DONATION AGREEMENT

This Donation Agreement is by and between the Village of Salado, Texas, a Type A, general-law municipality incorporated pursuant to the laws of the State of Texas and located in Bell County, Texas, (the "Village"), Billie Hanks, Jr., a resident of the State of Texas ("Hanks"), Salado Utility Company, Inc., a Texas corporation ("SUC"), and for purposes of Paragraph F only, McLean & Howard, LLP ("Escrow Agent") providing for the requirements for and process of conveying and accepting donations to the Village. Hanks and SUC are sometimes collectively referred to herein as "Donors".

WHEREAS, the Village is a general-law Type A municipality incorporated pursuant to the statutes of the State of Texas, and as such is authorized to accept donations for the benefit of the Village; and

WHEREAS, the Village is eligible under United States Internal Revenue Code Section 170(c)(1) to receive tax-deductible charitable contributions; and

WHEREAS, the Village has express authority to contract with other persons pursuant to Section 51.014 of the Texas Local Government Code; and

WHEREAS, the Village encourages the donation of charitable contributions for the benefit of the Village and its residents; and

WHEREAS, the Village of Salado Village Board of Aldermen ("Village Board of Aldermen") finds that this Agreement will ensure complete implementation of the Donation; and

WHEREAS, the Village Board of Aldermen finds that the following provisions are reasonable and necessary for the acceptance of donations.

NOW THEREFORE, for and in consideration of the mutual covenants and obligations hereinafter set forth, and for other good and valuable consideration the Village and Donors herein bargain, covenant, and agree with one another as follows:

A. Purpose

This Agreement serves as a statement or exchange of promises between the Village and Donors. It is enacted to provide clear responsibilities and duties for the donation of certain property and rights by each Donor and acceptance thereof by the Village.

B. Definitions

1. ***Agreement:*** this Donation Agreement.
2. ***Deed:*** a special warranty deed substantially in the form attached hereto as **Exhibit "B"** pursuant to which Hanks shall donate the Land to the Village.
3. ***Donations:*** the charitable transfer and contribution by Hanks of the Land to the Village, and the charitable transfer and contribution by SUC of the Permit to the Village.

4. ***Donor:*** Hanks, with respect to the charitable contribution of the Land, and SUC, with respect to the charitable contribution of the Permit.
5. ***Land:*** that 6 acres or more of certain real property (i.e., real estate) more particularly described in **Exhibit "A"** attached hereto, including any fixtures or improvements upon and all water / mineral rights (unless expressly excluded in the Deed).
6. ***Parties***: the Village, Hanks and SUC, collectively.
7. ***Person:*** a human individual, sole proprietorship, partnership, corporation, nonprofit corporation, foundation or unincorporated association, or agency.
8. ***Permit:*** Water Quality Permit No. WQ0014898001, a copy of which is attached as **Exhibit "C"**.
9. ***Tax Deduction:*** an expense, such as a charitable contribution, that can be deducted from one's taxable income.
10. ***TCEQ***: the Texas Commission on Environmental Quality.
11. ***Village:*** the Village of Salado, an incorporated Type A, general-law municipality located in Bell County, Texas.
12. ***Village Administrator:*** the chief administrative officer of the Village, or the officer's designee.

C. Village Board of Aldermen Approval

The Donation of the Land will only be accepted upon Village Board of Aldermen approval, to be evidenced by execution of this Agreement and the Deed by an authorized representative of the Village.

D. Tax-Deductible Contributions

1. The Parties agree that it is their mutual intent that each of the Donors receive a Tax Deduction for their respective Donation to the Village. Donors shall be responsible for securing appraisals to determine the value of the respective Donation and amount of the Tax Deduction.

E. Donation Details and Use

By signing this Agreement, the Parties acknowledge and agree that:

1. Simultaneously with the execution of this Agreement, Hanks shall execute the Deed, which Deed shall be held in escrow by Escrow Agent in accordance with the terms of Paragraph F below;
2. Within five business days after the full execution of this Agreement by the parties, Village shall prepare and execute an application (as transferee), in the form required by TCEQ, to transfer the Permit to the Village (the "Permit Transfer Application"), and shall furnish the executed Permit Transfer Application to SUC. Within three business days of receipt of the executed Permit Transfer Application, SUC shall execute the application (as transferor) and deliver the fully executed Permit Transfer Application to Escrow Agreement to be held in escrow in accordance with the terms of Paragraph F below.
3. Upon release of the executed Deed and Permit Transfer Application in accordance with Paragraph F below, the Village shall be responsible for recordation of the Deed, and for filing and prosecution of the Permit Transfer Application at TCEQ, including payment of all costs and expenses associated therewith. SUC agrees to reasonably cooperate with the

Village with respect to securing TCEQ approval of the transfer of the Permit, but shall be under no obligation to incur any costs or expenses associated therewith;

4. The use of the Land by the Village shall be subject to the restrictions set forth in the Deed; and
5. The Donations do not unnecessarily burden the Village.

F. Escrow

1. The Parties agree that upon receipt of the executed Deed and Permit Transfer Application, the Deed and Permit Transfer Application shall be held in escrow by Escrow Agent in accordance with the terms of this Paragraph F.
2. Upon receipt by Escrow Agent of both of the following instruments, Escrow Agent shall release the escrowed Deed and Permit Transfer application to Village (the "Escrow Release Conditions"):

   i. a duly executed and final effective ordinance adopted by the Village approving a "PD (Planned Development)" zoning designation for that certain real property encompassing approximately 297 acres to be developed as the "Sanctuary Community"; and

   ii. a duly executed and recorded Access and Wastewater Easement executed by Hanks and by the Village providing the Village with ingress to and from the Land through adjacent lands owned by Hanks, and providing non-exclusive easement rights to the Village for excavating, laying, constructing, placing, operating, maintaining, reconstructing, replacing, rebuilding, upgrading, renewing, removing, inspecting, patrolling, changing, modifying, or repairing wastewater lines and related appurtenances, and making connections therewith.

3. If the Escrow Release Conditions have not occurred within six (6) months of the last date of execution of this Agreement by the Parties, then Escrow Agent shall release the Deed and Permit Transfer Application from escrow and furnish them to Hanks and SUC, respectively, and this Agreement shall terminate for all purposes.
4. Escrow Agent does not assume any liability under this Agreement other than to perform its obligations in this Paragraph F and, absent the gross negligence or willful misconduct of Escrow Agent, each of the Parties hereto waives any claim against Escrow Agent in connection with this Agreement. It is acknowledged that McLean & Howard, LLP is representing Donor in connection with the matters described in this Agreement, and other matters relating to the proposed development of real property located within the Village. The obligations and duties of McLean & Howard, LLP under this Agreement are expressly limited to the terms and provisions of this Paragraph F, and McLean & Howard shall have no additional obligations, liabilities, duties or standards of care as the result of any other past or present relationship with the Parties.
5. The duties of the Escrow Agent hereunder shall be purely ministerial in nature and it shall not be required to exercise any discretion hereunder. The Escrow Agent may act in reliance upon any instruments or signatures believed by it to be genuine and it may assume that any person purporting to give any notice, execute any certificates or make any statement in connection with the provisions hereof has been duly authorized to do so.

The Escrow Agent shall not be charged with any responsibility to inquire into the accuracy of facts set forth in any authorizations or instructions received hereunder.

6. The Escrow Agent may resign and be discharged of its duties hereunder by giving 10 days written notice to the Parties. Such resignation shall take effect 10 days after the giving of such notice or upon receipt by the Escrow Agent of an instrument of acceptance executed by a successor escrow agent designated in writing by the Parties and upon delivery of the Deed and Permit Transfer Application then held by Escrow Agent to such successor escrow agent.

G. Notice

Any notice and/or statement required by this Agreement, shall be addressed to the following addresses or at such other addresses specified by written notice in accordance with this Agreement:

Originals:

If to the Village:

Village of Salado
Attention: Village Administrator
P.O. Box 219
Salado, Texas 76571

Copies to:
Bojorquez Law Firm, PLLC
Attention: Alan J. Bojorquez
12325 Hymeadow Dr., Ste. 2-100
Austin, Texas 78750
Fax: (512)250-0749

If to the Donor:

Rita Whitt
Billie Hanks Enterprises
1101 S. Bryant Blvd.
San Angelo, TX 76903
Fax: (325)658-6060

Tony Corbett
Freeman & Corbett
8500 Bluffstone Cove, Suite B-104
Austin, Texas 78759

and
Robert L. Sulaski
Sanctuary Development Company
P. O. Box 1346
Montreat, NC 28757
512-596-2950
robert@sanctuarytx.com

H. Term

This Agreement shall remain in effect until each of the Donations have been completed and TCEQ has approved the transfer of the Permit to the Village. The Parties acknowledge and agree that the terms of the Deed shall survive expiration of this Agreement.

H. Transferability

Except as may otherwise be expressly provided herein, the rights and obligations created by this Agreement may not be transferred or assigned to another party without the express written consent of all Parties.

I. Governing Law

The laws of the State of Texas shall govern any disputes or conflicts that arise under the terms of this Agreement. The venue for all legal actions involving this Agreement shall be Bell County.

J. Entire Agreement

This Agreement, including all exhibits, represents the entirety of the agreement between the Village and Donor with respect to the subject matter hereof, unless otherwise approved in writing by both parties and made a part of this Agreement.

K. Other Documents

The Village and Donor agree to execute such further documents, and to take such further acts, as may be necessary or required to carry out the terms of this Agreement.

L. Amendments

This Agreement may be amended only by a signed writing by the Village and Donors.

M. Severability

The provisions of this Agreement are severable, and if any provision or part of this Agreement or the application thereof to any person or circumstance shall ever be held by any agency or court of competent jurisdiction to be unenforceable, invalid or unlawful for any reason, the remainder of this Agreement shall not be affected thereby.

N. Third Party

Except as specifically and expressly provided, the terms and provisions of this Agreement are for the sole benefit of the Village and Donors, and no third party whatsoever is intended to benefit from this Agreement.

O. **Counterparts**

This Agreement may be executed in any number of counterparts, and it will not be necessary that the signatures of all Parties be contained on any one counterpart. Additionally, for purposes of facilitating the execution of this Agreement: (a) the signature pages from separate, individually executed counterparts of this Agreement may be combined to form multiple fully executed counterparts; and (b) a facsimile signature will be deemed to be an original signature for all purposes. All executed counterparts of this Agreement will be

deemed to be originals, but all counterparts, when taken together, will constitute one and the same instrument.

[*The remainder of this page intentionally left blank.*]

Executed to be effective as of the 25th day of November 2015.

Village of Salado:

by _____
Skip Blancett, Mayor

ACKNOWLEDGMENT

STATE OF TEXAS	§
	§
COUNTY OF BELL	§

On this date, 25, November 2015, before me, personally appeared **Skip Blancett,** Mayor of VILLAGE OF SALADO, TEXAS, a Texas general law municipal corporation, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person executed the instrument.

(*Seal*)

AMANDA LYNN CADY
Notary Public
STATE OF TEXAS
My Comm. Exp. March 8, 2017

Witness my hand and official seal.
Signature: Amanda Lynn Cady
Notary's Name: Amanda Lynn Cady
My commission expires: March 8, 2017

Billie Hanks, Jr.:

By _____
Billie Hanks, Jr.

STATE OF TEXAS §
§
COUNTY OF BELL §

On this date, Nov. 25 2015, before me, personally appeared **Billie Hanks, Jr.**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person executed the instrument.

(*Seal*)

PURI G. ORTIZ NOTARY PUBLIC STATE OF TEXAS 12-21-2015

Witness my hand and official seal.
Signature _____
Notary's Name: Puri G. Ortiz
My commission expires: 12-21-15

Salado Utility Company, Inc.:

By _____
Name:_____
Title:_____

STATE OF _____ §
§
COUNTY OF _____ §

On this date, _____ 2015, before me, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument on behalf of Salado Utility Company, Inc., and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person executed the instrument.

Witness my hand and official seal.
Signature _____
Notary's Name: _____
My commission expires: _____

(*Seal*)

Acknowledged and Agreed with respect solely to Paragraph F:

Escrow Agent:

McLean & Howard, LLP

By: _____
Name: _____
Title: _____

AFTER RECORDING RETURN TO:

Village of Salado
Attn: Kim Foutz
Village Administrator
P.O. Box 219
Salado, Texas 76571

EXHIBIT "A"
SURVEY OF LAND

Surveyors • GPS • GIS • Construction Layout
RONALD CARROLL SURVEYORS, INC.

September 1, 2015

Field notes for the Village of Salado, Texas for:
PROPOSED 6.0 ACRES WASTEWATER TREATMENT PLANT SITE

Part of the EDWARD A. PITTS SURVEY, Abstract Number 651, part of the BENJAMIN BOLES SURVEY, Abstract number 62, and part of the JAMES P. WALLACE SURVEY, Abstract Number 901, situated in the Village of Salado, in Bell County, Texas, and embracing a portion of the tract described in the deed to Billie Hanks, Jr. recorded in Document Number 2012-00010320 of the Bell County Official Public Records.

COMMENCING at a 1 inch iron pipe found in the south right of way line of Royal Street, for the northeast corner of Lot 4 of the HOWERTON ADDITION, and addition to Bell County, Texas as it appears upon the map recorded in Cabinet C, Slide 177-C of the Bell County Plat Records, and being the northwest corner of said Hanks tract, and run south 73 degrees-33 minutes-25 seconds east along said south line of the Street, for the north line of said Hanks tract, 134-88/100 feet to a point in the west line of a Proposed 30 feet Access and Utility Easement; then run south 16 degrees-29 minutes west 348-62/100 feet to a point; then run south 33 degrees-42 minutes-05 seconds east 135-18/100 feet to a point; then run south 78 degrees-04 minutes-05 seconds east 305-95/100 feet to a point; then run south 49 degrees-59 minutes-35 seconds east 627-82/100 feet to a point; then run south 19 degrees-48 minutes-35 seconds east 368-0/10 feet to a point; then run south 41 degrees-41 minutes-50 seconds east 278-63/100 feet to a point; north 33 degrees-51 minutes-20 seconds east 252-71/100 feet to a point; then run south 78 degrees-35 minutes-55 seconds east 398-81/100 feet to a point being in the west line of said Proposed WASTEWATER TREATMENT PLANT SITE; and then run south 14 degrees-57 minutes-20 seconds west 122-4/10 feet to a 5/8 inch iron rebar set with a cap stamped "RCS INC" for the southwest and BEGINNING CORNER of the Proposed WASTEWATER TREATMENT PLANT SITE being described.

Thence north 14 degrees-57 minutes-20 seconds east 511-23/100 feet to a 5/8 inch iron rebar set with a cap stamped "RCS INC".

Thence south 75 degrees-02 minutes-40 seconds east 511-23/100 feet to a 5/8 inch iron rebar set with a cap stamped "RCS INC", from said 5/8 inch iron rebar set, another 5/8 inch iron rebar found for the northeast corner of said Hanks tract, being the southeast corner of a tract described in the deed to Elaine D. Wolfe recorded in volume 4910, page 328 of said Official Public Records, and being in the west line of a tract described in the deed to Willie B. Ory Family Trust recorded in volume 4839, page 1 of said Official Public Records, bears south 73 degrees-59 minutes-20 seconds east 60-35/100 feet, and north 16 degrees-no minutes-40 seconds east 427-38/100 feet.

Thence south 14 degrees-57 minutes-20 seconds west 511-23/100 feet to a 5/8 inch iron rebar set with a cap stamped "RCS INC".

5302 S. 31st Street • Temple, Texas • 76502
(254) 773-1447 • Fax (254) 773-1728 • rcsurvey@rcsurveyors.com
www.rcsurveyors.com

Field notes for the Village of Salado, Texas for: (continued)
PROPOSED 6.0 ACRES WASTEWATER TREATMENT PLANT SITE

Thence north 75 degrees-02 minutes-40 seconds west 511-23/100 feet to the place of beginning and containing 6-00/100 acres, as surveyed.

See attached 8 ½ inch by 14 inch sketch that accompanies these field notes.

Basis of bearings is on grid bearings as obtained by GPS observations and referenced to the Texas State Plane Coordinate System, Central Zone, NAD83 Datum, and referenced to the LEICA SMARTNET NETWORK OF NORTH AMERICA Base Station "TCTX" at Temple College in Temple, Texas.

Surveyed August 10, 2015.

RONALD CARROLL SURVEYORS, INC.

Ronald Carroll, RPLS
Vice President

STATE OF TEXAS REGISTERED RONALD CARROLL 2025 PROFESSIONAL LAND SURVEYOR

S: data txjobs 2015 15084 PapeDawson Draft Field Notes WWTP 6AC BNDRY 090115

5302 S. 31st Street • Temple, Texas • 76502
(254) 773-1447 • Fax (254) 773-1728 • rcsurvey@rcsurveyors.com
www.rcsurveyors.com

AMIN BOLES SURVEY, Abstract Number 62
D A. PITTS SURVEY, Abstract Number 661

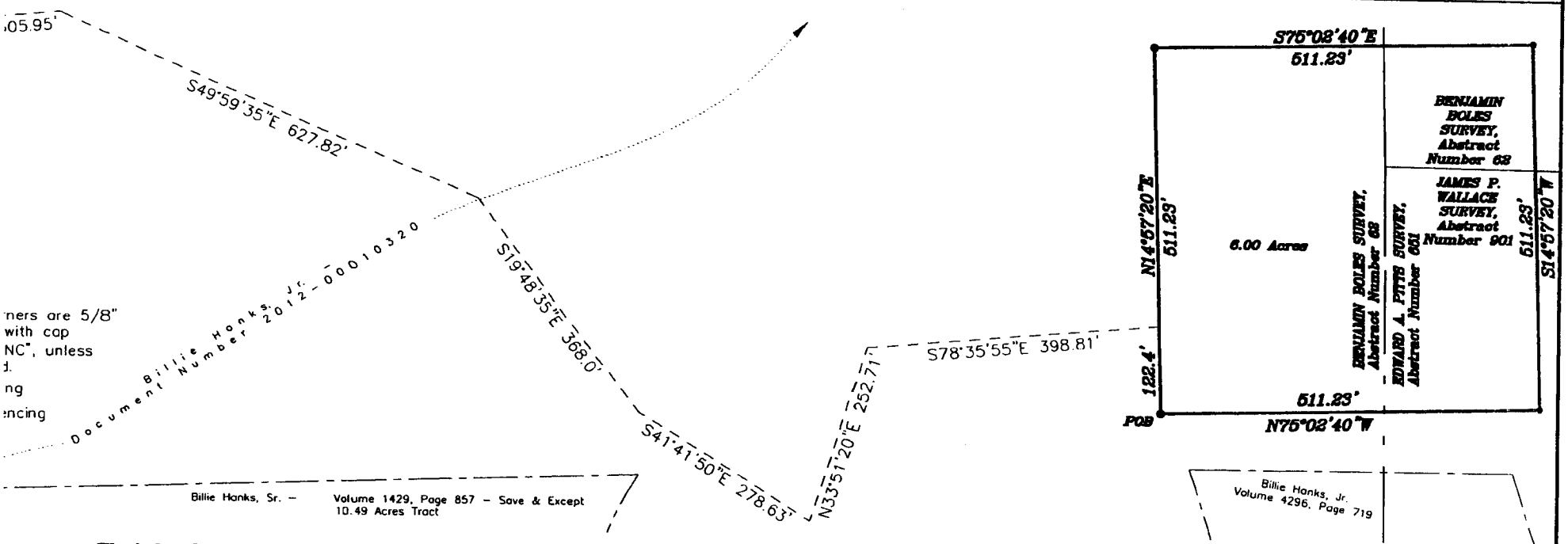
NOTES:

See Field Notes Attached.

Basis of Bearing: The survey work for this project is on Grid Bearings and Coordinates, based upon the Texas State Plane Coordinate System, Central Zone, NAD83 datum obtained from GPS observations and referenced to the SMARTNET NETWORK OF NORTH AMERICA, Base Station "TCTX" at Temple College in Temple, Texas whose published coordinate value: N=10,366,800.416 E=3,229,830.944. The distances shown are surface distances. The Combined Correction Factor (CCF) for this project is 0.9998579.

The research for the land boundary property line of this tract has been provided by this surveyor or his associates. That research includes the names and references to the adjoining property owners. Those adjoiners referenced are for compliance to the Texas Board of Professional Land Surveyors regulations, and are shown for information purposes only. All other research for documents such as, but not limited to, easements, deed restrictions, restrictive covenants, leases, etc. are the responsibility of the client's Title Company or other third parties other than this surveyor or company. this surveyor or company.

Copyright © 2015, Ronald Carroll Surveyors, Inc., All Rights Reserved.
This survey was provided solely for the use of The Village of Salado, Pape Dawson Engineers, and Robert Sulaski.



Sketch showing part of the EDWARD A. PITTS SURVEY, Abstract Number 661, part of the BENJAMIN BOLES SURVEY, Abstract Number 62, and part of the JAMES P. WALLACE SURVEY, Abstract Number 901, situated in The Village of Salado in Bell County, Texas.
Surveyed August 10, 2015.
RONALD CARROLL SURVEYORS, INC.

STATE OF TEXAS REGISTERED RONALD CARROLL 2025 PROFESSIONAL LAND SURVEYOR

The Village of Salado Waste Water Treatment Plant Site

JOB NO. 15084
DATE: 9/3/2015
DWG NAME: 15084-BD-ESMT.dwg
DISK: S:/RCS Jobs-2015
DRAWN BY: M.J.S.
FIELD BOOK: NO. 90 PG 6-13

EXHIBIT "B"
FORM OF DEED

SPECIAL WARRANTY DEED

THE STATE OF TEXAS	§	
	§	KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF BELL	§	

That **BILLIE HANKS, JR.** ("**Grantor**") has DEDICATED, GRANTED and CONVEYED, and by these presents does GRANT, DEDICATE and CONVEY unto the **VILLAGE OF SALADO**, a Type A general law municipality ("**Grantee**"), the following real property in Bell County, Texas (the "**Property**"):

> Six acres of land, or more, more particularly described by metes and bounds and by sketch, attached hereto as **Exhibit A** and incorporated herein by reference.

GRANTOR HEREBY SPECIFICALLY DISCLAIMS ANY WARRANTY, GUARANTY OR REPRESENTATION, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, OR CONCERNING (i) THE NATURE AND CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, AND THE SUITABILITY THEREOF AND OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY ELECT TO CONDUCT THEREON, AND THE EXISTENCE OF ANY ENVIRONMENTAL HAZARDS OR CONDITIONS THEREON (INCLUDING THE PRESENCE OF ASBESTOS) OR COMPLIANCE WITH ALL APPLICABLE LAWS, RULES OR REGULATIONS; OR (ii) THE COMPLIANCE OF THE PROPERTY OR ITS OPERATION WITH ANY LAWS, ORDINANCES OR REGULATIONS OF ANY GOVERNMENT OR OTHER BODY. GRANTEE ACKNOWLEDGES THAT IT HAS INSPECTED THE PROPERTY AND GRANTEE IS RELYING SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED BY GRANTOR. THE CONVEYANCE OF THE PROPERTY IS MADE ON AN "AS IS" BASIS, AND GRANTEE EXPRESSLY ACKNOWLEDGES THAT EXCEPT AS OTHERWISE SPECIFIED HEREIN, GRANTOR MAKES NO WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF CONDITION, HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WITH RESPECT TO THE PROPERTY.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns forever; and Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

This conveyance is made by Grantor and accepted by Grantee subject to any and all easements, covenants, rights-of-way, conditions, restrictions, outstanding mineral interests and royalty interests, if any, relating to the Property, to the extent, and only to the extent, that the same may still be in force and effect, and either shown of record in the office of the County Clerk of Bell County, Texas, or apparent on the Property.

This conveyance is made by Grantor and accepted by Grantee subject to the following additional reservations, restrictions, covenants and conditions:

(1) Authorized Uses. The use of the Property shall be restricted to a municipal wastewater treatment plant and related operations. In the event Grantee ever permanently ceases use of the Property for municipal wastewater treatment purposes, then the use of the Property shall be restricted to public greenbelt, open space, parkland and similar public park, recreational or open space uses.

(2) Buffer Zone: There is hereby established within the Property a buffer zone one hundred fifty feet (150') in width within the exterior perimeter of the Property (the "**Buffer Zone**"). No improvements shall be constructed by or on behalf of Grantee within the Buffer Zone other than the following improvements (the "**Authorized Improvements**"): (i) one or more roads for vehicular ingress and egress to the municipal wastewater treatment plant to be constructed by Grantee within the Property; (ii) subsurface wastewater lines to transport wastewater to the wastewater treatment plant within the Property, and treated wastewater effluent lines to transport treated wastewater effluent from the wastewater treatment plant; (iii) subsurface utility lines; and (iv) a fence or wall of a design and materials reasonably approved by Grantor. Except for the Authorized Improvements, the Buffer Zone shall remain undisturbed, and may not be utilized by Grantee for wastewater treatment or disposal operations, or any other purposes.

(3) Reservation of Easement. Grantor expressly reserves and retains unto Grantor, its successors and assigns, an easement (the "**Easement**") upon, across, over and under the Buffer Zone. The purpose of the Easement is for erecting, constructing, installing, replacing, repairing, operating, using, inspecting, reconstructing, modifying, removing and maintaining any and all landscaping, hardscape, walking trails, gardens and composting areas, including improvements to mitigate the impact of Grantee's use of the on the use and enjoyment of adjacent properties, together with all irrigation, walls, fences, paths, ponds, fountains, utilities, pumps, lighting, lines, pipes, conduits and other equipment, improvements and appurtenances related thereto. The Easement shall be subject to the following terms and conditions:

(i) Grantor may cut, trim and control the growth of trees and other vegetation on and in the Buffer Zone which might interfere with or threaten the operation and maintenance of any authorized improvements by Grantor in the Buffer Zone.

(ii) All improvements placed upon or within the Buffer Zone by Grantor shall remain the property of Grantor, except for subsurface treated wastewater effluent lines constructed by Grantor that are dedicated to Village by separate agreement of the parties.

(iii) Grantee expressly subordinates all rights of surface use within the Buffer Zone to the above described authorized Easement uses of said surface by Grantor; provided, however, (i) Grantee's right to construct, own, operate and maintain roads, and wastewater lines, through the Buffer Zone shall prevail over any conflicting use of the Buffer Zone by Grantor; and (ii) any use of the Buffer Zone by Grantor shall be subject to any restrictions imposed by the Texas Commission on Environmental Quality, including any permit issued to Grantee for operation of a municipal wastewater treatment plant within the Property.

(iv) Grantor, together with its successors and assigns, shall retain access to the Buffer Zone at all times.

(v) Grantor, its successors and assigns shall be solely responsible for the design and construction of any improvements constructed by or on behalf of Grantor within the Buffer Zone; the operation, maintenance and repair thereof; and any damages arising from, or related to, the activities of Grantor within the Buffer Zone, or the parties with whom it contracts.

(vi) To the extent authorized by Texas law, Grantee shall indemnify Grantor, its successors and assigns, against any loss and damage which shall be caused by any wrongful or negligent act or omission of Grantee's agents, employees, representatives, members, guests, volunteers, or contractors in the Buffer Zone.

Grantor and Grantee will have recourse to all rights and remedies in law and equity available to enforce the terms, conditions, restrictions and reservations set forth in this Deed, including, without limitation, the rights of specific performance and mandamus actions to enforce the terms of this instrument.

Grantee, by its acceptance hereof, does hereby assume and agree to pay any and all ad valorem taxes pertaining to the Property that may be assessed for calendar year 2015, and for subsequent years.

EXECUTED to be effective the _____ day of _____, 2015.

GRANTOR:

_____
Billie Hanks, Jr.

THE STATE OF _____ §
§
COUNTY OF _____ §

This instrument was acknowledged before me on the ___ day of _____, 2015, by **Billie Hanks, Jr.**

_____
Notary Public, State of Texas

ACCEPTED:

VILLAGE OF SALADO

By:_____
Name:_____
Title:_____

THE STATE OF TEXAS §
§
COUNTY OF BELL §

This instrument was acknowledged before me on the ___ day of _____, 2015, by **Skip Blancett,**, Mayor of **the Village of Salado**, a Type A general law municipality of the State of Texas, on behalf of said municipality.

_____
Notary Public, State of Texas

After Recording, return to:

Village of Salado
Attn: Kim Foutz
P.O. Box 219
Salado, Texas 76571

EXHIBIT A

Description of Property

Surveyors • GPS • GIS • Construction Layout
RONALD CARROLL SURVEYORS, INC.

September 1, 2015

Field notes for the Village of Salado, Texas for:
PROPOSED 6.0 ACRES WASTEWATER TREATMENT PLANT SITE

Part of the EDWARD A. PITTS SURVEY, Abstract Number 651, part of the BENJAMIN BOLES SURVEY, Abstract number 62, and part of the JAMES P. WALLACE SURVEY, Abstract Number 901, situated in the Village of Salado, in Bell County, Texas, and embracing a portion of the tract described in the deed to Billie Hanks, Jr. recorded in Document Number 2012-00010320 of the Bell County Official Public Records.

COMMENCING at a 1 inch iron pipe found in the south right of way line of Royal Street, for the northeast corner of Lot 4 of the HOWERTON ADDITION, and addition to Bell County, Texas as it appears upon the map recorded in Cabinet C, Slide 177-C of the Bell County Plat Records, and being the northwest corner of said Hanks tract, and run south 73 degrees-33 minutes-25 seconds east along said south line of the Street, for the north line of said Hanks tract, 134-88/100 feet to a point in the west line of a Proposed 30 feet Access and Utility Easement; then run south 16 degrees-29 minutes west 348-62/100 feet to a point; then run south 33 degrees-42 minutes-05 seconds east 135-18/100 feet to a point; then run south 78 degrees-04 minutes-05 seconds east 305-95/100 feet to a point; then run south 49 degrees-59 minutes-35 seconds east 627-82/100 feet to a point; then run south 19 degrees-48 minutes-35 seconds east 368-0/10 feet to a point; then run south 41 degrees-41 minutes-50 seconds east 278-63/100 feet to a point; north 33 degrees-51 minutes-20 seconds east 252-71/100 feet to a point; then run south 78 degrees-35 minutes-55 seconds east 398-81/100 feet to a point being in the west line of said Proposed WASTEWATER TREATMENT PLANT SITE; and then run south 14 degrees-57 minutes-20 seconds west 122-4/10 feet to a 5/8 inch iron rebar set with a cap stamped "RCS INC" for the southwest and BEGINNING CORNER of the Proposed WASTEWATER TREATMENT PLANT SITE being described.

Thence north 14 degrees-57 minutes-20 seconds east 511-23/100 feet to a 5/8 inch iron rebar set with a cap stamped "RCS INC".

Thence south 75 degrees-02 minutes-40 seconds east 511-23/100 feet to a 5/8 inch iron rebar set with a cap stamped "RCS INC", from said 5/8 inch iron rebar set, another 5/8 inch iron rebar found for the northeast corner of said Hanks tract, being the southeast corner of a tract described in the deed to Elaine D. Wolfe recorded in volume 4910, page 328 of said Official Public Records, and being in the west line of a tract described in the deed to Willie B. Ory Family Trust recorded in volume 4839, page 1 of said Official Public Records, bears south 73 degrees-59 minutes-20 seconds east 60-35/100 feet, and north 16 degrees-no minutes-40 seconds east 427-38/100 feet.

Thence south 14 degrees-57 minutes-20 seconds west 511-23/100 feet to a 5/8 inch iron rebar set with a cap stamped "RCS INC".

5302 S. 31st Street • Temple, Texas • 76502
(254) 773-1447 • Fax (254) 773-1728 • rcsurvey@rcsurveyors.com
www.rcsurveyors.com

Field notes for the Village of Salado, Texas for: (continued)
PROPOSED 6.0 ACRES WASTEWATER TREATMENT PLANT SITE

Thence north 75 degrees-02 minutes-40 seconds west 511-23/100 feet to the place of beginning and containing 6-00/100 acres, as surveyed.

See attached 8 ½ inch by 14 inch sketch that accompanies these field notes.

Basis of bearings is on grid bearings as obtained by GPS observations and referenced to the Texas State Plane Coordinate System, Central Zone, NAD83 Datum, and referenced to the LEICA SMARTNET NETWORK OF NORTH AMERICA Base Station "TCTX" at Temple College in Temple, Texas.

Surveyed August 10, 2015.

RONALD CARROLL SURVEYORS, INC.

Ronald Carroll, RPLS
Vice President

STATE OF TEXAS REGISTERED RONALD CARROLL 2025 PROFESSIONAL LAND SURVEYOR

S: data txjobs 2015 15084 PapeDawson Draft Field Notes WWTP 6AC BNDRY 090115

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AMIN BOLES SURVEY, Abstract Number 62

D A. PITTS SURVEY, Abstract Number 651

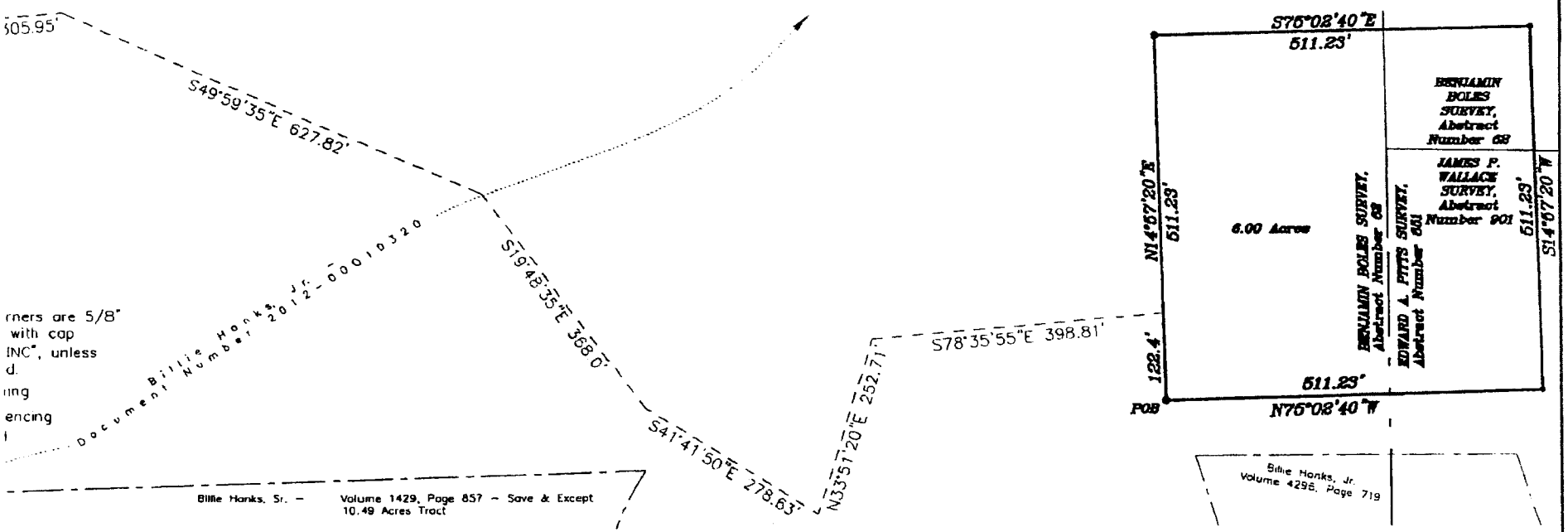
NOTES:

See Field Notes Attached.

Basis of Bearing: The survey work for this project is on Grid Bearings and Coordinates, based upon the Texas State Plane Coordinate System, Central Zone, NAD83 datum obtained from GPS observations and referenced to the SMARTNET NETWORK OF NORTH AMERICA, Base Station "TCTX" at Temple College in Temple, Texas whose published coordinate value: N=10,366,800.416 E=3,229,830.944. The distances shown are surface distances. The Combined Correction Factor (CCF) for this project is 0.9998579.

The research for the land boundary property line of this tract has been provided by this surveyor or his associates That research includes the names and references to the adjoining property owners. Those adjoiners referenced are for compliance to the Texas Board of Professional Land Surveyors regulations, and are shown for information purposes only. All other research for documents such as, but not limited to, easements, deed restrictions, restrictive covenants, leases, etc. are the responsibility of the client's Title Company or other third parties other than this surveyor or company. this surveyor or company.

Copyright © 2015, Ronald Carroll Surveyors, Inc., All Rights Reserved
This survey was provided solely for the use of The Village of Salado, Pape Dawson Engineers, and Robert Sulaski.



Sketch showing part of the EDWARD A. PITTS SURVEY, Abstract Number 651, part of the BENJAMIN BOLES SURVEY, Abstract Number 62, and part of the JAMES P. WALLACE SURVEY, Abstract Number 901, situated in The Village of Salado in Bell County, Texas. Surveyed August 10, 2015. RONALD CARROLL SURVEYORS, INC.

STATE OF TEXAS REGISTERED RONALD CARROLL 2025 PROFESSIONAL LAND SURVEYOR

The Village of Salado Waste Water Treatment Plant Site

JOB NO. 15084
DATE: 9/3/2015
DWG NAME: 15084-BD-ESMT.dwg
DISK: S:/RCS Jobs-2015
DRAWN BY: M.J.S.
FIELD BOOK: NO. 90 PG 6-13

EXHIBIT "C"
WATER QUALITY PERMIT NO. WQ0014898001

TPDES PERMIT NO.
WQ0014898001
[For TCEQ office use only - EPA I.D. No. TX0125610]

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

This is a renewal that replaces TPDES Permit No. WQ0014898001 issued June 3, 2009.

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

Salado Utility, Inc.

whose mailing address is

P.O. Box 1737
Midlothian, Texas 76065-1737

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

located north of the intersection of Shepard Drive and Farm-to-Market Road 2268, approximately 2,000 feet north from the end of Shepard Drive in Bell County, Texas 76571

to Smith Branch; thence to Salado Creek in Segment No. 1243 of the Brazos River Basin

only according with 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, **December 1, 2016**.

ISSUED DATE: May 22, 2013

For the Commission

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the completion of expansion to the 0.3 million gallons per day (MGD) facilities, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.200 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 417 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Max. Single Grab Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing meter
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (8.3)	10	20	30	One/week	Grab
Total Suspended Solids	5 (8.3)	10	20	30	One/week	Grab
Ammonia Nitrogen	2 (3.3)	5	10	15	One/week	Grab
E. coli, CFU or MPN/100 ml	126	N/A	N/A	399	One/month	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

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

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

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

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the completion of expansion to the 0.3 million gallons per day (MGD) facilities and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.30 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 625 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Max. Single Grab Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing meter
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (13)	10	20	30	One/week	Grab
Total Suspended Solids	5 (13)	10	20	30	One/week	Grab
Ammonia Nitrogen	2 (5)	5	10	15	One/week	Grab
E. coli, CFU or MPN/100 ml	126	N/A	N/A	399	One/month	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

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

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per week by grab sample.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

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

1. Flow Measurements

   a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with one million gallons per day or greater permitted flow.

   b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

   c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.

   d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

   e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.

   f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

   a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.

      i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.

b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.

c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day.

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

e. Bacteria concentration (*E. coli* or Enterococci) - Colony Forming Units (CFU) or Most Probable Number (MPN) of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the 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 proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (b).

b. Grab sample - an individual sample collected in less than 15 minutes.

4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.

5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes.

6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

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

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

2. Test Procedures

a. Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§ 319.11 - 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.

b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC § 25, Environmental Testing Laboratory Accreditation and Certification.

3. Records of Results

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

b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR § 264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.

c. Records of monitoring activities shall include the following:

i. date, time and place of sample or measurement;

ii. identity of individual who collected the sample or made the measurement.

iii. date and time of analysis;

iv. identity of the individual and laboratory who performed the analysis;

v. the technique or method of analysis; and

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

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

4. Additional Monitoring by Permittee

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

5. Calibration of Instruments

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

6. Compliance Schedule Reports

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

than 14 days following each schedule date to the Regional Office and the Enforcement Division (MC 224).

7. Noncompliance Notification

   a. In accordance with 30 TAC § 305.125(9) any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

   b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:

      i. Unauthorized discharges as defined in Permit Condition 2(g).

      ii. Any unanticipated bypass that exceeds any effluent limitation in the permit.

      iii. Violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.

   c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

   d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.

8. In accordance with the procedures described in 30 TAC §§ 35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.

9. Changes in Discharges of Toxic Substances

   All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Office, orally or by facsimile transmission within 24 hours, and both the Regional Office and the Enforcement Division (MC 224) in writing within five (5) working days, after becoming aware of or having reason to believe:

   a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D,

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

i. One hundred micrograms per liter (100 μg/L);

ii. Two hundred micrograms per liter (200 μg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or

iv. The level established by the TCEQ.

b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. Five hundred micrograms per liter (500 μg/L);

ii. One milligram per liter (1 mg/L) for antimony;

iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or

iv. The level established by the TCEQ.

10. Signatories to Reports

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

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

a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to CWA § 301 or § 306 if it were directly discharging those pollutants;

b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and

c. For the purpose of this paragraph, adequate notice shall include information on:

i. The quality and quantity of effluent introduced into the POTW; and

ii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

PERMIT CONDITIONS

1. General

   a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.

   b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:

      i. Violation of any terms or conditions of this permit;

      ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

      iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

   c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

2. Compliance

   a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.

   b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

   c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

   d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.

   e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.

f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and TWC§ 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.

h. In accordance with 30 TAC § 305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility which does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.

i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).

3. Inspections and Entry

a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC § 361.

b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC § 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment and/or Renewal

   a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:

      i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC § 305.534 (relating to New Sources and New Dischargers); or

      ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9;

      iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

   b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.

   c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.

   d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.

   e. In accordance with the TWC § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.

   f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA § 307(a) for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be

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

5. Permit Transfer

   a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.

   b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

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

7. Relationship to Water Rights

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

8. Property Rights

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

9. Permit Enforceability

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

10. Relationship to Permit Application

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

11. Notice of Bankruptcy

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

i. the permittee;

ii. an entity (as that term is defined in 11 USC, § 101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or

iii. an affiliate (as that term is defined in 11 USC, § 101(2)) of the permittee.

b. This notification must indicate:

i. the name of the permittee and the permit number(s);

ii. the bankruptcy court in which the petition for bankruptcy was filed; and

iii. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.

2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.

3. Domestic wastewater treatment facilities shall comply with the following provisions:

   a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.

   b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.

4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.

6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under TWC § 7.302(b)(6).

7. Documentation

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

8. Facilities that generate domestic wastewater shall comply with the following provisions; domestic wastewater treatment facilities at permitted industrial sites are excluded.

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

      If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 149) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.

c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.

10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.

11. Facilities that generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:

a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.

b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.

c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Environmental Cleanup Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Registration, Review, and Reporting Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.

e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.

f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC § 335 and must include the following, as it pertains to wastewater treatment and discharge:

   i. Volume of waste and date(s) generated from treatment process;
   ii. Volume of waste disposed of on-site or shipped off-site;
   iii. Date(s) of disposal;
   iv. Identity of hauler or transporter;
   v. Location of disposal site; and
   vi. Method of final disposal.

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

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

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SLUDGE PROVISIONS

The permittee is authorized to dispose of sludge only at a Texas Commission on Environmental Quality (TCEQ) authorized land application site or co-disposal landfill. **The disposal of sludge by land application on property owned, leased or under the direct control of the permittee is a violation of the permit unless the site is authorized with the TCEQ. This provision does not authorize Distribution and Marketing of sludge. This provision does not authorize land application of Class A Sludge. This provision does not authorize the permittee to land apply sludge on property owned, leased or under the direct control of the permittee.**

SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE LAND APPLICATION

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC § 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge.

2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.

3. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

B. Testing Requirements

1. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method that receives the prior approval of the TCEQ for the contaminants listed in 40 CFR Part 261.24, Table 1. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 9) within seven (7) days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 9) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

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

TABLE 1

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

* Dry weight basis

3. Pathogen Control

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

a. Six alternatives are available to demonstrate compliance with Class A sewage sludge. The first 4 options require either the density of fecal coliform in the sewage sludge be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. Below are the additional requirements necessary to meet the definition of a Class A sludge.

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

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

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

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

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

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

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

Alternative 6 (PFRP Equivalent) - Sewage sludge that is used or disposed of shall 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. Three alternatives are available to demonstrate compliance with Class B criteria for sewage sludge.

Alternative 1

i. A minimum of seven random samples of the sewage sludge shall be collected within 48 hours of the time the sewage sludge is used or disposed of during each monitoring episode for the sewage sludge.

ii. The geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 MPN per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

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

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

ii. An independent Texas Licensed Professional Engineer must make a certification to the generator of a sewage sludge that the wastewater treatment facility generating the sewage sludge is designed to achieve one of the PSRP at the permitted design loading of the facility. The certification need only be repeated if the design loading of the facility is increased. The certification shall include a statement indicating the design meets all the applicable standards specified in Appendix B of 40 CFR Part 503;

iii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;

iv. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review; and

v. If the sewage sludge is generated from a mixture of sources, resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the PSRP, and shall meet the certification, operation, and record keeping requirements of this paragraph.

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

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

ii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;

iii. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review;

iv. The Executive Director will accept from the U.S. Environmental Protection Agency a finding of equivalency to the defined PSRP; and

v. If the sewage sludge is generated from a mixture of sources resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the Processes to Significantly Reduce Pathogens, and shall meet the certification, operation, and record keeping requirements of this paragraph.

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

i. Food crops with harvested parts that touch the sewage sludge/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of sewage sludge.

ii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of sewage sludge when the sewage sludge remains on the land surface for 4 months or longer prior to incorporation into the soil.

iii. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of sewage sludge when the sewage sludge remains on the land surface for less than 4 months prior to incorporation into the soil.

iv. Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of sewage sludge.

v. Animals shall not be allowed to graze on the land for 30 days after application of sewage sludge.

vi. Turf grown on land where sewage sludge is applied shall not be harvested for 1 year after application of the sewage sludge when the harvested turf is placed on either land with a high potential for public exposure or a lawn.

vii. Public access to land with a high potential for public exposure shall be restricted for 1 year after application of sewage sludge.

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

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

4. Vector Attraction Reduction Requirements

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

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

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

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

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

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

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

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

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

Alternative 9 -

i. Sewage sludge shall be injected below the surface of the land.

ii. No significant amount of the sewage sludge shall be present on

the land surface within one hour after the sewage sludge is injected.

iii. When sewage sludge that is injected below the surface of the land is Class A with respect to pathogens, the sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

Alternative 10- i. Sewage sludge applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.

ii. When sewage sludge that is incorporated into the soil is Class A with respect to pathogens, the sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

C. Monitoring Requirements

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

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

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

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

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

SECTION II. REQUIREMENTS SPECIFIC TO BULK SEWAGE SLUDGE FOR APPLICATION TO THE LAND MEETING CLASS A 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 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

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

Table 3

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

*Dry weight basis

B. Pathogen Control

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

C. Management Practices

1. Bulk sewage sludge shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters in the State.

2. Bulk sewage sludge not meeting Class A requirements shall be land applied in a manner which complies with the Management Requirements in accordance with 30 TAC § 312.44.

3. Bulk sewage sludge shall be applied at or below the agronomic rate of the cover crop.

4. An information sheet shall be provided to the person who receives bulk sewage sludge sold or given away. The information sheet shall contain the following information:

   a. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.

   b. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instruction on the label or information sheet.

   c. The annual whole sludge application rate for the sewage sludge application rate for the sewage sludge that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

D. Notification Requirements

1. If bulk sewage sludge is applied to land in a State other than Texas, written notice shall be provided prior to the initial land application to the permitting authority for the State in which the bulk sewage sludge is proposed to be applied. The notice shall include:

   a. The location, by street address, and specific latitude and longitude, of each land application site.

   b. The approximate time period bulk sewage sludge will be applied to the site.

   c. The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) for the person who will apply the bulk sewage sludge.

2. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

E. Record keeping Requirements

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

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

1. The concentration (mg/kg) in the sludge of each pollutant listed in Table 3 above and the applicable pollutant concentration criteria (mg/kg), or the applicable cumulative pollutant loading rate and the applicable cumulative pollutant loading rate limit (lbs/ac) listed in Table 2 above.

2. A description of how the pathogen reduction requirements are met (including site restrictions for Class B sludge, if applicable).

3. A description of how the vector attraction reduction requirements are met.

4. A description of how the management practices listed above in Section II.C are being met.

5. The following certification statement:

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

6. The recommended agronomic loading rate from the references listed in Section II.C.3. above, as well as the actual agronomic loading rate shall be retained. The person who applies bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative indefinitely. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply:

   a. A certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii), as applicable, and to the permittee's specific sludge treatment activities.

   b. The location, by street address, and specific latitude and longitude, of each site on which sludge is applied.

   c. The number of acres in each site on which bulk sludge is applied.

   d. The date and time sludge is applied to each site.

e. The cumulative amount of each pollutant in pounds/acre listed in Table 2 applied to each site.

f. The total amount of sludge applied to each site in dry tons.

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

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 9) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30 of each year the following information:

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

17. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the annual reporting form.

    a. The location, by street address, and specific latitude and longitude.

    b. The number of acres in each site on which bulk sewage sludge is applied.

    c. The date and time bulk sewage sludge is applied to each site.

    d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk sewage sludge applied to each site.

    e. The amount of sewage sludge (i.e., dry tons) applied to each site.

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

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

A. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC § 330 and all other applicable state and federal regulations to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present. The permittee shall ensure that the sewage sludge meets the requirements in 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.

B. If the permittee generates sewage sludge and supplies that sewage sludge to the owner or operator of a municipal solid waste landfill (MSWLF) for disposal, the permittee shall provide to the owner or operator of the MSWLF appropriate information needed to be in compliance with the provisions of this permit.

C. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

D. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I (Toxicity Characteristic Leaching Procedure) or other method, which receives the prior approval of the TCEQ for contaminants listed in Table 1 of 40 CFR § 261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal.

   Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 9) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

   The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 9) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

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

F. Record keeping Requirements

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

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

2. The description (including procedures followed and results) of all TCLP tests performed.

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

G. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 9) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year the following information:

1. Toxicity Characteristic Leaching Procedure (TCLP) results.

2. Annual sludge production in dry tons/year.

3. Amount of sludge disposed in a municipal solid waste landfill in dry tons/year.

4. Amount of sludge transported interstate in dry tons/year.

5. A certification that the sewage sludge meets the requirements of 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.

6. Identity of hauler(s) and transporter registration number.

7. Owner of disposal site(s).

8. Location of disposal site(s).

9. Date(s) of disposal.

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

OTHER REQUIREMENTS

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

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

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

3. Reporting requirements according to 30 TAC Sections 319.1-319.11 and any additional effluent reporting requirements contained in this permit are suspended from the effective date of the permit until plant startup or discharge, whichever occurs first, from the facility described by this permit. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 9) and the Applications Review and Processing Team (MC 148) of the Water Quality Division at least forty-five (45) days prior to plant startup or anticipated discharge, whichever occurs first and prior to completion of each additional phase on Notification of Completion Form 20007.

4. The permittee shall provide facilities for the protection of its wastewater treatment facilities from a 100-year flood.

5. Prior to construction of each phase of the treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary submittal letter in accordance with the requirements in 30 TAC Section 217.6(c). 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 Wastewater Treatment Systems. The permittee shall clearly show how the treatment system will meet the final permitted effluent limitations required on Page 2 and 2a of the permit.

6. The permittee is hereby placed on notice that this permit may be reviewed by the TCEQ after the completion of any new intensive water quality survey on Segment No. 1243 of the Brazos River Basin and any subsequent updating of the water quality model for Segment No. 1243, in order to determine if the limitations and conditions contained herein are consistent with any such revised model. The permit may be amended, pursuant to 30 TAC § 305.62, as a result of such review. The permittee is also hereby placed on notice that effluent limits may be made more stringent at renewal based on, for example, any change to modeling protocol approved in the TCEQ Continuing Planning Process.

7. The permittee shall comply with the requirements of 30 TAC §309.13 (a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC §309.13(e).

8. In accordance with 30 TAC §319.9, a permittee that has at least twelve months of uninterrupted compliance with its bacteria limit may notify the commission in writing of its compliance and request a less frequent measurement schedule. To request a less frequent schedule, the permittee shall submit a written request to the TCEQ Wastewater Permitting Section (MC 148) for each phase that includes a different monitoring frequency. The request must contain all of the reported bacteria values (Daily Avg. and Daily Max/Single Grab) for the twelve consecutive months immediately prior to the request. If the Executive Director finds that a less frequent measurement schedule is protective of human health and the environment, the permittee may be given a less frequent measurement schedule. For this permit, 1/month may be reduced to 1/quarter in the Interim phase and 1/month may be reduced to 1/quarter in the Final phase. **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 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.

9. The permittee is authorized to haul sludge from the wastewater treatment facility, by a licensed hauler, to the City of Austin Walnut Creek Wastewater Treatment Facility, TPDES Permit No. WQ0010543014, or any other facility authorized by the TCEQ to accept sludge, for final processing and disposal.

   The permittee shall keep records of all sludge removed from the wastewater treatment plant site and these records shall include the following information:

   a. The volume of sludge hauled;
   b. The date(s) that sludge was hauled;
   c. The identity of haulers; and
   d. The permittee, TCEQ permit number, and location of the facility to which the sludge is hauled.

   These records shall be maintained on a monthly basis and shall be reported to the TCEQ Regional Office (MC Region 09) and the TCEQ Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.