities that are not within the service area of another water or wastewater utility will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

Development within the annexed property will pay a fee equal to the sewer capital recovery fee that would be assessed and collected per CHAPTER 90, Article V WATER AND WASTEWATER CAPITAL RECOVER FEES and as amended, as if the property was in the established service area City of Schertz.

OPERATION AND MAINTENANCE OF ROADS AND STREETS

Operation and maintenance of roads and streets will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

STREET LIGHTING

Street lighting will be made available on the effective date of the annexation on the same basis and at the same level in comparable areas as provided throughout the city.

OPERATION AND MAINTENANCE OF PUBLIC PARKS AND OTHER PUBLICLY OWNED FACILITIES

If any public park, playground, swimming pool, or any other publicly owned facility, building or service is located within the annexed area, it will be maintained on the effective date of the annexation on the same basis and at the same level as similar facilities are maintained throughout the city.

OTHER SERVICES

Other services that may be provided by the city such as planning, code enforcement, animal control, library, park and recreation, court, and general administration will be made available on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

CAPITAL IMPROVEMENTS

The city will make available to the annexed area any necessary water, sewer, street, and drainage facilities within two and one-half (2-1/2) years of the effective date of the annexation unless the construction of the necessary facilities is interrupted by circumstances beyond the control of the city, or unless this period is extended by an arbitration decision. No impact fees will be charged to any developer or landowner within the annexed area except in conformity with Local Government Code Ch. 395. Construction of other capital improvements shall be considered by the city in the future as the needs dictate on the same basis as such capital improvements are considered throughout the city.

UNIFORM LEVEL OF SERVICES MAY NOT BE REQUIRED

Nothing in this plan shall require the city to provide a uniform level of full municipal services to each area of the city, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

TERM

This service plan shall be valid for a term of ten (10) years. Notwithstanding the foregoing, city's obligation to provide services as set forth herein shall survive expiration of this service plan

AMENDMENTS

The plan shall not be amended unless public hearings are held in accordance with Local Government Code Section 43.0561

AGREEMENT

I desire to enter into this written agreement for municipal services with the City of Schertz pursuant to Section 43.0672 of the Local Government Code. I certify that I was offered a development agreement pursuant to Section 43.016 of the Local Government Code and still requested annexation. I certify that this petition is signed and duly acknowledged by each and every person, corporation, or entity having an ownership interest in said Property.

OWNER(S): (add additional signature lines for each owner)

Signature: BFS Print Name: Ben F. Spencer

NOTARY ACKNOWLEDGEMENT

STATE OF NEW MEXICO

§

§

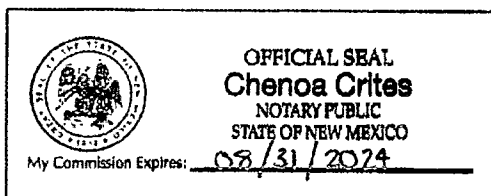
COUNTY OF BERNALILLO

§

BEFORE ME, the undersigned authority, on this day personally appeared Ben F. Spencer, as manager of Titan Lone Star, LLC, as manager of Schertz 312 Management, LLC, as manager of Schertz 312, LLC, owner of the annexed property, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed on behalf of the Owner.

Given under my hand and seal of office this 26th day of January, 2021.

(SEAL)



Chenoa Crites
NOTARY PUBLIC in and for the
~~STATE OF TEXAS~~
STATE OF NEW MEXICO
CHENOA CRITES
Printed Name
My commission expires: 08/31/2024

ATTEST:

A handwritten signature in dark ink, appearing to read "Brenda Dennis", written over a horizontal line.

City Secretary

SIGNED:

A handwritten signature in dark ink, appearing to read "Mark Bickman", written over a horizontal line.

City Manager

Exhibit A

Metes and Bounds Description

APPROXIMATELY 142 ACRES



LEGAL DESCRIPTION
141.494 ACRES OF LAND

141.494 acres of land located in the Vicente Micheli Survey Number 314, Abstract Number 383, Comal County, Texas and being a portion of that certain 142.096 acres of land conveyed to Schertz 312, LLC, as described in Document Number 201806024987, Official Public Records of Comal County, Texas; said 141.494 acres being more particularly described as follows:

BEGINNING, at a found 1/4 inch iron rod located in the northwesterly right of way line of the Union Pacific Railroad and marking the most easterly corner of the said 142.096 acres;

THENCE, South 81deg 54' 35" West, along the northwesterly right of way line of the Union Pacific Railroad, a distance of 2,601.87 feet, to a found 1/4 inch iron rod with "CUDE" cap marking the most southerly corner of the said 142.096 acres;

THENCE, North 30deg 20' 49" West, leaving the northwesterly right of way line of the Union Pacific Railroad and along the southwesterly line of the said 142.096 acres, a distance of 1843.02 feet, to a found 1/4 inch iron rod with "CUDE" cap marking the most westerly corner of the said 142.096 acres;

THENCE, North 59deg 35' 59" East, along a northwesterly line of the said 142.096 acres, a distance of 1,074.50 feet, to a found 1/4 inch iron rod with "CUDE" cap marking an interior corner of the said 142.096 acres;

THENCE, North 29deg 38' 06" West, along the southwesterly line of the said 142.096 acres, a distance of 817.74 feet, to a found 1/4 inch iron rod with "CUDE" cap located in the southeasterly right of way line of the Missouri Pacific Railroad and marking the most northerly westerly corner of the said 142.096 acres;

THENCE, North 60deg 06' 45" East, along the southeasterly right of way line of the said Missouri Pacific Railroad, a distance of 1,514.91 feet, to a point located in the current city limit line of the City of Schertz, Texas;

THENCE, along the northeasterly line of the said 142.096 acres, same being the current city limit line of the City of Schertz, Texas, the following courses:

South 30deg 28' 21" East, a distance of 1,132.16 feet, to a found 1/4 inch iron rod;

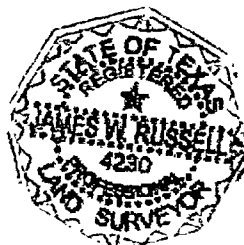
South 30deg 16' 16" East, a distance of 1,619.85 feet, to the **POINT OF BEGINNING** and containing 141.494 acres of land, more or less.

Basis of bearings is the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (93).

This document was prepared under 22 TAC 863.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

James W. Russell 9/20/20
James W. Russell

Registered Professional Land Surveyor No. 4230
CuDe Engineers
4122 Pond Hill Road, Suite 101
San Antonio, Texas 78231
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THE STATE OF TEXAS X
COUNTIES OF BEXAR, X
COMAL, AND GUADALUPE X

CONTRACT FOR SEWERAGE SERVICE

THIS CONTRACT is made and entered into as of the 15th day of February, 1985, by and between the Cibolo Creek Municipal Authority, (hereinafter called "Authority") and the City of Schertz, Texas, (hereinafter called "City"). This Contract supersedes and replaces the contract of March 21, 1973 between the Authority and the City.

W I T N E S S E T H :

WHEREAS, the Authority was created and established as a governmental agency, body politic and corporate, and a conservation and reclamation district under Article XVI, Section 59 of the Constitution of the State of Texas, by Chapter 347, Acts of the 62nd Legislature, Regular Session, 1971, and amended in 1977 by Senate Bill 137; and,

WHEREAS, the Texas Water Quality Board has designated the Authority as the governmental entity to develop a regional sewerage system in that area of the Cibolo Creek watershed heretofore designated (by Board Order No. 70-0327-2) as a regional area; and has charged the Authority with the responsibility of the design, construction, and operation of such regional sewerage system; and

WHEREAS, such regional sewerage system of the Authority is to consist of sewage treatment plants and outfall and interceptor lines; and the Authority shall be, and is, responsible for the design, construction, and maintenance of all portions of the sewer system within the aforesaid area that are eligible for grants under Public Law 95-217, while other portions of the system (collectors) are to be maintained and constructed by various political subdivisions within such area, and others; and,

WHEREAS, the said sewage collection system of the City, when constructed, is to be incorporated as an integral part of the regional sewerage system and the execution hereof by the parties is considered proper and expedient in order to provide the regional or area-wide waste collection, treatment and disposal system which is necessary to prevent pollution and maintain and enhance the quality of water in the area; and

WHEREAS, the parties hereto, by their respective governing bodies DO HEREBY FIND and DETERMINE:

- (1) That a regional or area-wide system is necessary and desirable to prevent pollution and maintain and enhance the quality of water in the area;
- (2) That the regional system of the Authority is capable of servicing the wastewater collection, treatment, and disposal needs of all of said area;
- (3) That the Authority as owner or operator of said system is agreeable to providing such services in full conformity with the aforesaid order or the Texas Water Quality Board; and
- (4) That the operation of the sewage treatment system by the Authority will be more economical (by reason of scale) than the operation of the sewage treatment system by the City; and

- (5) That it is the desire of the parties signatory that costs for performing sewage transportation and treatment should be distributed to the users to assure:

- (a) Uniform charges;
- (b) economic efficiency and administrative simplicity; and
- (c) revenue adequacy;

so that the region as a whole will benefit from the improved quality of the treatment of sewage and the consequent improvement of the quality of water and the environment of the region; and

WHEREAS, this contract is intended to assist in implementing State and Federal policy to establish and control the quality of water in the State, and control, prevent, and abate the pollution thereof, and encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the State; NOW, THEREFORE, the parties hereto, in consideration of the mutual agreements and undertakings hereinafter set forth, hereby contract and agree as follows:

ARTICLE I

Definitions:

SECTION 1.01: Unless the context shall indicate a contrary meaning or intent, the terms below defined, for all purposes of this contract amendatory or supplemental hereto, shall be construed or used, and are intended to have meanings, as follows:

- (a) "additional contracting party or parties" means any city or other person, as defined in Chapter 25 of the Texas Water Code, other than the parties hereto, who shall enter or have entered into a contract with the Authority under which the Authority is to furnish service to such city or other person through the system.
- (b) "debt of the system" means:
 - (i) the amount required by the proceedings authorizing the issuance of bonds of the Authority to be set aside and provided for the payment and security of each series of bonds delivered by the Authority to provide for the construction of all or part of the system or for the improvement, repair or extension thereof; and
 - (ii) the cost of the treatment plant of any additional contracting party which (a) is located in whole or in part in the service area of the Authority and (b) which party (as the owner thereof) executes a contract with the Authority whereby the Authority operates the same. Costs of any such treatment plant shall be determined as provided in Section 4.11.
- (c) "engineer" means an independent consulting engineer of national reputation as may be selected by the Authority for services in connection with the system.

- (d) "fiscal year" means the twelve-month period beginning October 1 of each year.
- (e) "industrial waste order" means any order, resolution, or ordinance adopted by the parties or additional contracting parties to control or regulate the discharge into the system of:
 - (i) liquid and water-carried wastes from industrial processes, as distinguished from sanitary sewage, or
 - (ii) garbage (solid wastes from the preparation, cooking, and dispensing of food and from handling, storage, and sale of produce) or
 - (iii) grease (fats, waxes, oils and other similar materials in waste water, as determined by procedures specified in the then latest edition of "Standard Method for Examination of Water and Waste Water" published by the American Public Health Association, Inc.)
- (f) "local sewerage facilities" shall mean all facilities owned or operated by the City or one or more of the additional contracting parties for the local collection of sewage to be delivered to the system.
- (g) "maintenance and operation expense" means all costs of repairs and replacements of the system, all costs of maintenance and operation of the system, including (for greater certainty but without limiting the generality of the foregoing) supervision, general administration, engineering, accounting, auditing, annual reports, payments made by the Authority in satisfaction of judgments resulting from claims not covered by the system's insurance, any costs arising in connection with the operation of the system, legal expense, and any other supplies, insurance, services and equipment necessary for proper operation and maintenance of the system. Such term shall not include depreciation.
- (h) "meter" means any device used to measure sewage flow (or, where applicable, the flow of potable water).
- (i) "metered discharge" means the volume of sewage flow, expressed in millions or thousands of gallons, introduced into the system.
- (j) "point of entry" is a designated location in the system at which a particular contracting party may discharge sewage into the system.
- (k) "sanitary sewage" means liquid and water-carried waste discharged from the sanitary conveniences of dwellings and other buildings.
- (l) "system" means
 - (i) the sewage treatment plant or plants owned or operated by the Authority together with all future extensions, betterments, replacements, or additions thereto constructed or otherwise acquired with the proceeds of financing accomplished by the Authority; and

- (ii) the other facilities (including interceptors) to provide for the receiving, transporting, treating, and disposing of sewage which the Authority is obligated to receive under the terms of this or a similar contract; said term shall include only those facilities which are constructed or acquired, or the use of which is arranged for, by the Authority to afford service in the Service Area of the Authority which can economically and efficiently be served by the system, irrespective of whether the facilities of said system are physically interconnected. Specifically, the term includes any facilities leased by the Authority or operated for or on behalf of the City or an additional contracting party.

ARTICLE II

Representations and Agreements:

SECTION 2.01: The City's Representations and Agreements - In connection with its undertakings hereunder, the City represents as follows:

- (a) In its capacity as a duly incorporated city of Texas, it is empowered under applicable laws of Texas, particularly under the Interlocal Cooperation Act and the Texas Water Code, to enter into the engagements prescribed for it under this agreement and to perform all obligations which may result therefrom, and its governing body has duly authorized execution of this agreement.
- (b) It will exclusively use the waste collection, treatment, and disposal system or systems to be provided under the terms of this agreement and in accordance with the terms and conditions herein set forth.
- (c) It will timely pay to the Authority the full amount it is required to pay under the provisions of this contract for the services supplied by the system.
- (d) During the time this contract is in force and effect, it will not expend any funds for the construction of its own local wastewater treatment capacity
- (e) That it will (i) plan, construct, maintain, and finance local sewage facilities, (ii) set retail rates to individual customers for utility service adequate to meet its obligations including those hereunder, (iii) bill and collect for local sewer services, (iv) set and enforce construction standards (plumbing codes and building ordinances) for local lines based on regional standards, and (v) issue tap permits on local lines forming a part of the system.
- (f) That it will cooperate with the Authority in the performance of the duties and responsibilities assigned to the Authority by this contract.
- (g) Any sewer lateral, main, or sub-main serving two or more residential or commercial units of the City which is connected in the future directly

or indirectly to the system shall be designed by, and the construction shall be supervised by, competent engineers. Such engineers shall, in the preparation of plans and specifications for such construction, incorporate therein requirements and methods of construction approved by the City and the Authority.

SECTION 2.02: Representations and Agreements by the Authority -
The Authority represents to the City and agrees with such party as follows:

- (a) That it will use its best efforts to obtain maximum State and Federal grant assistance in expanding the Authority's system, when such expansion becomes necessary, to the end that capital costs shall be kept at a minimum.
- (b) That the Authority will:
 - (i) prepare comprehensive regional plans for water quality management, pollution control, and abatement in its service area which
 - (1) are consistent with any applicable water quality standards established pursuant to current law;
 - (2) endeavor to maintain disposal systems as will provide the most effective and economical means of collection, storage, treatment, and purification of waste, and recommend means to encourage rural, municipal, and industrial use of such works and systems; and
 - (3) recommend maintenance and improvement of water quality standards within said area and recommend methods of adequately financing those facilities as may be necessary to implement the plan.
 - (ii) join in the performance of planning functions with any public agency and enter into planning agreements for such term and upon such conditions as may be deemed desirable so as to provide coordinated planning on an area-wide scale;
 - (iii) evaluate the planning as facilities are completed; and
 - (iv) encourage the development and enforcement of wastewater standards within its service area.

The planning by the Authority shall be comprehensive in nature, shall consider the sources of water, recycling, pollution sources, pollution abatement techniques, and devices as well as the use of water within the region. Local influence and input shall be obtained for the planning of interceptors.

ARTICLE III

Procedures to Insure Quality:

SECTION 3.01: Points of Entry - The system shall accept sewage only from the City and additional contracting parties.

Sewage will be accepted into the system at those points where the City's collection system joins the Authority's interceptor lines. All such points will be considered points of entry.

SECTION 3.02: Quality - The City agrees to limit its discharge into the system to those that are defined as admissible discharges in the industrial waste order and curtail the discharge of any wastes that have the characteristics of prohibitive discharges, and revisions to the industrial waste orders of the parties hereto will periodically become necessary so as to comply with these latest standards. It is the intention of this contract that the respective industrial waste orders be reviewed periodically by the parties; and each hereby covenants to revise its order in accordance with the latest standards of any Federal or State agency having regulatory powers within ninety (90) days of receipt of notice from one party to the other of such change.

SECTION 3.03: Testing Quality - At regular intervals to be determined by the Authority, the Authority will collect twenty-four hour composite samples of all sewage at each point of entry and cause same to be analyzed by American Public Health Association standard methods.

Should the analysis disclose concentrations higher than those permitted by the industrial waste order, the Authority will at once inform the City of such disqualification. It shall be the obligation of the City to require the offending originator of said highly concentrated materials to undertake remedial pre-treatment before discharge into the City's local sewage facilities. The engineers will cooperate with City engineers in reaching a satisfactory solution, but will not undertake to specify the pre-treatment process to be employed. In some borderline cases of excessive strength of industrial waste, the originating industry and the City may be desirous of, and the Authority may be agreeable to, negotiating terms under which the Authority will accept and treat the over-strength waste, but the Authority makes no commitment to perform such service.

SECTION 3.04: Responsibility for Wastes - The City (i) shall have full responsibility in connection with all wastes handled by its local sewage facilities and (ii) agrees to save and hold the Authority harmless from all claims, demands, and causes of action, attributable solely to factors under the City's control, which may be asserted by anyone on account of the transportation, delivery, and disposal of said wastes while they are in the process of being handled by such local sewage facilities.

SECTION 3.05: Unit of Measurement - The unit of measurement for sewage hereunder shall be gallons, U. S. Standard Liquid Measure.

ARTICLE IV

Fiscal Matters:

SECTION 4.01: Types of Payments for Service - For and in consideration of the undertakings of the Authority hereunder, the City agrees that it will tender to the Authority a single monthly payment based upon the following charges:

- (a) Base monthly charge - a pro rata cost of maintenance and operation expense of the system (including power, chemicals, and supplies required in the treatment of sewage).
- (b) Sewer Charge - an amount adequate to disclose its pro rata part of the amount required for the amortization of the debt of the system. Such payment shall, with respect to the debt of the system, be not less than one-twelfth (1/12) of the requirements to become due within the fiscal year to which the budget relates; provided the Authority may adjust such payments as required to provide for the accumulation of the full amount of the sewer payments on the first day of the

month preceding the time debt service requirements become due. In making a determination of the amount of the sewer payments, consideration shall be given to the amount on hand, investment income, provisions for interest during construction from bond proceeds, or other sources.

- (c) Additional monthly charge - any amount established as the charge to the City for the treatment of each 1,000 gallons of sewage delivered into the system which does not meet the requirements for admissible discharge.
- (d) Nothing in this Section 4.01 or in this Article IV shall be construed so as to prevent the Authority from exercising its right to make such lawful charges and assessments, including user charges, connection fees, or any other means of obtaining revenues from the disposal system of the Authority that it might otherwise be authorized to make by virtue of being a conservation and reclamation district and a designated regional and area-wide waste treatment and disposal authority. In fixing and establishing such charges and assessments, however, the Authority shall take into account:
 - (1) the volume, type, character, and quality of the waste of each user or class of users;
 - (2) the techniques of the treatment required;
 - (3) any capital costs and debt retirement expenses of the disposal system required to be paid for from the charges and assessments;
 - (4) the costs of operating and maintaining the system to comply with Chapter 21 of the Texas Water Code and the permits, rules, and orders of the Texas Department of Water Resources;
 - (5) any other costs directly attributable to providing the waste disposal service under standard, accepted cost-accounting practices.

SECTION 4.02: Proration of Base Monthly Charge and Sewer Charge - The pro rata portion of expense the City is to bear under the provisions of subparagraphs (a) and (b) of Section 4.01 shall be the proportion of such expense for the treatment of admissible discharge which the amount of admissible discharge delivered through its local sewage facilities to the system bears to the total amount of such admissible discharge so delivered through all local sewage facilities. The pro rata portion of the expenses that the City and other contracting parties are to bear are determined on a gallonage system or any other user charge system that results in each contracting party paying its pro rata portion of the base monthly charge and the sewer charge.

SECTION 4.03: Time of Making Payments - On or before the 20th business day of each month, the City shall pay in a single payment the charges incurred in the previous month, as listed in Section 4.01 (a), (b), and (c) above. The charges to the City in Section 4.01 (a) and (b) will be determined by application of the rate established by the Board of Directors of the Authority for each 1,000 gallons of sewage delivered by it to the Authority at a point of entry. During such period (so long as the debt of the system is not increased) such payment shall constitute the full amount required to meet the base monthly charge and the sewer charge for which provision is made in paragraphs (a) and (b) of Section 4.01. The amount due as an additional monthly charge in Section 4.01 (c) for sewage which is not an admissible discharge, shall not be reduced or affected by the payments hereunder.

The amount set forth in the preceding paragraph shall be subject to adjustment as provided in Section 4.07 (b) and 4.07 (c).

SECTION 4.04: Covenant of Timely Payment - The City covenants that it will timely pay (i) the sewer charges in accordance with the provisions hereof, irrespective of whether service of the system is available to it, or used if so available to it, or service has been discontinued; (ii) the base monthly charges; and (iii) the additional monthly charges, if any as the same shall become due and payable.

SECTION 4.05: Late Payment Penalty - Should the City fail to make any payment at the times herein specified, interest on such amounts shall accrue at the rate of one and one-half per cent (1-1/2%) per month from the date such payment becomes due until paid in full, with interest as herein specified. In the event such payment is not made within sixty (60) days from the date such payment becomes due, the Authority may institute a proceeding for mandatory injunction requiring payment of the amount due and interest thereon, such action to be instituted in a court of competent jurisdiction. In such event, the City agrees to pay reasonable attorneys fees incurred by the Authority.

SECTION 4.06: Priority of Charges; City to Fix Adequate Rates -

- (a) The City represents and covenants that all payments to be made by it hereunder shall constitute "operating expenses" of its sanitary sewer system with the effect that the obligation to make such payments from its utility system revenues under this contract shall be an operating expense as defined by Article 1113, Revised Civil Statutes of Texas, 1925, as amended.
- (b) The City further agrees to fix and collect such rates and charges for utility services to its customers as will, in combination with any other funds legally available and reasonably assured for the purpose, make possible the prompt payment of all expenses of operating and maintaining its utility system and all payments contracted hereunder.

SECTION 4.07: The Budget - All parties executing this instrument recognize that a portion of the cost to be paid for service supplied by the system will be calculated on the basis of estimated quantities of sewage treated and estimated expenses; that the Authority will be required to accumulate funds with which to pay its debt service requirements; and that the maintenance and the following procedures will be employed:

- (a) On or before the 15th day of July prior to the close of the fiscal year of the Authority, the Authority shall estimate the amount of charges payable to the Authority by each user for the ensuing year.
- (b) When the debt of the system is increased, the Authority shall forthwith, within thirty (30) days of the delivery of its obligations, compute the additional amount required, if any, as a sewer charge to become due prior to the time such debt will be included in the regular budget process; and shall notify the City and additional contracting parties of the additional amount to be paid monthly in order to fully provide for such additional debt.
- (c) By the 15th day of August each year, the governing officials of the Authority shall transmit a copy of the annual budget for the fiscal year commencing the following October 1, to the City and to each additional contracting party. By the following September 15

the City and each additional contracting party may indicate any exceptions or suggestions and transmit the same to the Authority. Due consideration shall be given by the Authority to any exceptions or suggestions by any such contracting party and the same shall be incorporated insofar as consistent with the Authority's rights and obligations.

SECTION 4.08: Records of Authority - The authority shall keep detailed records and accounts of the expenses mentioned so the same may be divided or prorated as hereinabove provided. In no event shall any of the expense charged to the City include depreciation or nonallocable expenses.

The Authority covenants that the expenses it is to assume and pay by reason of the provisions of this contract will be paid out of funds available to it.

SECTION 4.09: Adjustment to Charges - It is agreed the following adjustment shall be made:

Sale or Reuse of Wastewater - Any income derived by the Authority from the sale or reuse of effluent shall be credited to the City and additional contracting parties in the same proportion contributed by the City and the additional contracting party to the system. The adjustment shall be made annually immediately after the close of each fiscal year and shall be a credit on maintenance and operating expenses owed by the particular user.

SECTION 4.10: Nature of Obligation of City - The payments required to be made by the City under the terms of this contract shall be due and payable as herein specified in any and all events, regardless of whether the system shall have been wholly or partially destroyed or damaged. The agreements of the City and each additional contracting party to make the payments required shall be and are separate and independent covenants and no City shall have a right of setoff, recoupment, or counterclaim. As to the base monthly charges and additional base monthly charges, however, the City may discontinue payment of same during any period in which such City shall not be tendered any service by the system by wrongful affirmative act of the Authority. The Authority shall never have the right to demand payment of any obligation assumed by the City out of funds raised, or to be raised, by taxation. Any obligations assumed or imposed on a party hereto shall never be construed as a debt of such party of such kind as to require it under the Constitution and laws of this State to levy and collect taxes to discharge such obligation, it being expressly understood by the parties hereto that the funds required for all payments due by the City are to be derived from revenue for sewer service from the City's sewage collection facilities. The City agrees to operate and maintain its local sewage facilities in such manner and to make such charges for the services supplied thereby to all customers so that the revenues derived therefrom will always be adequate to enable such City to promptly make all payments due Authority under the provisions of this agreement, and all payments so made shall be deemed expenses of maintaining and operating the local sewage facilities of such City.

SECTION 4.11: Cost of the City's Treatment Facility - The Authority shall make payments to the City to compensate the City for its continuing debt service payment requirements on sewage treatment facilities that were deeded to the Authority for its use (as described in Exhibit A) after the City's original contract with the Authority was executed on March 21, 1973. Such payments will be made monthly by the Authority to the City as set forth in Exhibit B.

ARTICLE V

Miscellaneous Provisions:

SECTION 5.01: Contract Term and City's Rights and End of Term - The obligation of the City to promptly make all prescribed monthly payments shall commence upon the execution of this agreement, and continue for a term (i) of fifty (50) years or (ii) until all debt of the system has been retired, whichever shall last occur. At the end of such term, the Authority agrees all contracting parties, including the City, shall have the right to an extension of the term of this contract beyond such initial period for an additional term of sixty (60) years under identical terms and conditions provided the City and all additional contracting parties are agreeable.

SECTION 5.02: Modification of Provisions - This contract may be changed and modified only with the consent of the governing bodies of all parties signatory. Such modification may be requested by either party, in which event a joint meeting of the governing bodies or of their duly authorized and appointed representatives shall be held not less than thirty (30) days after the giving of such notice. At such joint meeting, the suggested changes or modifications shall be considered, discussed, and settled. No such change or modification may be made which will affect adversely the payment when due of all monies required to be paid by the City under the terms of this contract and no such change will be effective which affects adversely or causes a violation of any covenants contained in the resolution or order authorizing the issuance of the Authority's bonds.

If for any reason the City may desire the construction of any additional facilities over and above those now contemplated, and provided same are within the legal and economic capabilities of the Authority, provision therefor shall be made by means of such City and the Authority. Should the Authority desire to construct any such additional facilities for the purpose of meeting the Authority shall not proceed with any work on such facilities other than preliminary planning without following the procedures described in this Section. Nothing herein contained shall restrict the power of the Authority to enter into additional contracts with additional contracting parties provided the revenues of this contract are not pledged or hypothecated in any manner thereunder.

SECTION 5.03: Regulatory Provisions - This contract shall be subject to all valid rules, regulations, and laws applicable thereto, as promulgated by the United States of America, the State of Texas, or any other governmental body or agency having lawful jurisdiction or any authorized representative or agency of any of them.

SECTION 5.04: Taxes -

- (a) Sales or Use Taxes - In the event any sales or use taxes, or taxes of any nature, are hereafter imposed upon the sale or use of sewage water received by the system under this contract or against the Authority or the system, the amount of such taxes shall be treated as operating expenses of the system.
- (b) Ad Valorem Taxes - In the event that the Authority initiates an ad valorem tax within its boundaries as a means of generating revenues for operation and/or debt retirement of its system, the City agrees to do the following:

For those areas within the corporate limits of the City of Schertz, but not within the boundaries of the Authority, which receive wastewater treatment service from the Authority, either directly or indirectly, the City will collect a fee in lieu of taxes

from each user. Such fees will be at least sufficient so that the amount forwarded to the Authority by the City will be equal to the taxes paid to the Authority for properties of equal value inside the Authority's boundaries, as determined by Guadalupe County Central Appraisal District valuations. Such fees will be forwarded to the Authority by the City on an annual basis in conformance with the tax payment schedule for properties taxed within the Authority's boundaries. Such fees may be required by the Authority as either whole or partial compensation for wastewater service rendered to the City of Schertz.

SECTION 5.05: Title to Water and Sewage - Title to all water and sewage put into the system under this agreement shall pass to the Authority at the point of entry.

SECTION 5.06: Easements - The City agrees that the Authority may have such easements over any easements, rights-of-way, or property held by such City so that the facilities and required equipment may be appropriately provided.

SECTION 5.07: Force Majeure -

- (a) If for any reason of "force majeure" any of the parties hereto shall be rendered unable wholly or in part to carry out its obligations under this agreement, other than the obligation of the City to make the payments required under the terms of Article IV hereof, then if such party shall give notice and full particulars of such reasons in writing to the other party within a reasonable time after the occurrence of the event, or cause relied on, the obligation of the party giving such notice, so far as it is affected by such "force majeure", shall be suspended during the continuance of the inability then claimed, but for no longer period; and any such parties shall endeavor to remove or overcome such inability with all reasonable dispatch. The term "force majeure" as employed herein shall mean acts of God, strikes, lock-outs or other industrial disturbances, acts of public enemy, orders or actions of any kind of the Government of the United States or of the State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraints of government and people, civil disturbances, explosions, breakage or accident to dams, machinery, pipelines, or canals or other structures, on account of any other cause not reasonably within the control of the party claiming such inability. It is understood and agreed that the settlement of strikes and lock-outs shall be entirely within the discretion of the party having the difficulty, and that the above requirement that any "force majeure" shall be remedied with all reasonable dispatch shall not require the settlement of strikes and lock-outs by acceding to the demands of the opposing parties when such settlement is unfavorable to it in the judgment of the party having the difficulty. No failure of the Authority to meet any obligation by reason of "force majeure" shall relieve the City from its obligations to make the payments required under the terms of Article IV hereof.
- (b) No damages shall be recoverable for the Authority by reason of the causes above mentioned.
- (c) It is expressly recognized by the City that the Authority may be compelled to make necessary alternations, repairs,

or extensions of new or additional facilities from time to time during the life of this contract and any suspension of service to the City due to such operation shall not be cause for claim of damage on part of the Authority, provided all reasonable effort is used by the Authority to provide the City with service in accordance with this contract. In such case, the Authority shall give the City as much advance notice as may be practicable of the suspension or curtailment of service and of the estimated duration thereof.

SECTION 5.08: Notices - Any notice, request, demand, statement, or bill provided for in this agreement shall be in writing and shall be considered to have been duly delivered when sent by registered mail, addressed as follows:

CITY OF SCHERTZ
DRAWER 1
SCHERTZ, TEXAS 78154

CIBOLO CREEK MUNICIPAL AUTHORITY
P. O. BOX 930
SCHERTZ, TEXAS 78154

as the case may be, except that routine communications may be sent by ordinary mail, and except that either party, by the filing of an appropriate written notice to the others, may specify some other individual to whom communications thereafter are to be addressed.

SECTION 5.09: Covenant to Enforce Contractual Obligations - The Authority covenants that it will enforce the obligation of the City hereunder (as well as any obligations contained in similar contracts with additional contracting parties) as may be required to accomplish the purpose of this contract. Either party may enforce any obligations hereunder owed to it by the other party.

SECTION 5.10: Right to Provide Service to Others - The parties hereto recognize that the system is to serve the entire region; that the Authority is obligated to cause the facilities to be designed accordingly, and as additional treatment facilities may be required to so provide them; that the Authority shall have the right to enter into such contracts as may be in the best interest of the Authority and additional contracting parties and all cities hereunder, but in no event shall any such contract be on terms more favorable to any additional contracting party than is available to the City hereunder unless the governing body of the City shall also approve such other contract.

SECTION 5.11: Consequences of City Default - The Authority and City agree that in the event of default or threatened default in the payment of principal or interest on the debt of the system, any court of competent jurisdiction, upon petition of the holders of twenty-five per cent (25%) of the principal amount of the then outstanding bonds of the Authority, shall appoint a receiver with authority to collect and receive resources pledged to the debt of the system, enforce all rights arising from default, if any, by any City, or additional contracting party, in making payment under the agreement, employ and discharge agents and employees of the Authority, take charge of the pledged funds on hand and manage the proprietary affairs of the Authority without consent or hindrance by the Authority. The court may further vest the receiver with such powers and duties as the court may find necessary for the protection of the holders of the bonds.

SECTION 5.12: Severability - The parties hereto agree that if any of the provisions of this contract contravene, or are held invalid under, the laws of this State, same shall not invalidate the whole agreement, but it shall be construed as though not containing that particular provision and the rights and obligations of the parties shall be construed and in force accordingly.

IN WITNESS WHEREOF, the parties hereto, acting under authority of their respective governing bodies, have caused this contract to be duly executed in several counterparts, each of which shall constitute an original, all as of the day and year first above written.

CITY OF SCHERTZ, TEXAS

By Jimmy S. Gilmore
City Manager

ATTEST:

By June G. Krause
City Secretary

(CITY SEAL)

CIBOLO CREEK MUNICIPAL AUTHORITY

By Rufus E. Barnes Jr.
President, Board of Directors

ATTEST:

By Russell H. Shaver
Secretary, Board of Directors

(AUTHORITY SEAL)

The State of Texas X
County of Bexar X

Before me, the undersigned authority, in and for Bexar County, Texas, on this day personally appeared Rufus E. Barnes, Jr., President of the Board of Directors of the CIBOLO CREEK MUNICIPAL AUTHORITY, known to me to be the person whose name is subscribed to the foregoing instrument and known to me to be the President of the Board of Directors of CIBOLO CREEK MUNICIPAL AUTHORITY, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated as the act and deed of said CIBOLO CREEK MUNICIPAL AUTHORITY.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 15
day of February, 1985.

(Notary Seal)

Deborah R. Abadia
Notary Public, Bexar County, Texas
My Commission Expires 3 February 1986

EXHIBIT A

Description of land upon which the City of Schertz sewage treatment plant (now deactivated) is located.

Being 3.369 acres of land lying adjacent the Cibolo Creek in Guadalupe County, Texas and is more particularly described by metes and bounds as follows:

Beginning at an iron pin which is the boundary line between the Helma Dietz property and the Otto Dietz property and which lies south $30^{\circ} 0'$ each a distance of 2,540.5 feet from an iron pin in the south right-of-way line of FM Highway 78;

Thence, south $30^{\circ} 00'$ east along a fence line for the eastern boundary of this tract a distance of 665.0 feet to an iron pin set for the southeast corner of this tract;

Thence, $62^{\circ} 53'$ west along a fence a distance of 296.0 feet to an iron pin set for the most southern corner of this tract;

Thence, north $30^{\circ} 00'$ west a distance of 245.0 feet to a corner;

Thence, north $00^{\circ} 02' 41''$ east a distance of 461.17 feet to a point in a fence line;

Thence, north $54^{\circ} 47'$ east along a fence line a distance of 65.0 feet to the place of beginning containing 3.369 acres of land.

Contained upon the said 3.369 acres of land are the complete sewage treatment works of the City of Schertz, Texas (now deactivated), consisting of the following:

Headworks, Imhoff tank, single stage trickling filter, final clarifier, chlorinator and chlorination chamber, pump house, sludge drying beds, piping and valves, and final effluent discharge pipe.

EXHIBIT B

Credit to be allowed the City of Schertz under the provisions of Section 4.11:

<u>Date of Issue</u>	<u>Original Amount</u>	<u>Applicable %</u>	<u>Sewer Treatment Cost</u>
6-1-62	\$301,000	42.21	\$127,050

outstanding debt as of 1-1-73:

<u>Date of Issue</u>	<u>Principal</u>	<u>Interest to Maturity</u>
6-1-62	\$260,000	\$157,408

42.21% of issue equals \$176,188

For the fiscal year (budget year) shown below, 1/12 of the total annual credit shall be given monthly:

<u>Year Ending 9-30</u>	<u>(42.21%) Annual Requirement for Sewer Purposes</u>
1973	\$6,049.96
1974	6,388.06
1975	6,296.47
1976	6,204.45
1977	6,112.43
1978	6,020.83
1979	6,343.74
1980	6,236.53
1981	6,129.31
1982	6,022.10
1983	6,329.39
1984	6,206.98
1985	6,084.57
1986	5,962.16
1987	6,254.26
1988	6,116.65
1989	5,979.05
1990	6,255.94
1991	6,102.72
1992	5,949.50
1993	6,211.20
1994	6,042.78
1995	6,288.87
1996	6,105.35
1997	5,921.64
1998	6,152.53
1999	5,953.72
2000	6,169.41
2001	4,297.40
	<u>\$176,188.00</u>