Texas Commission on Environmental Quality



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

RENEWAL

AND

NOTICE OF A PRETREATMENT PROGRAM SUBSTANTIAL MODIFICATION

PERMIT NO. WQ0010232004

APPLICATION AND PRELIMINARY DECISION. New Braunfels Utilities, 263 Main Plaza, New Braunfels, Texas 78130, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010232004, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 9,900,000 gallons per day. The application also includes a substantial modification to the approved pretreatment program. TCEQ received this application on July 13, 2021.

The facility is located approximately 0.7 miles southwest of the intersection of Elley Lane and State Highway 46, in Guadalupe County, Texas 78130. The treated effluent is discharged via Outfall 001 to Lake Dunlap Hydroelectric Plant Canal, thence to Guadalupe River Below Comal River; and via Outfall 002 directly to Guadalupe River Below Comal River in Segment No. 1804 of the Guadalupe River Basin. The designated uses for Segment No. 1804 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. The aquifer protection use designation does not apply to this facility as it is located outside the Edwards Aquifer zones. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f 8168250f&marker=-98.058333%2C29.653333&level=12

The applicant has applied to the TCEQ for approval of a substantial modification to its approved pretreatment program under the TPDES program. The request for approval complies with both federal and state requirements. The substantial modification will be approved without change if no substantive comments are received within 30 days of notice publication.

Approval of the request for modification to the approved pretreatment program will allow the applicant to incorporate the Streamlining Rule requirements (including optional provisions), revise their technically based local limits, legal authority, enforcement response plan, and standard operating procedures (including forms) which incorporate such revisions and to continue to regulate the discharge of pollutants by industrial users into its treatment works facilities, to perform inspections, surveillance, and monitoring, to determine compliance with applicable pretreatment standards and requirements, and to enforce against noncompliant industrial users. The following treatment work facilities will be subject to the requirements of the pretreatment program: TPDES Permit No. WQ0010232004, WQ0010232001, WQ0010232003.

The TCEQ Executive Director has completed the technical review of the application, pretreatment program substantial modification, and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The Executive Director has also made a preliminary decision that the requested substantial modification to the approved pretreatment program, if approved, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, pretreatment program substantial modification, and draft permit are available for viewing online at https://www.nbutexas.com/planning-for-the-future-of-new-braunfels/.

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

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. There is no opportunity to request a contested case hearing on the application for substantial modification of the pretreatment program. A contested case hearing is a legal proceeding similar to a civil trial in a state district court.**

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose. Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period. TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.

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

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

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

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at <u>www.tceq.texas.gov/goto/cid</u>. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at <u>www.tceq.texas.gov/goto/comment</u>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application, the application for substantial modification of the pretreatment program, or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at <u>www.tceq.texas.gov/goto/pep</u>. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from New Braunfels Utilities at the address stated above or by calling Mr. Brent Lundmark at 830-608-8900.

Issuance Date: July 08, 2022

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FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For draft Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010232004, EPA I.D. No. TX0133248, to discharge to water in the state.

Issuing Office:	Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087
Applicant:	New Braunfels Utilities 263 Main Plaza New Braunfels, Texas 78130
Prepared By:	Venkata S. Kancharla Municipal Permits Team Wastewater Permitting Section (MC 148) Water Quality Division (512) 239-3342

Date:

Permit Action: Renewal with Pretreatment Program Substantial Modification

1. EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The draft permit includes an expiration date of **five years from the date of issuance**.

The Executive Director also has made a preliminary decision that the requested substantial modification to the approved pretreatment program submitted on April 8, 2021, incorporating the Streamlining Rule required provisions (including optional provisions), revising the existing technically based local limits (TBLLs), legal authority, enforcement response plan, and standard operating procedures (including forms) which incorporate such revisions, if approved, meets all statutory and regulatory requirements.

2. APPLICANT ACTIVITY

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of the existing permit that authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 2.5 million gallons per day (MGD) in the Interim I phase, 4.9 MGD in the Interim II phase, 7.5 MGD in the Interim III phase, and an annual average flow not to exceed 9.9 MGD in the Final phase.

The applicant has also applied to the TCEQ for approval of a substantial modification to its pretreatment program under the TPDES program.

3. FACILITY AND DISCHARGE LOCATION

The plant site is located approximately 0.7 miles southwest of the intersection of Elley Lane and State Highway 46, in Guadalupe County, Texas 78130.

Outfall Location:

Outfall Number	Latitude	Longitude	
001	29.651400 N	98.057201 W	
002	29.650600 N	98.057800 W	

The treated effluent is discharged via Outfall 001 to Lake Dunlap Hydroelectric Plant Canal, thence to Guadalupe River Below Comal River; and via Outfall 002 directly to Guadalupe River Below Comal River in Segment No. 1804 of the Guadalupe River Basin. The designated uses for Segment No. 1804 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. The aquifer protection use designation does not apply to this facility as it is located outside the Edwards Aquifer zones.

4. TREATMENT PROCESS DESCRIPTION AND SEWAGE SLUDGE DISPOSAL

The Sam C. McKenzie, Jr. Water Reclamation Facility is an activated sludge process plant operated in the complete mix mode with single-stage nitrification. Interim I phase treatment units include a lift station, two screening channels, aerated grit chamber, two anoxic basins, two anaerobic basins, two aerations basins, two final clarifiers, two tertiary filters, two aerobic sludge digesters, a belt filter press, and UV disinfection chamber. The Interim II phase treatment units will include a lift station, two screening chanels, aerated grit chamber, four anoxic basins, four anaerobic basins, four aerations basins, four final clarifiers, three tertiary filters, four aerobic sludge digesters, a belt filter press, and two UV disinfection chambers. The Interim III phase treatment units will include a lift station, two screening channels, two aerated grit chambers, six anoxic basins, six anaerobic basins, five aeration basins, five final clarifiers, four tertiary filters, six aerobic sludge digesters, two belt filter presses, and three UV disinfection chambers. The Final phase treatment units will include a lift station, two screening channels, two aerated grit chambers, eight anoxic basins, eight anaerobic basins, six aeration basins, six final clarifiers, five tertiary filters, eight aerobic sludge digesters, two belt filter presses, and three UV disinfection chambers.

Sludge generated from the treatment facility is hauled by a registered transporter and disposed of at a TCEQ-permitted landfill, Mesquite Creek Landfill, Permit No. 48029, in Comal County. The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

5. INDUSTRIAL WASTE CONTRIBUTION

The Sam C. McKenzie, Jr. Reclamation Facility receives significant industrial wastewater contributions.

6. SUMMARY OF SELF-REPORTED EFFLUENT ANALYSES

The following is a summary of the applicant's effluent monitoring data for the period September 2019 through September 2021. The average of Daily Average value is computed by the averaging of all 30-day average values for the reporting period for each parameter: flow, five-day carbonaceous biochemical oxygen demand (CBOD₅), total suspended solids (TSS), ammonia nitrogen (NH₃-N), and Total Phosphorus (TP). The

average of Daily Average value for *Escherichia coli* (*E. coli*) in colony-forming units (CFU) or most probable number (MPN) per 100 ml is calculated via geometric mean.

Parameter	Average of Daily Avg
Flow, MGD	1.4
CBOD ₅ , mg/l	2.3
TSS, mg/l	0.87
NH ₃ -N, mg/l	0.1
TP, mg/l	0.46
<i>E. coli</i> , CFU or MPN per 100 ml	1

7. DRAFT PERMIT CONDITIONS AND MONITORING REQUIREMENTS

The effluent limitations and monitoring requirements for those parameters that are limited in the draft permit are as follows:

A. INTERIM I PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 001 and 002)

The annual average flow of effluent shall not exceed 2.5 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 6,944 gallons per minute (gpm).

Parameter	<u>30-Da</u>	<u>y Average</u>	7-Day	Daily
			<u>Average</u>	<u>Maximum</u>
	<u>mg/l</u>	<u>lbs/day</u>	<u>mg/l</u>	<u>mg/l</u>
CBOD ₅	10	209	15	25
TSS	15	313	25	40
NH ₃ -N	3	63	6	10
TP	1	21	2	4
DO (minimum)	4.0	N/A	N/A	N/A
E. coli, CFU or MPN	126	N/A	N/A	399
per 100 ml				

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week 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.

The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Monitoring Requirement
Continuous
Two/week
Daily

B. INTERIM I PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 003)

Outfall 003 is defined as the combined annual average flow and combined daily average loading from Outfall 001 and Outfall 002. The annual average combined flow of effluent shall not exceed 2.5 MGD; nor shall the average discharge during any 2-hour peak exceed 6,944 gpm.

Parameter	<u> 30-Day Average</u>
	<u>lbs/day</u>
$CBOD_5$	209
TSS	313
NH3-N	63
TP	21
Parameter	Monitoring Requirement
Flow, MGD	Continuous
CBOD ₅	Two/week
TSS	Two/week
NH3-N	Two/week
TP	Two/week

C. INTERIM II PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 001 and 002)

The annual average flow of effluent shall not exceed 4.9 MGD; nor shall the average discharge during any 2-hour peak exceed 13,611 gpm.

Parameter	<u>30-I</u>	<u>30-Day Average</u>		Daily
			Average	<u>Maximum</u>
	<u>mg/l</u>	<u>lbs/day</u>	<u>mg/l</u>	<u>mg/l</u>
$CBOD_5$	10	409	15	25
TSS	15	613	25	40
NH ₃ -N	3	123	6	10
TP	1	41	2	4
DO (minimum)	4.0	N/A	N/A	N/A
E. coli, CFU or	126	N/A	N/A	399
MPN/100 ml				

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week 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.

The permittee shall utilize an UV system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Continuous
CBOD ₅	Two/week

TSS	Two/week
NH ₃ -N	Two/week
TP	Two/week
DO	Two/week
E. coli	Daily

D. INTERIM II PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 003)

Outfall 003 is defined as the combined annual average flow and combined daily average loading from Outfall 001 and Outfall 002. The annual average flow of effluent shall not exceed 4.9 MGD; nor shall the average discharge during any 2-hour peak exceed 13,611 gpm.

Parameter	<u>30-Day Average</u>
	<u>lbs/day</u>
CBOD ₅	409
TSS	613
NH3-N	123
TP	41
Parameter	Monitoring Requirement
Flow, MGD	Continuous
CBOD ₅	Two/week
TSS	Two/week
NH ₃ -N	Two/week
TP	Two/week

E. INTERIM III PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 001 and 002)

The annual average flow of effluent shall not exceed 7.5 MGD; nor shall the average discharge during any 2-hour peak exceed 20,833 gpm.

Parameter	<u>30-I</u>	Day Average	7-Day	Daily
			Average	Maximum
	<u>mg/l</u>	<u>lbs/day</u>	<u>mg/l</u>	<u>mg/l</u>
$CBOD_5$	10	626	15	25
TSS	15	938	25	40
NH ₃ -N	3	188	6	10
TP	0.75	47	1.5	3
DO (minimum)	4.0	N/A	N/A	N/A
E. coli, CFU or	126	N/A	N/A	399
MPN/100 ml				

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. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The permittee shall utilize an UV system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the

Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Continuous
CBOD ₅	Five/week
TSS	Five/week
NH ₃ -N	Five/week
TP	Five/week
DO	Five/week
E. coli	Daily

F. INTERIM III PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 003)

Outfall 003 is defined as the combined annual average flow and combined daily average loading from Outfall 001 and Outfall 002. The annual average flow of effluent shall not exceed 7.5 MGD; nor shall the average discharge during any 2-hour peak exceed 20,833 gpm.

<u>Parameter</u>	<u>30-Day Average</u>
	<u>lbs/day</u>
$CBOD_5$	626
TSS	938
NH ₃ -N	188
TP	47
<u>Parameter</u>	Monitoring Requirement
Flow, MGD	Continuous
CBOD ₅	Five/week
TSS	Five/week
NH ₃ -N	Five/week
TP	Five/week

G. FINAL PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 001 and 002)

The annual average flow of effluent shall not exceed 9.9 MGD; nor shall the average discharge during any 2-hour peak exceed 27,500 gpm.

Parameter	30-Da	30-Day Average		Daily
			<u>Average</u>	<u>Maximum</u>
	_mg/l	lbs/day	<u>mg/l</u>	mg/l
CBOD ₅	10	826	15	25
TSS	15	1,238	25	40
NH ₃ -N	3	248	6	10
TP	0.5	41	1	2
DO (minimum)	4.0	N/A	N/A	N/A
E. coli, CFU or	126	N/A	N/A	399
MPN/100 ml			900-	

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. There shall be

no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The permittee shall utilize an UV system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

<u>Parameter</u>	Monitoring Requirement
Flow, MGD	Continuous
$CBOD_5$	Five/week
TSS	Five/week
NH3-N	Five/week
TP	Five/week
DO	Five/week
E. coli	Daily

H. FINAL PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 003)

Outfall 003 is defined as the combined annual average flow and combined daily average loading from Outfall 001 and Outfall 002. The annual average flow of effluent shall not exceed 9.9 MGD; nor shall the average discharge during any 2-hour peak exceed 27,500 gpm.

<u>Parameter</u>	<u>30-Day Average</u>
	<u>lbs/day</u>
$CBOD_5$	826
TSS	1,238
NH ₃ -N	248
TP	41
Parameter	Monitoring Requirement
Flow, MGD	Continuous
CBOD ₅	Five/week
TSS	Five/week
NH ₃ -N	Five/week
TP	Five/week

I. SEWAGE SLUDGE REQUIREMENTS

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. Sludge generated from the treatment facility is hauled by a registered transporter and disposed of at a TCEQ-permitted landfill, Mesquite Creek Landfill, Permit No. 48029, in Comal County. The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

J. PRETREATMENT REQUIREMENTS

Permit requirements for pretreatment are based on TPDES regulations contained in 30 TAC Chapter 315 which references 40 CFR Part 403, General Pretreatment Regulations for Existing and New Sources of Pollution [rev. Federal Register/ Vol. 70/ No. 198/ Friday, October 14, 2005/ Rules and Regulations, pages 60134-60798]. The permit includes specific requirements that establish responsibilities of local government, industry, and the public to implement the standards to control pollutants which pass through or interfere with treatment processes in publicly owned treatment works or which may contaminate the sewage sludge. This permit has appropriate pretreatment language for a facility of this size and complexity.

The permittee has a pretreatment program which was approved by the U.S. Environmental Protection Agency (EPA) on December 4, 1992, and modified on September 30, 1993, August 19, 2011, and on the date of issuance of this **permit** (Streamlining Rule and TBLLs). The permittee is required, under the conditions of the approved pretreatment program, to prepare annually a list of industrial users which during the preceding twelve months were in significant noncompliance with applicable pretreatment requirements for those facilities covered under the program. This list is to be published annually during the month of **December** in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW.

Effective December 21, 2025, the permittee must submit the pretreatment program annual status report electronically using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. [rev. Federal Register/ Vol. 80/ No. 204/ Friday, October 22, 2015/ Rules and Regulations, pages 64064-64158].

The permittee is under a continuing duty to: establish and enforce specific local limits to implement the provisions of 40 CFR §403.5, to develop and enforce local limits as necessary, and to modify the approved POTW pretreatment program as necessary to comply with federal, state, and local law, as amended. The permittee is required to effectively enforce such limits and to modify their pretreatment program, including the Legal Authority, Enforcement Response Plan, and/or Standard Operating Procedures, if required by the Executive Director to reflect changing conditions at the POTW.

This permittee has submitted a substantial modification package revising the existing technically based local limits (TBLLs), the Legal Authority, which incorporates such revisions, and any additional modifications to the pretreatment program including an Enforcement Response Plan and Standard Operating Procedures (including forms) and all required [*i.e.* more stringent] Streamlining Rule provisions [*rev. Federal Register/ Vol. 70/ No. 198/ Friday, October 14, 2005/ Rules and Regulations, pages 60134-60798*]. This substantial modification documentation submitted by the permittee has been reviewed by the TCEQ staff and determined to be administratively and technically complete on July 29, 2020. This permit action incorporates the pretreatment program substantial modification request by the permittee on April 8, 2021. This substantial modification meets all of the requirements of 40 CFR §§403.8(f) and 403.9(b) and the permittee's existing TPDES permit.

Substantial modifications will be approved in accordance with 40 CFR §403.18, and the modification will become effective upon approval by the Executive Director in accordance with 40 CFR §403.18.

K. WHOLE EFFLUENT TOXICITY (BIOMONITORING) REQUIREMENTS

- (1) The draft permit includes chronic freshwater biomonitoring requirements as follows. The permit requires five dilutions in addition to the control (0% effluent) to be used in the toxicity tests. These additional effluent concentrations shall be 2%, 3%, 4%, 5%, and 7%. The low-flow effluent concentration (critical dilution) is defined as 5% effluent. The critical dilution is in accordance with the "Aquatic Life Criteria" section of the "Water Quality Based Effluent Limitations/Conditions" section.
 - (a) Chronic static renewal survival and reproduction test using the water flea (*Ceriodaphnia dubia*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.
 - (b) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.
- (2) The draft permit includes the following minimum 24-hour acute freshwater biomonitoring requirements at a frequency of once per six months:
 - (a) Acute 24-hour static toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*).
 - (b) Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*).

L. SUMMARY OF CHANGES FROM APPLICATION

None.

M. SUMMARY OF CHANGES FROM EXISTING PERMIT

The Standard Permit Conditions, Sludge Provisions, Other Requirements, and Biomonitoring sections of the draft permit have been updated. Pretreatment requirements have been added to the draft permit.

For Publicly Owned Treatment Works (POTWs), effective December 21, 2025, 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.

Certain accidental discharges or spills of treated or untreated wastewater from wastewater treatment facilities or collection systems owned or operated by a local government may be reported on a monthly basis in accordance with 30 TAC § 305.132.

The draft permit includes all updates based on the 30 TAC § 312 rule change effective April 23, 2020.

Other Requirement No. 7 from the existing permit has been removed from the draft permit since the applicant has submitted the pollutant analysis with the renewal application.

Other Requirement No. 8 from the existing permit has been updated in the draft permit to reflect the plans and specifications approval for the 2.5 MGD Interim I phase, in accordance with 30 TAC § 217, Design Criteria for Domestic Wastewater Systems. A summary transmittal approval letter was issued December 3, 2020 (Log No. 1220/017).

Other Requirement No. 9 has been included in the draft permit to ensure notification in writing at least forty-five days prior to the of completion of the Interim II, Interim III, and Final phase facilities.

The applicant has requested that a pretreatment program substantial modification be processed in conjunction with this permit action. The date that the pretreatment program substantial modification is approved will be incorporated into the issued permit. The Contributing Industries and Pretreatment Requirements section of the draft permit has been updated, and the pretreatment program requirements will continue until permit expiration. Please see specific details in the Pretreatment Requirements Section of the fact sheet.

8. DRAFT PERMIT RATIONALE

A. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

Regulations promulgated in Title 40 of the CFR require that technology-based limitations be placed in wastewater discharge permits based on effluent limitations guidelines, where applicable, or on best professional judgment (BPJ) in the absence of guidelines.

Effluent limitations for maximum and minimum pH are in accordance with 40 CFR § 133.102(c) and 30 TAC § 309.1(b).

A mixing zone evaluation for pH is included within Attachment A of this Fact Sheet. The evaluation has demonstrated that the technology based pH limitations of 6.0 to 9.0 standard units will ensure compliance with the TSWQS pH criterion at the edge of the chronic mixing zone. See Attachment A of this Fact Sheet.

B. WATER QUALITY SUMMARY AND COASTAL MANAGEMENT PLAN

(1) WATER QUALITY SUMMARY

The treated effluent is discharged via Outfall 001 to Lake Dunlap Hydroelectric Plant Canal, thence to Guadalupe River Below Comal River; and via Outfall 002 directly to Guadalupe River Below Comal River in Segment No. 1804 of the Guadalupe River Basin. The designated uses for Segment No. 1804 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. The aquifer protection use designation does not apply to this facility as it is located outside the Edwards Aquifer zones. The effluent limitations in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and/or revisions. The aquifer protection use designation does not apply to this facility as it is located outside the Edwards Aquifer zones.

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

Segment No. 1804 is not currently listed in the State's inventory of impaired and threatened waters (the 2020 Clean Water Act Section 303(d) list).

The pollutant analysis of treated effluent provided by the permittee in the application indicated 987 mg/l total dissolved solids (TDS), 91 mg/l sulfate, and 174 mg/l chloride present in the effluent. The segment criteria for Segment No. 1804 are 400 mg/l for TDS, 50 mg/l for sulfate, and 100 mg/l for chlorides. Based on dissolved solids screening, no additional limits or monitoring requirements are needed for total dissolved solids, chloride, or sulfate. See Attachment B of this Fact Sheet.

The effluent limitations and conditions in the draft permit comply with EPA-approved portions of the 2018 Texas Surface Water Quality Standards (TSWQS), 30 TAC §§ 307.1 - 307.10, effective March 1, 2018; 2014 TSWQS, effective March 6, 2014; 2010 TSWQS, effective July 22, 2010; and 2000 TSWQS, effective July 26, 2000.

(2) CONVENTIONAL PARAMETERS

Effluent limitations for the conventional effluent parameters (i.e., Five-Day Biochemical Oxygen Demand or Five-Day Carbonaceous Biochemical Oxygen Demand [CBOD₅], Ammonia Nitrogen [NH₃-N], etc.) are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

The effluent limits recommended above have been reviewed for consistency with the State of Texas WQMP. The recommended limits are consistent with the approved WQMP.

The effluent limitations in the draft permit meet the requirements for secondary treatment and the requirements for disinfection according to 30 TAC Chapter 309, Subchapter A: Effluent Limitations.

(3) COASTAL MANAGEMENT PLAN

The facility is not located in the Coastal Management Program boundary.

C. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS

(1) GENERAL COMMENTS

The Texas Surface Water Quality Standards (30 TAC Chapter 307) state that surface waters will not be toxic to man, or to terrestrial or aquatic life. The methodology outlined in the "Procedures to Implement the Texas Surface Water Quality Standards, June 2010" is designed to ensure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater that: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation that threatens human health.

(2) AQUATIC LIFE CRITERIA

(a) SCREENING

Water quality-based effluent limitations are calculated from freshwater aquatic life criteria found in Table 1 of the Texas Surface Water Quality Standards (30 TAC Chapter 307).

Acute freshwater criteria are applied at the edge of the zone of initial dilution (ZID), and chronic freshwater criteria are applied at the edge of the aquatic life mixing zone. The ZID for this discharge is defined as 20 feet upstream and 60 feet downstream from the point where the discharge enters Lake Dunlap Hydroelectric Plant Canal (Outfall 001) and where the discharge enters the Guadalupe River Below (Outfall 002). The aquatic life mixing zone for this discharge is defined as 100 feet upstream and 300 feet downstream from the point where the discharge enters the Lake Dunlap Hydroelectric Plant Canal (Outfall 001) and where the discharge enters the Guadalupe River the discharge enters the Lake Dunlap Hydroelectric Plant Canal (Outfall 001) and where the discharge enters the Guadalupe River (Outfall 001) and where the discharge enters the Guadalupe River (Outfall 002).

TCEQ uses the mass balance equation to estimate dilutions at the edges of the ZID and aquatic life mixing zone during critical conditions. The estimated dilution at the edge of the aquatic life mixing zone is calculated using the permitted flow of 9.9 MGD and the 7-day, 2-year (7Q2) flow of 315 cfs for the Lake Dunlap Hydroelectric Plant Canal (Outfall 001) and for the Guadalupe River (Outfall 002). The estimated dilution at the edge of the ZID is calculated using the permitted flow of 9.9 MGD and 25% of the 7Q2 flow. The following critical effluent percentages are being used:

Acute Effluent %: 16.24% Chronic Effluent %: 4.64%

Waste load allocations (WLAs) are calculated using the above estimated effluent percentages, criteria outlined in the Texas Surface Water Quality Standards, and partitioning coefficients for metals (when appropriate and designated in the implementation procedures). The WLA is the end-ofpipe effluent concentration that can be discharged when, after mixing in the receiving stream, instream numerical criteria will not be exceeded. From the WLA, a long-term average (LTA) is calculated using a log normal probability distribution, a given coefficient of variation (0.6), and a 90th percentile confidence level. The LTA is the long-term average effluent concentration for which the WLA will never be exceeded using a selected percentile confidence level. The lower of the two LTAs (acute and chronic) is used to calculate a daily average and daily maximum effluent limitation for the protection of aquatic life using the same statistical considerations with the 99th percentile confidence level and a standard number of monthly effluent samples collected (12). Assumptions used in deriving the effluent limitations include segment values for hardness, chlorides, pH, and total suspended solids (TSS) according to the segmentspecific values contained in the TCEO guidance document "Procedures to Implement the Texas Surface Water Quality Standards, June 2010." The segment values are 213 mg/l for hardness (as calcium carbonate), 18 mg/l chlorides, 7.7 standard units for pH, and 4.8 mg/l for TSS. For additional details on the calculation of water quality-based effluent limitations, refer to the TCEQ guidance document.

TCEQ practice for determining significant potential is to compare the reported analytical data against percentages of the calculated daily average water quality-based effluent limitation. Permit limitations are required when analytical data reported in the application exceeds 85% of the calculated daily average water quality-based effluent limitation. Monitoring and reporting is required when analytical data reported in the application exceeds 70% of the calculated daily average water quality-based effluent limitation. See Attachment C of this Fact Sheet.

(b) PERMIT ACTION

Analytical data reported in the application was screened against calculated water quality-based effluent limitations for the protection of aquatic life. Reported analytical data does not exceed 70% of the calculated daily average water quality-based effluent limitations for aquatic life protection.

(3) AQUATIC ORGANISM BIOACCUMULATION CRITERIA

(a) SCREENING

Water quality-based effluent limitations for the protection of human health are calculated using criteria for the consumption of freshwater fish tissue and drinking water found in Table 2 of the Texas Surface Water Quality Standards (30 TAC Chapter 307). Freshwater fish tissue bioaccumulation and drinking water criteria are applied at the edge of the human health mixing zone. The human health mixing zone for this discharge is identical to the aquatic life mixing zone. TCEQ uses the mass balance equation to estimate dilution at the edge of the human health mixing zone during average flow conditions. The estimated dilution at the edge of the human health mixing zone is calculated using the permitted flow of 9.9 MGD and the harmonic mean flow of 399 cfs for the Lake Dunlap Hydroelectric Plant Canal (Outfall 001) and for the Guadalupe River (Outfall 002). The following critical effluent percentage is being used:

Human Health Effluent %: 3.70%

Water quality-based effluent limitations for human health protection against the consumption of fish tissue are calculated using the same procedure as outlined for calculation of water quality-based effluent limitations for aquatic life protection. A 99th percentile confidence level in the long-term average calculation is used with only one long-term average value being calculated.

Significant potential is again determined by comparing reported analytical data against 70% and 85% of the calculated daily average water quality-based effluent limitation. See Attachment C of this Fact Sheet.

(b) PERMIT ACTION

Reported analytical data does not exceed 70% of the calculated daily average water quality-based effluent limitation for human health protection.

(4) DRINKING WATER SUPPLY PROTECTION

(a) SCREENING

Water Quality Segment No. 1804, which receives the discharge from this facility, is designated as a public water supply. The screening procedure used to calculate water quality-based effluent limitations and determine the need for effluent limitations or monitoring requirements is identical to the procedure outlined in the aquatic organism bioaccumulation section of this fact sheet. Criteria used in the calculation of water quality-based effluent limitations for the protection of a drinking water supply are outlined in Table 2 (Water and Fish) of the Texas Surface Water Quality Standards (30 TAC Chapter 307). These criteria are developed from either drinking water maximum contaminant level (MCL) criteria outlined in 30 TAC Chapter 290 or from the combined human health effects of exposure to consumption of fish tissue and ingestion of drinking water.

(b) PERMIT ACTION

Criteria in the "Water and Fish" section of Table 2 do not distinguish if the criteria is based on a drinking water standard or the combined effects of ingestion of drinking water and fish tissue. Effluent limitations or monitoring requirements to protect the drinking water supply (and other human health effects) were previously calculated and outlined in the aquatic organism bioaccumulation criteria section of this fact sheet.

(5) WHOLE EFFLUENT TOXICITY (BIOMONITORING) CRITERIA

(a) SCREENING

TCEQ has determined that there may be pollutants present in the effluent that may have the potential to cause toxic conditions in the receiving stream. Whole effluent biomonitoring is the most direct measure of potential toxicity that incorporates the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity.

The existing permit includes 7-day chronic freshwater biomonitoring requirements. A summary of the biomonitoring testing for the facility indicates that in the past three years, the permittee has performed nine chronic tests, with zero demonstrations of significant toxicity (i.e., zero failures).

A reasonable potential (RP) determination was performed in accordance with 40 CFR §122.44(d)(1)(ii) to determine whether the discharge will reasonably be expected to cause or contribute to an exceedance of a state water quality standard or criterion within that standard. Each test species is evaluated separately. The RP determination is based on representative data from the previous three years of WET testing. This determination was performed in accordance with the methodology outlined in the TCEQ letter to the EPA dated December 28, 2015 and approved by the EPA in a letter dated December 28, 2015.

With zero failures, a determination of no RP was made and WET limits are not required. Both test species are eligible for the testing frequency reduction after one year of testing.

(b) PERMIT ACTION

The test species are appropriate to measure the toxicity of the effluent consistent with the requirements of the State water quality standards. The biomonitoring frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge. This permit may be reopened to require effluent limits, additional testing, and/or other appropriate actions to address toxicity if biomonitoring data show actual or potential ambient toxicity to be the result of the permittee's discharge to the receiving stream or water body.

(6) WHOLE EFFLUENT TOXICITY CRITERIA (24-HOUR ACUTE)

(a) SCREENING

The existing permit includes 24-hour acute freshwater biomonitoring language. A summary of the biomonitoring testing for the facility indicates that in the past three years, the permittee has performed ten 24hour acute tests, with zero demonstrations of significant mortality (i.e., zero failures).

(b) PERMIT ACTION

The draft permit includes 24-hour 100% acute biomonitoring tests for the life of the permit.

9. WATER QUALITY VARIANCE REQUESTS

No variance requests have been received.

10. PROCEDURES FOR FINAL DECISION

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

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

Any interested person may request a public meeting on the Executive Director's preliminary decision, draft permit, or application for a substantial modification to the approved pretreatment program until the deadline for filing public comments. A public meeting is intended for the taking of public comment and is not a contested case proceeding.

After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application, draft permit, or substantial modification to the approved pretreatment program raised during the public comment period. The Chief Clerk then mails the Executive Director's response to comments and final decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the Executive Director's response and decision, they can request a contested case hearing or file a request to reconsider the Executive Director's decision within 30 days after the notice is mailed. There is no opportunity to request a contested case hearing on the application for substantial modification of the pretreatment program.

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

If the Executive Director calls a public meeting or the Commission grants a contested case hearing as described above, the Commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the Commission will consider all public comments in making its decision and shall either adopt the Executive Director's response to public comments or prepare its own response.

For additional information about this application, contact Venkata S. Kancharla at (512) 239-3342.

11. ADMINISTRATIVE RECORD

The following items were considered in developing the draft permit:

A. PERMIT(S)

TPDES Permit No. WQ0010232004 issued on October 2, 2017.

B. APPLICATION

Application received on July 13, 2021, and additional information received on August 18, 2021.

Pretreatment program substantial modification formal request by the permittee submitted on April 08, 2021, incorporating the Streamlining Rule requirements, revising the existing TBLLs, legal authority, enforcement response plan, and standard operating procedures (including forms) which incorporate such revisions.

C. MEMORANDA

Interoffice Memoranda from the Water Quality Assessment Section of the TCEQ Water Quality Division. Interoffice Memorandum from the Pretreatment Team of the TCEQ Water Quality Division.

D. MISCELLANEOUS

Federal Clean Water Act § 402; Texas Water Code § 26.027; 30 TAC Chapters 30, 305, 309, 312, and 319; Commission policies; and U.S. Environmental Protection Agency guidelines.

Texas Surface Water Quality Standards, 30 TAC §§ 307.1 - 307.10.

Procedures to Implement the Texas Surface Water Quality Standards (IP), Texas Commission on Environmental Quality, June 2010, as approved by the U.S. Environmental Protection Agency, and the IP, January 2003, for portions of the 2010 IP not approved by the U.S. Environmental Protection Agency.

Texas 2020 Clean Water Act Section 303(d) List, Texas Commission on

Environmental Quality, March 25, 2020; approved by the U.S. Environmental Protection Agency on May 12, 2020.

Texas Natural Resource Conservation Commission, Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits, Document No. 98-001.000-OWR-WQ, May 1998.

Attachment A: pH Screening

Calculation of pH of a mixture of two flows. Based on the procedure in EPA's DESCON program (EPA, 1988. Technical Guidance on Supplementary Stream Design Conditions for Steady

State Modeling. USEPA Office of Water, Washington D.C.)

pH Screening -10232-004, Outfalls 001 & 002

(a) 1 (a) (b) (b) (c) (c) (c) (c) (c) (c) (c) (c) (c) (c	Lower pH limit	Higher pH limit	Data source and notes
			Reciprocal of the effluent fraction.
	21.568	21.568	Calculated from values in critical conditions
1. DILUTION FACTOR AT MIXING ZONE BOUNDARY			memo dated 9/16/2021
RECEIVING WATER CHARACTERISTICS			-
2. Temperature (deg C):	20.00	20.00	Range of temperatures tested (5 to 35 degrees C) Ambient pH for
3. pH:	7.7	7.7	Segment 1804 from 2010 IP. Ambient hardness for
4. Alkalinity (mg CaCO ₃ /L):	213.00	213.00	Segment 1804 from 2010 IPs
EFFLUENT CHARACTERISTICS			Pange of temperatures
5. Temperature (deg C):	20.00	20.00	tested (5 to 35 degrees C)
6. pH:	6.00	9.00	Proposed permit limit. Alkalinity = 174 mg/L in submitted effluent
	20.00	175.00	analysis. Note that default of 20 is used for
7. Alkalinity (mg CaCO3/L):*			low pH situations.
OUTPUT			
1. IONIZATION CONSTANTS			

Upstream/Background pKa:	6.38	6.38
Effluent pKa:	6.38	6.38

2. IONIZATION FRACTIONS

•• · · ·

New Braunfels Utilities TPDES Permit No. WQ001023200 Fact Sheet and Executive Director's Preliminary Decision	04		î î
Upstream/Background Ionization Fraction:	0.95	0.95	
Effluent Ionization Fraction:	0.29	1.00	
 TOTAL INORGANIC CARBON Upstream/Background Total Inorganic Carbon (mg CaCO₃/L): Effluent Total Inorganic Carbon (mg CaCO₃/L): 	223.24 68.20	223.24 175.42	
4. CONDITIONS AT MIXING ZONE BOUNDARY			
Temperature (deg C):	20.00	20.00	
Alkalinity (mg CaCO3/L):	204.05	211.24	
Total Inorganic Carbon (mg CaCO3/L):	216.05	221.02	
pKa:	6.38	6.38	
pH at Mixing Zone Boundary:	7 .61	7.72	

* Assume minimal total alkalinity at low effluent pH based on carbonate equilibrium chemistry of natural and treated waters

Attachment B: Screening Calculations for Total Dissolved Solids, Chloride, and Sulfate

Screening Calculations for Total Dissolved Solids, Chloride, and Sulfate Menu 3 - Discharge to a Perennial Stream or River

Applicant Name:	New Braunfels Utilities			
Permit Number, Outfall:	WQ0010232004, 001 & 002			
Segment Number:	1804			
Enter values needed for screening:				Data Source (edit if different)
QE - Average effluent flow	<u></u>	9.9	MGD	
QS - Perennial stream harmonic mean flow		399.00	cfs	Critical conditions memo (2016)
QE - Average effluent flow		15.3176	cfs	Calculated
CA TDS ambient coment concentration		207	m a /1	2010 ID Appendix D
CA - rDS - ambient segment concentration		297	mg/L	2010 IP, Appendix D
CA - chloride - ambient segment concentration	<u></u>	18	mg/L	2010 IP, Appendix D
CA - suirate - ambient segment concentration	1	24	mg/L	2010 IP, Appendix D
CC - TDS - segment criterion		400	mg/L	2018 TSWQS, Appendix A
CC - chloride - segment criterion		100	mg/L	2018 TSWQS, Appendix A
CC - sulfate - segment criterion		50	mg/L	2018 TSWQS, Appendix A
CE_TDS_pyorage offluent concentration		090	mg/l	Dormit application
CE chloride average offluent concentration	-	17/	mg/L	Permit application
CE - sulfate - average effluent concentration		01	mg/L	Permit application
CL - Sullate - average enfuent concentration		51	ing/ L	Permit application
Screening Equation				
$CC \ge [(QS)(CA) + (QE)(CE)]/[QE + QS]$				
No further screening for TDS needed if:	3 22.5 8	≤	4	00
No further screening for chloride needed if:	23.77	≤	1	.00
No further screening for sulfate needed if:	26.48	≤	1	50
Permit Limit Calculations				
TDS				
Calculate the WLA	WLA= [CC	C(QE+QS) - (Q	S)(CA)]/Q	E 3083.00
Calculate the LTA	LTA = WL	A * 0.93		2867.19
Calculate the daily average	Daily Avg	. = LTA * 1.47		4214.76

Daily Max. = LTA * 3.11

70% of Daily Avg. =

85% of Daily Avg. =

8916.95

2950.33

3582.55

Calculate 70% of the daily average Calculate 85% of the daily average

Calculate the daily maximum

No permit limitations needed if:	989	≤	2950.33		
Reporting needed if:	989	>	2950.33	but≤	3582.55
Permit limits may be needed if:	989	>	3582.55		

No permit limitations needed for TDS

Chloride

Chioride		
Calculate the WLA	WLA= [CC(QE+QS) - (QS)(CA)]/QE	2235.98
Calculate the LTA	LTA = WLA * 0.93	2079.46
Calculate the daily average	Daily Avg. = LTA * 1.47	3056.80
Calculate the daily maximum	Daily Max. = LTA * 3.11	6467.12
Calculate 70% of the daily average	70% of Daily Avg. =	2139.76
Calculate 85% of the daily average	85% of Daily Avg. =	2598.28
No permit limitations needed if:	174 ≤ 213	39.76
Reporting needed if:	174 > 213	39.76 but≤ 2598.28
Permit limits may be needed if:	174 > 259	98.28

No permit limitations needed for chloride

Sulfate					
Calculate the WLA	WLA= [CC(QE+	-QS) - (QS)(CA)]/	QE	727.26	
Calculate the LTA	LTA = WLA * 0	.93		676.35	
Calculate the daily average	Daily Avg. = LT	A * 1.47		994.24	
Calculate the daily maximum	Daily Max. = L	TA * 3.11		2103.46	
Calculate 70% of the daily average	70% of Daily A	.vg. =		695.97	
Calculate 85% of the daily average	85% of Daily A	vg. =		845.10	
No permit limitations needed if:	91	≤	695.97		
Reporting needed if:	91	>	695.97	but ≤	845.10
Permit limits may be needed if:	91	>	845.10		

No permit limitations needed for sulfate

Attachment C: Calculated Water Quality Based Effluent Limitations

TEXTOX MENU #3 - PERENNIAL STREAM OR RIVER

The water quality-based effluent limitations developed below are calculated using:

Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life Table 2, 2018 Texas Surface Water Quality Standards for Human Health "Procedures to Implement the Texas Surface Water Quality Standards," TCEQ, June 2010

PERMIT INFORMATION		
Permittee Name:	NBU	
TPDES Permit No.:	WQ0010232004	
Outfall No.:	001 & 002	
Prepared by:	Venkata Kancharla	
Date:	12/10/2021	

DISCHARGE INFORMATION

Receiving Waterbody:	Lake Dunlap Hydroelectric Plant Canal (Outfall 001) & Guadalupe River (Outfall 002)
Segment No.:	1804
TSS (mg/L):	4.8
pH (Standard Units):	7.7
Hardness (mg/L as CaCO₃):	213
Chloride (mg/L):	18
Effluent Flow for Aquatic Life (MGD):	9.9
Critical Low Flow [7Q2] (cfs):	315
% Effluent for Chronic Aquatic Life (Mixing Zone):	4.64
% Effluent for Acute Aquatic Life (ZID):	16.28
Effluent Flow for Human Health (MGD):	9.9
Harmonic Mean Flow (cfs):	399
% Effluent for Human Health:	3.70
Human Health Criterion (select: PWS, FISH, or INC)	PWS

CALCULATE DISSOLVED FRACTION (AND ENTER WATER EFFECT RATIO IF APPLICABLE):

Stream/River Metal	Intercept (b)	Slope (m)	Partition Coefficient (Kp)	Dissolved Fraction (Cd/Ct)	Source	Water Effect Ratio (WER)	Source
Aluminum	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Arsenic	5.68	-0.73	########	0.578		1.00	Assumed
Cadmium	6.60	-1.13	########	0.235		1.00	Assumed
Chromium (total)	6.52	-0.93	########	0.213		1.00	Assumed
Chromium (trivalent)	6.52	-0.93	########	0.213		1.00	Assumed
Chromium (hexavalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed

Copper	6.02	-0.74	########	0.388		1.00	Assumed
Lead	6.45	-0.80	########	0.206		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	5.69	-0.57	########	0.510		1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	6.38	-1.03	#########	0.304		1.00	Assumed
Zinc	6.10	-0.70	########	0.332		1.00	Assumed

AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

	FW Acute	FW Chronic	14// 4	14/1 4 -	174-	(74-	Daily	Daily
Parameter	criterion (μg/L)	Criterion (μg/L)	wLAa (μg/L)	WLAC (μg/L)	LTAa (μg/L)	LTAC (μg/L)	Ανg. (μg/L)	iviax. (μg/L)
Aldrin	3.0	N/A	18.42	N/A	10.56	N/A	15.52	32.83
Aluminum	991	N/A	6086	N/A	3487	N/A	5126	10845
Arsenic	340	150	3614	5599	2071	4312	3044	6441
Cadmium	17.9	0.416	466.6	38.07	267.4	29.32	43.10	91.18
Carbaryl	2.0	N/A	12.28	N/A	7.04	N/A	10.35	21.89
Chlordane	2.4	0.004	14.74	0.0863	8.45	0.0664	0.0976	0.2066
Chlorpyrifos	0.083	0.041	0.510	0.884	0.292	0.681	0.429	0.908
Chromium (trivalent)	1058	138	30520	13941	17488	10734	15779	33384
Chromium (hexavalent)	15.7	10.6	96.4	228.6	55.2	176.0	81.2	171.8
Copper	29.0	18.1	457.8	1003.0	262.3	772.3	385.6	816
Cyanide (free)	45.8	10.7	281.3	230.7	161.2	177.7	236.9	501.2
4,4'-DDT	1.1	0.001	6.76	0.0216	3.871	0.0166	0.0244	0.0516
Demeton	N/A	0.1	N/A	2.156	N/A	1.660	2.441	5.164
Diazinon	0.17	0.17	1.044	3.666	0.598	2.823	0.879	1.860
Dicofol [Kelthane]	59.3	19.8	364.2	427.0	208.7	328.8	306.7	649.0
Dieldrin	0.24	0.002	1.474	0.0431	0.845	0.0332	0.0488	0.1033
Diuron	210	70	1290	1510	739	1162	1086	2298
Endosulfan I (<i>alpha</i>)	0.22	0.056	1.351	1.208	0.774	0.930	1.138	2.408
Endosulfan II (beta)	0.22	0.056	1.351	1.208	0.774	0.930	1.138	2.408
Endosulfan sulfate	0.22	0.056	1.351	1.208	0.774	0.930	1.138	2.408
Endrin	0.086	0.002	0.528	0.0431	0.303	0.0332	0.0488	0.1033
Guthion [Azinphos Methyl]	N/A	0.01	N/A	0.216	N/A	0.166	0.244	0.516
Heptachlor	0.52	0.004	3.19	0.0863	1.830	0.0664	0.0976	0.2066
Hexachlorocyclohexane (gamma) [Lindane]	1.126	0.08	6.91	1.725	3.962	1.328	1.953	4.131
Lead	146	5.67	4341	594.0	2488	457.4	672.4	1423
Malathion	N/A	0.01	N/A	0.216	N/A	0.166	0.244	0.516
Mercury	2.4	1.3	14.74	28.03	8.45	21.59	12.41	26.27
Methoxychlor	N/A	0.03	N/A	0.647	N/A	0.498	0.732	1.549
Mirex	N/A	0.001	N/A	0.0216	N/A	0.0166	0.0244	0.0516
Nickel	888	98.6	10693	4171	6127	3211	4721	9987

Nonylphenol	28	6.6	172.0	142.3	98.5	109.59	144.8	306.4
Parathion (ethyl)	0.065	0.013	0.399	0.280	0.229	0.216	0.317	0.671
Pentachlorophenol	17.6	13.5	108.3	291.7	62.0	224.6	91.2	192.9
Phenanthrene	30	30	184.2	646.9	105.6	498.1	155.2	328.3
Polychlorinated Biphenyls [PCBs]	2.0	0.014	12.28	0.302	7.04	0.232	0.342	0.723
Selenium	20	5	122.8	107.82	70.4	83.02	103.5	218.9
Silver	0.8	N/A	32.78	N/A	18.78	N/A	27.61	58.4
Toxaphene	0.78	0.0002	4.790	0.00431	2.745	0.00332	0.00488	0.01033
Tributyltin (TBT)	0.13	0.024	0.798	0.518	0.457	0.399	0.586	1.239
2,4,5 Trichlorophenol	136	64	835	1380	478.6	1062.7	703	1488
Zinc	222	224	4118	14579	2360	11226	3469	7339

Daily

Avg.

LTAh

Daily

Max.

HUMAN HEALTH

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS: Water Incidental and Fish Fish Only Fish Criterion Criterion Criterion WLAh Parameter (µg/L) (µg/L) (µg/L) (µg/L) Acrylonitrile 1.0 115 1150 27.0

Parameter	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)
Acrylonitrile	1.0	115	1150	27.05	25.16	36.98	78.23
Aldrin	1.146E-05	#######	1.147E-04	3.10E-04	2.88E-04	4.24E-04	8.97E-04
Anthracene	1109	1317	13170	29997	27897	41009	86760
Antimony	6	1071	10710	162.3	150.9	221.9	469.4
Arsenic	10	N/A	N/A	468.2	435.4	640.1	1354
Barium	2000	N/A	N/A	54097	50310	73956	156466
Benzene	5	581	5810	135.2	125.8	184.9	391.2
Benzidine	0.0015	0.107	1.07	0.0406	0.0377	0.0555	0.1173
Benzo(a)anthracene	0.024	0.025	0.25	0.649	0.604	0.887	1.878
Benzo(<i>a</i>)pyrene	0.0025	0.0025	0.025	0.0676	0.0629	0.092	0.196
Bis(chloromethyl)ether	0.0024	0.2745	2.745	0.0649	0.0604	0.089	0.188
Bis(2-chloroethyl)ether	0.60	42.83	428.3	16.23	15.09	22.19	46.94
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	6	7.55	75.5	162.3	150.9	221.9	469.4
Bromodichloromethane [Dichlorobromomethane]	10.2	275	2750	275.9	256.6	377.2	798
Bromoform [Tribromomethane]	66.9	1060	10600	1810	1683	2474	5234
Cadmium	5	N/A	N/A	574.3	534.1	785.2	1661
Carbon Tetrachloride	4.5	46	460	121.7	113.2	166.4	352.0
Chlordane	0.0025	0.0025	0.025	0.0676	0.0629	0.092	0.196
Chlorobenzene	100	2737	27370	2705	2516	3698	7823
Chlorodibromomethane [Dibromochloromethane]	7.5	183	1830	202.9	188.7	277.3	586.7
Chloroform [Trichloromethane]	70	7697	76970	1893	1751	2588	5476
Chromium (hexavalent)	62	502	5020	1677	1560	2293	4850
Chrysene	2.45	2.52	25.2	66.27	61.63	90.6	191.7
Cresols [Methylphenols]	1041	9301	93010	28158	26187	38494	81440
Cyanide (free)	200	N/A	N/A	5410	5031	7396	15647
4,4'-DDD	0.002	0.002	0.02	0.0541	0.0503	0.0740	0.1565

4,4'-DDE	0.00013	0.00013	0.0013	0.00352	0.00327	0.00481	0.0102
4,4'-DDT	0.0004	0.0004	0.004	0.0108	0.0101	0.0148	0.0313
2,4'-D	70	N/A	N/A	1893	1761	2588	5476
Danitol [Fenpropathrin]	262	473	4730	7087	6591	9688	20497
1,2-Dibromoethane [Ethylene Dibromide]	0.17	4.24	42.4	4.598	4.276	6.286	13.30
<i>m</i> -Dichlorobenzene [1,3-Dichlorobenzene]	322	595	5950	8710	8100	11907	25191
o-Dichlorobenzene [1,2-Dichlorobenzene]	600	3299	32990	16229	15093	22187	46940
p-Dichlorobenzene [1,4-Dichlorobenzene]	75	N/A	N/A	2029	1887	2773	5867
3,3'-Dichlorobenzidine	0.79	2.24	22.4	21.37	19.87	29.21	61.80
1,2-Dichloroethane	5	364	3640	135.2	125.8	184.9	391.2
1,1-Dichloroethylene [1,1-Dichloroethene]	7	55114	551140	189.3	176.1	258.8	547.6
Dichloromethane [Methylene Chloride]	5	13333	133330	135.2	125.8	184.9	391.2
1,2-Dichloropropane	5	259	2590	135.2	125.8	184.9	391.2
1,3-Dichloropropene [1,3-Dichloropropylene]	2.8	119	1190	75.74	70.43	103.5	219.1
Dicofol [Kelthane]	0.30	0.30	3	8.11	7.547	11.09	23.47
Dieldrin	2.0E-05	2.0E-05	2.0E-04	5.41E-04	5.03E-04	7.40E-04	1.56E-03
2,4-Dimethylphenol	444	8436	84360	12010	11169	16418	34735
Di-n-Butyl Phthalate	88.9	92.4	924	2405	2236	3287	6955
Dioxins/Furans [TCDD Equivalents]	7.80E-08	7.97E-08	7.97E-07	2.11E-06	1.96E-06	2.88E-06	6.10E-06
Endrin	0.02	0.02	0.2	0.541	0.503	0.740	1.565
Epichlorohydrin	53.5	2013	20130	1447	1346	1978	4185
Ethylbenzene	700	1867	18670	18934	17609	25885	54763
Ethylene Glycol	46744	1.68E+07	1.68E+08	1264362	1175857	1728510	3656915
Fluoride	4000	N/A	N/A	108195	100621	147913	312931
Heptachlor	8.0E-05	0.0001	0.001	0.00216	0.00201	0.00296	0.00626
Heptachlor Epoxide	0.00029	0.00029	0.0029	0.0078	0.0073	0.0107	0.0227
Hexachlorobenzene	0.00068	0.00068	0.0068	0.0184	0.0171	0.0251	0.0532
Hexachlorobutadiene	0.21	0.22	2.2	5.680	5.283	7.765	16.43
Hexachlorocyclohexane (alpha)	0.0078	0.0084	0.084	0.211	0.196	0.288	0.610
Hexachlorocyclohexane (beta)	0.15	0.26	2.6	4.057	3.773	5.547	11.73
Hexachlorocyclohexane (gamma) [Lindane]	0.2	0.341	3.41	5.410	5.031	7.396	15.65
Hexachlorocyclopentadiene	10.7	11.6	116	289.4	269.2	395.7	837
Hexachloroethane	1.84	2.33	23.3	49.77	46.29	68.04	143.9
Hexachlorophene	2.05	2.90	29	55.45	51.57	75.81	160.4
4,4'-Isopropylidenediphenol [Bisphenol A]	1092	15982	159820	29537	27470	40380	85430
Lead	1.15	3.83	38.3	151.1	140.5	206.5	437.0
Mercury	0.0122	0.0122	0.122	0.330	0.307	0.451	0.954
Methoxychlor	2.92	3.0	30	79.0	73.45	108.0	228.4
Methyl Ethyl Ketone	13865	9.92E+05	9.92E+06	375030	348778	512703	1084698
Methyl tert-butyl ether [MTBE]	15	10482	104820	405.7	377.3	554.7	1173
Nickel	332	1140	11400	17614	16381	24080	50946
Nitrate-Nitrogen (as Total Nitrogen)	10000	N/A	N/A	270487	251552	369782	782328
Nitrobenzene	45.7	1873	18730	1236	1150	1690	3575

N-Nitrosodiethylamine	0.0037	2.1	21	0.100	0.093	0.137	0.289
N-Nitroso-di-n-Butylamine	0.119	4.2	42	3.219	2.993	4.400	9.31
Pentachlorobenzene	0.348	0.355	3.55	9.41	8.75	12.87	27.23
Pentachlorophenol	0.22	0.29	2.9	5.951	5.534	8.14	17.21
Polychlorinated Biphenyls [PCBs]	6.4E-04	6.4E-04	6.40E-03	0.0173	0.0161	0.0237	0.0501
Pyridine	23	947	9470	622.1	578.6	850	1799
Selenium	50	N/A	N/A	1352	1258	1849	3912
1,2,4,5-Tetrachlorobenzene	0.23	0.24	2.4	6.221	5.786	8.50	17.99
1,1,2,2-Tetrachloroethane	1.64	26.35	263.5	44.36	41.25	60.64	128.3
Tetrachloroethylene [Tetrachloroethylene]	5	280	2800	135.2	125.8	184.9	391.2
Thallium	0.12	0.23	2.3	3.246	3.019	4.437	9.39
Toluene	1000	N/A	N/A	27049	25155	36978	78233
Toxaphene	0.011	0.011	0.11	0.298	0.277	0.407	0.861
2,4,5-TP [Silvex]	50	369	3690	1352	1258	1849	3912
1,1,1-Trichloroethane	200	784354	7843540	5410	5031	7396	15647
1,1,2-Trichloroethane	5	166	1660	135.2	125.8	184.9	391.2
Trichloroethylene [Trichloroethene]	5	71.9	719	135.2	125.8	184.9	391.2
2,4,5-Trichlorophenol	1039	1867	18670	28104	26136	38420	81284
TTHM [Sum of Total Trihalomethanes]	80	N/A	N/A	2164	2012	2958	6259
Vinyl Chloride	0.23	16.5	165	6.221	5.786	8.505	17.994

CALCULATE 70% AND 85% OF DAILY AVERAGE EFFLUENT LIMITATIONS:

Aquatic Life	70% of Daily Avg.	85% of Daily Avg.
Parameter	(μg/L)	(µg/l.)
Aldrin	10.86	13.19
Aluminum	3588	4357
Arsenic	2131	2588
Cadmium	30.17	36.63
Carbaryl	7.24	8.79
Chlordane	0.0683	0.0830
Chlorpyrifos	0.301	0.365
Chromium (trivalent)	11046	13413
Chromium (hexavalent)	56.8	69.0
Copper	269.9	327.8
Cyanide (free)	165.8	201.4
4,4'-DDT	0.0171	0.0207
Demeton	1.709	2.075
Diazinon	0.616	0.747
Dicofol [Kelthane]	214.7	260.7
Dieldrin	0.0342	0.0415

Diuron	760	923
Endosulfan I (alpha)	0.797	0.967
Endosulfan II (beta)	0.797	0.967
Endosulfan sulfate	0.797	0.967
Endrin	0.0342	0.0415
Guthion [Azinphos Methyl]	0.171	0.207
Heptachlor	0.0683	0.0830
Hexachlorocyclohexane (gamma) [Lindane]	1.367	1.660
Lead	470.7	571.5
Malathion	0.171	0.207
Mercury	8.69	10.55
Methoxychlor	0.513	0.622
Mirex	0.0171	0.0207
Nickel	3304	4013
Nonylphenol	101.39	123.1
Parathion (ethyl)	0.222	0.270
Pentachlorophenol	63.8	77.5
Phenanthrene	108.6	131.9
Polychlorinated Biphenyls [PCBs]	0.239	0.290
Selenium	72.42	87.94
Silver	19.33	23.47
Toxaphene	0.00342	0.00415
Tributyltin [TBT]	0.410	0.498
2,4,5 Trichlorophenol	492.4	598
Zinc	2428	2948

Human Health	70% of Daily Avg.	85% of Daily Avg.
Parameter	(µg/L)	(µg/L)
Acrylonitrile	25.88	31.43
Aldrin	2.97E-04	3.60E-04
Anthracene	28706	34858
Antimony	155.3	188.6
Arsenic	448.1	544.1
Barium	51770	62863
Benzene	129.4	157.2
Benzidine	0.0388	0.0471
Benzo(a)anthracene	0.621	0.754
Benzo(a)pyrene	0.0647	0.0786
Bis(chloromethyl)ether	0.0621	0.0754
Bis(2-chloroethyl)ether	15.53	18.86
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	155.3	188.6

Bromodichloromethane [Dichlorobromomethane]	264.0	320.6
Bromoform [Tribromomethane]	1732	2103
Cadmium	549.6	667.4
Carbon Tetrachloride	116.5	141.4
Chlordane	0.0647	0.0786
Chlorobenzene	2588	3143
Chlorodibromomethane [Dibromochloromethane]	194.1	235.7
Chloroform [Trichloromethane]	1812	2200
Chromium (hexavalent)	1605	1949
Chrysene	63.42	77.01
Cresols [Methylphenols]	26946	32720
Cyanide (free)	5177	6286
4,4'-DDD	0.0518	0.0629
4,4'-DDE	0.00337	0.00409
4,4'-DDT	0.0104	0.0126
2,4'-D	1812	2200
Danitol [Fenpropathrin]	6782	8235
1,2-Dibromoethane [Ethylene Dibromide]	4.400	5.343
<i>m</i> -Dichlorobenzene [1,3-Dichlorobenzene]	8335	10121
o-Dichlorobenzene [1,2-Dichlorobenzene]	15531	18859
<i>p</i> -Dichlorobenzene [1,4-Dichlorobenzene]	1941	2357
3,3'-Dichlorobenzidine	20.45	24.83
1,2-Dichloroethane	129.4	157.2
1,1-Dichloroethylene [1,1-Dichloroethene]	181.2	220.0
Dichloromethane [Methylene Chloride]	129.4	157.2
1,2-Dichloropropane	129.4	157.2
1,3-Dichloropropene [1,3-Dichloropropylene]	72.48	88.0
Dicofol [Kelthane]	7.765	9.43
Dieldrin	5.18E-04	6.29E-04
2,4-Dimethylphenol	11493	13956
Di-n-Butyl Phthalate	2301	2794
Dioxins/Furans [TCDD Equivalents]	2.02E-06	2.45E-06
Endrin	0.518	0.629
Epichlorohydrin	1385	1682
Ethylbenzene	18119	22002
Ethylene Glycol	1209957	1469233
Fluoride	103539	125726
Heptachlor	0.00207	0.00251
Heptachlor Epoxide	0.00751	0.00912
Hexachlorobenzene	0.0176	0.02.14
Hexachlorobutadiene	5.436	6.601
Hexachlorocyclohexane (alpha)	0.202	0.245
Hexachlorocyclohexane (beta)	3.883	4.715

Hexachlorocyclohexane (gamma) [Lindane]	5.177	6.286
Hexachlorocyclopentadiene	277.0	336.3
Hexachloroethane	47.63	57.83
Hexachlorophene	53.06	64.43
4,4'-Isopropylidenediphenol [Bisphenol A]	28266	34323
Lead	144.6	175.6
Mercury	0.316	0.383
Methoxychlor	75.58	91.8
Methyl Ethyl Ketone	358892	435798
Methyl tert-butyl ether [MTBE]	388.3	471.5
Nickel	16856	20468
Nitrate-Nitrogen (as Total Nitrogen)	258848	314315
Nitrobenzene	1183	1436
N-Nitrosodiethylamine	0.096	0.116
N-Nitroso-di-n-Butylamine	3.080	3.740
Pentachlorobenzene	9.01	10.94
Pentachlorophenol	5.695	6.915
Polychlorinated Biphenyls [PCBs]	0.0166	0.0201
Pyridine	595.3	722.9
Selenium	1294	1572
1,2,4,5-Tetrachlorobenzene	5.953	7.229
1,1,2,2-Tetrachloroethane	42.45	51.55
Tetrachloroethylene [Tetrachloroethylene]	129.4	157.2
Thallium	3.106	3.772
Toluene	25885	31431
Toxaphene	0.285	0.346
2,4,5-TP [Silvex]	1294	1572
1,1,1-Trichloroethane	5177	6286
1,1,2-Trichloroethane	129.4	157.2
Trichloroethylene [Trichloroethene]	129.4	157.2
2,4,5-Trichlorophenol	26894	32657
TTHM [Sum of Total Trihalomethanes]	2071	2515
Vinyl Chloride	5.953	7.229

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



APPROVAL OF

THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

PRETREATMENT PROGRAM SUBSTANTIAL MODIFICATION FOR

PERMIT No. WQ0010232004 EPA I.D. No. TX0133248

On this day the New Braunfels Utilities' proposed substantial modification to its Pretreatment Program is approved and shall be incorporated, without changes, into the Texas Pollutant Discharge Elimination System Permit WQ0010232004. The following treatment work facilities will be subject to the requirements of the pretreatment program: Permit Nos. WQ0010232001, WQ0010232002, WQ0010232003, WQ0010232004.

This approval is in accordance with 30 Texas Administrative Code Chapter 305.

Signed,

Executive Director

Approval Date


TPDES PERMIT NO. WQ0010232004 [For TCEQ office use only - EPA I.D. No. TX0133248]

This is a renewal that replaces TPDES Permit No. WQ0010232004 issued on

October 2, 2017.

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

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

New Braunfels Utilities

whose mailing address is

263 Main Plaza New Braunfels, Texas 78130

is authorized to treat and discharge wastes from the Sam C. McKenzie, Jr. Water Reclamation Facility, SIC Code 4952

located approximately 0.7 miles southwest of the intersection of Elley Lane and State Highway 46 in Guadalupe County, Texas 78130

via Outfall 001 to Lake Dunlap Hydroelectric Plant Canal, thence to Guadalupe River Below Comal River; and via Outfall 002 directly to Guadalupe River Below Comal River in Segment No. 1804 of the Guadalupe River Basin (See Attachment A)

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:

For the Commission

New Braunfels Utilities

INTERIM I EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning upon the date of issuance and lasting through the completion of expansion to the 4.9 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 2.5 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 6,944 gallons per minute (gpm).

Effluent Characteristic		Discharge Li	mitations		Min. Self-Monit	oring 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)	10 (209)	15	25	35	Two/week	Composite
Total Suspended Solids	15 (313)	25	40	60	Two/week	Composite
Ammonia Nitrogen	3 (63)	6	10	15	Two/week	Composite
Total Phosphorus	1 (21)	2	4	6	Two/week	Composite
<i>E. coli</i> , colony-forming units or most probable number per	126	N/A	399	N/A	Daily	Grab

- 2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
- 3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per 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(s): Following the final treatment unit.
- 6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored twice per week by grab sample.
- 7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

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TPDES Permit No. WQ0010232004

Outfall Number 001

INTERIM II EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning upon the completion of expansion to the 4.9 million gallons per day (MGD) facilities and lasting through the completion of expansion to the 7.5 MGD facilities, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 4.9 MGD; nor shall the average discharge during any 2-hour peak exceed 13,611 gallons per minute (gpm).

Effluent Characteristic		Discharge L	imitations		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)	10 (409)	15	25	35	Two/week	Composite
Total Suspended Solids	15 (613)	25	40	60	Two/week	Composite
Ammonia Nitrogen	3 (123)	6	10	15	Two/week	Composite
Total Phosphorus	1 (41)	2	4	6	Two/week	Composite
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	399	N/A	Daily	Grab

- 2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
- 3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per 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(s): Following the final treatment unit.
- 5. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored twice per week by grab sample.
- 7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

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TPDES Permit No. WQ0010232004

Outfall Number 001

New Braunfels Utilities

INTERIM III EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning upon the completion of expansion to the 7.5 million gallons per day (MGD) facilities and lasting through the completion of expansion to the 9.9 MGD facilities, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 7.5 MGD; nor shall the average discharge during any 2-hour peak exceed 20,833 gallons per minute (gpm).

Effluent Characteristic		Discharge Li	mitations		Min. Self-Monitoring Requirements		
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily A	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)	10 (626)	15	25	35	Five/week	Composite	
Total Suspended Solids	15 (938)	25	40	60	Five/week	Composite	
Ammonia Nitrogen	3 (188)	6	10	15	Five/week	Composite	
Total Phosphorus	0.75 (47)	1.5	3	4.5	Five/week	Composite	
<i>E. coli</i> , colony-forming units or most probable number per	126	N/A	399	N/A	Daily	Grab	

- 2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. 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(s): Following the final treatment unit.
- 6. The effluent shall contain a minimum dissolved oxygen of 4.0 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.

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TPDES Permit No. WQ0010232004

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning upon the completion of expansion to the 9.9 million gallons per day (MGD) facility 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 9.9 MGD, nor shall the average discharge during any 2-hour peak exceed 27,500 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations Min. Self-Monitoring Requir					toring Requirements	3
	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)	10 (826)	15	25	35	Five/week	Composite	
Total Suspended Solids	15 (1,238)	25	40	60	Five/week	Composite	
Ammonia Nitrogen	3 (248)	6	10	15	Five/week	Composite	
Total Phosphorus	0.5 (41)	1	2	3	Five/week	Composite	
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	399	N/A	Daily	Grab	

- 2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. 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.
- 1. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
- 5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
- 5. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored five times per week by grab sample.
- *r*. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

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New Braunfels Utilities

<u>Outfall Number 001</u>

INTERIM I EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning upon the date of issuance and lasting through the completion of expansion to the 4.9 million gallons per day (MGD) facilities, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 2.5 MGD; nor shall the average discharge during any 2-hour peak exceed 6,944 gallons per minute (gpm).

Effluent Characteristic		Discharge Limitations Min. Self-Monitoring Rec				
	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)	10 (209)	15	25	35	Two/week	Composite
Total Suspended Solids	15 (313)	25	40	60	Two/week	Composite
Ammonia Nitrogen	3 (63)	6	10	15	Two/week	Composite
Total Phosphorus	1 (21)	2	4	6	Two/week	Composite
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	399	N/A	Daily	Grab

* See Other Requirement No. 9

2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per 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(s): Following the final treatment unit.
- 5. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored twice per week by grab sample.
- 7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

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New Braunfels Utilities

TPDES Permit No. WQ0010232004

INTERIM II EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

t. During the period beginning upon the completion of expansion to the 4.9 million gallons per day (MGD) facilities and lasting through the completion of expansion to the 7.5 MGD facilities, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 4.9 MGD; nor shall the average discharge during any 2-hour peak exceed 13,611 gallons per minute (gpm).

Effluent Characteristic		Discharge L	imitations		Min. Self-Monit	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)	10 (409)	15	25	35	Two/week	Composite		
Total Suspended Solids	15 (613)	25	40	60	Two/week	Composite		
Ammonia Nitrogen	3 (123)	6	10	15	Two/week	Composite		
Total Phosphorus	1 (41)	2	4	6	Two/week	Composite		
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	399	N/A	Daily	Grab		

* See Other Requirement No. 9

- 2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
- 3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week 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.
- 5. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored twice per week by grab sample.
- ⁷. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

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TPDES Permit No. WQ0010232004

INTERIM III EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning upon the completion of expansion to the 7.5 million gallons per day (MGD) facilities and lasting through the completion of expansion to the 9.9 MGD facilities, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 7.5 MGD; nor shall the average discharge during any 2-hour peak exceed 20,833 gallons per minute (gpm).

<u>Effluent Characteristic</u>		Discharge L	imitations		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)	10 (626)	15	25	35	Five/week	Composite	
Total Suspended Solids	15 (938)	25	40	60	Five/week	Composite	
Ammonia Nitrogen	3 (188)	6	10	15	Five/week	Composite	
Total Phosphorus	0.75 (47)	1.5	3	4.5	Five/week	Composite	
<i>E. coli</i> , colony-forming units or most probable number per	126	N/A	399	N/A	Daily	Grab	

* See Other Requirement No. 9

- 2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. 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(s): Following the final treatment unit.
- 6. The effluent shall contain a minimum dissolved oxygen of 4.0 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.

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New Braunfels Utilities

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TPDES Permit No. WQ0010232004

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning upon the completion of expansion to the 9.9 million gallons per day (MGD) facilities and lasting through the date of permit expiration, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 9.9 MGD; nor shall the average discharge during any 2-hour peak exceed 27,500 gallons per minute (gpm).

Effluent Characteristic		Discharge I	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)	10 (826)	15	25	35	Five/week	Composite	
Total Suspended Solids	15 (1,238)	25	40	60	Five/week	Composite	
Ammonia Nitrogen	3 (248)	6	10	15	Five/week	Composite	
Total Phosphorus	0.5 (41)	1	2	3	Five/week	Composite	
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	399	N/A	Daily	Grab	

* See Other Requirement No. 9

2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. 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 five times per week 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.

5. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored five times per week by grab sample.

'. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

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New Braunfels Utilities

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INTERIM I EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

 During the period beginning upon the date of issuance and lasting through the completion of expansion to the 4.9 million gallons per day (MGD) facilities, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 2.5 MGD; nor shall the average discharge during any 2-hour peak exceed 6,944 gallons per minute (gpm).

<u>Effluent Characteristic</u>	Daily Avg	Discharge Limitations	<u>Min. Self-Monit</u> Repo	<u>oring Requirements</u> rt lbs/day
	lbs/day		Measurement Frequency	Sample Type
Flow, MGD	Report		Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	209		Two/week	Composite
Total Suspended Solids	313		Two/week	Composite
Ammonia Nitrogen	63		Two/week	Composite
Total Phosphorus	21		Two/week	Composite

2. Outfall 003 is defined as the combined flow and loadings from Outfall 001 and Outfall 002.

New Braunfels Utilities

TPDES Permit No. WQ0010232004

New Braunfels Utilities

NTERIM II EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

. During the period beginning upon the completion of expansion to the 4.9 million gallons per day (MGD) facilities and lasting through the completion of expansion to the 7.5 MGD facilities, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 4.9 MGD; nor shall the average discharge during any 2-hour peak exceed 13,611 gallons per minute (gpm).

<u>Effluent Characteristic</u>	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily	Avg. & Daily Max.
	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)	409				Two/week	Composite
Total Suspended Solids	613				Two/week	Composite
Ammonia Nitrogen	123				Two/week	Composite
Total Phosphorus	41				Two/week	Composite

2. Outfall 003 is defined as the combined flow and loadings from Outfall 001 and Outfall 002.

TPDES Permit No. WQ0010232004

Outfall Number 003

New Braunfels Utilities

INTERIM III EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning upon the completion of expansion to the 7.5 million gallons per day (MGD) facilities and lasting through the completion of expansion to the 9.9 MGD facilities, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 7.5 MGD; nor shall the average discharge during any 2-hour peak exceed 20,833 gallons per minute (gpm).

Effluent Characteristic		Discharge L	imitations		Min. Self-Monitoring Requirements			
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily	Avg. & Daily Max.		
	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)	626				Five/week	Composite		
Total Suspended Solids	938				Five/week	Composite		
Ammonia Nitrogen	188				Five/week	Composite		
Total Phosphorus	47				Five/week	Composite		

2. Outfall 003 is defined as the combined flow and loadings from Outfall 001 and Outfall 002.

Outfall Number 003

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New Braunfels Utilities

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

. During the period beginning upon the completion of expansion to the 9.9 million gallons per day (MGD) facilities and lasting through the date of permit expiration, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 9.9 MGD; nor shall the average discharge during any 2-hour peak exceed 27,500 gallons per minute (gpm).

Effluent Characteristic	Discharge Limita	tions <u>Min. Self-Monitoring</u>	Min. Self-Monitoring Requirements		
	Daily Avg lbs/day	Report Daily Avg. Measurement Frequency	& Daily Max. 7 Sample Type		
Flow, MGD	Report	Continuous	Totalizing Meter		
Carbonaceous Biochemical Oxygen Demand (5-day)	826	Five/week	Composite		
Total Suspended Solids	1,238	Five/week	Composite		
Ammonia Nitrogen	248	Five/week	Composite		
Total Phosphorus	41	Five/week	Composite		

2. Outfall 003 is defined as the combined flow and loadings from Outfall 001 and Outfall 002.

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TPDES Permit No. WQ0010232004

Outfall Number 003

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 on 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 24hour 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 nth 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 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. The term "biosolids" is defined as sewage sludge that has been tested or processed to meet Class A, Class AB, or Class B pathogen standards in 30 TAC Chapter 312 for beneficial use.
- 7. 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 or biosolids 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 TCEO. 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, 2025, 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 TCEO 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 μ g/L);
 - ii. Two hundred micrograms per liter (200 μ g/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μ g/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 μ g/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;
 - ii. the permit number(s);
 - iii. 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 or biosolids 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 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 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.
 - d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the 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 or biosolids 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 Class A or Class AB Biosolids. This provision does not authorize the permittee to land apply biosolids on property owned, leased or under the direct control of the permittee.

SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE OR BIOSOLIDS LAND APPLICATION

A. General Requirements

- 1. The permittee shall handle and dispose of sewage sludge or biosolids 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 or biosolids.
- 2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.
- 3. The land application of processed or unprocessed chemical toilet waste, grease trap waste, grit trap waste, milk solids, or similar non-hazardous municipal or industrial solid wastes, or any of the wastes listed in this provision combined with biosolids, WTP residuals or domestic septage is prohibited unless the grease trap waste is added at a fats, oil and grease (FOG) receiving facility as part of an anaerobic digestion process.

B. Testing Requirements

1. Sewage sludge or biosolids 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 or biosolids 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 or biosolids 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 or biosolids 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. 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. Biosolids 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.

Pollutant	<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

TABLE 1

* 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 biosolids pathogen requirements.

a. For sewage sludge to be classified as Class A biosolids 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:

<u>Alternative 1</u> - 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 biosolids 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:

<u>Alternative 2</u> - 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

<u>Alternative 3</u> - 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

<u>Alternative 4</u> - 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 biosolids may be classified a Class A biosolids 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 biosolids criteria.

<u>Alternative 1</u>

- 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).

<u>Alternative 2</u> - 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.

<u>Alternative 3</u> - 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 biosolids are land applied:

- i. Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of biosolids.
- ii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of biosolids when the biosolids remain 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 biosolids when the biosolids remain 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 biosolids.
- v. Domestic livestock shall not be allowed to graze on the land for 30 days after application of biosolids.
- vi. Turf grown on land where biosolids are applied shall not be harvested for 1 year after application of the biosolids 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 biosolids.

- viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of biosolids.
- ix. Land application of biosolids 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.

- <u>Alternative 1</u> The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38%.
- <u>Alternative 2</u> 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.
- <u>Alternative 3</u> 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.
- <u>Alternative 4</u> 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.
- <u>Alternative 5</u> 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.
- <u>Alternative 6</u> 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.
- <u>Alternative 7</u> 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.

<u>Alternative 8</u> -	The gen or g prio Uns tha pro	the percent solids of sewage sludge that contains unstabilized solids inerated in a primary wastewater treatment process shall be equal to greater than 90% based on the moisture content and total solids ior to mixing with other materials at the time the sludge is used. Instabilized solids are defined as organic materials in sewage sludge at have not been treated in either an aerobic or anaerobic treatment process.		
<u>Alternative 9</u> -	i.	Biosolids shall be injected below the surface of the land.		
	ii.	No significant amount of the biosolids shall be present on the land surface within one hour after the biosolids are 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 biosolids shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.		
<u>Alternative 10</u> - i. l a	Biosolids 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 biosolids that are incorporated into the soil is Class A or Class AB with respect to pathogens, the biosolids 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	- annually
(TCLP) Test	
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):

Amount of biosolids (*) <u>metric tons per 365-day period</u>	Monitoring Frequency
o 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 biosolids 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 \S 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 or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids 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 or biosolids for disposal at a monofil!) and whether the material is ultimately conveyed off-site in bulk or in bags.

SECTION II. REQUIREMENTS SPECIFIC TO BULK SEWAGE SLUDGE OR BIOSOLIDS 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> Arsenic Cadmium Chromium Copper Lead Mercury Molybdenum Nickel Selenium Zinc		Cumulative Pollutant Loading Rate (<u>pounds per acre</u>)* 36 35 2677 1339 268 15 Report Only 375 89 2500
	Table 3	
<u>Pollutant</u> Arsenic		Monthly Average Concentration (<u>milligrams per kilogram</u>)* 41

39

1200

1500

300

420

2800

36

Report Only

17

B. Pathogen Control

Cadmium

Copper

Mercury

Nickel

Zinc

Selenium

Molvbdenum

Lead

Chromium

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 biosolids pathogen reduction requirements as defined above in Section I.B.3.

*Dry weight basis
C. Management Practices

- 1. Bulk biosolids 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 biosolids 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 biosolids 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 Class A or AB biosolids sold or given away. The information sheet shall contain the following information:
 - a. The name and address of the person who prepared the Class A or AB biosolids that are sold or given away in a bag or other container for application to the land.
 - b. A statement that application of the biosolids 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 biosolids application rate for the biosolids 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 biosolids are 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 biosolids are 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 biosolids 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 biosolids.
- 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 biosolids disposal practice.

E. Record Keeping Requirements

The 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 biosolids 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 <u>five years</u>. 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), <u>or</u> 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 biosolids, 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 biosolids are 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 biosolids 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 <u>indefinitely</u>. 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 biosolids are applied.
 - c. The number of acres in each site on which bulk biosolids are applied.
 - d. The date and time biosolids are 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 biosolids 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. 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 or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids 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 bencficial 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 or biosolids 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 or biosolids 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 biosolids, 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 or biosolids 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 or biosolids 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 biosolids are applied.
 - c. The date and time bulk biosolids are applied to each site.
 - d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk biosolids applied to each site.
 - e. The amount of biosolids (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 OR BIOSOLIDS DISPOSED IN A MUNICIPAL SOLID WASTE LANDFILL

- A. The permittee shall handle and dispose of sewage sludge or biosolids 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 or biosolids disposed in a municipal solid waste landfill.
- B. If the permittee generates sewage sludge and supplies that sewage sludge or biosolids 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 or biosolids disposal practice.
- D. Sewage sludge or biosolids 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 or biosolids 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 or biosolids 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 or biosolids 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 or biosolids 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. 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 or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids 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 or biosolids production in dry tons/year.
- 4. Amount of sludge or biosolids disposed in a municipal solid waste landfill in dry tons/year.
- 5. Amount of sludge or biosolids transported interstate in dry tons/year.
- 6. A certification that the sewage sludge or biosolids 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 OR BIOSOLIDS TRANSPORTED TO ANOTHER FACILITY FOR FURTHER PROCESSING

These provisions apply to sludge or biosolids that is transported to another wastewater treatment facility or facility that further processes sludge or biosolids. These provisions are intended to allow transport of sludge or biosolids to facilities that have been authorized to accept sludge or biosolids. These provisions do not limit the ability of the receiving facility to determine whether to accept the sludge or biosolids, 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 or biosolids 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 or biosolids 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 or biosolids 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 or biosolids.
- 2. For sludge or biosolids 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 or biosolids 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. 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 or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids 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 or biosolids production;
- 3. the amount of sludge or biosolids 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 Class 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 has submitted sufficient evidence of legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the permittee according to 30 TAC § 309.13(e)(3). The permittee shall also comply with the requirements of 30 TAC § 309.13(a) through (d). (See Attachment B)
- 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, daily may be reduced to 5/week in all the 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. Prior to construction of the treatment facilities Interim II, Interim III, and Final phases, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications, and a

final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The permittee shall clearly show how the treatment system will meet the effluent limitations required on Page 2a, 2b, 2c, 2e, 2f, 2g, 2i, 2j and 2k of this permit. A copy of the summary transmittal letter shall be available at the plant site for inspection by authorized representatives of the TCEQ.

Plans and specifications have been approved for the 2.5 MGD wastewater treatment facility, in accordance with 30 TAC § 217, Design Criteria for Domestic Wastewater Systems. A summary transmittal approval letter was issued December 3, 2020 (Log No. 1220/017).

- 8. The use of Outfall 002 is subject to the following conditions: the primary discharge point is to be into the Lake Dunlap Hydroelectric Plant Canal at Outfall 001 and the secondary discharge point is to be into the Guadalupe River at Outfall 002. Outfall 002 is to be used only when the Lake Dunlap Hydroelectric Plant Canal is bypassed and all upstream flow is diverted to the river. All of the effluent shall be discharged at one or the other of the two outfalls without division of flow between them.
- 9. 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 days prior to the completion of the Interim II, Interim III, and Final phase facilities on Notification of Completion Form 20007.

CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS

The permittee shall operate an industrial pretreatment program in accordance with Sections 402(b)(8) and (9) of the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and the approved New Braunfels Utilities publicly owned treatment works (POTW) pretreatment program submitted by the permittee. The pretreatment program was approved on December 4, 1992, and modified on September 30, 1993, August 19, 2011, and on the date of issuance of this permit (Streamlining Rule and TBLLs).

The POTW pretreatment program is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:

- a. Industrial user (IU) information shall be kept current according to 40 CFR §§403.8(f)(2)(i) and (ii) and updated at a frequency set forth in the approved pretreatment program to reflect the accurate characterization of all IUs.
- b. The frequency and nature of IU compliance monitoring activities by the permittee shall be consistent with the approved POTW pretreatment program and commensurate with the character, consistency, and volume of waste. The permittee is required to inspect and sample the effluent from each significant industrial user (SIU) at least once per year, except as specified in 40 CFR §403.8(f)(2)(v). This is in addition to any industrial self-monitoring activities.
- c. The permittee shall enforce and obtain remedies for IU noncompliance with applicable pretreatment standards and requirements and the approved POTW pretreatment program.
- d. The permittee shall control through permit, order, or similar means, the contribution to the POTW by each IU to ensure compliance with applicable pretreatment standards and requirements and the approved POTW pretreatment program. In the case of SIUs (identified as significant under 40 CFR §403.3(v)), this control shall be achieved through individual permits or general control mechanisms, in accordance with 40 CFR §403.8(f)(1)(iii).

Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:

- (1) Statement of duration (in no case more than five years);
- (2) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
- (3) Effluent limits, which may include enforceable best management practices (BMPs), based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and State and local law;
- (4) Self-monitoring, sampling, reporting, notification and record keeping requirements, identification of the pollutants to be monitored (including, if applicable, the process for seeking a waiver for a pollutant neither present nor expected to be present in the IU's discharge in accordance with 40 CFR §403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in 40 CFR Part 403, categorical pretreatment standards, local limits, and State and local law;

- (5) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond federal deadlines; and
- (6) Requirements to control slug discharges, if determined by the POTW to be necessary.
- e. For those IUs who are covered by a general control mechanism, in order to implement 40 CFR §403.8(f)(1)(iii)(A)(2), a monitoring waiver for a pollutant neither present nor expected to be present in the IU's discharge is not effective in the general control mechanism until after the POTW has provided written notice to the SIU that such a waiver request has been granted in accordance with 40 CFR §403.12(e)(2).
- f. The permittee shall evaluate whether each SIU needs a plan or other action to control slug discharges, in accordance with 40 CFR §403.8(f)(2)(vi). If the POTW decides that a slug control plan is needed, the plan shall contain at least the minimum elements required in 40 CFR §403.8(f)(2)(vi).
- g. The permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program.
- h. The approved program shall not be modified by the permittee without the prior approval of the Executive Director, according to 40 CFR §403.18.
- 2. The permittee is under a continuing duty to establish and enforce specific local limits to implement the provisions of 40 CFR §403.5, develop and enforce local limits as necessary, and modify the approved pretreatment program as necessary to comply with federal, state, and local law, as amended. The permittee may develop BMPs to implement 40 CFR §403.5(c)(1) and (2). Such BMPs shall be considered local limits and pretreatment standards. The permittee is required to effectively enforce such limits and to modify its pretreatment program, including the Legal Authority, Enforcement Response Plan, and Standard Operating Procedures (including forms), if required by the Executive Director to reflect changing conditions at the POTW. Substantial modifications will be approved in accordance with 40 CFR §403.18, and modifications will become effective upon approval by the Executive Director in accordance with 40 CFR §403.18.
- 3. The permittee shall analyze the treatment facility influent and effluent for the presence of the toxic pollutants listed in the Texas Surface Water Quality Standards [30 TAC Chapter 307], and 40 CFR Part 122, Appendix D, Table II at least **once per year** and the toxic pollutants listed in 40 CFR Part 122, Appendix D, Table III at least **once per six months**. If, based upon information available to the permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in 40 CFR Part 122, Appendix D, Table III at least **once per six months**. If, based upon information available to the permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in 40 CFR Part 122, Appendix D, Table V, or any other pollutant, known or suspected to adversely affect treatment plant operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed at least **once per six months** on both the influent and the effluent.

The influent and effluent samples collected shall be composite samples consisting of at least 12 aliquots collected at approximately equal intervals over a representative 24-hour period and composited according to flow. Sampling and analytical procedures shall be in accordance with guidelines established in 40 CFR Part 136, as amended; as approved by the EPA through the application for alternate test procedures; or as suggested in Tables E-1 and

E-2 of the *Procedures to Implement the Texas Surface Water Quality Standards* (RG-194), June 2010, as amended and adopted by the TCEQ. The effluent samples shall be analyzed to the minimum analytical level (MAL), if necessary, to determine compliance with the daily average water quality based effluent concentration from the TCEQ's Texas Toxicity Modeling Program (TEXTOX) and other applicable water quality discharge standards. Where composite samples are inappropriate due to sampling, holding time, or analytical constraints, at least four (4) grab samples shall be taken at equal intervals over a representative 24-hour period.

4. The permittee shall prepare annually a list of IUs, which during the preceding twelve (12) months were in significant noncompliance (SNC) with applicable pretreatment requirements. For the purposes of this section of the permit, "CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS," SNC shall be determined based upon the more stringent of either criteria established at 40 CFR §403.8(f)(2)(viii) [rev. 10/14/05] or criteria established in the approved POTW pretreatment program. This list is to be published annually during the month of **December** in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW.

In addition, each **December** the permittee shall submit an updated pretreatment program annual status report, in accordance with 40 CFR §§403.12(i) [*rev. 10/22/15*] and (m), to the TCEQ Pretreatment Team (MC148) of the Water Quality Division. The report summary shall be submitted on the Pretreatment Performance Summary (PPS) form [TCEQ-20218]. The report shall contain the following information as well as the information on the tables in this section:

- a. An updated list of all regulated IUs as indicated in this section. For each listed IU, the following information shall be included:
 - (1) Standard Industrial Classification (SIC) or North American Industry Classification System (NAICS) code *and* categorical determination.
 - (2) If the pretreatment program has been modified and approved to incorporate reduced monitoring for any of the categorical IUs as provided by 40 CFR Part 403 [*rev.* 10/14/05], then the list must also identify:
 - categorical IUs subject to the conditions for reduced monitoring and reporting requirements under 40 CFR § 403.12(e)(1) [rev. 10/22/15] and (3);
 - those IUs that are non-significant categorical industrial users (NSCIUs) under 40 CFR §403.3(v)(2); and
 - those IUs that are middle tier categorical industrial users (MTCIUs) under 40 CFR §403.12(e)(3).
 - (3) Control mechanism status.
 - Indicate whether the IU has an effective individual or general control mechanism, and the date such control mechanism was last issued, reissued, or modified;

- Indicate which IUs were added to the system, or newly identified, during the pretreatment year reporting period;
- Include the type of general control mechanisms; and
- Report all NSCIU annual evaluations performed, as applicable.
- (4) A summary of all compliance monitoring activities performed by the POTW during the pretreatment year reporting period. The following information shall be reported:
 - Total number of inspections performed; and
 - Total number of sampling events conducted.
- (5) Status of IU compliance with effluent limitations, reporting, and narrative standard (which may include enforceable BMPs, narrative limits, and/or operational standards) requirements. Compliance status shall be defined as follows:
 - Compliant (C) no violations during the pretreatment year reporting period;
 - Non-compliant (NC) one or more violations during the pretreatment year reporting period but does not meet the criteria for SNC; and
 - Significant Noncompliance (SNC) in accordance with requirements described above in this section.
- (6) For noncompliant IUs, indicate the nature of the violations, the type and number of actions taken (notice of violation, administrative order, criminal or civil suit, fines or penalties collected, etc.), and the current compliance status. If any IU was on a schedule to attain compliance with effluent limits or narrative standards, indicate the date the schedule was issued and the date compliance is to be attained.
- b. A list of each IU whose authorization to discharge was terminated or revoked during the pretreatment year reporting period and the reason for termination.
- c. A report on any interference, pass through, Act of God, or POTW permit violations known or suspected to be caused by IUs and response actions taken by the permittee.
- d. The results of all influent and effluent analyses performed pursuant to Item 3 of this section.
- e. An original newspaper public notice, or copy of the newspaper publication with official affidavit, of the list of IUs that meet the criteria of SNC, giving the name of the newspaper and date the list was published.
- f. The daily average water quality based effluent concentrations (from the TCEQ's Texas Toxicity Modeling Program (TexTox)) necessary to attain the Texas Surface Water Quality Standards, 30 TAC Chapter 307, in water in the state.

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- g. The maximum allowable headworks loading (MAHL) in pounds per day (lb/day) of the approved TBLLs or for each pollutant of concern (POC) for which the permittee has calculated a MAHL. In addition, the influent loading as a percent of the MAHL, using the annual average flow of the wastewater treatment plant in million gallons per day (MGD) during the pretreatment year reporting period, for each pollutant that has an adopted TBLL or for each POC for which the permittee has calculated a MAHL. (See Endnotes No. 2 at the end of this section for the influent loading as a percent of the MAHL equation.)
- h. The permittee may submit the updated pretreatment program annual status report information in tabular form using the example table format provided. Please attach, on a separate sheet, explanations to document the various pretreatment activities, including IU permits that have expired, BMP violations, and any sampling events that were not conducted by the permittee as required.
- i. A summary of changes to the POTW's approved pretreatment program that have not been previously reported to the Approval Authority.

Effective December 21, 2025, the permittee must submit the updated pretreatment program annual status report required by this section electronically using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. *[rev. Federal Register/ Vol. 80/ No. 204/ Friday, October 22, 2015/ Rules and Regulations, pages 64064-64158].*

- 5. The permittee shall provide adequate written notification to the Executive Director, care of the Wastewater Permitting Section (MC 148) of the Water Quality Division, within 30 days of the permittee's knowledge of the following:
 - a. Any new introduction of pollutants into the treatment works from an indirect discharger that would be subject to Sections 301 and 306 of the Clean Water Act, if the indirect discharger was 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.

Adequate 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 June 2020

TPDES Pretreatment Program Annual Report Form for Updated Industrial Users List

Reporting month/year: _____, ____ to _____, ____

TPDES Permit No.: _____ Permittee: _____ Treatment Plant: _____

PRE	PRETREATMENT PROGRAM STATUS REPORT UPDATED INDUSTRIAL USERS' LIST																	
a				COI MECI	NTRO HANIS	L SM		he CA	le CA	((D C = (SNC	COM uring t Re Compli C= Sign	PLIAN he Pret porting ant, NC ificant	NCE STATUS retreatment Year ng Period 4 NC = Noncompliance)				
ır Nam	Code			r NR			(or N)	ed by t	d by th		RI	EPORT	S		s			
Industrial Use	SIC or NAICS	CIU ²	Y/N or NR5	IND or GEN o	Last Action ⁶	TBLLs or TBLLs only ⁷	New User ³ (Y	Times Inspect	Times Sample	BMR	90-Day	Semi- Annual	Self- Monitoring ⁸	NSCIU Certifications	Effluent Limit	Narrative Standards		

- Include all significant industrial users (SIUs), non-significant categorical industrial users (NSCIUs) as defined in 40 CFR §403.3(v)(2), and/or middle tier categorical industrial users (MTCIUs) as defined in 40 CFR §403.12(e)(3). Please do <u>not</u> include non-significant noncategorical IUs that are covered under best management practices (BMPs) or general control mechanisms.
- 2 Categorical determination (include 40 CFR citation and NSCIU or MTCIU status, if applicable).
- 3 Indicate whether the IU is a new user. If the answer is No or N, then indicate the expiration date of the last issued IU permit.
- 4 The term SNC applies to a broader range of violations, such as daily maximum, long-term average, instantaneous limits, and narrative standards (which may include enforceable BMPs, narrative limits and/or operational standards). Any other violation, or group of violations, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment Program now includes BMP violations (40 CFR §403.8(f)(2)(viii)(H)).
- 5 Code NR= None required (NSCIUs only); IND = individual control mechanism; GEN = general control mechanism. Include as a footnote (or on a separate page) the name of the general control mechanism used for similar groups of IUs, identify the similar types of operations and types of wastes that are the same for each general control mechanism. Any BMPs through general control mechanisms that are applied to nonsignificant IUs need to be reported separately, *e.g.* the sector type and BMP description.
- 6 Permit or NSCIU evaluations as applicable.
- 7 According to 40 CFR §403.12(i)(1), indicate whether the IU is subject to technically based local limits (TBLLs) that are more stringent than categorical pretreatment standards, *e.g.* where there is one endof-pipe sampling point at a CIU, and you have determined that the TBLLs are more stringent than the categorical pretreatment standards for any pollutant at the end-of-pipe sampling point; **OR** the IU is subject only to local limits (TBLLs only), *e.g.* the IU is a non-categorical SIU subject only to TBLLs at the end-of-pipe sampling point.
- 8 For those IUs where a monitoring waiver has been granted, please add the code "W" (after either C, NC, or SNC codes) and indicate the pollutant(s) for which the waiver has been granted.

TCEQ-20218a TPDES Pretreatment Program Annual Report Form

Revised July 2007

TPDES Pretreatment Program Annual Report Form for Industrial User Inventory Modifications

Reporting month/year: _____, ____ to ____, ____

TPDES Permit No: _____ Permittee: _____ Treatment Plant: _____

	INDUSTRIAL USER INVENTORY MODIFICATIONS												
FACILITY NAME,	ADD, CHANGE.	IF DELETION:	IF ADDITION OR SIGNIFICANT CHANGE:										
ADDRESS AND CONTACT PERSON	AND CONTACT PERSON Constant PERSON (Including categorical reclassification to NSCIU or MTCIU)	Reason For Deletion	PROCESS DESCRIPTION	POLLUTANTS (Including any sampling waiver given for each pollutant not present)	FLOW RATE ⁹ (In gpd) R = Regulated U = Unregulated T = Total								
	5.												

For NSCIUs, total flow must be given, if regulated flow is not determined. 9

TCEQ-20218b TPDES Pretreatment Program Annual Report Form Revised July 2007

TPDES Pretreatment Program Annual Report Form for Enforcement Actions Taken

Reporting month/year: _____, ____ to ____, ____

TPDES Permit No: ______ Permittee: _____ Treatment Plant: _____

Overall SNC ____% SNC ¹⁰ based on: Effluent Violations____% Reporting Violations____% Narrative Standard Violations___%

	N	Noncompliant Industrial Users - Enforcement Actions Taken											ns T	aken	
Industrial	Nat	ure o	f Violat	tion 11	Nu	ımbe T	r of A 'aken		ıs	d (Do arge)	Cor Sc	nplia hedu	nce ile	turned or N)	
Industrial User Name	Effluent Limits	Reports	NSCIU Certifications	Narrative Standards	NOV	A.O.	Civil	Criminal	Other	Penalties Collecte not Include Surch	Y or N	Date Issued	Date Due	Current Status Re to Compliance: (Y	Comments

10 <u># %</u>

Pretreatment Standards [WENDB-PSNC] (Local Limits/Categorical Standards)

_____ Reporting Requirements [WENDB-PSNC]

____ Narrative Standards

11 Please specify a separate number for each type of violation, *e.g.* report, notification, and/or NSCIU certification.

TCEQ-20218c TPDES Pretreatment Program Annual Report Form

Revised July 2007

TPDES Pretreatment Program Annual Report Form for Influent and Effluent Monitoring Results¹

Reporting month/year: _____, ____ to _____, ____

TPDES Permit No.: _____ Permittee: _____ Treatment Plant: _____

PRETREATMENT PROGRAM INFLUENT AND EFFLUENT MONITORING RESULTS Influent Effluent Daily Average MAHL, if Measured in µg/L Average Measured in $\mu g/L$ Influent Applicable POLLUTANT Effluent % of the in lb/day (Actual Concentration (Actual Concentration Limit MAHL² or < MAL) or < MAL) 4 (µg/L) 3 Date Date Date Date Date Date Date Date METALS, CYANIDE AND PHENOLS Antimony, Total Arsenic, Total Beryllium, Total Cadmium, Total Chromium, Total Chromium (Hex) Chromium (Tri)5 Copper, Total Lead, Total Mercury, Total Nickel, Total Selenium, Total Silver, Total Thallium, Total Zinc, Total

PRETREATMEN	T PROGRAM	INFL	JENT	AND	EFFL	UENT MO	ONITORI	NG RI	ESUL	ГS	
POLLUTANT	MAHL, if Applicable in lb/day	Me (Actu	Infl easure 1al Cor or < 1	uent d in µg ncentra MAL)	/L ation	Average Influent % of the MAHL ²	Daily Average Effluent Limit (µg/L) ³	Effluent Measured in µg/L (Actual Concentration or < MAL) 4			5/L ation
		Date	Date	Date	Date			Date	Date	Date	Date
Cyanide, Available ⁶											
Cyanide, Total											
Phenols, Total											
VOLATILE COMPOUND	S		L <u></u>	Л			n	л	л		
Acrolein											
Acrylonitrile											
Benzene											
Bromoform		l				L	See TTHM	1			
Carbon Tetrachloride											
Chlorobenzene											
Chlorodibromomethane							See TTHM				
Chloroethane											
2-Chloroethylvinyl Ether											
Chloroform						n	See TTHM				
Dichlorobromomethane							See TTHM				
1,1-Dichloroethane											
1,2-Dichloroethane											
1,1-Dichloroethylene											
1,2-Dichloropropane											

PRETREATMENT	F PROGRAM	INFL	UENI	AND	EFFI	UENT M	ONITORI	NGR	ESUL	TS	
POLLUTANT	MAHL, if Applicable in lb/day	M (Act	Infl easure ual Cor or < 1	uent d in µg ncentra MAL)	g/L ation	Average Influent % of the MAHL ²	Daily Effluent Average Measured in Effluent Limit (Actual Concern (µg/L) ³ or < MAL			uent d in µg ncentr: IAL) 4	g/L ation
		Date	Date	Date	Date			Date	Date	Date	Date
1,3-Dichloropropylene											
Ethyl benzene											
Methyl Bromide											
Methyl Chloride											
Methylene Chloride											
1,1,2,2-Tetra-chloroethane											
Tetrachloroethylene											
Toluene											
1,2-Trans-Dichloroethylene											
1,1,1-Trichloroethane											
1,1,2-Trichloroethane											
Trichloroethylene											
Vinyl Chloride											
ACID COMPOUNDS						,					
2-Chlorophenol											
2,4-Dichlorophenol											
2,4-Dimethylphenol											
4,6-Dinitro-o-Cresol											
2,4-Dinitrophenol											
2-Nitrophenol											

PRETREATMENT	PROGRAM	INFL	JENT	AND	EFFL	UENT MO	DNITORI	NG RI	ESUL	гs		
POLLUTANT	MAHL, if Applicable in lb/day	Me (Actu	Influe easure al Con or < 1	uent d in µg ncentra MAL)	/L ation	Average Influent % of the MAHL ²	Daily Average Effluent Limit (µg/L) ³	Daily Effluen Average Measured in Effluent Limit (Actual Conce: (μg/L) ³ or < MAI		uent d in µg ncentra IAL) 4	nt μg/L ntration L) 4	
		Date	Date	Date	Date			Date	Date	Date	Date	
4-Nitrophenol												
P-Chloro-m-Cresol												
Pentachlorophenol												
Phenol												
2,4,6-Trichlorophenol												
BASE/NEUTRAL COMPO	UNDS					,				<u></u>		
Acenaphthene												
Acenaphthylene												
Anthracene												
Benzidine												
Benzo(a)Anthracene												
Benzo(a)Pyrene												
3,4-Benzofluoranthene												
Benzo(ghi)Perylene												
Benzo(k)Fluoranthene												
Bis(2- Chloroethoxy)Methane												
Bis(2-Chloroethyl)Ether												
Bis(2-Chloroisopropyl)Ether												
Bis(2-Ethylhexyl)Phthalate												
4-Bromophenyl Phenyl Ether												

TABLE 1 (SHEET 1 OF 4)

BIOMONITORING REPORTING

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION

		Date	Time	Date	Time	
Dates and Times Composites	No.1 FROM	[:		TO:		-
Collected	No. 2 FROM	1:		TO:		_
	No.3 FROM	l:		TO:		-
Test initiated:			am/pm		date	e
Dilution wa	ater used:	Rece	eiving water	Sy	nthetic Dilution water	E.

NUMBER OF YOUNG PRODUCED PER ADULT AT END OF TEST

REP	0%	2%	3%	4%	5%	7%
А						
В						
С						
D		-				
E						
F						
G						
Н						
I						
J						
Survival				8		
Total						
CV%*						
PMSD						

*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

1. Dunnett's Procedure or Steel's Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

Is the mean number of young produced per adult significantly less than the number of young per adult in the control for the % effluent corresponding to significant nonlethal effects?

CRITICAL DILUTION (5%): _____YES _____NO

PERCENT SURVIVAL

	Percent effluent											
Time of Reading	0%	2%	3%	4%	5%	7%						
24h												
48h												
End of Test												

2. Fisher's Exact Test:

Is the mean survival at test end significantly less than the control survival for the % effluent corresponding to lethality?

CRITICAL DILUTION (5%): _____ YES _____ NO

3. Enter percent effluent corresponding to each NOEC\LOEC below:

a.) NOEC survival = _____% effluent

b.) LOEC survival = ____% effluent

c.) NOEC reproduction = ____% effluent

d.) LOEC reproduction = ____% effluent

TABLE 1 (SHEET 3 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW LARVAE GROWTH AND SURVIVAL

			Date	Time		Date	Time	
Dates and Times Composites	No. 1	FROM:			TO:			
Collected	No. 2	FROM:			TO:			
	No. 3	FROM:			TO:			
Test initiated:				am/pn	n			_date
Dilution wate	er used:		_ Receiv	ving water		_Synthetic	dilution v	vater

FATHEAD MINNOW GROWTH DATA

Effluent	Avera	ge Dry We	mbers	Mean Dry	CV%*		
Concentration	A	В	С	D	E	Weight	
0%							
2%							
3%							
4%							
5%							
7%							
PMSD							

* Coefficient of Variation = standard deviation x 100/mean

1. Dunnett's Procedure or Steel's Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

Is the mean dry weight (growth) at 7 days significantly less than the control's dry weight (growth) for the % effluent corresponding to significant nonlethal effects?

CRITICAL DILUTION (5%): _____YES _____NO

TABLE 1 (SHEET 4 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW GROWTH AND SURVIVAL TEST

FATHEAD MINNOW SURVIVAL DATA

Effluent	Percei	nt Surviv	al in repl	licate cha	ambers	Mean	percent s	survival	CV%*
Concentration	A	В	C	D	E	24h	48h	7 day	
0%									
2%									
3%									
4%									
5%									
7%									

* Coefficient of Variation = standard deviation x 100/mean

2. Dunnett's Procedure or Steel's Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

Is the mean survival at 7 days significantly less than the control survival for the % effluent corresponding to lethality?

CRITICAL DILUTION (5%): _____YES _____NO

3. Enter percent effluent corresponding to each NOEC\LOEC below:

a.) NOEC survival = _____% effluent

b.) LOEC survival = _____% effluent

- c.) NOEC growth = ____% effluent
- d.) LOEC growth = ____% effluent

24-HOUR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

The provisions of this section apply to Outfall 001 or 002 for WET testing.

- 1. <u>Scope, Frequency, and Methodology</u>
 - 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.

A valid test result must be submitted for each reporting period. The permittee must report, and then repeat, an invalid test during the same reporting period. The repeat test shall include the control and the 100% effluent dilution and use the appropriate number of organisms and replicates, as specified above. 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. 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, a chemical-specific limit, or other appropriate actions to address toxicity. The permittee may be required to conduct a toxicity reduction evaluation (TRE) after multiple toxic events.

2. <u>Required Toxicity Testing Conditions</u>

- 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 Part 1.c., the control and dilution water shall consist of standard, synthetic, moderately hard, reconstituted water.

- c. Samples and Composites
 - 1) The permittee shall collect one composite sample from either Outfall 001 or 002.
 - 2) The permittee shall collect the composite sample 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 sample shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.
 - 4) If both outfalls 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. <u>Reporting</u>

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.
- 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, and 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 a "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 a "1."

- d. Enter the following codes for retests only:
 - 1) For retest number 1, Parameter 22415, enter a "0" 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 a "1."
 - 2) For retest number 2, Parameter 22416, enter a "0" 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 a "1."

4. <u>Persistent Mortality</u>

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. <u>Toxicity Reduction Evaluation</u>

- 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 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 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 Evaluations: Phase II 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 Identifications: 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 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 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 Part 5.h. The report shall 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				•		
	В				· · · ·		
	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	А						
	В						
	C						
	D						
	E						
	MEAN						

Enter percent effluent corresponding to the LC50 below:

24 hour LC50 = ____% effluent

ATTACHMENT A New Braunfels Utilities WQ0010232004




PRETREATMEN	T PROGRAM	INFL	UENI	AND	EFFL	UENT M	ONITORI	NGR	ESUL	TS	
POLLUTANT	MAHL, if Applicable in lb/day	Influent Measured in μg/L (Actual Concentration or < MAL)			Average Influent % of the MAHL ²	Daily Average Effluent Limit (µg/L) ³	M (Act	Effluent Measured in μg/L (Actual Concentration or < MAL) 4			
		Date	Date	Date	Date			Date	Date	Date	Date
Butylhenzyl Phthalate											
2-Chlo: onaphthalene											
4-Chlorophenyl Phenyl Ether											
Chrysene											
Dibenzo(a,h)Anthracene											
1,2-Dichlorobenzene											
1,3-Dichlorobenzene											
1,4-Dichlorobenzene											
3,3-Dichlorobenzidine											
Diethyl Phthalate											
Dimethyl Phthalate											
Di-n-Butyl Phthalate											
2,4-Dinitrotoluene											
2,6-Dinitrotoluene											
Di-n-Octyl Phthalate											
1,2-Diphenyl Hydrazine											
Fluoranthene											
Fluorene											
Hexachlorobenzene											
Hexachlorobutadiene											

PRETREATMENT	PROGRAM	INFL	UENT	AND	EFFL	UENT M	ONITORI	NG RI	ESUL	ГS	
POLLUTANT	MAHL, if Applicable in lb/day	Influent Measured in µg/L (Actual Concentration or < MAL)			Average Influent % of the MAHL ² Daily Average Effluent Limit (µg/L) 3	M (Act	Effluent Measured in µg/L (Actual Concentration or < MAL) 4				
		Date	Date	Date	Date			Date	Date	Date	Date
Hexachloro- cyclopentadiene											
Hexachloroethane											
Indeno(1,2,3-cd)pyrene											
Isophorone											
Naphthalene											
Nitrobenzene							<u>.</u>				
N-Nitrosodimethylamine											
N-Nitrosodi-n-Propylamine											
N-Nitrosodiphenylamine	J										
Phenanthrene										·	
Pyrene											
1,2,4-Trichlorobenzene											
PESTICIDES	<u>II</u>			ll			and a second			<u>I</u>	
Aldrin											
Alpha- hexachlorocyclohexane (BHC)											
beta-BHC											
gamma-BHC (Lindane)											
delta-BHC											
Chlordane											

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PRETREATMENT	PROGRAM	INFL	UENT	AND	EFFI	UENT M	ONITORI	NG R	ESUL	ГS	
POLLUTANT	MAHL, if Applicable in lb/day	Influent Measured in µg/L (Actual Concentration or < MAL)			Average Influent % of the MAHL ² Daily Average Effluent Limit (µg/L) 3		Effluent Measured in µg/L (Actual Concentration or < MAL) 4				
		Date	Date Date Date Date				Date	Date Date Date		Date	
4,4-DDT											
4,4-DDE											
4,4-DDD											
Dieldrin											
alpha-Endosulfan											
beta-Endosulfan											
Endosulfan Sulfate											
Endrin											
Endrin Aldehyde											
Heptachlor											
Heptachlor Epoxide											
Polychlorinated biphenols (PCBs) The sum of PCB concentrations not to exceed daily average value.											
PCB-1242							See PCBs				
PCB-1254							See PCBs				
PCB-1221							See PCBs				
PCB-1232							See PCBs				
PCB-1248							See PCBs				
PCB-1260							See PCBs				

5

PRETREATMEN	T PROGRAM	INFL	UENT	AND	EFFL	UENT MO	ONITORI	NG RI	ESUL	ГS	
POLLUTANT	MAHL, if Applicable in lb/day	Influent Measured in µg/L (Actual Concentration or < MAL)		Average Influent % of the MAHL ² Daily Average Effluent Limit (µg/L) 3		M (Act	Effluent Measured in μg/L (Actual Concentration or < MAL) 4				
		Date	Date	Date	Date			Date	Date	Date	Date
PCB-1016							See PCBs				
Toxaphene											
ADDITIONAL TOXIC PO	OLLUTANTS R	EGUI	LATEI) UNI	DER 3	O TAC CH	APTER 3	07	I	I	L
Aluminum											
Barium											
Bis(chloromethyl)ether 7			t	L							
Carbaryl											
Chloropyrifos											
Cresols											
2,4-D										ļ	
Danitol ⁸											
Demeton										1	
Diazinon											
Dicofol					1						
Dioxin/Furans 9											
Diuron											
Epichlorohydrin 9											
Ethylene glycol 9											
Fluoride											
Guthion											

1

PRETREATMENT	PROGRAM	INFL	UENT	AND	EFFL	UENT MO	ONITORI	NG RI	ESUL	TS	
POLLUTANT	MAHL, if Applicable in lb/day	Influent Measured in µg/L (Actual Concentration or < MAL)			Average Influent % of the MAHL ²	Daily Average Effluent Limit (µg/L) ³	M (Act	Effluent Measured in µg/L (Actual Concentration or < MAL) 4			
		Date	Date	Date	Date			Date	Date	Date	Date
Hexachlorophene											
4,4'-Isopropylidenediphenol (bisphenol A) 9											
Malathion											
Methoxychlor											
Methyl Ethyl Ketone											
Methyl tert-butyl-ether (MTBE) 9											
Mirex											
Nitrate-Nitrogen											
N-Nitrosodiethylamine											
N-Nitroso-di-n-Butylamine											
Nonylphenol											
Parathion											
Pentachlorobenzene											
Pyridine											
1,2-Dibromoethane											
1,2,4,5-Tetrachlorobenzene											
2,4,5-TP (Silvex)											
Tributyltin 9											
2,4,5-Trichlorophenol											
TTHM (Total											

-

					and the second second		-				
PRETREATMENT PROGRAM INFLUENT AND EFFLUENT MONITORING RESULTS											
POLLUTANT	MAHL, if Applicable in lb/day	Influent Measured in µg/L (Actual Concentration or < MAL)			Average Influent % of the MAHL ²	Daily Average Effluent Limit (µg/L) ³	Effluent Measured in µg/L (Actual Concentration or < MAL) 4				
		Date	Date	Date	Date			Date	Date	Date	Date
Trihalomethanes)											

Endnotes:

- 1. It is advised that the permittee collect the influent and effluent samples considering flow detention time through each wastewater treatment plant (WWTP).
- 2. The MAHL of the approved TBLLs or for each pollutant of concern (POC) for which the permittee has calculated a MAHL. Only complete the column labeled "Average Influent % of the MAHL," as a percentage, for pollutants that have approved TBLLs or for each POC for which the permittee has calculated a MAHL (U.S. Environmental Protection Agency *Local Limits Development Guidance*, July 2004, EPA933-R-04-002A).

The % of the MAHL is to be calculated using the following formulas:

Equation A: $L_{INF} = (C_{POLL} \times Q_{WWTP} \times 8.34) / 1000$

Equation B: $L_{\%} = (L_{INF} / MAHL) \times 100$

Current Average (Avg) influent loading in lb/day
Avg concentration in μ g/L of all influent samples collected during the pretreatment year.
Annual average flow of the WWTP in MGD, defined as the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months (or during the pretreatment year), and as described in the Definitions and Standard Permit Conditions section.
% of the MAHL
Calculated MAHL in lb/day Unit conversion factor

- 3. Daily average effluent limit (metal values are for total metals) as derived by the Texas Toxicity Modeling Program (TexTox). Effluent limits as calculated are designed to be protective of the Texas Surface Water Quality Standards. The permittee shall determine and indicate which effluent limit is the most stringent between the 30 TAC Chapter 319, Subchapter B (Hazardous Metals) limit, TexTox values, or any applicable limit in the Effluent Limitations and Monitoring Requirements Section of this TPDES permit. Shaded blocks need not be filled in unless the permittee has received a permit requirement/limit for the particular parameter.
- 4. Minimum analytical levels (MALs) and analytical methods as suggested in Tables E-1 and E-2 of the *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), as amended and adopted by the TCEQ. Pollutants that are not detectable above the MAL need to be reported as less than (<) the MAL numeric value.
- 5. Report result by subtracting Hexavalent Chromium from Total Chromium.
- 6. Either the method for Amenable to Chlorination or Weak-Acid Dissociable is authorized.
- 7. Hydrolyzes in water. Will not require permittee to analyze at this time.
- 8. EPA procedure not approved. Will not require permittee to analyze at this time.
- 9. Analyses are not required at this time for these pollutants unless there is reason to believe that these pollutants may be present.

TCEQ-20218d TPDES Pretreatment Program Annual Report Form

Revised February 2020

BIOMONITORING REQUIREMENTS

CHRONIC BIOMONITORING REQUIREMENTS: FRESHWATER

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

- 1. <u>Scope, Frequency, and Methodology</u>
 - 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 2%, 3%, 4%, 5%, and 7% effluent. The critical dilution, defined as 5% 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. <u>Required Toxicity Testing Conditions</u>

- 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;
 - 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 the young of surviving females in the water flea test; and the growth and survival endpoints for the fathead minnow test. However, if statistically significant lethal or nonlethal effects are exhibited at the critical dilution, a CV% greater than 40 shall not invalidate the test;
 - 6) a percent minimum significant difference of 47 or less for water flea reproduction; and
 - 7) a percent minimum significant difference of 30 or less for fathead minnow growth.
- b. Statistical Interpretation
 - 1) For the water flea survival test, the statistical analyses used to determine if there is a significant difference between the control and an effluent dilution shall be the Fisher's exact test as described in the manual referenced in in Part 1.b.
 - 2) For the water flea reproduction test and the fathead minnow larval survival and growth tests, the statistical analyses used to determine if there is a significant difference between the control and an effluent

dilution shall be in accordance with the 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) If significant lethality is demonstrated (that is, there is a statistically significant difference in survival at the critical dilution when compared to the survival in the control), the conditions of test acceptability are met, and the survival of the test organisms are equal to or greater than 80% in the critical dilution and all dilutions below that, then the permittee shall report a survival No Observed Effect Concentration (NOEC) of not less than the critical dilution for the reporting requirements.
- 5) The NOEC is defined as the greatest effluent dilution at which no significant effect is demonstrated. The Lowest Observed Effect Concentration (LOEC) is defined as the lowest effluent dilution at which a significant effect is demonstrated. A significant effect is defined as a statistically significant difference between the survival, reproduction, or growth of the test organism in a specified effluent dilution when compared to the survival, reproduction, or growth of the test organism in the control.
- 6) The use of NOECs and LOECs assumes either a monotonic (continuous) concentration-response relationship or a threshold model of the concentration-response relationship. For any test result that demonstrates a non-monotonic (non-continuous) response, the NOEC should be determined based on the guidance manual referenced in Item 3.
- 7) Pursuant to the responsibility assigned to the permittee in Part 2.b.3), test results that demonstrate a non-monotonic (non-continuous) concentration-response relationship may be submitted, prior to the due date, for technical review. The guidance manual referenced in Item 3 will be used when making a determination of test acceptability.
- 8) TCEQ staff will review test results for consistency with rules, procedures, and permit requirements.
- c. Dilution Water
 - 1) Dilution water used in the toxicity tests must be the receiving water collected at a point upstream of the discharge point 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); and
 - 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 either 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 o-6 degrees Centigrade during collection, shipping, and storage.
 - 4) If both outfalls 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. <u>Reporting</u>

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 TLP3B, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."
 - 2) For the water flea, Parameter TOP3B, report the NOEC for survival.
 - 3) For the water flea, Parameter TXP3B, report the LOEC for survival.
 - 4) For the water flea, Parameter TWP3B, enter a "1" if the NOEC for reproduction is less than the critical dilution; otherwise, enter a "0."
 - 5) For the water flea, Parameter TPP3B, report the NOEC for reproduction.
 - 6) For the water flea, Parameter TYP3B, report the LOEC for reproduction.
 - 7) For the fathead minnow, Parameter TLP6C, enter a "1" if the NOEC for

survival is less than the critical dilution; otherwise, enter a "o."

- 8) For the fathead minnow, Parameter TOP6C, report the NOEC for survival.
- 9) For the fathead minnow, Parameter TXP6C, report the LOEC for survival.
- 10) For the fathead minnow, Parameter TWP6C, enter a "1" if the NOEC for growth is less than the critical dilution; otherwise, enter a "0."
- 11) For the fathead minnow, Parameter TPP6C, report the NOEC for growth.
- 12) For the fathead minnow, Parameter TYP6C, report the LOEC for growth.
- d. Enter the following codes for retests only:
 - 1) For retest number 1, Parameter 22415, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."
 - 2) For retest number 2, Parameter 22416, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."
- 4. <u>Persistent Toxicity</u>

The requirements of this Part apply only when a test demonstrates a significant effect at the critical dilution. Significant lethality and significant effect were defined in Part 2.b. Significant sublethality is defined as a statistically significant difference in growth/reproduction at the critical dilution when compared to the growth/reproduction in the control.

- 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. <u>Toxicity Reduction Evaluation</u>

- 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:
 - Specific Activities The TRE action plan shall specify the approach the 1) 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.

Texas Commission on Environmental Quality Instructions for Public Notice for a Water Quality Permit Notice of Application and Preliminary Decision (NAPD)

The executive director has completed the technical review of your application and issued a preliminary decision. You must comply with the following instructions. There are seven (7) steps involved in publishing notice. Complete each step.

1. REVIEW THE NOTICE FOR ACCURACY

Read the enclosed notice carefully and notify the Wastewater Permitting Section at 512-239-4671 immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. Do not change the text or formatting of the notice or affidavit of publication without prior approval from the TCEQ. Changing the text or formatting of the notice may require new publication at your expense and delay processing of your application.

2. PUBLISH THE NOTICE IN THE NEWSPAPER

You must publish the enclosed notice <u>as soon as possible</u>, but no later than 45 days from the date on the cover letter.

For renewal applications, you must publish at least once in the same newspaper that you published the Notice of Receipt of Application and Intent to Obtain Permit.

For all other applications, you must publish at least once in a newspaper regularly published or circulated within each county where the facility and discharge point are located or proposed to be located.

The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., bold, italics). Failure to do so may require re-notice.

3. PUBLISH THE NOTICE IN AN ALTERNATIVE LANGUAGE

You must publish notice in an alternative language <u>IF</u>: either the elementary or middle school nearest to the facility or proposed facility is required to provide a "bilingual education program" (BEP) as required by Texas Education Code (TEC), Chapter 29, Subchapter B, and 19 Tex. Admin. Code §89.1205(a) AND one of the following conditions is met:

- students are enrolled in a program at that school;
- students from that school attend a bilingual education program at another location; or
- the school that otherwise would be required to provide a bilingual education program has been granted an exception from the requirements to provide the program as provided for in 19 Tex. Admin. Code §89.1207(a).

A "bilingual education program" is different from an "English as a second language program" (ESL). An ESL program alone, will not require public notice in an alternative language.

If triggered, you must publish the notice in a newspaper or publication primarily published in the alternative language taught in the bilingual education program. Publication in an alternative language section or insert within a large publication which is not printed primarily in that alternative language does not satisfy these requirements. The newspaper or publication must be of general circulation in the county in which the facility and discharge point are located or proposed to be located. If the facility and discharge point are located or proposed to be located in a municipality, and there exists a newspaper or publication of general circulation in the municipality, you must publish the notice only in the newspaper or publication in the municipality.

You must demonstrate a good faith effort to identify a newspaper or publication in the required language. If there is no general circulation newspaper or publication printed in such language, then publishing in that language is not required. You have the burden to demonstrate compliance with these requirements.

If you are required to publish notice in Spanish, you must translate the site-specific information in the notice that is specific to your application, at your own expense. You may then insert the Spanish translation of your site-specific information into a Spanish template developed by the TCEQ. The Spanish templates are available on the TCEQ website at

<u>www.tceq.texas.gov/permitting/wastewater/review/napd/wqspanish_napd.html</u>. If you are required to publish notice in a language other than Spanish, you must translate the entire public notice, at your own expense.

4. PUT THE APPLICATION IN A PUBLIC PLACE

You must put a copy of the following documents in the public place identified in the enclosed notice:

- the complete application,
- the executive director's preliminary decision as contained in the technical summary and fact sheet,
- the draft permit, and
- any subsequent revisions to these documents.

This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.

For confidential information contained in the application, you must indicate which specific portions of the application cannot be made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087."

5. PROVIDE PROOF OF PUBLICATION

For each newspaper in which you published, you must submit proof of publication. Proof of publication must include the following:

- a completed Publisher's Affidavit (enclosed); and
- a copy of the published notice which shows the notice, the date published, and the newspaper name. The copy must be on standard-size 8½ x 11" paper and must show the actual size of the published notice. Do not reduce the image when making copies. Published notices longer than 11" must be

copied onto multiple $8\frac{1}{2} \times 11$ " pages. Or you can submit the original newspaper clipping.

If you are required to publish notice in an alternative language and are unable to do so, complete and submit the Alternative Language Exemption form (enclosed).

6. PROVIDE PROOF OF APPLICATION VIEWING LOCATION

You must submit a completed Public Notice Verification Form (enclosed), which certifies that the complete application and draft permit were placed at the public place identified in the enclosed notice.

7. SUBMIT PROOFS TO TCEQ

Scan and email the proof of publication documents (Step 5) and the completed Public Notice Verification Form (Step 6) <u>within 30 days of publication</u> to <u>PROOFS@tceq.texas.gov</u>;

Or Mail to:

TCEQ Office of the Chief Clerk, MC 105 Attn: Notice Team P.O. Box 13087 Austin, Texas 78711-3087

Additional Information

If you fail to publish the notice or submit proofs within the timeframes noted above, the TCEQ may suspend further processing on your application or take other actions in accordance with 30 Tex. Admin. Code §39.405(a).

If you have any questions regarding publication requirements, please contact the Office of Legal Services at 512-239-0600. If you have any questions regarding the content of the notice, please contact the Wastewater Permitting Section at 512-239-4671. When contacting TCEQ regarding this application, please refer to the permit number at the top of the enclosed notice.

If you wish to obtain an electronic copy of the notice, please visit our web site at www.tceq.texas.gov/agency/decisions/cc/cc_db.html or

<u>www.tceq.texas.gov/agency/decisions/cc/eda.html</u>. Please be aware that formatting codes may be lost and that any notices downloaded from these web sites must be reformatted by you so that your downloaded copy looks like the notice document you received from us.

Texas Commission on Environmental Quality



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

RENEWAL

AND

NOTICE OF A PRETREATMENT PROGRAM SUBSTANTIAL MODIFICATION

PERMIT NO. WQ0010232004

APPLICATION AND PRELIMINARY DECISION. New Braunfels Utilities, 263 Main Plaza, New Braunfels, Texas 78130, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010232004, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 9,900,000 gallons per day. The application also includes a substantial modification to the approved pretreatment program. TCEQ received this application on July 13, 2021.

The facility is located approximately 0.7 miles southwest of the intersection of Elley Lane and State Highway 46, in Guadalupe County, Texas 78130. The treated effluent is discharged via Outfall 001 to Lake Dunlap Hydroelectric Plant Canal, thence to Guadalupe River Below Comal River; and via Outfall 002 directly to Guadalupe River Below Comal River in Segment No. 1804 of the Guadalupe River Basin. The designated uses for Segment No. 1804 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. The aquifer protection use designation does not apply to this facility as it is located outside the Edwards Aquifer zones. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of 8168250f&marker=-98.058333%2C29.653333&level=12

The applicant has applied to the TCEQ for approval of a substantial modification to its approved pretreatment program under the TPDES program. The request for approval complies with both federal and state requirements. The substantial modification will be approved without change if no substantive comments are received within 30 days of notice publication.

Approval of the request for modification to the approved pretreatment program will allow the applicant to incorporate the Streamlining Rule requirements (including optional provisions), revise their technically based local limits, legal authority, enforcement response plan, and standard operating procedures (including forms) which incorporate such revisions and to continue to regulate the discharge of pollutants by industrial users into its treatment works facilities, to perform inspections, surveillance, and monitoring, to determine compliance with applicable pretreatment standards and requirements, and to enforce against noncompliant industrial users. The following treatment work facilities will be subject to the requirements of the pretreatment program: TPDES Permit No. WQ0010232004, WQ0010232001, WQ0010232003.

The TCEQ Executive Director has completed the technical review of the application, pretreatment program substantial modification, and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The Executive Director has also made a preliminary decision that the requested substantial modification to the approved pretreatment program, if approved, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, pretreatment program substantial modification, and draft permit are available for viewing online at https://www.nbutexas.com/planning-for-the-future-of-new-braunfels/.

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

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. There is no opportunity to request a contested case hearing on the application for substantial modification of the pretreatment program. A contested case hearing is a legal proceeding similar to a civil trial in a state district court.**

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose. Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period. TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.

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

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

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

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at <u>www.tceq.texas.gov/goto/cid</u>. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at <u>www.tceq.texas.gov/goto/comment</u>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application, the application for substantial modification of the pretreatment program, or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at <u>www.tceq.texas.gov/goto/pep</u>. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from New Braunfels Utilities at the address stated above or by calling Mr. Brent Lundmark at 830-608-8900.

Issuance Date: July 08, 2022

TCEQ-OFFICE OF THE CHIEF CLERE	ζ
MC-105 Attn: Notice Team	
PO BOX 13087	
AUSTIN TX 78711-3087	

APPLICANT NAME: NEW BRAUNFELS
UTILITIES
PERMIT NO.: WQ0010232004
CCO #: 124988
NOTICE OF APPLICATION AND
PRELIMINARY DECISION

PUBLISHER'S AFFIDAVIT FOR RENEWALS OF WATER QUALITY PERMITS

STATE OF TEXAS §

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COUNTY OF	§	
Before me, the undersigned authority, on t	his day personally appeared	
(name of person representing news	, who b	being by me duly
sworn, deposes and says that (s)he is the _		
	(title of person representin	ng newspaper)
of the	; that th	is newspaper is
(name of newspaper)		
a newspaper of largest circulation in		_ County, Texas,
	(name of county)	
or is a newspaper of general circulation in _	(name of municipality)	, Texas,
and that the enclosed notice was published	in said newspaper on the follow	ving date(s):
(date or dates, of publication	in the newspaper)	·

Newspaper Representative's Signature

Subscribed and sworn to before me this the _____ day of _____,

20_____, to certify which witness my hand and seal of office.

(Seal)

Notary Public in and for the State of Texas

Print or Type Name of Notary Public
My Commission Expires

TCEQ-OFFICE OF THE CHIEF CLERK MC-105 Attn: Notice Team PO BOX 13087 AUSTIN TX 78711-3087

APPLICANT NAME: NEW BRAUNFELS UTILITIES PERMIT NO.: WQ0010232004 CCO#: 124988 NOTICE OF APPLICATION AND PRELIMINARY DECISION

ALTERNATIVE LANGUAGE PUBLISHER'S AFFIDAVIT

STATE OF TEXAS § COUNTY OF ______ § Before me, the undersigned authority, on this day personally appeared , who being by me duly (name of person representing newspaper) sworn, deposes and says that (s)he is the _____ (title of person representing newspaper) of the _____; that this newspaper is (name of newspaper) generally circulated in _____ County, Texas, (same county as proposed facility) (alternative language) language; and is published primarily in _____ the enclosed notice was published in said newspaper on the following date(s): (date or dates, of publication in the newspaper) Newspaper Representative's Signature Subscribed and sworn to before me this the day of , 20_____, to certify which witness my hand and seal of office. Notary Public in and for the State of Texas (Seal)

Print or Type Name of Notary Public

My Commission Expires _____



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY Public Notice Verification Form Notice of Application and Preliminary Decision (NAPD) Water Quality Permit

All applicants must complete this page.

Applicant Name: NEW BRAUNFELS UTILITIES

Site or Facility Name: HIGHWAY 46 WWTP

Water Quality Permit Number: WQ0010232004

Regulated Entity Number: RN106228422 Customer Number: CN600522957

PUBLIC VIEWING LOCATION

I certify that a copy of the complete water quality application and draft permit, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1st day of publication until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings (SOAH).

Name of Public Place: _____

Address of Public Place:

Applicant or Applicant Representative Signature:

Title: _____ Date: _____



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY **Public Notice Verification Form Notice of Application and Preliminary Decision** (NAPD) Water Quality Permit

Complete this page only if you are required to publish in an alternative language and are not able to do so.

Applicant Name: NEW BRAUNFELS UTILITIES

Site or Facility Name: HIGHWAY 46 WWTP

Water Quality Permit Number: WQ0010232004

Regulated Entity Number: RN106228422 Customer Number: CN600522957

ALTERNATIVE LANGUAGE EXEMPTION

I certify that I have conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located or proposed to be located and was unable to publish the notice in the required alternative language because:

- A newspaper or publication could not be found in any of the alternative languages in which notice is required.
- The publishers of the newspapers listed below refused to publish the notice as requested, and another newspaper or publication in the same language and of general circulation could not be found in the municipality or county in which the facility is located or proposed to be located.

Newspaper Nar	ne:	 _
Language:		

Applicant or Applicant Representative Signature: _____

Title: _____ Date: _____

Jon Niermann, *Chairman* Emily Lindley, *Commissioner* Bobby Janecka, *Commissioner* Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

JULY 08, 2022

MS PAM QUIDLEY NEW BRAUNFELS UTILITIES 263 MAIN PLZ NEW BRAUNFELS, TX 78130-5135

RE: Applicant Name: NEW BRAUNFELS UTILITIES Facility Location: GUADALUPE COUNTY Permit Number: WQ0010232004 Customer Reference Number: CN600522957 Regulated Entity Number: RN106228422 Type of Authorization: RENEWAL WITH PRETREATMENT PROGRAM SUBSTANTIAL MODIFICATION

DEAR MS QUIDLEY:

The executive director has completed the technical review of the above referenced application and has prepared a preliminary decision and draft permit.

You are now required to publish another notice of your proposed activity. To help you meet the requirements associated with this notice, we have included the following items:

- Instructions for Public Notice
- Notice for Newspaper Publication
- Publisher's Affidavit
- Draft Permit
- Executive Director's Preliminary Decision
- Public Notice Verification Form

You must follow all the directions in the enclosed instructions. The most common mistakes are the unauthorized changing of notice, wording, or font. If you fail to follow these instructions, you may be required to republish the notices.

The following requirements are also described in the enclosed instructions. However, due to their importance, they are highlighted here as well.

MS PAM QUIDLEY JULY 08, 2022 Page 2 of 2

- You must publish the enclosed notice <u>as soon as possible</u>, but no later than 45 days from the date on the cover letter. You may be required to publish the notice in more than one newspaper, including a newspaper published in an alternative language, to satisfy all of the notice requirements.
- On or before the date you publish notice, you must place the following items in a public place in the county where the facility is or will be located:

 (a) a copy of your permit application, including any subsequent revisions;
 (b) the executive director's preliminary decision as contained in the technical summary and fact sheet; and (c) the draft permit, including any subsequent revisions. These items must be accessible to the public for review and copying, must be updated to reflect changes to the application, and must remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.
- For each publication, submit proof of publication of the notice that shows the publication date and newspaper name to the Office of the Chief Clerk within **30 calendar days** after notice is published in the newspaper.
- Return the original enclosed Public Notice Verification and the Publisher's Affidavits to the Office of the Chief Clerk within **30 calendar days** after the notice is published in the newspaper.

If you do not comply with <u>all</u> the requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions.

If you have any questions regarding publication requirements, please contact the Office of Legal Services at 512-239-0600. If you have any questions regarding the content of the notice, please contact the individual in the permitting area assigned to your application.

Sincerely,

Laurie Gharis

Laurie Gharis Chief Clerk

Enclosures (3)