DATED: Nov. 30, 2020

STATEMENT OF BASIS/TECHNICAL SUMMARY
AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

DESCRIPTION OF APPLICATION

Applicant:	Sawyer-Cleveland Partnership, Ltd.; Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015594001, EPA I.D. No. TX0137863
Regulated Activity:	Domestic Wastewater Permit
Type of Application:	New Permit
Request:	New Permit
Authority:	Federal Clean Water Act (CWA) § 402; Texas Water Code § 26.027; 30 Texas Administrative Code (TAC) Chapters 30, 305, 307, 309, 312, and 319; Commission policies; and United States Environmental Protection Agency (EPA) guidelines.

EXECUTIVE DIRECTOR RECOMMENDATION

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

REASON FOR PROJECT PROPOSED

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.045 million gallons per day (MGD).

PROJECT DESCRIPTION AND LOCATION

The Sawyer Ranch 33 Wastewater Treatment Facility will be a Biological Nutrient Removal activated sludge process plant. Treatment units will include a fine screen, two anoxic zones, a chemical lime injection system, an anaerobic zone, an aeration basin, a final clarifier, an aerobic sludge digester, a chlorine contact chamber, and a dechlorination chamber. The facility has not been constructed.

The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

The plant site will be located approximately 720 feet southwest of the intersection of U.S. Highway 290 and Sawyer Ranch Road, in Hays County, Texas 78737.

Outfall Location:

Outfall Number	Latitude	Longitude
001	30.196012 N	98.000088 W

The treated effluent will be discharged to a man-made ditch, thence to a retention pond, thence to an unnamed tributary, thence to Long Branch, thence to Barton Creek in Segment No. 1430 of the Colorado River Basin. The unclassified receiving water uses are minimal aquatic life use for the man-made ditch and retention pond, limited aquatic life use for the unnamed tributary, and high aquatic life

use for Long Branch. The designated uses for Segment No. 1430 are primary contact recreation, aquifer protection, and high aquatic life use. Aquifer Protection applies to the contributing, recharge, and transition zones of the Edwards Aquifer. The discharge point and the discharge route are in the contributing zone for approximately 23.5 miles until Barton Creek reaches the recharge zone. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Long Branch or Barton Creek, which have been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

A total phosphorus limit of 0.15 mg/L and a total nitrogen limit of 6.0 mg/L have been included in the draft permit to protect the high aquatic life use in the on-channel amenity ponds on Long Branch and in Barton Creek, and to reduce the potential for degradation from excessive algal growth and other eutrophication effects throughout the discharge route. The segment has a designated use of aquifer protection, and there are numerous wells located along Long Branch. The proposed nutrient limits will also help to protect the quality of water infiltrating into and recharging the aquifer and any other recharge features along the discharge route. A dechlorination requirement has been included to protect sustainable fisheries use of the on-channel amenity ponds, endangered species, and other springs-associated, sensitive species in Long Branch and Barton Creek. No degradation is expected with the above requirements.

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

In a case such as this, end-of-pipe compliance with pH limits between 6.0 and 9.0 standard units reasonably assures instream compliance with the TSWQS for pH when the discharge authorized is from a minor facility and the unclassified waterbodies have minimal or limited aquatic life uses. This conservative assumption is based on TCEQ sampling conducted throughout the state that indicates that instream buffering quickly restores pH levels to ambient conditions.

The effluent limitations in the draft permit have been reviewed for consistency with the WQMP. The proposed effluent limitations are not contained in the approved WQMP. However, these limits will be included in the next WQMP update.

A priority watershed of critical concern has been identified in Segment No. 1430 in Hays and Travis Counties. Therefore, Barton Springs Salamander (*Eurycea sosorum*), an endangered aquatic species, has been determined to occur in the watershed of Segment No. 1430. To make this determination for TPDES permits, TCEQ and EPA only considered species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The presence of the endangered Barton Springs Salamander requires EPA review and, if appropriate, consultation with USFWS.

Segment No. 1430 is not currently listed on the state's inventory of impaired and threatened waters (the 2014 CWA § 303(d) list).

SUMMARY OF EFFLUENT DATA

Self-reporting data is not available since the facility is not in operation.

DRAFT PERMIT CONDITIONS

The draft permit authorizes a discharge of treated domestic wastewater at a volume not to exceed a daily average flow of 0.045 MGD.

The effluent limitations in the draft permit, based on a 30-day average, are 10 mg/l five-day carbonaceous biochemical oxygen demand ($CBOD_5$), 15 mg/l total suspended solids (TSS), 2 mg/l ammonia-nitrogen (NH_3-N), 0.15 mg/l total phosphorus, 6 mg/l total nitrogen, 126 colony forming units (CFU) or most probable number (MPN) of *Escherichia coli (E. coli)* per 100 ml and 6.0 mg/l minimum dissolved oxygen (DO). The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process.

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).

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

SUMMARY OF CHANGES FROM APPLICATION

The applicant requested a daily average flow not to exceed 0.092 MGD in the application; however, the draft permit includes a daily average flow not to exceed 0.045 MGD.

The applicant requested effluent limitations, based on a 30-day average, of 10 mg/l BOD_5, 15 mg/l TSS, 2 mg/l NH_3-N, and 6.0 mg/l minimum DO in the application; however, effluent limitations in the draft permit, based on a 30-day average are 10 mg/l $CBOD_5$, 15 mg/l TSS, 2 mg/l NH_3-N, 0.15 mg/l total phosphorus, 6 mg/l total nitrogen, and 126 CFU or MPN of *E. coli* per 100 ml and 6.0 mg/l minimum DO.

BASIS FOR DRAFT PERMIT

The following items were considered in developing the draft permit:

1. Application received on July 21, 2017, and additional information received on August 29, 2017, October 3, 2017, December 12, 2017, October 15, 20, and 29, 2020, and November 30 2020.
2. The effluent limitations and conditions in the draft permit comply with EPA-approved portions of the 2018 Texas Surface Water Quality Standards (TSWQS), 30 TAC §§ 307.1 - 307.10, effective March 1, 2018; 2014 TSWQS, effective March 6, 2014; 2010 TSWQS, effective July 22, 2010; and 2000 TSWQS, effective July 26, 2000.
3. The effluent limitations in the draft permit meet the requirements for secondary treatment and the requirements for disinfection according to 30 TAC Chapter 309, Subchapter A: Effluent Limitations.

4. Interoffice memoranda from the Water Quality Assessment Section of the TCEQ Water Quality Division.
5. Consistency with the Coastal Management Plan: The facility is not located in the Coastal Management Program boundary.
6. *Procedures to Implement the Texas Surface Water Quality Standards* (IP), Texas Commission on Environmental Quality, June 2010, as approved by EPA, and the IP, January 2003, for portions of the 2010 IP not approved by EPA.
7. Texas 2014 Clean Water Act Section 303(d) List, Texas Commission on Environmental Quality, June 3, 2015; approved by the EPA on November 19, 2015.
8. Texas Natural Resource Conservation Commission, Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits, Document No. 98-001.000-OWR-WQ, May 1998.

PROCEDURES FOR FINAL DECISION

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

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

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment and is not a contested case proceeding.

After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application or the draft permit raised during the public comment period. The Chief Clerk then mails the Executive Director's response to comments and final decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the Executive Director's response and decision, they can request a contested case hearing or file a request to reconsider the Executive Director's decision within 30 days after the notice is mailed.

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

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

For additional information about this application, contact Gordon R. Cooper at (512) 239-1963.

Gordon R. Cooper

Gordon R. Cooper
Municipal Permits Team
Wastewater Permitting Section (MC 148)

November 30, 2020
Date