

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

DESCRIPTION OF APPLICATION

Applicant: Town of Anthony
Texas Pollutant Discharge Elimination System (TPDES) Permit
No. WQ0015414001, EPA ID No. TX0136662

Regulated Activity: Domestic Wastewater Permit

Type of Application: Renewal

Request: Renewal with no changes

Authority: Federal Clean Water Act (CWA) § 402; Texas Water Code (TWC)
§ 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 renewal of the existing permit that authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 0.565 million gallons per day (MGD). The existing wastewater treatment facility serves the Town of Anthony.

PROJECT DESCRIPTION AND LOCATION

The Town of Anthony Wastewater Treatment Facility is an activated sludge process plant operated in the extended aeration mode. Treatment units include a bar screen, a comminutor, one oxidation ditch, three final clarifiers, two sludge drying beds, and two chlorine contact chambers. The facility is in operation.

Sludge generated from the treatment facility is hauled by a registered transporter and disposed of at a permitted landfill, Camino Real Landfill, Permit No. 21877, in Dona Ana County, New Mexico. 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 is located approximately 0.35 mile southwest of the intersection of State Highway 20 and Wildcat Drive, in Anthony, in El Paso County, Texas 79821.

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Outfall Location:

Outfall Number	Latitude	Longitude
001	31.990385 N	-106.610957 W

The treated effluent is discharged to La Tuna Agricultural Drain, thence to East Agricultural Drain, thence to Rio Grande Above International Dam in Segment No. 2314 of the Rio Grande Basin. The unclassified receiving water uses are minimal aquatic life use for the La Tuna Agricultural Drain and limited aquatic life use for the East Agricultural Drain. The designated uses for Segment No. 2314 are primary contact recreation, public water supply, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and/or revisions.

Effluent limitations for the conventional effluent parameters (i.e., five-day Biochemical Oxygen Demand [BOD₅] or five-day 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).

For this type of discharge, 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 and 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 existing effluent limits have been reviewed for consistency with the State of Texas WQMP. The existing limits are consistent with the approved WQMP.

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

Segment No. 2314 is currently listed on the State's inventory of impaired and threatened waters (the 2018 CWA Section 303(d) list). The listing is specifically for elevated levels of bacteria from the International Dam upstream to the Anthony Drain confluence (Assessment Unit [AU] 2314_01). This facility is designed to provide adequate disinfection and, when operated properly, should not add to the bacterial impairment of the segment. In addition, in order to ensure that the proposed discharge meets the stream bacterial standard, an effluent limitation of 126 colony-forming units (CFU) or most probable number (MPN) of *Escherichia coli* (*E.coli*) per 100 ml has been continued in the draft permit.

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SUMMARY OF EFFLUENT DATA

The following is a summary of the applicant's effluent monitoring data for the period March 31, 2018 through March 31, 2020. The average of Daily Average value is computed by the averaging of all 30-day average values for the reporting period for each parameter: flow, BOD₅, and total suspended solids (TSS). The average of Daily Average value for *E.coli* in CFU or MPN per 100 ml is calculated via geometric mean.

<u>Parameter</u>	<u>Average of Daily Average</u>
Flow, MGD	0.34
BOD ₅ , mg/l	3.9
TSS, mg/l	4.3
<i>E. coli</i> , CFU or MPN per 100 ml	1

DRAFT PERMIT CONDITIONS

The draft permit authorizes a discharge of treated domestic wastewater at a volume not to exceed a daily average flow of 0.565 MGD.

The effluent limitations in the draft permit, based on a 30-day average, are 20 mg/l BOD₅, 20 mg/l TSS, 126 CFU or MPN of *E. coli* per 100 ml, and 2.0 mg/l minimum dissolved oxygen (DO). 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.

The facility does not appear to receive significant industrial wastewater contributions. Permit requirements for pretreatment are based on TPDES regulations contained in 30 TAC Chapter 315 which references 40 Code of Federal Regulations (CFR) Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution" [*rev. Federal Register/ Vol. 70/ No. 198/ Friday, October 14, 2005/ Rules and Regulations, pages 60134-60798*]. The permit includes specific requirements that establish responsibilities of local government, industry, and the public to implement the standards to control pollutants which pass through or interfere with treatment processes in publicly owned treatment works or which may contaminate the sewage sludge. This permit has appropriate pretreatment language for a facility of this size and complexity.

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. Sludge generated from the treatment facility is hauled by a registered transporter and disposed of at a permitted landfill, Camino Real Landfill, Permit No. 21877, in Dona Ana County, New Mexico. 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

None.

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SUMMARY OF CHANGES FROM EXISTING PERMIT

The Standard Permit Conditions, Sludge Provisions, and Other Requirements sections of the draft permit have been updated.

For Publicly Owned Treatment Works (POTWs), effective September 1, 2020, the permittee must submit the written report for unauthorized discharges and unanticipated bypasses that exceed any effluent limit in the permit using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

Effective September 1, 2020, the permittee must submit the annual sludge report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. The Reporting Requirements of the Sludge Provisions have also been updated.

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

Other Requirement No. 3 in the existing permit has been removed because this provision is covered under 30 TAC § 305.62(d), which authorizes the TCEQ to reopen an issued permit when necessary.

The permittee's mailing address has been updated from the previous permit.

BASIS FOR DRAFT PERMIT

The following items were considered in developing the draft permit:

1. Application received on March 2, 2020, and additional information received on April 28, 2020.
2. TPDES Permit No. WQ0015414001 issued on June 7, 2016.
3. 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.
4. 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.
5. Interoffice memoranda from the Water Quality Assessment Section of the TCEQ Water Quality Division. Interoffice memorandum from the Pretreatment Team of the TCEQ Water Quality Division.

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6. Consistency with the Coastal Management Plan: The facility is not located in the Coastal Management Program boundary.
7. *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.
8. Texas 2018 CWA Section 303(d) List, Texas Commission on Environmental Quality, September 27, 2019; approved by the EPA on December 23, 2019.
9. 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

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Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

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

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



Venkata S. Kancharla
Municipal Permits Team
Wastewater Permitting Section (MC 148)

5/20/2020
Date