CITY OF ALPINE

WWTP Evaluation

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Prepared For:

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Abbreviations

GPD – gallons per day
GPM – gallons per minute
CFS – cubic feet per second
CF – cubic feet
SF – square feet
MGD – million gallons per day
TDH – Total Dynamic Head
TCEQ – Texas Commission on Environmental Quality
BOD – 5-day Biological Oxygen Demand
TSS – Total Suspended Solids
MLSS – Mixed Liquor Suspended Solids
WWTP – Wastewater Treatment Plant
TWDB – Texas Water Development Board
DMR – Discharge Monitoring Report
WAS – Waste Activated Sludge
RAS – Waste Activated Sludge
ADF – Average Day Flow
PDF – Peak Day Flow

1. INTRODUCTION

The purpose of this evaluation is to provide information about the City of Alpine's Waste Water Treatment Plant (WWTP) so that the city can plan capital expenditures as well as normal operating and maintenance items. The goals of this WWTP Evaluation are as follows:

1. Analyze the City's historical wastewater treatment flows and population growth.
2. Analyze the City's historical wastewater quality data.
3. Evaluate the City's WWTP components as related to flow, useful life, condition and water quality.
4. Evaluate the City's WWTP electrical system.
5. Discuss and develop proposed improvement items and assign priority.
6. Present an opinion of probable costs for the discussed improvement items.

The City of Alpine owns and operates a wastewater treatment facility located Northeast of the City approximately 3 miles from downtown. The WWTP is an activated sludge process plant operated in an extented aeration mode, which includes a bar screen, aeration basin, two clarifiers, sludge pumping units, mobile sludge dewatering station, six sludge drying beds and a chlorine contact basin. A site plan with flow layout of the plant is included in Appendix A. From information supplied from the city, the origional construction of the WWTP is unknown, however there have been multiple rehabilitation projects since the 1980s. The most recent permit issued June 25, 2021 states that the daily average flow shall not exceed 1.48 million gallons per day (MGD), nor shall the average discharge during any two-hour period exceed 3,083 gallons per minute (GPM). This peak flow is 3 times the average day. This evaluation follows the precedent of the peak flow being 3 times the average day when discussing future and modified average and peak day flows. A copy of the City's active wastewater discharge permit is included in Appendix E.

All rules referenced in this report are part Title 30 of the Texas Administrative code, Part 1 which outlines rules for the Texas Commission on Environmental Quality. Rules referenced in this report are from Chapter 217, Design Criteria for Domestic Wastewater systems and Chapter 305, Consolidated Permits.

2. POPULATION AND SEWER FLOW PROJECTIONS AND QUALITY

Historical data concerning population and wastewater flows are essential for designing wastewater improvements. When projections are made, potential future wastewater requirements can be determined. According to the 2010 and 2020 Census, the City's population was 5,905 and 6,035 respectively. This is a population increase of approximately 2.2% or 0.2% increase per year.

Table 1 below shows the projected population growth for the City of Alpine from the TWDB 2021 Regional Water Plan through the year 2070. The table also includes the Census population data for 2010 and 2020. Projections have been extended to the year 2070 to ensure the viability of the system throughout the planning period of the wastewater treatment plant and for expected life of treatment equipment.

Table 1 : Population Projects for the City of Alpine, Texas

	Census Data		TWDB Projections				
Year	2010	2020	2030	2040	2050	2060	2070
Population	5,905	6,035	6,185	6,231	6,265	6,283	6,293

Table 1 above shows a city population increase of approximately 0.2% per year between 2010 and 2020. As shown above, between 2020 and 2070, there is a projected population increase of approximately 0.09% per year. Table 2 below shows the Historical WWTP average daily flows from 2015 through the year 2021.

Table 2 : Monthly Historical Average Daily Flow

	2015	2016	2017	2018	2019	2020	2021
Jan	0.419	0.418	0.425	0.448	0.394	0.396	0.171
Feb	0.409	0.43	0.429	0.41	0.43	0.423	0.129
Mar	0.418	0.405	0.412	0.427	0.428	0.373	0.119
Apr	0.409	0.43	0.426	0.435	0.432	(1)	0.12
May	0.376	0.458	0.403	0.408	0.43	0.438	0.117
Jun	0.329	0.446	0.385	0.408	0.368	0.763	0.119
Jul	0.366	0.456	0.469	0.448	0.4	1.34 (2)	0.118
Aug	0.405	0.494	0.465	(1)	0.424	(3)	0.124
Sep	0.413	0.496	0.477	(1)	0.462	(3)	0.118
Oct	0.442	0.435	0.46	(1)	0.406	(3)	0.118
Nov	0.473	0.425	0.437	(1)	0.433	0.132	0.116
Dec	0.421	0.414	0.44	(1)	0.414	0.135	0.118
Average Day	0.41	0.44	0.44	0.43	0.42	0.500 (4)	0.12

Notes:

1) No data recorded on DMRs.

2) Average taken for the period of 7/1/20 to 7/8/20 only.

3) No data recorded 1.341 entered.

4) 8-Mo Average taken only on months with recorded data

The data in Table 2 above shows a 5-year historical average daily flow of 0.439 MGD at the WWTP between 2015 and 2020. The data from 2021 appears abnormally low, therefore it was not included in the five-year average and not used for flow projections in the future. The WWTP had a higher-than-average daily flow in 2020 due to a meter outage that caused an averaging error. Based on the 2020 DMR supplied from the city, this meter was replaced on November 11, 2020.

The data in Table 2 shows that the 6-year average from 2015 to 2020 is approximately 440,000 gallons per day (gpd). From 2015 to June of 2020 there were no monthly averages higher than 496,000 gpd. It is thought that the flow meter which was replaced in November of 2020 had begun malfunctioning and giving erroneous readings as early as June of 2020. The historical data indicates that the City of Alpine's highest annual average WWTP flow in 2020 was 500,000 gpd. This is well below the permitted average flow of 1,480,000 gpd. The 2020 annual average represents only 33.8% of this permitted flow.

To evaluate the projected WWTP flows over the planning period, the TWDB population projections were used to project the average daily flows for the WWTP through the year 2070. The projected TWDB growth rate for every 10 years was used to calculate the average flows through the year 2070, which were estimated to be approximately 0.522 MGD. This projection is shown below in Table 3.

Table 3 : Yearly Historical Flow Summary

	Annual Avg.	Population	% of 1.48 MGD	% of 0.900 MGD
2015	0.407		27.5%	45.2%
2016	0.442		29.9%	49.1%
2017	0.44		29.7%	48.9%
2018	0.43		29.1%	47.8%
2019	0.418		28.2%	46.4%
2020	0.5	6035	33.8%	55.6%
	Projections			
	Flow	Population		
2030	0.513	6185	34.7%	57.0%
2040	0.517	6231	34.9%	57.4%
2050	0.52	6265	35.1%	57.8%
2060	0.521	6283	35.2%	57.9%
2070	0.522	6293	35.3%	58.0%

As previously stated, the City of Alpine is currently permitted to allow an average daily flow not to exceed 1.48 MGD. As shown in Table 3, the 2020 average daily flow is 0.5 MGD. This represents 33.8% of the average day permitted flow. Due to the low percentage of actual flow compared to the permitted flow, the city may choose to reduce the permitted flow to approximately 0.900 MGD. Based on Table 3, the 2020 average day flow would represent 55.6% of the proposed permitted flow and the 2070 average day flow represents 58.0% of the proposed permitted flow if the permitted flow was reduced to 0.9 MGD.

Rule 305.126, subchapter F of the TAC states that, "Whenever flow measurements for any sewage treatment plant facility in the state reaches 75% of the permitted average daily or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the wastewater treatment and/or collection facilities. Whenever the average daily or annual average flow reaches 90% of the permitted average daily 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." Table 4 below shows the current and proposed permitted flows in relation to the 75/90 rule.

Table 4 : 75/90 Flow Data

		75%	90%
Current Permitted ADF (MGD)	1.48	1.11	1.332
Future Permitted ADF (MGD)	0.900	0.675	0.810

Based on table 3, the projected flows through 2070 are only expected to reach 58% of a reduced average day permitted flow of 900,000 gpd. From the data collected for this report it appears that the city could reduce the permitted flow to 900,000 gpd. The city would benefit from the less stringent requirements allowed for systems under 1 MGD. If the city chose to pursue this option a major permit amendment would be required. Prior to this amendment a more extensive evaluation of historical DMR's would be recommended. It is also recommended that further analysis be performed to better explain the abnormally high monthly flows in June and July of 2020.

Typically, influent wastewater quality is not sampled for the Alpine WWTP however, the city staff sampled incoming BOD and TSS for this report. The sample results were 302 mg/L of BOD and 232 mg/L of TSS. TCEQ rules dictate that in absence of actual influent data, the typical design BOD ranges from 250 to 400 mg/L. Therefore, these results fall within a typical expected range for municipal wastewater.

The City's current WWTP permit requires that the Alpine operator sample flow, BOD, TSS, E.coli, chlorine residual, pH and DO. In addition, there shall also be no discharge of floating solids, fats, or oils. The results of the required sampling are shown below in Table 5 along with the required permit parameters. The DMRs generally show compliance with the permit parameters although the plant has been cited previously for floating solids in the discharge.

Available BOD data from DMRs was analyzed for each month from 2015 to 2020 and daily max values as wells as number of days over the permitted 45 mg/L daily maximum were tabulated. This table is included as Appendix D. As shown in the monthly averages in Table 5, the plant is generally in compliance with occasional instances of daily maximum BOD exceedance. For instance, in 2020 only two daily samples over the entire year were over 45 mg/L of BOD with all remaining samples being well within permit limits. Therefore, we can conclude that the existing plant and processes can maintain compliance with the permitted discharge limits.

Table 5 : Monthly Average DMR and Sampled Water Quality

Year	Flow	Cl2 A (2)	Cl2 B (2)	DO	pH	T	BOD	TSS	E. Coli
2015 Avg.	0.421	3.76	*	4.76	6.66	12.85	12.3	3.5	5.22
Mo Max	0.601	8	*	5.55	7.26	15.8	37	5	9.8
Mo Min	0.256	1.22	*	4.13	6.25	10.08	4	3	2
2016 Avg.	0.414	1.86	0.08	5.4	7.33	18.55	4.88	7	9.25
Mo Max	0.684	4.1	0.21	5.81	8.46	21.7	10	10	13.8
Mo Min	0.246	1.13	0.03	4.31	6.11	12.7	4	5	4.1
2017 Avg.	0.44	1.83	0.09	5.43	7.42	19.74	12.87	8.39	7.99
Mo Max	0.477	2.06	0.15	5.6	4.89	25.05	60.14	19.97	9.9
Mo Min	0.385	1.72	0.08	5.31	6.8	15.45	3.69	3.01	4.33
2018 Avg.	0.43	1.17	0.69	5.36	7.18	*	3.84	3.56	8.77
Mo Max	0.48	1.91	1.78	5.36	7.18	*	4.49	5.18	11
Mo Min	0.408	0.08	0.08	5.36	7.18	*	2.74	2.47	6.2
2019 Avg.	0.414	1.82	0.08	5.47	7.46	14.38	5.25	6.38	10.58
Mo Max	0.489	2.15	0.09	5.77	7.87	17.3	10	9	14.2
Mo Min	0.198	1.59	0.07	5.21	7.22	12.4	4	3	8.2
2020 Avg.	0.203	1.88	0.07	4.77	7.2	12.74	2.02	3.02	9.95
Mo Max	2.13	2.2	0.09	5.66	7.49	14	5.12	5.17	12.7
Mo Min	0.04	1.56	0.04	4.2	6.69	12.3	0.72	1.2	7.1
						Permitted Daily Average	20	20	12.6
						Permitted Single Grab	65	65	N/A

Note:

1) pH 6-9

2) Cl2 A = Cl2 disinfection residual (1.0 Min), Cl2 B = post dechlorination Cl2 residual (0.1 max)

3) Minimum DO 4.0

4) * No Data Available

3. EVALUATION OF WWTP PROCESSES

3.0. Introduction

As mentioned previously, the WWTP consists of a bar screen, lift station, two aeration basins (one of which is decommissioned), two secondary clarifiers, sludge pumping units, a mobile dewatering unit along with sludge drying beds and a chlorine contact chamber. While the construction date of the WWTP is unknown, the WWTP has had several improvement projects since 1980. In 1997 a new oxidation ditch and the second - secondary clarifier was constructed. In addition, six sludge drying beds were constructed. In 2016 the City purchased a used mobile belt dewatering unit, originally manufactured in 2002, to help manage sludge within the plant. The latest project at the plant is currently in progress and consists of a new mechanical bar screen at the front of the plant along with the new aeration rotors for the existing oxidation ditch. The following sections will evaluate the WWTP existing components as it relates to historical and projected flows, wastewater quality, useful life, and current condition. Table 6 below summarizes all existing units within the WWTP.

Table 6 : Alpine WWTP Unit Summary

Unit	Year	Units	Provided	Required	Meets Current Permit	Required	Meets Amended Permit
Mechanical Bar Screen	2022	1	0.4 MGD	1.48 MGD	No	1,875 gpm	No
Influent Lift Station	Unknown	3	1,300 gpm	3,038 gpm	No	1,875 gpm	No
Oxidation Ditch	1997	1	1.18 MGD	1.48 MGD	No	0.9 MGD	*
Secondary Clarifier #1	1980	1	1,915 gpm	3,038 gpm	No	1,875 gpm	Yes
Secondary Clarifier #2	1997	1	1,915 gpm	3,038 gpm	No	1,875 gpm	Yes
Sludge Pumps	Unknown	2	500 gpm	443 gpm	Yes	443 gpm	Yes
Drying Beds	1997	6	296 lb/day	NA	NA	NA	NA
Mobile Belt Press	2002/2016	1	500 lb/hr	NA	NA	NA	NA
Chlorine Contact Basin	1980/1997	1	3,083 gpm	3,038 gpm	Yes	1,875 gpm	Yes

* The oxidation ditch has the ability to meet the proposed 0.9 MGD permit assuming a 197 mg/L influent BOD.

3.0.1. Headworks

3.0.1.1. Screening

The current headworks treatment processes at the Alpine WWTP include a bar screen and a lift station. Bar screens are comprised of metal bars typically spaced at one inch or more, that stop large debris from clogging pumps and hindering downstream processes. Once debris has been trapped on the bars of the screen, a WWTP operator will then manually remove the material using a long metal rake for disposal. Figure 1 shows an image of the existing bar screen. Currently, a project is under construction to replace the manual bar screen and to upgrade this unit with an automatic bar screen called a multirake screen (model Dry cake DBS400), previously purchased by the City of Alpine. This multirake screen uses a motor to move a rake that automatically removes debris from the screening and disposes of the material into a nearby disposal container. The unit is controlled by two water level floats that rest slightly upstream of the unit. Once water has reached a "high" level, a signal is sent to the unit to remove caught debris for disposal. According to the manufacturers information the system is design to accommodate 400,000 gpd of flow.

As can be seen in figure 1 below, there is a shallow overflow channel which can divert flow around the bar screen. This concrete channel is 9 inches deep and 1 foot 6 inches wide. Assuming a minimal slope of 0.5% the overflow channel could carry up to 4.73 cfs or 2,123 gpm of flow around the bar screen.

A secondary bypass, consisting of an 18" PVC pipe can also be seen in figure 1. This bypass is intended to be closed by a slide gate in normal operation, however in Figure 1, the slide gate is missing, allowing flow to enter the bypass in peak flow conditions. Currently, the bypass goes to the old oxidation ditch, which is no longer in the permit, thus resulting in violations when a bypass event occurs. Based on communication with the city the bypass has since been plugged. However, this leaves the city without a way to bypass the lift station. To determine if a new bypass option to a currently permitted downstream unit is possible a topographic survey would be needed to create a hydraulic profile through the plant.

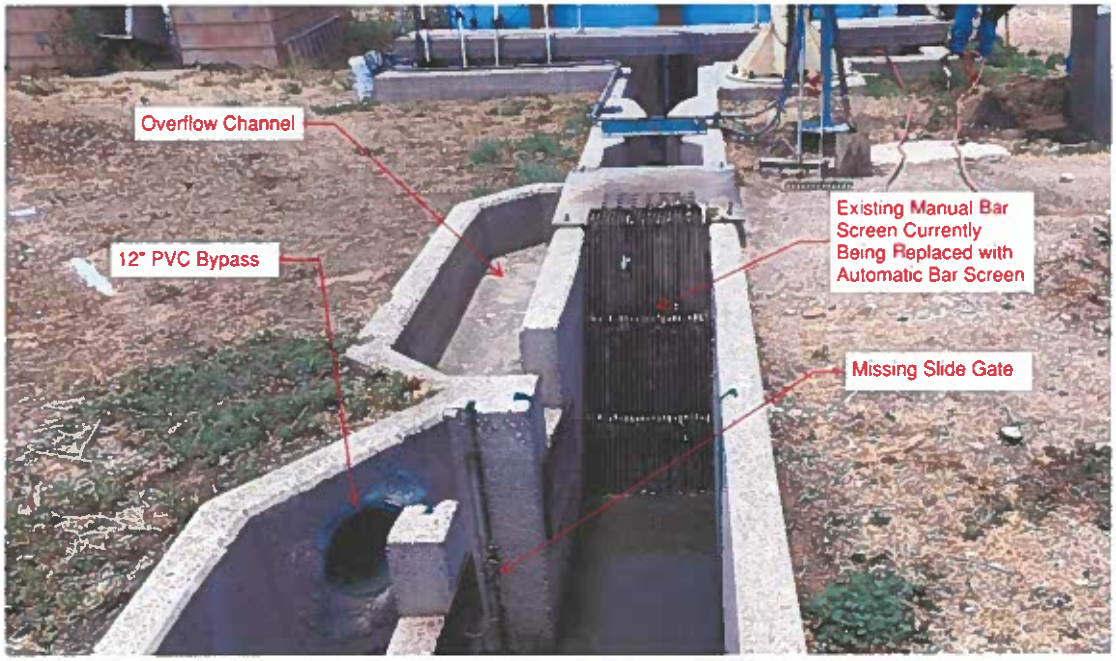


Figure 1 : Bar Screen and Emergency Bypass

3.0.1.2. Lift Station

The second process within the WWTP is the lift station. The current lift station comprises of three submersible sewage pumps (Hydromatic S4MRC1000M4-4) which provide head to the wastewater that allows it to flow into the subsequent treatment unit. Each pump is 10HP with a estimated operating point of 16' of TDH and flow of 650 GPM. These pumps may be capable of handling the current flows to the plant; however, they are not suitable for future flows and do not meet the permit requirements.

TCEQ rules state that the lift station pumps must handle the permitted peak flow with the largest pump out of service. Therefore, to meet the requirements the available pumping capacity is only calculated based on two of the three pumps, even if all three pumps can run simultaneously, as is the case for Alpine. Two pumps at full capacity only yields 1,300 gpm. The current permitted peak flow is 3,083 gpm. Assuming a reduced average flow of 900,000 gpd the peak flow would still be 1,875 gpm. Figure 2 below shows the existing lift station.

Figure 2 : Existing WWTP Lift Station

3.0.2. Primary Treatment

Included in the primary treatment are the extended aeration channels. Extended aeration channels are used to aerate the wastewater reducing the biodegradable organic solids. The plant currently has two constructed aeration basins in a racetrack formation.

3.0.2.1. Decommissioned Oxidation Ditch

The first oxidation basin is currently decommissioned and is no longer within the permit. Figure 3 shows an image of the decommissioned oxidation ditch.

Figure 3 : Decommissioned Oxidation Ditch

3.0.2.2. Current Oxidation Ditch

The second oxidation ditch is estimated to be constructed in 1997 and is currently in operation with two 60 HP stationary aerators and one floating aerator. The floating aerator was added when one of the two fixed aerators failed. The oxidation ditch is designed to hold 740,000 gallons of wastewater and is in visibly good condition. A current project is underway to replace the two stationary aerators alleviating the need for additional floating aerator. The new aerators will be 60HP LSA aerators from Ovivo USA. These aerators will return the unit to its original design capacity.

Figure 217.154 (b)(2) of the TCEQ rules outline that an oxidation ditch volume must be designed to ensure that the organic loading not exceed 15 pounds per day of BOD per 1,000 cf of available volume. Using this criteria and the given volume of 740,000 gallons, the design loading of the oxidation ditch is 1,482 lb BOD/day. Assuming an influent BOD of 302 mg/L the existing oxidation ditch could accommodate a flow of 589,000 gpd. Oxidation ditches are regulated by TCEQ on the average day flow. The capacity of the oxidation ditch goes up as average influent BOD decreases. If a 250 mg/L BOD is assumed the corresponding capacity is 710,800 gpd. In some municipalities average influent BOD could be as low as 200 mg/L which would correspond to a capacity of 888,500 gpd. For the oxidation ditch to reach a capacity of 900,000 gpd the average influent BOD would have to be approximately 197 mg/L.

The oxidation ditch does not meet the current permitted average day flow of 1,480,000 gpd however additional, site specific influent BOD data would be needed to determine the actual capacity of the oxidation ditch.

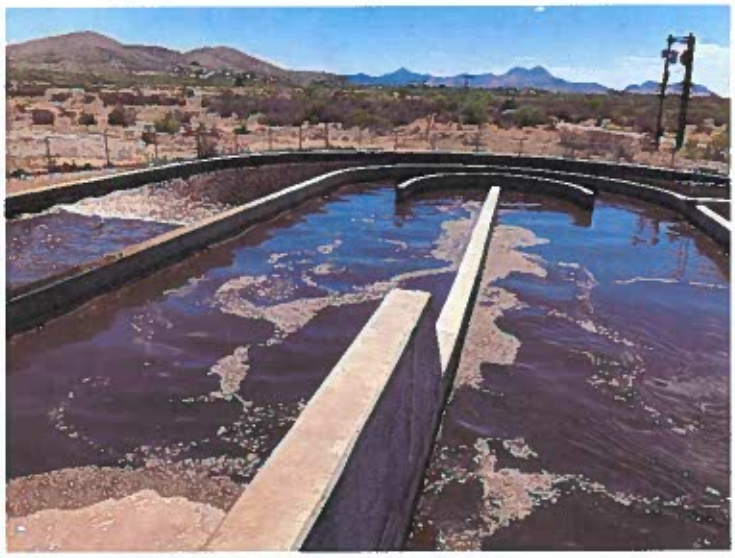


Figure 4 : New Oxidation Ditch

3.0.3. Secondary Treatment

3.0.3.1. Clarifiers

Secondary treatment units at the WWTP include the two secondary clarifiers. Secondary clarifiers are used to separate biological floc from the treated wastewater. Treated wastewater can then flow over weirs and onto tertiary treatment while the settled sludge can be collected and processed. Two secondary clarifiers are currently in operation at the WWTP. The first secondary clarifier was estimated to be installed in 1980 and the second - secondary clarifier was installed in 1997. Figure 5 shows the secondary clarifier that was installed in 1997. No rehabilitations have been documented for these units; however, both are functioning but in visually poor condition.

The City is working to locate the manufacturers operation and maintenance manuals for the two clarifiers so that the original design capacity can be determined. However, in absence of that information, TCEQ rules outline traditional design requirements for clarifiers. Section 217.154(c)(1) of the rules show maximum surface loading rate at two-hour peak flow and minimum detention times at peak flow. Actual as built information on these clarifiers was not available. From the information that was provided, it is estimated that both clarifiers have a diameter of 57 feet and side water depth of 10 feet with a center depth of 12.5 feet. This yields approximately 2,552 sf of surface area and 206,797 gallons of volume. The previously referenced TCEQ rule requires 1,200 gpd/sf of surface loading rate at peak flow. The rule also requires 1.8 hours of detention time at peak flow. Using the characteristics of one clarifier, capacity based on surface loading is estimated to be 2,127 gpm. Capacity based on detention time is estimated to be 1,915 gpm. This does not meet the current permitted peak flow requirement of 3,083 gpm but would meet the proposed peak flow requirement of 1,875 gpm which corresponds to the modified average day flow of 900,000 gpd.

Figure 5 : Secondary Clarifier (1997)

3.0.4. Tertiary Treatment

Tertiary treatment units at the WWTP include the two chlorine contact basins. The chlorine contact basins are used to allow chlorine gas to deactivate pathogenic organisms. Treated water flows over the weirs of the secondary clarifier and into a splitter box where the flow is then diverted equally into the two contact basins.

3.0.4.1. Chlorine Contact Basins

It is estimated that the basins were constructed in 1980 and 1997 respectively and have not been rehabilitated but are visually in good shape. According to City staff, a sloped floor was poured in both contact basins. Based on current depths provided by the City, the basins have a total volume of 51,932 gallons. At the current permitted peak flow of 3,083 gpm the current contact time is 16.84 minutes. Per TCEQ regulations outlined in 217.281 (b) of the TAC, contact time during the two-hour peak flow should be 20 minutes. Therefore, the chlorine contact basins at Alpine do not meet the currently permitted peak flow of 3,083 gpm however, a peak flow of up to 2,597 gpm is provided.

Figure 6 : Chlorine Contact Basin (1980)

3.0.4.2. Chemical Feed Systems

The City of Alpine currently utilizes chlorine gas to provide disinfection in the splitter box ahead of the chlorine contact basin. The current permit requires that the residual chlorine be no lower than 1 mg/L at the testing point prior to dechlorination. The City then utilizes sulfur dioxide to dechlorinate the effluent prior to discharge. The current permit requires that the residual chlorine be no higher than 0.1 mg/L prior to discharge. Evaluating the DMR's from 2015 to 2020 as well as the tabulated monthly results in Table 5 it can be seen that while the system is generally in compliance with disinfection guidelines it is common to have a residual substantially over the minimum required. There are also several exceedances of the monthly averages of the maximum chlorine residual after chlorination.

This data points to overfeeding of the manual chlorine feed systems. This is expected due to the fact that the operators must manually adjust each chemical to accommodate the varying flow seen each day. Even with diligent adjustments, this set up leads to overfeeding of chemicals which leads to higher chemical expenses and poor chlorination and dechlorination accuracy.

In 2021, the city used 6,865 lbs of Chlorine and 5,670 lbs of Sulfur Dioxide.

The City currently utilizes Regal smart valves as shown below to regulate chemical feed rates. These valves can accept a flow pacing signal from a flow meter at the head of the plant for flow pacing. The city has a flow meter installed after the bar screen. Further discussion is included in the proposed projects section on implementing flow pacing into this system. The City is currently working with their Regal vendor to implement these flow pacing improvements.

Figure 7 - Regal Smart Valves

3.0.5. Solids Handling

Solids handling units at the WWTP include a mobile solids dewatering belt press, two sludge pumps and six drying beds. The two sludge pumps convey activated sludge to either the dewatering units or back to the oxidation ditch to sustain the biological reactions in the basin. Sludge that is sent to the dewatering units is called waste activated sludge (WAS) while the sludge that is sent back to the oxidation ditch is called the return activated sludge (RAS). Once the waste activated sludge is sent to the belt press, the unit is able to use belts to squeeze the sludge reducing its water content before disposal. Waste activated sludge can also be sent to the drying beds for non mechanical dewatering.

Typical extended aeration plants with similar units produce approximately 1.95 lbs of sludge per 1000 gallons of raw influent per day. Based upon the 2020 average day flow of 0.5 MGD, the Alpine WWTP is estiamted to produce 975 lb /day or 178 tons of sludge each year. Table 7 below shows sludge processed through the plant from 2016 – 2020.

Table 7 : Historical Sludge Removal

Fiscal Year	Sludge Removed (tons)
2016-2017	512
2017-2018	426
2018-2019	133
2019-2020	31
2020-2021	59

Based on Table 5, the 5-year annual average of processed sludge is approximately 230 tons. The city has processed very small quantities of sludge over the past two years. According to city personnel this is due to the damaged sludge drying beds as well as the complicated and slow procedure of getting sludge from the belt press into roll off containers to be taken to the landfill. After sludge is processed through the belt press it is dumped into an abandoned drying bed. Afterwards it is then moved with a front end loader to a 20 CY roll off container prior to being taken to the landfill for final disposal.

3.0.5.1. Solids Handling Pumps

The solids handling pumps that control the amount of sludge either returned or wasted are Gorman-Rupp model (T6C60SC-B) sludge pumps. Figure 8 shows an image of the solids handling pumps. These pumps were manufactured in 2015 and are in good visual condition. Based on the pump tags and corospondence with the manufacture, we approximate the pump is at least supplying 500 gpm.

Based on TCEQ rules in section 217.244 (a) a sludge transfer pump must be sized based on the quantity and character of the solids load. Based on correspondence with plant operators the pumps can deliver an ample amount of waste activated sludge to the dewatering units.

Because the units are also responsible for RAS their capacity should be examined in that context as well. TCEQ rules in section 217.152 (j) outline return sludge pumping capacity. The rule dictates that the return sludge pumping capacity must be equal or greater than the clarifier underflow rate with the largest pump out of service. It is estimated from TCEQ rule section 217.164(2)(I) that the underflow rate should be approximately 250 gpd/sf with a corresponding surface loading rate of 1,200 gpd/sf and a MLSS of 2,000 mg/L. Based on the previously discussed surface area of one clarifier the required underflow rate would be 443 gpm. Therefore, the existing 500 gpm pumps are sufficient to meet the TCEQ requirements discussed.

Figure 8 : Sludge Handling Pumps

3.0.5.2. Belt Press

The second unit analyzed within solids handling is the mobile belt filter press. Figure 8 shows an image of the mobile belt filter press. A used belt filter press was purchased in 2016 after being reconditioned from MSD Environmental Services, Inc. The reconditioning included a new set of belt fabric, wash water booster pump, sludge feed pump and other appurtenances. The belt filter press is designed with a 0.8 meter belt width which is capable of removing approximately 500 lb/ hr based on correspondence with the manufacturer. From Table 7 and data from similar plants of type and size, it is anticipated the plant will produce approximately 230 tons of sludge per year. In order to achieve the adequate removal the plant will need to remove sludge at a rate of 4.42 tons / week. With each rolloff container holding 20 cubic yards or 13 tons of solids, the WWTP can expect to fill a roll off container in roughly 2.9 weeks.

Using the belt press manufacturer's sludge processing rate of 500lb/hour and an anticipated sludge production of 230 Tons or 460,000 lbs, the belt must run 920- hours per year or 17.6 hours per week. Assuming 18 hours per week, the plant operators must run the press approximately 3.6 hours per day 5 days per week to meet the estimated average year sludge production of 230 Tons.

Without an efficient sludge removal process, sludge can accumulate within the system and begin to reduce efficiency of the WWTP. Build up of solids throughout the plant can result in excess wear on equipment as well as violations when floating solids make their way to the chlorine contact basin.

Figure 9 : Mobile Belt Filter Press

3.0.5.3. Drying Beds

The last units within the solids handling are the sludge drying beds. Currently six drying bed structures are present at the WWTP, however only two are in working condition. Figure 9 shows the two operable sludge drying beds. All drying beds are in poor shape and need substantial work to restore to fully operable conditions. If all six drying beds were in operable condition, a total sludge capacity of 108,000 pounds or 54 tons per year of sludge can be held or processed. Based on a current approximate sludge production of 1,096 lb/day, the plant will only be able to dry 27% of the yearly sludge production. With only two drying beds operable, the plant will only be able to dry 36,000 pounds or approximately 9% of the yearly production. In order to accommodate the plant's production, a total of 23 drying beds sized in comparison with the existing beds, are needed to efficiently process the entire annual sludge production without utilizing a secondary sludge process.

Assuming all six drying beds were rehabilitated 54 Tons could be processed annually which would reduce the load on the belt press to an estimated 176 Tons assuming a 230 Ton year sludge processing rate. This would reduce weekly belt press operation to 13.5 hours which could be managed over 4 days of processing for 3.5 hours each day. Finally, it is estimated that approximately 18 roll offs per year will be utilized at 13 Tons each. Based on correspondence with the city, the cost per roll off to be taken to the landfill is $795.45. To process 230 Tons per year the costs would be approximately $14,318.00 in annual landfill cost.

Figure 10 : Sludge Drying Beds

4. ELECTRICAL EVALUATION

Currently, the electrical system is sufficiently operating the equipment at the WWTP. Therefore, it is anticipated that all systems are currently operating within the current electrical capacity. There are several items which can be evaluated to determine the overall state and health of the electrical system. These items include evaluating the grounding throughout the electrical systems, checking loose or over tightened connections and finally conducting an evaluation of increased resistance and heat within the system. The most efficient way to evaluate these items is to have a qualified electrical contractor conduct an onsite evaluation and provide feedback and recommendations. Each of these items is discussed in detail below.

4.0.1. Electrical Grounding

The National Electric Code (NFPA 70) requires that neutral and ground be bonded at the main service entrance. The ground bus and neutral bus in the main panel should be solidly tied together by a bonding cable. Bonding ground and neutral elsewhere in the system will create parallel ground paths, which is very dangerous. Earth Ground is required at Services for the Neutral to Grounding Bonding and low impedance (less than 25 ohms) ensures adequate current flow to allow overcurrent protection to operate. Overcurrent is used to protect personnel and equipment from over voltages, faults, and lightning. The electrical contractor should measure Earth Ground Ohms at all service equipment at this site and if greater than 25 Ohms, report the reading and propose enhancement recommendation to lower the Earth Ground Ohms to 25 Ohms or less.

4.0.2. Electrical Connections Verification

If not found, repaired or re-tightened, loose or over tightened connections can lead to faults. A loose or corroded connection overheats or even arcs, whereas over tightening can cause the bolt or screw to break conductor strands, cut the wire and damage the connection. In addition, a loose or dirty connection has increased resistance which results in higher power losses. By simply tightening and cleaning electrical connections, you can lower these energy costs. When considered over a period of time, these energy losses can be significant. The electrical contractor should check torque on all terminations and set torques to the equipment manufacturer's, wire manufacturers, or industry standard torques. The contractor should provide a report with findings and recommendations.

4.0.3. Evaluation of Increased Resistance and Heat Within Electrical System

Increased resistance and heat are the primary reasons most electrical components fail. Infrared cameras detect this heat. Infrared scanning is used to inspect electrical equipment because excess heat is usually the first sign of trouble. Infrared Safety Inspections of electrical equipment can identify excess heat on apparatus and detect electrical issues such as loose connections, faulty fuses, defective breakers, damaged switches, overloaded or imbalanced circuits. The electrical contractor should use Infrared Scanning to list these or any other

problematic electrical conditions. The electrical contractor should also include final images of all equipment in the final report for benchmarking.

5. PROPOSED WWTP IMPROVEMENTS

The City of Alpine is currently in need of multiple projects within the WWTP due to the aged equipment as well as the the need for optimization of current processes. The following subsections discuss proposed improvements and their costs. Finally, all projects are tabulated and a priority given to their implementation. An opinion of propable costs for all projects is included in Appendix C.

5.0.1. Headworks

5.0.1.1. Screening

The mechanical bar screen which is currently being installed is rated at 0.4 MGD. The current permitted peak flow of the plant is currently 3,083 gpm. Even at the reduced permitted peak flow of 2,079 gpm a large portion of flow would be directed through the unscreened overflow channel during peak events. At 0.4 MGD the screen which was purchased by the city and being installed in the current project is not adequate to carry peak flows. Therefore, it is recommended to install a peak flow bypass that could carry peak flows to a secondary manual bar screen . The figure shown below depicts the headworks channel with the anticipated automatic bar screen installed. An additional 2' wide, 5' deep concrete channel would be added with a manual bar screen. The bypass channel could be controlled with manual slide gates which would act as weirs, only allowing the flow to enter the bypass during a peak flow condition. These gates would be like the existing gates which are available to allow flow into the overflow channel.

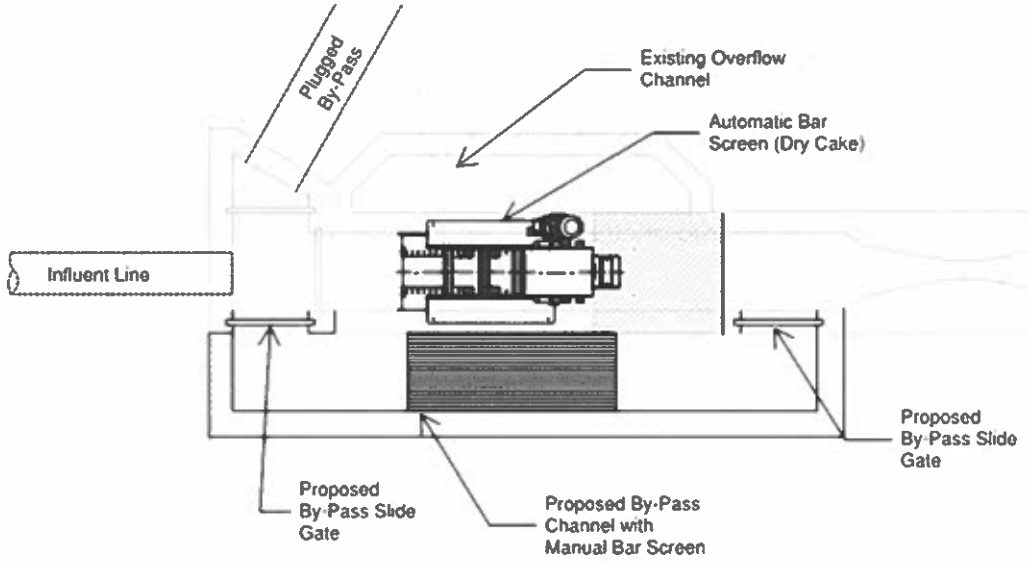


Figure 11 - Conceptual Manual Bar Screen Bypass Plan

5.0.1.2. Lift Station

As discussed previously, the lift station pumps are sized at 650 gpm and can only accommodate 1,300 gpm with two pumps running. The downstream piping consists of 10-inch cast iron and therefore can accommodate an increase in the flow rate with minimal impact on hydraulic head. Therefore, it is recommended to upgrade the lift station pumps such that two pumps can convey the permitted peak flow.

5.0.1.3. Grit Removal

The Alpine WWTP is one of the only sites in the area that accepts septic hauler waste. This service is very valuable to the area, but taking the waste is hard on the WWTP processes. One of the characteristics of septic waste that is detrimental to WWTPs is the grit that is contained in septic waste. This grit can come from numerous locations but most notably car wash grit traps or any such location where non organics are being discharged.

Excess grit can add to the overall solids load of the WWTP as well as damage pumps and mechanical equipment. Therefore, it is recommended to add a grit classifier unit between the lift station and the oxidation ditch. The grit classifier would remove inert material such as sand and gravel from the waste stream which may get through the bar screen. This process will help reduce the overall solids loading on the plant and protect plant equipment. Multiple equipment

representatives were contacted and the PISTA grit removal system by Smith and Loveless is proposed as an example of a grit removal system which could be utilized by the City. The PISTA system includes a concrete grit chamber unit which accepts the entire plant flow. Heavy inert particles fall into a lower level of the grit chamber and are then pumped to a grit classifier and washer. Effluent continues out of the grit chamber on to the splitter box and oxidation ditch. Excess water is recycled to the influent side of the grit chamber from the grit classifier. Grit waste is then disposed of similar to dried sludge. An example of the PISTA grit system is shown in the Figure below.

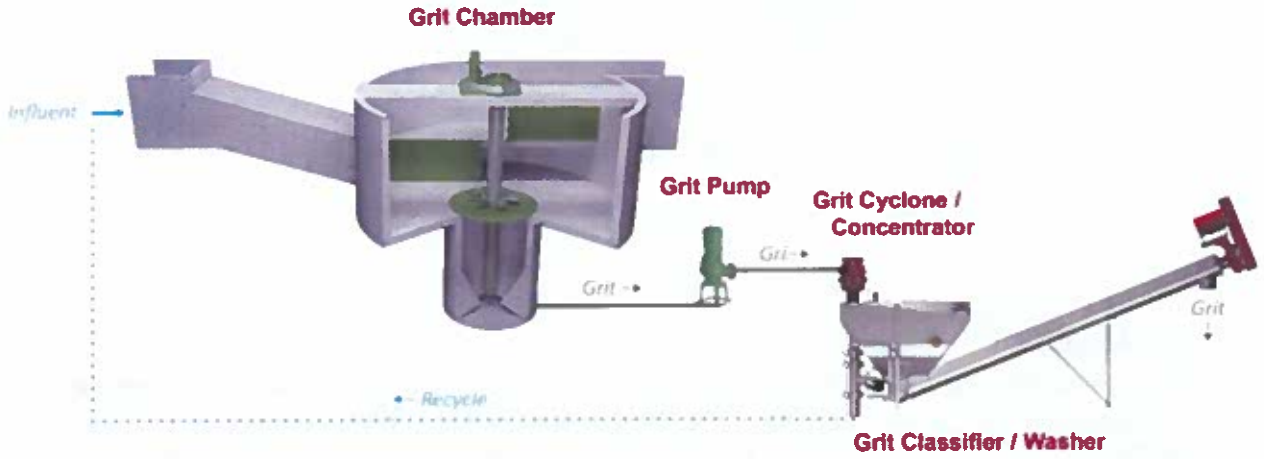


Figure 12 - PISTA Grit Removal System

5.0.2. Primary Treatment

5.0.2.1. Current Oxidation Ditch

Based on the above evaluation the existing oxidation ditch has a capacity of 589,000 gpd based on 302 mg/L of influent BOD; however, this does not meet the current permitted average day flow. As previously stated more influent data over an extended time is needed to determine the actual capacity of the oxidation ditch. It is anticipated that the current project will bring the system back up to its original design which will allow the system to continuing functioning adequately while additional data is collected.

5.0.3. Secondary Treatment

5.0.3.1. Clarifiers

Due to the age and mechanical wear of the clarifier units it is proposed that each clarifier be rehabilitated. This work would include removing the internal components and replacing with new equipment. It is also recommended to provide a new interior coating on the concrete walls of the existing structure to prolong the life of the concrete walls. While the clarifier capacity does not meet the current permitted peak day flow, based on the discussion in the evaluation the clarifier capacity should accommodate the future and modified peak flow.

5.0.4. Tertiary Treatment

5.0.4.1. Chlorine Contact Basins

No improvements are proposed at the chlorine contact basins.

5.0.4.2. Chemical Feed System

As previously discussed, implementing flow pacing into the chemical feed system will allow the system to automatically adjust the chemical feed rate based on an incoming feed signal. The City already has smart valves for Chlorine and Sulfur Dioxide capable of flow pacing. The City is currently in the process of working with their Regal vendor to implement these improvements with city staff.

5.0.5. Solids Handling

5.0.5.1. Belt Press

The current belt press has several deficiencies. First the press is 20 years old even with the 2016 refurbishment. After correspondence with the Bright Representatives that originally manufactured the press, it was discovered that this particular model is no longer being manufactured making service and replacement parts difficult.

Second, the 0.8 M belt has a processing rate of 500 lb/hour. It would be more efficient for plant operators if the belt press unit could produce a higher processing rate which would allow the operators to limit the amount of time for sludge processing and allow for more time to take care of other needs at the WWTP. Upgrading the belt press to a system that could process up to 850 lb/hour would allow the City to process 230 Tons per year over 541 hours. This would result in just over 10 hours each week. This would allow operators to address sludge processing 3 times per week for approximately 3 hours per day which is similar to other plants with belt press equipment.

Finally, the current belt press set up discharges processed sludge onto the ground. The processed sludge then has to be picked up with a front-end loader to be placed into a roll off

container provided by the landfill. The figure below shows a conceptual solids handling facility which is similar to other installations for cities of similar size. This conceptual plan consists of a covered building with a two-level floor. The belt press would operate at a higher level and process sludge onto a conveyor belt that would take processed sludge directly into a roll off container, trailer, or dump truck. The concept is to make the process as efficient as possible so that sludge could be processed at the rate needed to avoid solids overloading in the plant.

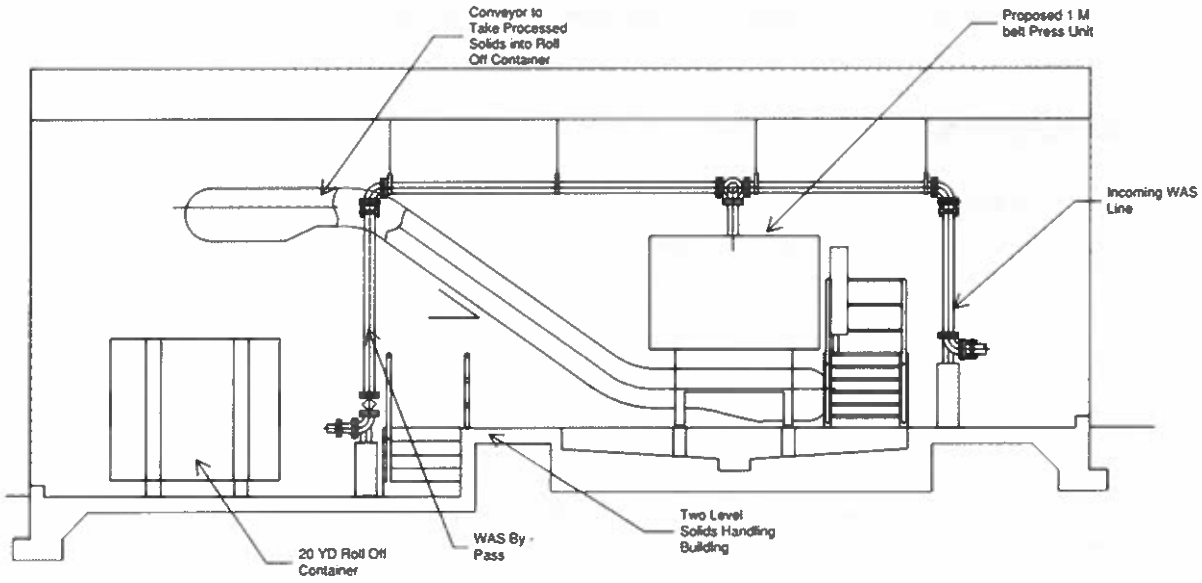


Figure 13 - Conceptual Solids Handling Plan Section

In order to begin addressing this need in the short term, the city is implementing multiple changes to the solids handling process. The city is hiring an additional WWTP employee to assist in solids handling operations. The city has worked with the waste disposal provider to have a second roll off container on site at all times as well as ensure regular pick up. A ramp is also being built under the belt so that sludge can be processed directly into the roll off container. Finally, the city will be covering the roll off containers to keep them from collecting rainwater before disposal.

5.0.5.2. Drying Beds

As previously discussed, there are only six drying beds currently at the Alpine WWTP. Of those six only two are currently operable. Based on correspondence with the city the piping in the four inoperable drying beds has been removed or damaged. TCEQ rules require that a WWTP which utilizes a belt press for sludge processing either have a redundant belt press or an alternate means of processing sludge.

It is recommended that all six drying beds be rehabilitated so the City can process 54 Ton of sludge per year as a backup to the belt press unit.

6. CONCLUSION

The WWTP at the City of Alpine is generally meeting permit requirements, however, many of the plant units are aged and in need of replacement. One of the most significant issues at the plant is the solids overloading which currently exists. This issue is caused by the limited ability of the City to process sludge efficiently; therefore, the solids handling projects including rehab of the drying beds and improvements to the belt press process are the highest priority.

Another significant item of discussion is the permitted flow. As discussed, reducing the permitted flow will allow the City to enjoy reduced regulation as well as more easily meet permitted capacity requirements with individual treatment units. Because of these benefits we recommend that the city pursue the reduction of the permitted flow. However, as discussed previously, additional investigation must be conducted into the abnormal flows in 2020 as part of this process.

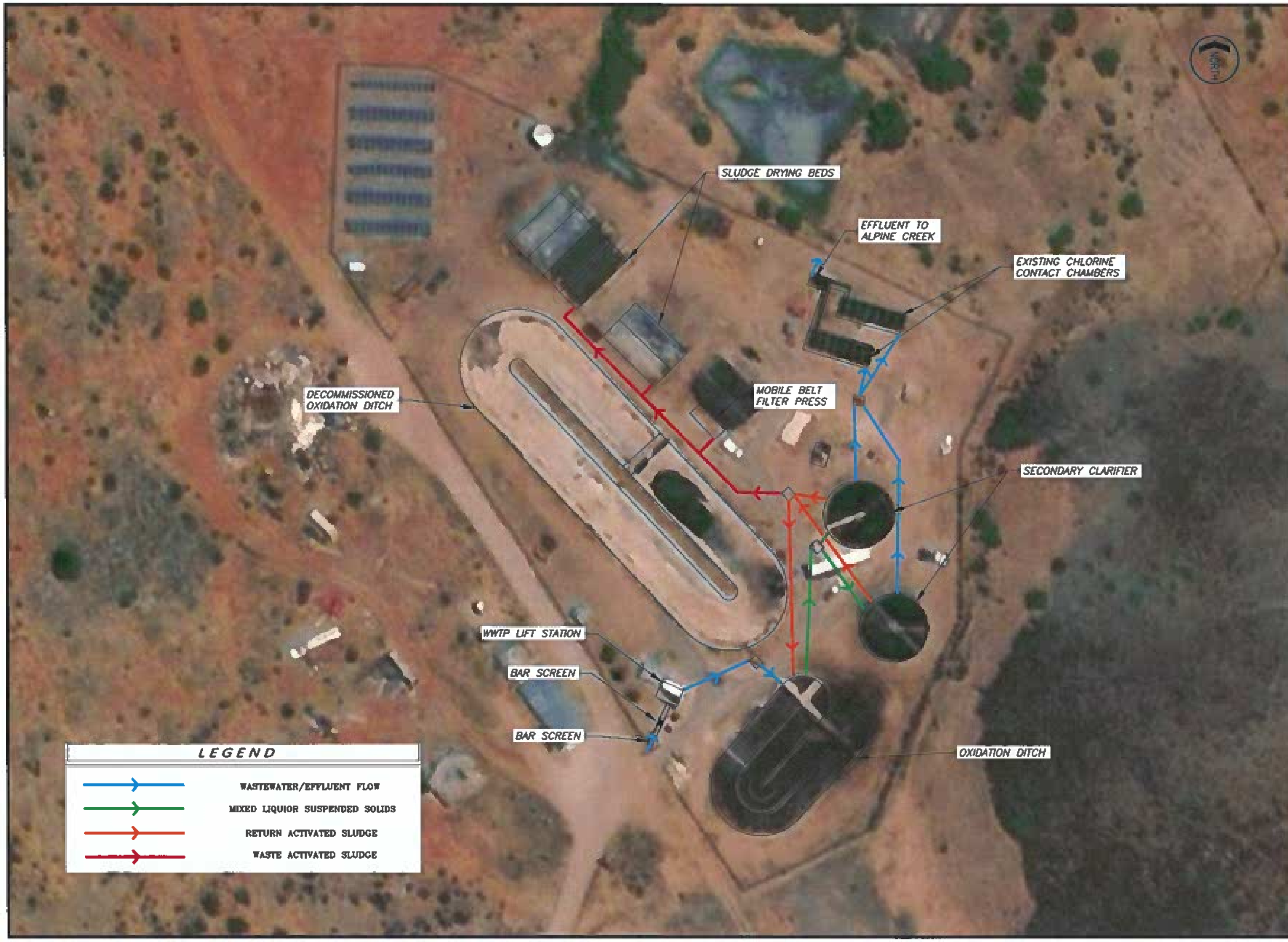
All projects have been listed in the table below along with their category and priority. Projects have been classified as High, Medium, and low. For City planning and capital improvements purposes the improvements included in Table 8 below could be implemented in the following phases: 1) High priority 0-5 years; Medium priority 5 to 10 years; and 3) Low priority 10 to 20 years. The City may also choose to fund the projects through federal and state funding opportunities provided by the Texas Water Development Board and the United States Department of Agriculture. Both federal entities offer low interest loans and are often able to subsidize a portion of the project costs with grants. These federal funding opportunities allow communities to expedite complete larger capital improvement projects when there is a need to do so. We appreciate the opportunity to provide this evaluation for the City of Alpine and look forward to assisting the City with implementation of these improvements.

Table 8 : Proposed Capital Improvements

Item	Classification	Description	Est. Const. Cost
		In Progress	
1	Tertiary Treatment	Flow Paced Injection of Cl2 and SO2	In House
2	Solids Handling	Operational Improvements of existing Belt Press	In House
		High Priority (0-2 Years)	
3	Regulatory	Permit Amendment	$30,000
4	Solids Handling	Reconstruct All 6 existing drying beds and piping	$250,000.00
5	Electrical Survey	Conduct described electrical survey	$15,000.00
6	Headworks	Upgrade Lift Station Pumps	$256,250.00
7	Headworks	Install new bypass with manual bar screen	$65,000.00
8	Headworks	Install grit removal system	$437,500.00
9	Secondary Treatment	Replace internal components, bridge and weirs on Clarifier #1	$900,000.00
10	Headworks	Conduct Topographical Survey for overflow pipe	$8,500
11	Secondary Treatment	Replace internal components, bridge, and weirs on Clarifier #2	$900,000.00
		Medium Priority (2-4 Years)	
12	Solids Handling	Provide New Belt Press Facility	$812,500.00

See the Opinion of Probable Costs in the appendix for non-construction costs.

Appendix A: Existing Site Plan



THIS DOCUMENT IS RELEASED FOR REVIEW ONLY UNDER THE AUTHORIZATION OF JAMES A. PHILLIPS, P.E. #105116 AND IS NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMITTING PURPOSES

JACOB MARTIN

CITY OF ALPINE

WWTP EVALUATION

EXISTING SITE PLAN

PROJECT # 20187

DESIGNED AP

DRAWN JB

CHECKED AP

BAR IS ONE INCH IN LENGTH ON ORIGINAL DRAWING. CHECK SCALE & ADJUST ACCORDINGLY.

SHEET 1.0

SEQ. 1 OF 1

Appendix B: Proposed Site Plan

CITY OF ALPINE

WWTP EVALUATION

PROPOSED SITE PLAN

JACOB MARTIN

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY UNDER THE AUTHORIZATION OF JARED A. PHILLIPS, P.E. #105178 AND IS NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMITTING PURPOSES.

Appendix C: Opinion of Probable Cost

CITY OF ALPINE					
WWTP EVALUATION - PROPOSED IMPROVEMENTS					
OPINION OF PROPABLE COSTS					
Item	**Description**	**Qty**	**Unit**	**Unit Price**	**Ext Amount**
1	Bar Screen - Manual Screen	1	LS	$20,500.00	$20,500.00
2	Bar Screen - Concrete	5	CY	$3,500.00	$17,500.00
3	Bar Screen - Slide Gates	2	EA	$6,000.00	$12,000.00
4	Lift Station - New Control Panel	1	LS	$106,250.00	$106,250.00
5	Lift Station - Startup Assistance	1	LS	$18,750.00	$18,750.00
6	Lift Station - New Pumps	3	EA	$43,750.00	$131,250.00
7	Grit Removal - Equipment	1	LS	$287,500.00	$287,500.00
8	Grit Removal - Piping and Connections	1	LS	$75,000.00	$75,000.00
9	Grit Removal - Electrical	1	LS	$75,000.00	$75,000.00
10	Secondary Treatment - Clarifier #1	1	LS	$900,000.00	$900,000.00
11	Secondary Treatment - Clarifier #2	1	LS	$900,000.00	$900,000.00
12	Tertiary Treatment - Flow Pacing	1	LS	$25,000.00	$25,000.00
13	Solids Handling Building (34 x 50)	1	LS	$250,000.00	$250,000.00
14	Solids Handling - New Belt Press	1	LS	$437,500.00	$437,500.00
15	Solids Handling - Piping and Connections	1	LS	$75,000.00	$75,000.00
16	Solids Handling - Electrical	1	LS	$50,000.00	$50,000.00
17	Solids Handling - Rehabilitate Drying Beds	1	LS	$250,000.00	$250,000.00
18	Electrical Evaluation	1	LS	$15,000.00	$15,000.00
	Construction Contingencies				$617,050.00
	Solids Handling Total				$4,263,300.00
	Surveying				$15,000.00
	Permitting (Major Permit Amendment)				$30,000.00
	Engineering				$291,700.00
	Total Project Costs				**$4,600,000.00**

Appendix D: 2015 – 2020 Effluent BOD Analysis

	2015		2016		2017		2018		2019		2020		2021	
	Max Day BOD	Days over 45 mg/L	Max Day BOD	Days over 45 mg/L	Max Day BOD	Days over 45 mg/L	Max Day BOD	Days over 45 mg/L	Max Day BOD	Days over 45 mg/L	Max Day BOD	Days over 45 mg/L	Max Day BOD	Days over 45 mg/L
Jan	12	0	36	0	46	1	10.5	0	9.64	0	5.88	0	2.49	0
Feb	7	0	12	0	7	0	8.91	0	5.75	0	185	2	3.02	0
March	6	0	16	0	8	0	6.78	0	5.36	0	8	0	7.2	0
April	8	0	15	0	66	2	5.97	0	3.41	0	3.58	0	15.7	0
May	16	0	25	0	27	0	7.33	0	4.77	0	4.42	0	19.9	0
June	8	0	14	0	40	0	6.43	0	5.22	0	4.27	0	10	0
July	4	0	27	0	130	4	3.53	0	3.09	0	3.72	0	6.51	0
August	7	0	84	2	4.9	0	-	-	5.84	0	2.67	0	6.2	0
Sept	138	1	15	0	10.7	0	-	-	5.24	0	3.09	0	8.14	0
Oct	162	2	17	0	3.89	0	-	-	8	0	3.91	0	7.79	0
Nov	25	0	7	0	13.1	0	-	-	38	0	2.66	0	9.56	0
Dec	37	0	10	0	9.19	0	-	-	9	0	5.12	0	7.19	0

Permit Limits for BOD are as follows

Daily average	7 Day average	Daily Max	Single Grab
20	30	45	65

Appendix E: WWTP Permit

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 1, 2021

Mr. Scott Perry, Director of Public Utilities
City of Alpine
100 North 13th Street
Alpine, Texas 79830

Re: City of Alpine, TPDES Permit No. WQ0014349001
(CN600624290; RN103114690)

Dear Mr. Perry:

Enclosed is a copy of the above referenced water quality permit issued on behalf of the Executive Director pursuant to Chapter 26 of the Texas Water Code.

Self-reporting or Discharge Monitoring Forms and instructions will be forwarded to you from the Water Quality Management Information Systems Team so that you may comply with monitoring requirements. For existing facilities, revised forms will be forwarded if monitoring requirements have changed.

Enclosed is a "Notification of Completion of Wastewater Treatment Facilities" form. Use this form (if needed) when the facility begins to operate or goes into a new phase. The form notifies the agency when the proposed facility is completed or when it is placed in operation. This notification complies with the special provision incorporated into the permit, as applicable.

Should you have any questions, please contact Ms. Sonia Bhuiya of the Texas Commission on Environmental Quality's (TCEQ) Wastewater Permitting Section at (512) 239-4671 or if by correspondence, include (MC-148) in the letterhead address below.

Sincerely,

Robert Sadlier, Deputy Director
Water Quality Division

RS/SB/af

cc: Mr. Blake Steen, Environmental Coordinator, Jacob Martin, LLC, 3465 Curry Lane
Abilene, Texas 79606

TPDES PERMIT NO.
WQ0014349001
[For TCEQ office use only - EPA I.D. No. TX0022985]

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

This is a renewal that replaces TPDES Permit No. WQ0014349001 issued on February 8, 2016.

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

City of Alpine

whose mailing address is

100 North 13th Street
Alpine, Texas 79830

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

located approximately 1.75 miles north and 1.5 miles east of the intersection of East Hendryx Drive and the Fort Davis Highway in Brewster County, Texas 79830

to an unnamed tributary, thence to Alpine Creek, thence to Musquiz Creek, thence to Coyanosa Draw, thence to Hackberry Draw, thence to the Upper Pecos River in Segment No. 2311 of the Rio Grande Basin

only according to effluent limitations, monitoring requirements, and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, **three years from the date of issuance**.

ISSUED DATE:

June 25, 2021

For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

   The annual average flow of effluent shall not exceed 1.48 million gallons per day (MGD), nor shall the average discharge during any two-hour period (2-hour peak) exceed 3,083 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Daily Max.	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Biochemical Oxygen Demand (5-day)	20 (247)	30	45	65	Two/week	Composite
Total Suspended Solids	20 (247)	30	45	65	Two/week	Composite
E. coli, colony-forming units or most probable number per 100 ml	126	N/A	399	N/A	One/week	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored twice per week by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

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. The term "biosolids" is defined as sewage sludge that has been tested or processed to meet Class A, Class AB, or Class B pathogen standards in 30 TAC Chapter 312 for beneficial use.

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

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, effluent monitoring data shall be submitted each month, to the Compliance Monitoring Team of the Enforcement Division (MC 224), by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be submitted online using the NetDMR reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. Monitoring results must be signed and certified as required by Monitoring and Reporting Requirements No. 10.

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

2. Test Procedures

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

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

3. Records of Results

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

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

c. Records of monitoring activities shall include the following:

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

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

iii. date and time of analysis;

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

v. the technique or method of analysis; and

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

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

4. Additional Monitoring by Permittee

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

5. Calibration of Instruments

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

6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date to the Regional Office and the Compliance

Monitoring Team of the Enforcement Division (MC 224).

7. Noncompliance Notification

   a. In accordance with 30 TAC § 305.125(9) any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Except as allowed by 30 TAC § 305.132, report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Compliance Monitoring Team of the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. For Publicly Owned Treatment Works (POTWs), effective December 21, 2023, the permittee must submit the written report for unauthorized discharges and unanticipated bypasses that exceed any effluent limit in the permit using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

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

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

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

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

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

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

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

9. Changes in Discharges of Toxic Substances

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

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

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

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

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

   iv. The level established by the TCEQ.

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

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

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

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

   iv. The level established by the TCEQ.

10. Signatories to Reports

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

11. All POTWs must provide adequate notice to the Executive Director of the following:

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

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

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

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

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

PERMIT CONDITIONS

1. General

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

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

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

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

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

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

2. Compliance

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

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

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

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

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

   f. A permit may be amended, suspended and reissued, or revoked for cause in accordance

with 30 TAC §§ 305.62 and 305.66 and TWC§ 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

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

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

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

3. Inspections and Entry

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

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

4. Permit Amendment and/or Renewal

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

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

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

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

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

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

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

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

f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA § 307(a) for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA § 307(a) for toxic pollutants within the time provided in the

regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

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

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

6. Relationship to Hazardous Waste Activities

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

7. Relationship to Water Rights

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

8. Property Rights

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

9. Permit Enforceability

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

10. Relationship to Permit Application

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

11. Notice of Bankruptcy

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

       i. the permittee;

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

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

b. This notification must indicate:

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

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

iv. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

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

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

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

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

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

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

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

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

7. Documentation

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

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

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

      If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 219) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

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

   c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and

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

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

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

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

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

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

    c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Corrective Action Section (MC 221) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

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

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

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

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

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

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

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SLUDGE PROVISIONS

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

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

A. General Requirements

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

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

3. The land application of processed or unprocessed chemical toilet waste, grease trap waste, grit trap waste, milk solids, or similar non-hazardous municipal or industrial solid wastes, or any of the wastes listed in this provision combined with biosolids, WTP residuals or domestic septage is prohibited unless the grease trap waste is added at a fats, oil and grease (FOG) receiving facility as part of an anaerobic digestion process.

B. Testing Requirements

1. Sewage sludge or biosolids shall be tested annually; in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method that receives the prior approval of the TCEQ for the contaminants listed in 40 CFR Part 261.24, Table 1. Sewage sludge or biosolids failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge or biosolids at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge or biosolids no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Registration Support Division and the Regional Director (MC Region 6) within seven (7) days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Permitting and Registration Support Division (MC 129), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 6) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year. Effective December 21, 2020, the permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

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

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 must be treated by one of the following methods to ensure that the sludge meets either the Class A, Class AB or Class B biosolids pathogen requirements.

a. For sewage sludge to be classified as Class A biosolids with respect to pathogens, the density of fecal coliform in the sewage sludge must be less than 1,000 most probable number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge must be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. In addition, one of the alternatives listed below must be met:

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

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

Alternative 6 (PFRP Equivalent) - Sewage sludge that is used or disposed of must be treated in a process that has been approved by the U. S. Environmental Protection Agency as being equivalent to those in Alternative 5.

b. For sewage sludge to be classified as Class AB biosolids with respect to pathogens, the density of fecal coliform in the sewage sludge must be less than 1,000 MPN per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. In addition, one of the alternatives listed below must be met:

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

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

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

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

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

c. Sewage sludge that meets the requirements of Class AB biosolids may be classified a Class A biosolids if a variance request is submitted in writing that is supported by substantial documentation demonstrating equivalent methods for reducing odors and written approval is granted by the executive director. The executive director may deny the variance request or revoke that approved variance if it is determined that the variance may potentially endanger human health or the environment, or create nuisance odor conditions.

d. Three alternatives are available to demonstrate compliance with Class B biosolids

criteria.

Alternative 1

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

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

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

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

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

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

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

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

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

i. Prior to use or disposal, all the sewage sludge must have been generated from a

single location, except as provided in paragraph v. below;

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

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

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

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

In addition to the Alternatives 1 – 3, the following site restrictions must be met if Class B biosolids are land applied:

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

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

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

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

v. Domestic livestock shall not be allowed to graze on the land for 30 days after application of biosolids.

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

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

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

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

4. Vector Attraction Reduction Requirements

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

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. Biosolids shall be injected below the surface of the land.

ii. No significant amount of the biosolids shall be present on the land surface within one hour after the biosolids are injected.

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

Alternative 10-

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

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

C. Monitoring Requirements

Toxicity Characteristic Leaching Procedure (TCLP) Test	- annually;
PCBs	- annually;

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

Amount of biosolids (*) 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 biosolids applied to the land (dry wt. basis).*

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

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

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

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

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

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

A. Pollutant Limits

Table 2

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, Class AB or Class B biosolids pathogen reduction requirements as defined above in Section I.B.3.

C. Management Practices

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

2. Bulk biosolids not meeting Class A requirements shall be land applied in a manner which complies with Applicability in accordance with 30 TAC §312.41 and the Management Requirements in accordance with 30 TAC § 312.44.

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

4. An information sheet shall be provided to the person who receives bulk Class A or AB biosolids sold or given away. The information sheet shall contain the following information:

   a. The name and address of the person who prepared the Class A or AB biosolids that are sold or given away in a bag or other container for application to the land.

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

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

D. Notification Requirements

1. If bulk 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 biosolids are proposed to be applied. The notice shall include:

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

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

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

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

E. Record keeping Requirements

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

period of five years. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply.

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

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

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

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

5. The following certification statement:

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

6. The recommended agronomic loading rate from the references listed in Section II.C.3. above, as well as the actual agronomic loading rate shall be retained. The person who applies bulk biosolids shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative 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 biosolids are applied.

   c. The number of acres in each site on which bulk biosolids are applied.

   d. The date and time biosolids are applied to each site.

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

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

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

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 6) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year the following information. Effective December 21, 2020, the permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

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

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

3. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.

4. The frequency of monitoring listed in Section I.C. that applies to the permittee.

5. Toxicity Characteristic Leaching Procedure (TCLP) results.

6. PCB concentration in sludge or biosolids in mg/kg.

7. Identity of hauler(s) and TCEQ transporter number.

8. Date(s) of transport.

9. Texas Commission on Environmental Quality registration number, if applicable.

10. Amount of sludge or biosolids disposal dry weight (lbs/acre) at each disposal site.

11. The concentration (mg/kg) in the sludge of each pollutant listed in Table 1 (defined as a monthly average) as well as the applicable pollutant concentration criteria (mg/kg) listed in Table 3 above, or the applicable pollutant loading rate limit (lbs/acre) listed in Table 2 above if it exceeds 90% of the limit.

12. Level of pathogen reduction achieved (Class A, Class AB or Class B).

13. Alternative used as listed in Section I.B.3.(a. or b.). Alternatives describe how the pathogen reduction requirements are met. If Class B biosolids, include information on how site restrictions were met.

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

15. Vector attraction reduction alternative used as listed in Section I.B.4.

16. Amount of sludge or biosolids transported in dry tons/year.

17. The certification statement listed in either 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii) as applicable to the permittee's sludge or biosolids treatment activities, shall be attached to the annual reporting form.

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

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

    b. The number of acres in each site on which bulk biosolids are applied.

    c. The date and time bulk biosolids are applied to each site.

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

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

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

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

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

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

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

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

Following failure of any TCLP test, the management or disposal of sewage sludge or biosolids at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge or biosolids no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Registration Support Division and the Regional Director (MC Region 6) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Permitting and Registration Support Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 6) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

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

F. Record keeping Requirements

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

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

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

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

G. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 6) and Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year the following information. Effective December 21, 2020, the permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

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

2. Toxicity Characteristic Leaching Procedure (TCLP) results.

3. Annual sludge or biosolids production in dry tons/year.

4. Amount of sludge or biosolids disposed in a municipal solid waste landfill in dry tons/year.

5. Amount of sludge or biosolids transported interstate in dry tons/year.

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

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

8. Owner of disposal site(s).

9. Location of disposal site(s).

10. Date(s) of disposal.

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

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

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

A. General Requirements

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

2. Sludge or biosolids may only be transported using a registered transporter or using an approved pipeline.

B. Record Keeping Requirements

1. For sludge transported by an approved pipeline, the permittee must maintain records of the following:

   a. the amount of sludge or biosolids transported;

   b. the date of transport;

   c. the name and TCEQ permit number of the receiving facility or facilities;

   d. the location of the receiving facility or facilities;

   e. the name and TCEQ permit number of the facility that generated the waste; and

   f. copy of the written agreement between the permittee and the receiving facility to accept sludge or biosolids.

2. For sludge or biosolids transported by a registered transporter, the permittee must maintain records of the completed trip tickets in accordance with 30 TAC § 312.145(a)(1)-(7) and amount of sludge or biosolids transported.

3. The above records shall be maintained on-site on a monthly basis and shall be made available to the TCEQ upon request. These records shall be retained for at least five years.

C. Reporting Requirements

The permittee shall report the following information annually to the TCEQ Regional Office (MC Region 6) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year. Effective December 21, 2020, the permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

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

OTHER REQUIREMENTS

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

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

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

3. There is no mixing zone established for this discharge to an intermittent stream. Acute toxic criteria apply at the point of discharge.

4. The permittee has submitted sufficient evidence of legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the permittee according to 30 TAC § 309.13(e)(3). The evidence of legal restrictions shall be submitted to the Executive Director in care of the TCEQ Wastewater Permitting Section (MC 148). The permittee shall comply with the requirements of 30 TAC § 309.13(a) through (d). (See Attachment A.)

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

6. In accordance with 30 TAC § 319.9, a permittee that has at least twelve months of uninterrupted compliance with its bacteria limit may notify the commission in writing of its compliance and request a less frequent measurement schedule. To request a less frequent schedule, the permittee shall submit a written request to the TCEQ Wastewater Permitting Section (MC 148) for each phase that includes a different monitoring frequency. The request must contain all of the reported bacteria values (Daily Avg. and Daily Max/Single Grab) for the twelve consecutive months immediately prior to the request. If the Executive Director finds that a less frequent measurement schedule is protective of human health and the environment, the permittee may be given a less frequent measurement schedule. For this permit, 1/week may be reduced to 2/month. **A violation of any bacteria limit by a facility that has been granted a less frequent measurement schedule will require the permittee to return to the standard frequency schedule and submit written notice to the TCEQ Wastewater Permitting Section (MC 148).** The permittee may not apply for another reduction in measurement frequency for at least 24 months from the date of the last violation. The Executive Director may establish a more frequent measurement schedule if necessary, to protect human health or the environment.

CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS

1. The following pollutants may not be introduced into the treatment facility:

   a. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, waste streams with a closed-cup flash point of less than 140° Fahrenheit (60° Celsius) using the test methods specified in 40 CFR § 261.21;

   b. Pollutants which will cause corrosive structural damage to the POTW, but in no case shall there be discharges with a pH lower than 5.0 standard units, unless the works are specifically designed to accommodate such discharges;

   c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference;

   d. Any pollutant, including oxygen-demanding pollutants (e.g., biochemical oxygen demand), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;

   e. Heat in amounts which will inhibit biological activity in the POTW, resulting in Interference, but in no case shall there be heat in such quantities that the temperature at the POTW treatment plant exceeds 104° Fahrenheit (40° Celsius) unless the Executive Director, upon request of the POTW, approves alternate temperature limits;

   f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;

   g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and

   h. Any trucked or hauled pollutants except at discharge points designated by the POTW.

2. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Clean Water Act, including any requirements established under 40 CFR Part 403 [*rev. Federal Register/ Vol. 70/ No. 198/ Friday, October 14, 2005/ Rules and Regulations, pages 60134-60798*].

3. The permittee shall provide adequate notification to the Executive Director, care of the Wastewater Permitting Section (MC 148) of the Water Quality Division, within 30 days subsequent to the permittee's knowledge of either of the following:

   a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 and 306 of the Clean Water Act if it were directly discharging those pollutants; and

   b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.

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

Revised July 2007

BIOMONITORING REQUIREMENTS

48-HOUR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

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

1. Scope, Frequency, and Methodology

   a. The permittee shall test the effluent for toxicity in accordance with the provisions below. Such testing will determine if an appropriately dilute effluent sample adversely affects the survival of the test organisms.

   b. The permittee shall conduct the following toxicity tests using the test organisms, procedures, and quality assurance requirements specified in this part of this permit and in accordance with "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms," fifth edition (EPA-821-R-02-012) or its most recent update:

      1) Acute static renewal 48-hour definitive toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*). A minimum of five replicates with eight organisms per replicate shall be used in the control and in each dilution. This test shall be conducted once per quarter.

      2) Acute static renewal 48-hour definitive toxicity test using the fathead minnow (*Pimephales promelas*). A minimum of five replicates with eight organisms per replicate shall be used in the control and in each dilution. This test shall be conducted once per quarter.

      The permittee must perform and submit a valid test for each test species during the required reporting period for that species. A minimum of five replicates with eight organisms per replicate shall be used in the control and each dilution. A repeat test shall include the control and all effluent dilutions and use the appropriate number of organisms and replicates, as specified above. An invalid test is defined as any test failing to satisfy the test acceptability criteria, procedures, and quality assurance requirements specified in the test methods and permit.

   c. The permittee shall use five effluent dilution concentrations and a control in each toxicity test. These effluent dilution concentrations are 32%, 42%, 56%, 75%, and 100% effluent. The critical dilution, defined as 100% effluent, is the effluent concentration representative of the proportion of effluent in the receiving water during critical low flow or critical mixing conditions.

   d. This permit may be amended to require a WET limit, a chemical-specific limit, a best management practice, or other appropriate actions to address toxicity. The permittee may be required to conduct a toxicity reduction evaluation (TRE) after multiple toxic events.

   e. Should a water flea test fail (i.e., demonstrate significant lethality), the testing frequency increases to monthly until three consecutive tests pass (i.e., do not demonstrate significant lethality), at which time the testing frequency of once per

quarter resumes. If three or more failures are demonstrated during the permit term, a WET limit will be included in the subsequently reissued permit. Any two lethal failures in a three-month period will require the permittee to initiate a TRE (see Part 5. Toxicity Reduction Evaluation).

f. Testing Frequency Reduction

1) If none of the first four consecutive quarterly fathead minnow tests demonstrates significant lethality, the permittee may submit this information in writing and, upon approval, reduce the testing frequency to once per year.

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

2. Required Toxicity Testing Conditions

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

1) a control mean survival of 90% or greater; and

2) a coefficient of variation percent (CV%) of 40 or less for both the control and critical dilution. However, if significant lethality is demonstrated, a CV% greater than 40 shall not invalidate the test. The CV% requirement does not apply when significant lethality occurs.

b. Statistical Interpretation

1) For the water flea and fathead minnow tests, the statistical analyses used to determine if there is a significant difference between the control and an effluent dilution shall be in accordance with the manual referenced in Part 1.b.

2) The permittee is responsible for reviewing test concentration-response relationships to ensure that calculated test results are interpreted and reported correctly. The document entitled "Method Guidance and Recommendation for Whole Effluent Toxicity (WET) Testing (40 CFR Part 136)" (EPA 821-B-00-004) provides guidance on determining the validity of test results.

3) If significant lethality is demonstrated (that is, there is a statistically significant difference in survival at the critical dilution when compared to the survival in the control), the conditions of test acceptability are met, and the survival of the test organisms are equal to or greater than 90% in the critical dilution and all dilutions below that, then the permittee shall

report a survival No Observed Effect Concentration (NOEC) of not less than the critical dilution for the reporting requirements.

4) The NOEC is defined as the greatest effluent dilution at which no significant lethality is demonstrated. The Lowest Observed Effect Concentration (LOEC) is defined as the lowest effluent dilution at which significant lethality is demonstrated. Significant lethality is defined as a statistically significant difference the survival of the test organism in a specified effluent dilution when compared to the survival of the test organism in the control.

5) The use of NOECs and LOECs assumes either a monotonic (continuous) concentration-response relationship or a threshold model of the concentration-response relationship. For any test result that demonstrates a non-monotonic (non-continuous) response, the NOEC should be determined based on the guidance manual referenced in Item 2.

6) Pursuant to the responsibility assigned to the permittee in Part 2.b.2), test results that demonstrate a non-monotonic (non-continuous) concentration-response relationship may be submitted, prior to the due date, for technical review. The guidance manual referenced in Item 2 will be used when making a determination of test acceptability.

7) TCEQ staff will review test results for consistency with rules, procedures, and permit requirements.

c. Dilution Water

1) Dilution water used in the toxicity tests must be the receiving water collected at a point upstream of the discharge point as close as possible to the discharge point but unaffected by the discharge. Where the toxicity tests are conducted on effluent discharges to receiving waters that are classified as intermittent streams, or where the toxicity tests are conducted on effluent discharges where no receiving water is available due to zero flow conditions, the permittee shall:

a) substitute a synthetic dilution water that has a pH, hardness, and alkalinity similar to that of the closest downstream perennial water unaffected by the discharge; or

b) use the closest downstream perennial water unaffected by the discharge.

2) Where the receiving water proves unsatisfactory as a result of preexisting instream toxicity (i.e. fails to fulfill the test acceptance criteria Part 2.a.), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

a) a synthetic lab water control was performed (in addition to the

receiving water control) which fulfilled the test acceptance requirements of Part 2.a;

b) the test indicating receiving water toxicity was carried out to completion; and

c) the permittee submitted all test results indicating receiving water toxicity with the reports and information required in Part 3.

3) The synthetic dilution water shall consist of standard, moderately hard, reconstituted water. Upon approval, the permittee may substitute other appropriate dilution water with chemical and physical characteristics similar to that of the receiving water.

d. Samples and Composites

1) The permittee shall collect a minimum of two composite samples from Outfall 001. The second composite sample will be used for the renewal of the dilution concentrations for each toxicity test.

2) The permittee shall collect the composite samples such that the samples are representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance being discharged on an intermittent basis.

3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the first composite sample. The holding time for the subsequent composite sample shall not exceed 72 hours. Samples shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.

4) If Outfall 001 ceases discharging during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions, and the sample holding time are waived during that sampling period. However, the permittee must have collected an effluent composite sample volume sufficient to complete the required toxicity tests with renewal of the effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report.

5) The effluent sample shall not be dechlorinated after sample collection.

3. Reporting

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

a. The permittee shall prepare a full report of the results of all tests conducted in

accordance with the manual referenced in Part 1.b for every valid and invalid toxicity test initiated, whether carried to completion or not.

b. The permittee shall routinely report the results of each biomonitoring test on the Table 1 forms provided with this permit.

1) Annual biomonitoring test results are due on or before January 20th for biomonitoring conducted during the previous 12-month period.

2) Semiannual biomonitoring test results are due on or before July 20th and January 20th for biomonitoring conducted during the previous 6-month period.

3) Quarterly biomonitoring test results are due on or before April 20th, July 20th, October 20th, and January 20th for biomonitoring conducted during the previous calendar quarter.

4) Monthly biomonitoring test results are due on or before the 20th day of the month following sampling.

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

1) For the water flea, Parameter TEM3D, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

2) For the water flea, Parameter TOM3D, report the NOEC for survival.

3) For the water flea, Parameter TXM3D, report the LOEC for survival.

4) For the fathead minnow, Parameter TEM6C, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

5) For the fathead minnow, Parameter TOM6C, report the NOEC for survival.

6) For the fathead minnow, Parameter TXM6C, report the LOEC for survival.

d. Enter the following codes for fathead minnow retests only:

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

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

4. Persistent Toxicity

The requirements of this part apply only to the fathead minnow and only when a toxicity test demonstrates significant lethality. Significant lethality was defined in Part 2.b.

a. The permittee shall conduct a total of 2 additional tests (retests) for any test that demonstrates significant lethality. The two retests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two retests in lieu of routine toxicity testing. All reports shall be submitted within 20 days of test completion. Test completion is defined as the last day of the test.

b. If one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5.

c. The provisions of Part 4.a. are suspended upon completion of the two retests and submittal of the TRE action plan and schedule defined in Part 5.

5. Toxicity Reduction Evaluation

a. Within 45 days of the retest that demonstrates significant lethality, the permittee shall submit a general outline for initiating a TRE. The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.

b. Within 90 days of the retest that demonstrates significant lethality, the permittee shall submit a TRE action plan and schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical analyses to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE action plan shall describe an approach for the reduction or elimination of lethality for both test species defined in Part 1.b. At a minimum, the TRE action plan shall include the following:

1) Specific Activities - The TRE action plan shall specify the approach the permittee intends to utilize in conducting the TRE, including toxicity characterizations, identifications, confirmations, source evaluations, treatability studies, and alternative approaches. When conducting characterization analyses, the permittee shall perform multiple characterizations and follow the procedures specified in the document entitled "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA/600/6-91/003) or alternate procedures. The permittee shall perform multiple identifications and follow the methods specified in the documents entitled "Methods for Aquatic Toxicity Identification Evaluations: Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations: Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081). All characterization, identification, and confirmation tests shall be conducted in an orderly and logical progression;

2) Sampling Plan - The TRE action plan should describe sampling locations, methods, holding times, chain of custody, and preservation techniques.

The effluent sample volume collected for all tests shall be adequate to perform the toxicity characterization/identification/confirmation procedures and chemical-specific analyses when the toxicity tests show significant lethality. Where the permittee has identified or suspects a specific pollutant and source of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and suspected pollutant and source of effluent toxicity;

3) Quality Assurance Plan - The TRE action plan should address record keeping and data evaluation, calibration and standardization, baseline tests, system blanks, controls, duplicates, spikes, toxicity persistence in the samples, randomization, reference toxicant control charts, and mechanisms to detect artifactual toxicity; and

4) Project Organization - The TRE action plan should describe the project staff, project manager, consulting engineering services (where applicable), consulting analytical and toxicological services, etc.

c. Within 30 days of submittal of the TRE action plan and schedule, the permittee shall implement the TRE.

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

1) results and interpretation of any chemical specific analyses for the identified and suspected pollutant performed during the quarter;

2) results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;

3) any data and substantiating documentation which identifies the pollutant(s) and source of effluent toxicity;

4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;

5) any data that identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant lethality at the critical dilution; and

6) any changes to the initial TRE plan and schedule that are believed necessary as a result of the TRE findings.

e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species. Testing for the less sensitive species shall continue at the frequency specified in Part 1.b.

f. If the effluent ceases to effect significant lethality, i.e., there is a cessation of lethality, the permittee may end the TRE. A cessation of lethality is defined as no

significant lethality for a period of 12 consecutive months with at least monthly testing. At the end of the 12 months, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b.

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

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

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

h. Based on the results of the TRE and proposed corrective actions, this permit may be amended to modify the biomonitoring requirements, where necessary, require a compliance schedule for implementation of corrective actions, specify a WET limit, specify a best management practice, and specify a chemical-specific limit.

i. Copies of any and all required TRE plans and reports shall also be submitted to the U.S. EPA Region 6 office, 6WQ-PO.

TABLE 1 (SHEET 1 OF 2)

WATER FLEA SURVIVAL

Dates and Times Composites Collected — Date Time Date Time

No. 1 FROM: _____ TO: _____

No. 2 FROM: _____ TO: _____

Test initiated: _____ am/pm _____ date

Dilution water used: _____ Receiving water _____ Synthetic Dilution water

PERCENT SURVIVAL

Time	Rep	Percent effluent					
		0%	32%	42%	56%	75%	100%
24h	A						
	B						
	C						
	D						
	E						
48h	A						
	B						
	C						
	D						
	E						
Mean at test end							
CV%*							

*Coefficient of Variation = Standard Deviation x 100/mean

Dunnett's Procedure or Steel's Many-One Rank Test as appropriate:

Is the mean survival at 48 hours significantly less than the control survival?

CRITICAL DILUTION (100%): _____ YES _____ NO

Enter percent effluent corresponding to the NOEC below:

1) NOEC survival = _____% effluent

2) LOEC survival = _____% effluent

TABLE 1 (SHEET 2 OF 2)

FATHEAD MINNOW SURVIVAL

Dates and Times Composites Collected

No. 1 FROM: _____ Date Time TO: _____ Date Time

No. 2 FROM: _____ TO: _____

Test initiated: _____ am/pm _____ date

Dilution water used: _____ Receiving water _____ Synthetic Dilution water

PERCENT SURVIVAL

Time	Rep	Percent effluent					
		0%	32%	42%	56%	75%	100%
24h	A						
	B						
	C						
	D						
	E						
48h	A						
	B						
	C						
	D						
	E						
Mean at test end							
CV%*							

* Coefficient of Variation = standard deviation x 100/mean

Dunnett's Procedure or Steel's Many-One Rank Test as appropriate:

Is the mean survival at 48 hours significantly less than the control survival?

CRITICAL DILUTION (100%): _____ YES _____ NO

Enter percent effluent corresponding to the NOEC below:

1) NOEC survival = _____% effluent

2) LOEC survival = _____% effluent

24-HOUR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

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

1. Scope, Frequency, and Methodology

a. The permittee shall test the effluent for lethality in accordance with the provisions in this section. Such testing will determine compliance with Texas Surface Water Quality Standard 30 TAC § 307.6(e)(2)(B), which requires greater than 50% survival of the appropriate test organisms in 100% effluent for a 24-hour period.

b. The toxicity tests specified shall be conducted once per six months. The permittee shall conduct the following toxicity tests using the test organisms, procedures, and quality assurance requirements specified in this section of the permit and in accordance with "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms," fifth edition (EPA-821-R-02-012) or its most recent update:

1) Acute 24-hour static toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*). A minimum of five replicates with eight organisms per replicate shall be used in the control and each dilution.

2) Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*). A minimum of five replicates with eight organisms per replicate shall be used in the control and each dilution.

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

c. In addition to an appropriate control, a 100% effluent concentration shall be used in the toxicity tests. The control and dilution water shall consist of standard, synthetic, moderately hard, reconstituted water.

d. This permit may be amended to require a WET limit, a best management practice, a chemical-specific limit, or other appropriate actions to address toxicity. The permittee may be required to conduct a toxicity reduction evaluation (TRE) after multiple toxic events.

e. As the dilution series specified in the 48-Hour Acute Biomonitoring Requirements includes a 100% effluent concentration, the results from those tests may fulfill the requirements of this section; any tests performed in the proper time interval may be substituted. Compliance will be evaluated as specified in Part 1.a. The 50% survival in 100% effluent for a 24-hour period standard applies to all tests utilizing a 100% effluent dilution, regardless of whether the results are submitted to comply with the minimum testing frequency.

2. Required Toxicity Testing Conditions

a. Test Acceptance – The permittee shall repeat any toxicity test, including the control, if the control fails to meet a mean survival equal to or greater than 90%.

b. Dilution Water - In accordance with Part 1.c., the control and dilution water shall consist of standard, synthetic, moderately hard, reconstituted water.

c. Samples and Composites

1) The permittee shall collect one composite sample from Outfall 001.

2) The permittee shall collect the composite sample such that the sample is representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance being discharged on an intermittent basis.

3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the composite sample. The sample shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.

4) If Outfall 001 ceases discharging during the collection of the effluent composite sample, the requirements for the minimum number of effluent portions are waived. However, the permittee must have collected a composite sample volume sufficient for completion of the required test. The abbreviated sample collection, duration, and methodology must be documented in the full report.

5) The effluent sample shall not be dechlorinated after sample collection.

3. Reporting

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

a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this permit in accordance with the manual referenced in Part 1.b. for every valid and invalid toxicity test initiated.

b. The permittee shall routinely report the results of each biomonitoring test on the Table 2 forms provided with this permit.

1) Semiannual biomonitoring test results are due on or before July 20th and January 20th for biomonitoring conducted during the previous 6-month period.

2) Quarterly biomonitoring test results are due on or before April 20th, July 20th, and October 20th, and January 20th for biomonitoring conducted during the previous calendar quarter.

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

1) For the water flea, Parameter TIE3D, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter "1."

2) For the fathead minnow, Parameter TIE6C, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter "1."

d. Enter the following codes for retests only:

1) For retest number 1, Parameter 22415, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter "1."

2) For retest number 2, Parameter 22416, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter "1."

4. Persistent Mortality

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

a. The permittee shall conduct 2 additional tests (retests) for each species that demonstrates significant lethality. The two retests shall be conducted once per week for 2 weeks. Five effluent dilution concentrations in addition to an appropriate control shall be used in the retests. These effluent concentrations are 6%, 13%, 25%, 50%, and 100% effluent. The first retest shall be conducted within 15 days of the laboratory determination of significant lethality. All test results shall be submitted within 20 days of test completion of the second retest. Test completion is defined as the 24th hour.

b. If one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5.

5. Toxicity Reduction Evaluation

a. Within 45 days of the retest that demonstrates significant lethality, the permittee shall submit a general outline for initiating a TRE. The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.

b. Within 90 days of the retest that demonstrates significant lethality, the permittee shall submit a TRE action plan and schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical

analyses to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE action plan shall lead to the successful elimination of significant lethality for both test species defined in Part 1.b. At a minimum, the TRE action plan shall include the following:

1) Specific Activities - The TRE action plan shall specify the approach the permittee intends to utilize in conducting the TRE, including toxicity characterizations, identifications, confirmations, source evaluations, treatability studies, and alternative approaches. When conducting characterization analyses, the permittee shall perform multiple characterizations and follow the procedures specified in the document entitled "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA/600/6-91/003) or alternate procedures. The permittee shall perform multiple identifications and follow the methods specified in the documents entitled "Methods for Aquatic Toxicity Identification Evaluations: Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations: Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081). All characterization, identification, and confirmation tests shall be conducted in an orderly and logical progression;

2) Sampling Plan - The TRE action plan should describe sampling locations, methods, holding times, chain of custody, and preservation techniques. The effluent sample volume collected for all tests shall be adequate to perform the toxicity characterization/identification/confirmation procedures, and chemical-specific analyses when the toxicity tests show significant lethality. Where the permittee has identified or suspects a specific pollutant and source of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and suspected pollutant and source of effluent toxicity;

3) Quality Assurance Plan - The TRE action plan should address record keeping and data evaluation, calibration and standardization, baseline tests, system blanks, controls, duplicates, spikes, toxicity persistence in the samples, randomization, reference toxicant control charts, and mechanisms to detect artifactual toxicity; and

4) Project Organization - The TRE Action Plan should describe the project staff, manager, consulting engineering services (where applicable), consulting analytical and toxicological services, etc.

c. Within 30 days of submittal of the TRE action plan and schedule, the permittee shall implement the TRE.

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

1) results and interpretation of any chemical-specific analyses for the identified and suspected pollutant performed during the quarter;

2) results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;

3) any data and substantiating documentation that identifies the pollutant and source of effluent toxicity;

4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;

5) any data that identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to eliminate significant lethality; and

6) any changes to the initial TRE plan and schedule that are believed necessary as a result of the TRE findings.

e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species. Ttesting for the less sensitive species shall continue at the frequency specified in Part 1.b.

f. If the effluent ceases to effect significant lethality, i.e., there is a cessation of lethality, the permittee may end the TRE. A cessation of lethality is defined as no significant lethality for a period of 12 consecutive weeks with at least weekly testing. At the end of the 12 weeks, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b.

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

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

g. The permittee shall complete the TRE and submit a final report on the TRE activities no later than 18 months from the last test day of the retest that demonstrates significant lethality. The permittee may petition the Executive

Director (in writing) for an extension of the 18-month limit. However, to warrant an extension the permittee must have demonstrated due diligence in its pursuit of the toxicity identification evaluation/TRE and must prove that circumstances beyond its control stalled the toxicity identification evaluation/TRE. The report shall specify the control mechanism that will, when implemented, reduce effluent toxicity as specified in Part 5.h. The report shall also specify a corrective action schedule for implementing the selected control mechanism.

h. Within 3 years of the last day of the test confirming toxicity, the permittee shall comply with 30 TAC § 307.6(e)(2)(B), which requires greater than 50% survival of the test organism in 100% effluent at the end of 24-hours. The permittee may petition the Executive Director (in writing) for an extension of the 3-year limit. However, to warrant an extension the permittee must have demonstrated due diligence in its pursuit of the toxicity identification evaluation/TRE and must prove that circumstances beyond its control stalled the toxicity identification evaluation/TRE.

The permittee may be exempted from complying with 30 TAC § 307.6(e)(2)(B) upon proving that toxicity is caused by an excess, imbalance, or deficiency of dissolved salts. This exemption excludes instances where individually toxic components (e.g., metals) form a salt compound. Following the exemption, this permit may be amended to include an ion-adjustment protocol, alternate species testing, or single species testing.

i. Based upon the results of the TRE and proposed corrective actions, this permit may be amended to modify the biomonitoring requirements where necessary, require a compliance schedule for implementing corrective actions, specify a WET limit, specify a best management practice, and specify a chemical-specific limit.

j. Copies of any and all required TRE plans and reports shall also be submitted to the U.S. EPA Region 6 office, 6WQ-PO.

TABLE 2 (SHEET 1 OF 2)

WATER FLEA SURVIVAL

GENERAL INFORMATION

	Time	Date
Composite Sample Collected		
Test Initiated		

PERCENT SURVIVAL

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

Enter percent effluent corresponding to the LC50 below:

24 hour LC50 = _____% effluent

TABLE 2 (SHEET 2 OF 2)

FATHEAD MINNOW SURVIVAL

GENERAL INFORMATION

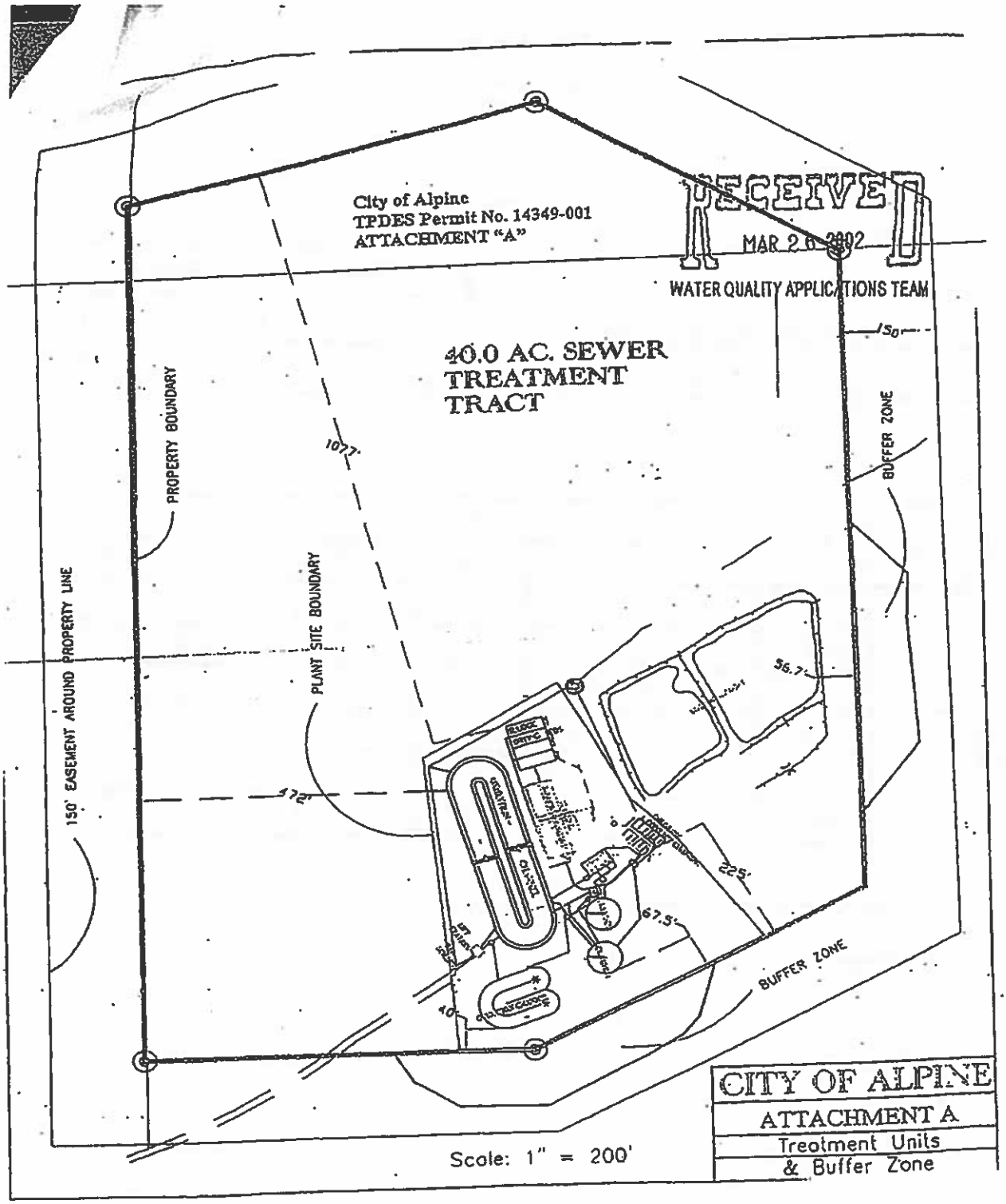
	Time	Date
Composite Sample Collected		
Test Initiated		

PERCENT SURVIVAL

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

Enter percent effluent corresponding to the LC50 below:

24 hour LC50 = _____% effluent


City of Alpine
TPDES Permit No. 14349-001
ATTACHMENT "A"
RECEIVED
MAR 2 8 2002
WATER QUALITY APPLICATIONS TEAM
40.0 AC. SEWER TREATMENT TRACT
PROPERTY BOUNDARY
PLANT SITE BOUNDARY
150' EASEMENT AROUND PROPERTY LINE
BUFFER ZONE
BUFFER ZONE
150'
1077'
472'
56.7'
225'
67.5'
40'
RUBBLE SITE
OXIDATION
CHLORINE
CONTACT
EFFLUENT
EVAPORATION
CITY OF ALPINE
ATTACHMENT A
Treatment Units
& Buffer Zone
Scale: 1" = 200'

CITY COUNCIL

MEETING AGENDA ITEM COVER MEMO

APRIL 19, 2022

To: Honorable Mayor and City Council
Agenda Item: Action Item 3 – Ordinance 2022-03-01
Agenda Sponsor: Judy Stokes, City Council
Memo Submitted By: Geoffrey Calderon, City Secretary

SYNOPSIS

Approve the second and final reading of Ordinance 2022-03-01, an ordinance amending Chapter 90 - Taxation, Article IV - Coin-Operated Establishments to the Alpine Code of Ordinances; Providing for a maximum number of machines per establishment; Providing clarification regarding the initial Special Use Permit fee (J. Stokes, City Council)

BACKGROUND

- On October 25, 2021, the Planning & Zoning Commission made a recommendation to City Council to implement a limit of four (4) coin-operated machines per establishment.
- On November 2, 2021, the City Council considered a first reading of the proposed ordinance, Ordinance 2021-11-02, with the recommended limit of four (4) machines. After public comments were received from coin-operated machine establishment operators & enthusiasts, the City Council voted to change the limit in the proposed ordinance from four (4) to unlimited.
- On November 16, 2021, the City Council considered the second and final reading of Ordinance 2021-11-02 with an unlimited machine limit. The Chief of Police provided feedback on the ordinance. The City Council voted unanimously to oppose the passage of the ordinance.
- On March 7, 2022, the Planning & Zoning Commission unanimously voted to make a recommendation to City Council to implement a limit of ten (10) coin-operated machines per establishment.
- On March 15, 2022, the City Council considered the first reading of Ordinance 2022-03-01 with the recommended ten (10) machine limit. On a motion by Councilor Rodriguez and seconded by Councilor Stokes, the City Council voted unanimously to postpone the item.
- Councilor Stokes is proposing a machine limit of twenty (20) machines. The City Attorney has also recommended that the annual licensing fee be lowered. City Administration is recommending the annual licensing fee be changed from $3,000 to $1,000 and that the annual permit fee be changed from $125 to $100 to mirror the Short Term Rental annual permit fee. These changes are pending City Attorney approval at the time that this memo was written.

- This ordinance also provides clarification regarding the $350 initial Special Use Permit fee and cleans up some of the language regarding approval by the Chief of Police and Building Official, and the City Manager in the absence of one of the aforementioned officials.
- Posting requirements, per the City Charter, for passage of this amended ordinance have been met. The second and final reading has been publicized accordingly. Any changes of substance to this proposed ordinance will trigger a subsequent reading and public hearing of the ordinance.

SUPPORTING MATERIALS

1. Ordinance 2022-03-01.

STAFF RECOMMENDATION

APPROVE: City Staff supports approval of this ordinance.

City Manager	Megan Antrim
City Secretary	Geoffrey Calderon
Permit Technician	Jessica Boorse

STATE OF TEXAS **COUNTY OF BREWSTER**

CITY OF ALPINE

ORDINANCE 2022-03-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 90 – TAXATION, ARTICLE IV – COIN-OPERATED ESTABLISHMENTS TO THE ALPINE CODE OF ORDINANCES; PROVIDING REPEALING AND SEVERABILITY CLAUSES; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning & Zoning Commission of the City has recommended changes to the Coin-Operated Establishment Ordinance; and

WHEREAS, the City Council of the City of Alpine has cause in pursuit of their legislative duties on behalf of the citizens of Alpine to modify and improve rules and regulations concerning different types of establishments within the city; and

WHEREAS, after careful consideration by the City Council, it has been determined that the city will benefit from amendments to the Coin-Operated Establishments Ordinance as recommended by the Planning & Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:

SECTION I
FINDINGS OF FACT

All of the premises attached in the form hereto described as Exhibit "A" are hereby found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact. It is the intent of the City Council that Article IV be amended accordingly by Exhibit "A."

SECTION II
CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

SECTION III
SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would

have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

SECTION IV
PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION V
EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by State and Local law.

PASSED AND ADOPTED THIS 15th DAY OF APRIL 2022 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

INTRODUCTION AND FIRST READING

MARCH 15, 2022

SECOND AND FINAL READING

APRIL 15, 2022

ATTEST:

_____
Andres "Andy" Ramos, Mayor

_____
Geoffrey R. Calderon, City Secretary

APPROVED AS TO FORM:

_____
Rod Ponton, City Attorney

EDITOR'S NOTE:

Additions are highlighted in Yellow and Underlined. ~~Omissions appear in Red Strikethrough Text~~. *Previous Editor's notes and codification references are Italicized in Red.*

EXHIBIT "A"

ARTICLE IV. - COIN-OPERATED MACHINE ESTABLISHMENTS

Sec. 90-101. - General.

This article as herein established has been written for the purpose of promoting and protecting the public health, safety and general welfare of the community and in the furtherance of conserving the value of property and establishing a community desirable to reside therein.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-102. - Definitions.

Business owner means and includes any person, individual, firm, company, association, or corporation, owning or having the care, control, management or possession of any skilled or pleasure "coin-operated machine" who exhibits, displays or permits to be exhibited or displayed, in his location of business or upon premises under his or its control, any "coin-operated amusement machine" in this city, save and except religious, charitable and educational organizations authorized under the laws of this state.

Coin-operated machine means any machine or device of any kind or character, which is operated by or with coins or metal slugs, tokens or checks.

Manager means and includes a person or sole individual having the care, control, management of any skilled or pleasure "coin-operated machine" in his/her location of business or upon premises under his/her control within this city.

Merchandise coin-operated machine means any coin-operated machine which dispenses or vends merchandise, commodities or confections.

Music coin-operated machine means any coin-operated machine of any kind or character, which dispenses or vends or which is used for dispensing or vending music.

Property owner means and includes a person, individual, firm, company, association or corporation owning a building, property or facility on which a business will operate within the confines of all laws regulating the business in local, state or federal laws.

Service coin-operated machine means any pay toilet or other machine or device which dispenses service only and not merchandise, music, skill or pleasure.

Skill or pleasure coin-operated machine means any coin-operated machine of any kind or character, which dispenses or is used or is capable of being used or operated for amusement or

pleasure or when such machine is operated for the dispensing or affording skill or pleasure, or for any other purpose other than the dispensing or vending of merchandise, commodities, confections, services, or plays music in addition to or in connection with the dispensing of skill or pleasure shall be considered as skill or pleasure machines. The term skill or pleasure coin-operated machine shall exclude coin-operated machines designed exclusively for children.

Skill or pleasure coin-operated machine establishment means any structure where one or more skill or pleasure coin-operated machines are operated for profit.

Skill or pleasure coin-operated machine permit means a permit to operate a skill or pleasure coin-operated machine establishment.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-103. - Exemptions.

The permitting and regulation provisions of this article do not apply to:

(1) Skill or pleasure coin-operated machines kept in private residences or apartments and used without charge by members of the family or bona fide guest;

(2) Skill or pleasure coin-operated machines provided on the premises of religious, charitable, educational or fraternal organizations for the use of members or their guests and not for private profit, although a charge is made for playing;

(3) Skill or pleasure coin-operated machines provided on the premises of bona fide clubs or social organizations, not operated for private profit although a charge is made for playing, which provide other membership privileges and activities usual in bona fide private clubs organized for promotion of some common object and whose members must be passed upon and elected as individuals, by a committee or board of directors, executive committee or similar body chosen by the members at their annual meeting;

(4) Skill or pleasure coin-operated machines provided on the premises of publicly owned facilities;

(5) Service coin-operated machines, music coin-operated machines, and merchandise coin-operated machines.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-104. - License required.

(a) It shall be unlawful to own, possess, maintain, or operate a skill or pleasure coin-operated machine establishment as defined herein within the city, unless and until said establishment shall first have been licensed and permitted for such purposes; provided, this requirement shall not apply to those places which are exempt from the provision of this article.

(b) A maximum of twenty (20) coin-operated machines shall be licensed per establishment, subject to adherence with applicable occupancy limits and fire safety requirements. Establishments that have more than twenty (20) machines at the time of enactment of this ordinance shall be considered in preexisting nonconforming use ("grandfathered") under this clause as to machines already registered with the City (as determined by serial number). No new machines with an updated serial number

may be allowed to be operated in a grandfathered establishment unless the number of machines in the establishment has dropped below the twenty (20) machine limit.

(~~b~~c) Application for license and permit shall be made with the city secretary initially and on or before January 1 of each succeeding year.

(~~c~~d) The annual license and permit fee shall be as follows: ~~$3,000~~ $1,000 license fee per year and ~~$120.00~~ $100.00 permit fee per year. The city secretary is authorized to collect this annual license and permit fee, which shall be due and payable on January 1 of each year. The City of Alpine shall permit a maximum of four Coin-Operated Amusement businesses to operate within the city limits. A first come first served waiting list will be established with the City of Alpine Building Department after four Coin-Operated Amusement businesses are operating ~~in~~ within the city limits.

(~~d~~e) Any license and permit issued pursuant to this article shall be non-transferable and non-refundable.

(~~e~~f) The license and permit shall be posted conspicuously, noticeable to common view.

(~~f~~g) An application shall be denied if an applicant has been convicted in any jurisdiction for any of the following offenses within the last ten years prior to the date of the application:

(1) Any offense punishable by imprisonment for more than one year;

(2) Theft or any crime involving false statements or declarations; or

(3) Gambling, as defined by the laws or ordinances of municipality, county, or state, the United States, or any similar offense in any other jurisdiction.

(~~g~~f) Applicant must register each skill or pleasure coin-operated machine with the city by identifying the following information:

(1) The name of the manufacturer;

(2) The serial number;

(3) The type of machine.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-105. - Applications; permit form.

Any person desiring a permit to operate a skill or pleasure coin-operated machine establishment shall file with building services a written sworn application for ~~such~~ a special use permit (coin-operated machine permit). An initial permit fee of $350.00 (nonrefundable) will include the preliminary fire inspection fees. Upon completion of all required forms, payment of the initial permit fee, approval of each coin-operated machine establishment by the Building Official and the Chief of Police (or the City Manager in the case of an absence of the Building Official or Chief of Police), a special use permit (coin-operated machine permit) may be considered by the Planning & Zoning Commission. The Planning & Zoning Commission may then make a recommendation to the City Council to approve or deny the permit. Once approved by the City Council, a special use permit (coin-operated machine permit) shall be issued. ~~Building services will submit the application to a permitting committee consisting of the~~

~~chief of police, who shall be the head of the licensing committee, the city secretary, the building official, and the city manager.~~

The application shall state:

(1) The location, by street and number, of the business;

(2) If the operator is an individual, that he has not been convicted of a felony or, if he has, the nature of the offense and the length of his residence in the city;

(3) If a firm, association or partnership, all the information prescribed in subsection (2) as to each individual composing the firm, association or partnership;

(4) If a corporation, that is organized and charted under the corporation laws of this state applicable to such corporation or, if a foreign corporation, that such has complied with the laws of the state applicable to such corporation and the same information with reference to the operator or person in charge of the operation of the skill or pleasure coin-operated machine establishment to be permitted, as is prescribed in subsection (2); in addition thereto, a statement as to the names of incorporators or stockholders and amount of interest owned by each; provided, however, that the applicant shall not be required to list the names of shareholders owning less than ten percent of the stock of the corporation;

(5) The applicant's name, address and interest in the business;

(6) The operator's name, address, if different from the applicant; and

(7) The number of skill or pleasure coin-operated machines to be permitted~~.~~, not to exceed the maximum of 20 machines.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-106. - Enforcing compliance by operator; revocation of license or permit for violation.

The operator of any skill or pleasure coin-operated machine establishment shall not permit the violation of any of the terms of this article and any violation of a provision of this article in the operation of a skill or pleasure coin-operated machine establishment shall be grounds for revocation of the permit therefor.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-107. - Inspection of premises.

Officers of the city police department on official duty are authorized and empowered to enter during regular business hours, for the purposes of inspection and for the preservation of law and order, any skilled or pleasure coin-operated machine establishment within the city.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-108. - Location.

The location of any skill or pleasure coin-operated machine establishment is hereby prohibited where the place is within 300 feet of any church or school.

The measurements of the distance between locations shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-109. - Hours.

A skill or pleasure coin-operated machine establishment shall be open for business as set forth below:

Monday—Thursday: 7:00 a.m. — Midnight

Friday, Saturday: 7:00 a.m. — 2:00 p.m.

Sunday: Noon—Midnight.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-110. - Age limits.

The following age limit shall be applied to skill or pleasure coin-operated machine establishments:

(1) Persons under the age of 21 shall not be permitted to operate skill or pleasure coin-operated machines.

(2) Persons under the age of 21 shall not be allowed access to the gaming area.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-111. - Alcohol.

The sale of alcoholic beverages in or on the premises of a skill or pleasure coin-operated machine establishment is prohibited, except to the extent the business is licensed to sell alcoholic beverages by the Texas Alcoholic Beverage Commission. No individual, person, owner or manager shall give, bring to, or allow the bringing of any alcoholic beverage in or upon the premises of a skill or pleasure coin-operated machine establishment, except, as outlined above.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-112. - Gambling; intoxication.

It shall be unlawful for any person while in a skill or pleasure coin-operated machine establishment to gamble, make bets, consume or have in his possession any alcoholic beverage, or to be under the influence of any alcoholic beverage; provided, however, that the terms of this section relating to the possession and consumption of any alcoholic beverage shall not be

applicable to parties on premises that are operating pursuant to a mixed beverage permit issued by the Texas Alcoholic Beverage Commission and zoned for such use by the city.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-113. - Violations.

Any person, business owner, or manager violating any provision of this article shall, upon conviction of such violation, be deemed guilty of a misdemeanor and shall be fined in any sum not to exceed $500.00 per incident. Each day that such violation is permitted to continue shall constitute a separate offense. In addition to any other penalty or punishment imposed by law, violation of this section shall cause for revocation of skill or pleasure coin-operated machine premises permit and licenses issued pursuant to this section.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-114. - Savings and severability.

If for any reason a skill or pleasure coin-operated machine establishment permitted and licensed hereunder is not being conducted in accordance with this article, the laws of the state, or other ordinances of the city shall be held invalid or unconstitutional by final judgement of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effects for its purpose.

(Ord. No. 2020-02-04, § I, 3-3-20)

CITY COUNCIL

MEETING AGENDA ITEM COVER MEMO

APRIL 19, 2022

To: Honorable Mayor and City Council
Agenda Item: Action Item 4 – Ordinance 2022-04-01
Agenda Sponsor: Judy Stokes, City Council
Memo Submitted By: Geoffrey Calderon, City Secretary

SYNOPSIS

Approve the first reading of Ordinance 2022-04-01, an ordinance repealing Ordinance 2017-05-02 removing the no parking section on Sul Ross Avenue and 8th Street (J. Stokes, City Council)

BACKGROUND

- On June 20, 2017, the City Council approved Ordinance 2017-05-02 which created a no parking zone on the North East side of 309 West Sul Ross Avenue (Old City Hall).
- This ordinance was passed to increase pedestrian and motor vehicle safety, but it has been determined that this change has not provided a significant improvement.
- Councilor Stokes is proposing that the original ordinance be repealed and that the no parking zone on the North East side of 309 West Sul Ross Avenue be abolished.

SUPPORTING MATERIALS

1. Ordinance 2022-04-01.
2. Ordinance 2017-05-02.

STAFF RECOMMENDATION

APPROVE: City Staff supports approval of this ordinance.

City Manager	Megan Antrim
City Secretary	Geoffrey Calderon

STATE OF TEXAS **COUNTY OF BREWSTER**

CITY OF ALPINE

ORDINANCE 2022-04-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS REPEALING ORDINANCE 2017-05-02 AND ABOLOSHING THE NO PARKING REQUIREMENT ON THE NORTH EAST SIDE OF 309 WEST SUL ROSS AVENUE; PROVIDING REPEALING AND SEVERABILITY CLAUSES; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council passed Ordinance 2017-05-02 on June 20, 2017, which authorized no parking on the North East side of 309 West Sul Ross Avenue in effort of increasing pedestrian and motor vehicle safety; and

WHEREAS, after a thorough review of the benefits that this closure has provided to the City, it has been determined that no significant value has arisen from the closure; and

WHEREAS, the City of Alpine, Texas has the authority to adopt regulations restricting and regulating the direction and flow of traffic on streets located within the corporate city limits; and

WHEREAS, the City Council has determined that the public will benefit from the repeal of Ordinance 2017-05-02 and the abolishment of the no parking zone on the North East side of 309 West Sul Ross Avenue.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:

SECTION I
REPEAL OF ORDINANCE 2017-05-02

Ordinance 2017-05-02 is hereby repealed and the no parking zone on the North East side of 309 West Sul Ross Avenue is hereby abolished.

SECTION II
FINDINGS OF FACT

All of the premises in this ordinance are hereby found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

SECTION III
CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

SECTION IV
SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

SECTION V
PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VI
EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by State and Local law.

PASSED AND ADOPTED THIS 19th DAY OF APRIL 2022 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

INTRODUCTION AND FIRST READING

APRIL 19, 2022

SECOND AND FINAL READING

MAY 10, 2022

ATTEST:

_____

Andres "Andy" Ramos, Mayor

_____

Geoffrey R. Calderon, City Secretary

APPROVED AS TO FORM:

_____

Rod Ponton, City Attorney

City of Alpine
State of Texas

County of Brewster

ORDINANCE NO. 2017-05-02

AN ORDINANCE OF THE CITY OF ALPINE, TEXAS REGARDING THE CODE OF ORDINANCES, CHAPTER 94, ARTICLE IV, DIVISION 2, SECTION 94-328; TO INSTALL A NO PARKING SIGN TO BLOCK PARKING 100 FEET ON THE NORTH EAST SIDE OF 309 W. SUL ROSS AVENUE.

WHEREAS, it has been determined by the City Council of the City of Alpine that the installation of a no parking sign on the north east side of 309 W. Sul Ross Avenue will increase pedestrian and motor vehicle safety;

WHEREAS, Texas Transportation Code Section 542.201 provides that a local authority may regulate traffic in a manner that does not conflict with Texas Transportation Code Chapter 542, Title 7, Subtitle C; and

WHEREAS, the City of Alpine, Texas, has the authority to adopt regulations restricting and regulating the direction and flow of traffic on streets located within the city limits;

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS TO INSTALL AND/OR ERECT A NO PARKING SIGN TO BLOCK PARKING 100 FEET ON THE NORTH EAST SIDE OF 309 W. SUL ROSS AVENUE.

ARTICLE II. RULES OF PROCEDURE, Sec. 23-21. Meetings. **(f) Meetings are held pursuant to the provision of the Texas Open Meetings Act (Government Code Chapter 551). Citizens desiring to address the city council, or express their opinion about a particular meeting Agenda Item are limited to three minutes.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Governmental Code.

PASSED AND APPROVED this the 20th day of June, 2017.

ANDRES "ANDY" RAMOS
MAYOR
CITY OF ALPINE, TX

Attest:

KALEA COTTON
CITY SECRETARY
CITY OF ALPINE, TX

CITY COUNCIL

MEETING AGENDA ITEM COVER MEMO

APRIL 19, 2022

To: Honorable Mayor and City Council
Agenda Item: Action Item 5 – Order 2022-04-02
Agenda Sponsor: Geoffrey Calderon, City Secretary
Memo Submitted By: Geoffrey Calderon, City Secretary

SYNOPSIS

Approve Order 2022-04-02, an order appointing and setting the rate of pay for Election Officials, designating the number of Election workers, designating the Early Voting Ballot Board for the May 7, 2022, General City Election (G. Calderon, City Secretary)

BACKGROUND

- The City Council must approve or acknowledge appointments of certain election officials including the Presiding Judges and the Deputy Early Voting Clerk.
- The City Council determines the number of Clerks and the rate of compensation of election officials, pursuant to Chapter 42 – Election, Sec. 42-7, to the Alpine Code of Ordinances.
- The proposed Order provides the schedule for Early Voting, provides for the appointments of Presiding Judges, provides for acknowledgment of the Deputy Early Voting Clerk, and provides for the acknowledgment of the election workers and the Early Voting Ballot Board Members.
- The Order provides that the City Secretary may oversee the appointment process of alternate workers, should issues arise with the current roster of election officials.

SUPPORTING MATERIALS

1. Order 2022-04-01.

STAFF RECOMMENDATION

APPROVE: City Staff supports approval of this ordinance.

City Manager	Megan Antrim
City Secretary	Geoffrey Calderon

STATE OF TEXAS

CITY OF ALPINE

COUNTY OF BREWSTER

ORDER 2022-04-02

AN ORDER OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS APPOINTING AND SETTING THE RATE OF PAY FOR ELECTION OFFICIALS, SETTING THE NUMBER OF ELECTION WORKERS, AND DESIGNATING THE EARLY VOTING BALLOT BOARD FOR THE MAY 7, 2022 GENERAL CITY ELECTION.

WHEREAS, the City of Alpine ("the City") has called a general election for Saturday, May 7, 2022; and

WHEREAS, the City Council shall determine the number of clerks and rate of compensation of Election Officials pursuant to Chapter 42 – Elections, Sec. 42-7 – Judges and Clerks of the Alpine Code of Ordinances; and

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:

SECTION I. The list of Election Officials and their respective rates of compensation hereto attached as "Exhibit A" is hereby acknowledged and approved.

SECTION II. The City Secretary is charged with overseeing the emergency appointment of alternate individuals, should any issues arise with the acknowledged election officials and workers.

SECTION III. This order is effective immediately upon passage.

PASSED, APPROVED, AND ADOPTED BY A MAJORITY VOTE OF THE CITY COUNCIL ON THE 19th DAY OF APRIL 2022.

_____

Andres "Andy" Ramos, Mayor

ATTEST:

_____

Geoffrey R. Calderon, City Secretary

EXHIBIT "A"

Day	Date	Election Judge	Alternate Judge	Clerk
Monday	4/25/2022	Robin Roller	Carl Fleming	Maria Rodriguez
Tuesday	4/26/2022	Robin Roller	Carl Fleming	Maria Rodriguez
Wednesday	4/27/2022	Carl Fleming	Ellen Ruggia	Maria Rodriguez
Thursday	4/28/2022	Robin Roller	Carl Fleming	Maria Rodriguez
Friday	4/29/2022	Robin Roller	Carl Fleming	Maria Rodriguez
Monday	5/2/2022	Robin Roller	Carl Fleming	Maria Rodriguez
Tuesday	5/3/2022	Robin Roller	Carl Fleming	Maria Rodriguez
Saturday	5/7/2022	Carl Fleming	Maria Rodriguez	Pam Gaddis

Early Voting Ballot Board Members			
Saturday	5/7/2022	Judge	Lauren Sanders
Saturday	5/7/2022	Alternate Judge	Laura Gold
Saturday	5/7/2022	Board Member	Tracy Cash
Saturday	5/7/2022	Board Member	Dorothy Muratori

Deputy Early Voting Clerk
Alexandra Tackett

Election Official Compensation	
Election Judge	$12/hr
Alternate Judge	$11/hr
Election Clerk	$10/hr
EVBB Member	$10/hr
Deputy Early Voting Clerk	Employee Payroll

CITY COUNCIL

MEETING AGENDA ITEM COVER MEMO

APRIL 19, 2022

To: Honorable Mayor and City Council
Agenda Item: Action Item 6 – Resolution 2022-04-14
Agenda Sponsor: Megan Antrim, City Manager
Memo Submitted By: Geoffrey Calderon, City Secretary

SYNOPSIS

Approve Resolution 2022-04-14, a resolution setting fees for the Alpine Municipal Swimming Pool (M. Antrim, City Manager)

BACKGROUND

- The City Council sets the rates for the Alpine Municipal Swimming Pool by annual resolution pursuant to Section 74-77 of the Alpine Code of Ordinances.
- City Administration is not recommending changes to the fees. We recommend that the fees remain the same as last season.
- We are expecting to open the Pool on Labor Day Weekend 2022.

SUPPORTING MATERIALS

1. Resolution 2022-04-14.

STAFF RECOMMENDATION

APPROVE: City Staff supports approval of this ordinance.

City Manager	Megan Antrim
City Secretary	Geoffrey Calderon

STATE OF TEXAS

CITY OF ALPINE

COUNTY OF BREWSTER

RESOLUTION 2022-04-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS ADOPTING A SWIMMING POOL FEE SCHEDULE FOR THE FISCAL YEAR 2022 FOR THE ALPINE MUNICIPAL SWIMMING POOL.

WHEREAS, the City Council shall set a rate to charge for swimmers at the Alpine Municipal Swimming Pool pursuant to the Section 74-77 of the Alpine Code of Ordinances; and

WHEREAS, City Administration anticipates the opening date of the Alpine Municipal Swimming Pool to be Memorial Day Weekend 2022; and

WHEREAS, the City Council has been presented with proposed fees for the Fiscal Year 2022, and have determined that the proposed fees are appropriate and acceptable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:

SECTION I. The following Municipal Swimming Pool Fee Schedule is hereby adopted:

PER DAY ADMISSION	ANNUAL SEASON PASS	POOL PARTY (2 HOURS)	NON SWIMMING ADULTS
Children - $2.00	Family (up to 5 members) - $85	Fee - $80	*Free of Charge*
Adults - $3.00	Family (over 5 members) - $105	Deposit - $30	

SECTION II. This Resolution is effective immediately upon its passage.

PASSED, APPROVED, AND ADOPTED BY A MAJORITY VOTE OF THE CITY COUNCIL ON THE 19th DAY OF APRIL 2022.

_____

Andres "Andy" Ramos, Mayor

ATTEST:

_____

Geoffrey R. Calderon, City Secretary

CITY COUNCIL

MEETING AGENDA ITEM COVER MEMO

APRIL 19, 2022

To: Honorable Mayor and City Council
Agenda Item: Action Item 7 – Resolution 2022-04-15
Agenda Sponsor: Megan Antrim, City Manager
Memo Submitted By: Geoffrey Calderon, City Secretary

SYNOPSIS

Approve Resolution 2022-04-15, a resolution authorizing the City of Alpine to participate in the Federal Emergency Management Administration Hazard Mitigation Grant Program (M. Antrim, City Manager)

BACKGROUND

- Please see attached Memo from Marci Tuck, Grant Writer.

SUPPORTING MATERIALS

1. Resolution 2022-04-15.
2. Memorandum from Marci Tuck, Grant Writer.

STAFF RECOMMENDATION

APPROVE: City Staff supports approval of this ordinance.

City Manager Megan Antrim

MEMORANDUM

Date: April 19, 2022

To: City of Alpine, Mayor and City Councilmembers

From: Marci Tuck – Grant Writer

Re: Federal Emergency Management Administration's Hazard Mitigation Grant Program application ***(Resolution 2022-04-15)***

Honorable Mayor and City of Alpine Councilmembers:

The Federal Emergency Management Administration's (FEMA's) Hazard Mitigation Grant Program (HMGP) could provide funds for the City of Alpine to purchase generators for our critical facilities. The official FEMA HMGP announcement summary is included in the packet as well.

This is a 75% FEMA/25% City matching grant.

The city has $165,000 specifically allocated for generator expenses, as approved by Council on 8/3/21 in Resolution 2021-08-02, after the 2021 winter ice storm that left parts of Alpine and surrounding areas without power for up to five days.

This HMGP opportunity allows the city to purchase up to **$660,000** in emergency back-up generators.

Grant application is due Friday April 29, 2022.

Staff recommends APPROVING the associated Resolution 2022-04-15, authorizing the city to participate in this grant funding opportunity.

STATE OF TEXAS

CITY OF ALPINE

COUNTY OF BREWSTER

RESOLUTION 2022-04-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AUTHORIZING THE CITY TO PARTICIPATE IN THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION HAZARD MITIGATION GRANT PROGRAM.

WHEREAS, the City of Alpine is committed to providing for the safety and welfare of its citizens; and

WHEREAS, The City of Alpine finds it in the best interest of the citizens of Alpine that the City participate in the Federal Emergency Management Administration (FEMA) Hazard Mitigation Grant Program (HMGP) for the Fiscal Year 2022 funding Cycle; and

WHEREAS, The City of Alpine agrees to provide applicable matching funds for the said project as required by the HMGP application; and

WHEREAS, The City of Alpine agrees that in the event of loss or misuse of the FEMA funds, the City of Alpine assures that the funds will be returned to the FEMA in full; and

WHEREAS, The City of Alpine designates the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:

The City of Alpine approves the submission of the grant application for the FEMA Fiscal Year 2022 Hazard Mitigation Grant Program to provide funds for permanent generators to be located at critical facilities to ensure continuous service to the Citizens of Alpine.

PASSED, APPROVED, AND ADOPTED BY A MAJORITY VOTE OF THE CITY COUNCIL ON THE 19th DAY OF APRIL 2022.

_____

Andres "Andy" Ramos, Mayor

ATTEST:

_____

Geoffrey R. Calderon, City Secretary

TDEM
THE TEXAS A&M UNIVERSITY SYSTEM

NOTICE OF FUNDING OPPORTUNITY (NOFO)

Hazard Mitigation Grant Program (HMGP)
DR-4485 | COVID-19 Pandemic

SUMMARY

Governor Abbott and the Texas Division of Emergency Management (TDEM) announce the open application period for the FEMA Hazard Mitigation Grant Program (HMGP) related to FEMA-DR-4485 (COVID-19 Pandemic). The application period will be open from December 10, 2021 through April 29, 2022.

All entities seeking funding under this opportunity must have a FEMA approved Hazard Mitigation Plan at the time the project is submitted to FEMA for consideration and at the time an award is made except for projects to develop or update mitigation plans. An exception to this requirement may be requested on a case-by-case basis in accordance with FEMA's 2015 Hazard Mitigation Assistance Guidance.

All applications must be received by TDEM through the Grants Management System (GMS) no later than **April 29, 2022 at 5:00 PM** to be considered for funding.

APPLICANT ELIGIBILITY AND STATE PRIORITIES

Eligibility

- Eligible subapplicants include local governments and communities, state agencies, and private nonprofit organizations providing essential governmental services.

State Priorities and Considerations (not in priority order)

- Eligible jurisdictions within the declared counties for the disaster declaration.
- Projects that address the principal hazards associated with the disaster declaration (including requests made for assistance from the Texas State Operations Center).
- Projects that demonstrate the greatest community benefit including high Benefit-Cost-Analysis (BCA) and verifiable population directly served or benefiting from the proposed projects.
- Projects that clearly link to the subapplicants hazard mitigation plan.
- Projects that focus on multi-jurisdictional/regional/watershed/COG levels.

TIPS FOR APPLICATION DEVELOPMENT

- Develop applications in a modular format with scaled deliverables and costs so that partial funding may be considered if the full project amount is not approved.
- Be sure to submit your application to all open HMGP application opportunities and select the "share my application" section of the application to increase the opportunities for project award.
- If you have applied for other HMGP or BRIC grants but have not received an award, it is strongly suggested that you submit quality applications to every available grant opportunity.
- Demonstrate experience in managing grants as part of submission including understanding federal procurement processes and experience with FEMA's Hazard Mitigation Grant Program (HMGP).
- Contact your TDEM regional hazard mitigation grant coordinator/ specialist early to assist with preparing a quality application.
- Review your Local Hazard Mitigation Plan and focus on the projects that mitigate the worst hazards in your community.

ELIGIBLE ACTIVITIES

- ✓ Property Acquisition & Structure Demolition/Relocation
- ✓ Structure Elevation
- ✓ Mitigation Reconstruction
- ✓ Dry Floodproofing Historical Structures
- ✓ Generators
- ✓ Flood Risk Reduction Projects
- ✓ Retrofitting of Existing Buildings & Structures
- ✓ Safe Room Construction
- ✓ Wind Retrofit for Family Residences
- ✓ Infrastructure Retrofit
- ✓ Soil Stabilization
- ✓ Wildfire Mitigation
- ✓ Post-Disaster Code Enforcement
- ✓ Hazard Mitigation Plans

TRAINING AND FEMA PROGRAM INFORMATION

Click on the links below to be redirected for information.

Hazard Mitigation Grant Program Information (FEMA) (Reference)
https://www.fema.gov/grants/mitigation/hazard-mitigation

Federal Procurement Training (Highly Recommended)
https://bit.ly/TDEMProcurement

Required Grant Terms and Conditions (Review Only)
https://bit.ly/3dFpMG6

FEMA Declared Counties Map (Reference)
https://bit.ly/4485Counties

CONTACT INFORMATION

Contact Information – Regional Hazard Mitigation Staff
https://bit.ly/3EObkal

CITY COUNCIL

MEETING AGENDA ITEM COVER MEMO

APRIL 19, 2022

To: Honorable Mayor and City Council
Agenda Item: Action Item 8 – Coin-operated machine permit, Phuong Hung To
Agenda Sponsor: Megan Antrim, City Manager
Memo Submitted By: Geoffrey Calderon, City Secretary

SYNOPSIS

Approve an application for a Special Use Permit for applicant Phuong Hung To. The applicant is requesting a special use permit for the purpose of establishing a coin-operated machine business. The property in question is located at 1906 W. Highway 90. The record property owner is Charles Sanders. The Planning & Zoning Commission has recommended denial of this permit (M. Antrim, City Manager)

BACKGROUND

- The Planning & Zoning Commission considered this Special Use Permit on March 28, 2022.
- The Commission was reluctant to approve any coin-operated machine permits because there is no limit in place for machines.
- There is not a machine limit in the current ordinance, but a limit is being proposed in Ordinance 2022-03-01. The ordinance also stipulates that coin-operated machine permits go through the Commission initially and then to City Council.
- The Planning & Zoning Commission unanimously voted to recommend the denial of this permit.

SUPPORTING MATERIALS

1. Special Use Permit Application & Documentation.

STAFF RECOMMENDATION

APPROVE: City Staff supports approval of this permit.

City Manager Megan Antrim

City Secretary Geoffrey Calderon

BUILDING SERVICES

309 W SUL ROSS AVE

ALPINE, TX 79830

(432) 837-3281

PERMIT # 22-006 087

DATE OF ISSUANCE: 02/07/22

CONDITIONAL/SPECIAL USE PERMIT (Form A)

PART 1. APPLICANT INFORMATION

Name of applicant/agent/company/contact:

PHUONG HUNG TO

Street address of applicant/agent:

911 SouthMoor DR

City/State/Zip Code of applicant / agent:

ARLINGTON TX 76010

Telephone number of applicant/agents:	*Fax number of applicant/agents:*
6825525119	

Email address of applicant /agent:	*Mobil phone of applicant/agent:*
phunghung0402@Gmail.com	6825525119

PART 2. PROPERTY INFORMATION

Street address of public property:

1906 W. Hwy 90

Legal description of subject property (metes and bounds must be described on 8 ½ x 11 sheet

Lot:	*Block:*	*Addition:*
4	13	mH ORIENT

Size of subject property

.1205 acres *Square footage:* 1200 *Acres:* .1205

Present zoning classification:	*Proposed use of the property:*
	Cameroom

Zoning ordinance provision requiring a conditional use:

Coping business

PART 3. PROPERTY OWNER INFORMATION

Name of current property owner: Charles Sanders

Street address of property owner: 611 S11th Alpine, TX 79830

City/State/Zip code of property owner: Alpine TX 79830

Telephone number of property owner:	*Fax number of property owner:*
432-294-9258	

BUILDING SERVICES

309 W SUL ROSS AVE

ALPINE, TX 79830

(432) 837-3281

SUP PERMIT # 22-006087

DATE OF ISSUANCE: 02/09/22

COIN-OPERATED AMUSEMENT MACHINE PERMIT APPLICATION

Texas Comptroller Taxpayer Number: 32019 2-3291-0

BUSINESS/APPLICANT INFORMATION

BUSINESS

Name:	LUCKY STAR		
Address:			
Phone Number:	6825525119		
Email Address:	PhumghungTO 40@gmail.Come		
Owners Name:	PHUONG HUNG TO		
Mailing Address:	911 SOUTH MOOR DR ARLINGTON TX 76010		
Driver License #	23663780	Zoning District:	

(Copy of Photo ID must be submitted with application)

BUSINESS OWNER INFORMATION

Employee Name:	Driver License Number:
1. Norma Olivo	
2.	
3.	

(The business owner is required to notify the City of Alpine Building Services Department of all new employees)

PROPERTY OWNER INFORMATION

Property Owner:

Name:	Charles Sanders	Phone Number:	432-294-0258
Address:	611 S 11th		
Email:		Property Zoning District:	C2-a

(Copy of lease agreement or letter from property owner must be submitted with application)

TEXAS COIN OPERATED MACHINE LICENSE INFORMATION:

(Complete this section if different from business owner)

License Holder:

Name:	PHUONG HUNG TO
Address:	911 SouthMoor DR ARLINGTON TX 76010
Phone Number:	6825525119
Email Address:	Phuongthungto@gmail.Come

ANNUAL LICENSE FEE: $3,000.00

ANNUAL PERMIT FEE: $120 (PERMIT FEE IS NON-REFUNDABLE)

City of Alpine Annual License and Permit expires on December 31st of each year

BUILDING SERVICES

309 W SUL ROSS AVE

ALPINE, TX 79830

(432) 837-3281

PERMIT # 22-006087

DATE OF ISSUANCE: 02/07/22

Coin-Operated Amusement Machine Permit Application:

Each coin operated machine must have a serial number that is clearly visible on the outside of the machine. If a machine is manufactured without a serial number, the machine owner must assign a serial number and stamp or engrave the number on the machine. An occupation tax permit sticker issued by comptroller must be affixed to each machine. A license issued by the City of Alpine must be posted at each business.

TAX RATE SCHEDULE FOR EACH COIN OPERATED MACHINE

QUARTERS	MONTHS	MACHINE TOTALS		TAX RATE PER MACHINE	TOTAL AMOUNT
1ST QUARTER	JAN-MARCH		X	$ 15.00	
2ND QUARTER	APRIL-JUNE		X	$ 11.25	
3RD QUARTER	JULY-SEPT.		X	$ 7.50	
4TH QUARTER	OCT.DEC		X	$ 3.75	

Name of Business: Lucky STAR

Business phone #: 682 552 5119 Email: _____

Owners Name: PHUONG - HUNG TO Email: _____

Owners Address: 911 SouthMOOR DR ARLINGTON Phone: 6825525119

A=Video	B=Pool	C=Pinball	D=Darts	E=Music	F=Amusement Redemption	G= Other

	Machine Serial / ID #	Machine Make / Manufacture	Machine type code Use letter code above	Machine used by O=owner L=Lessee
1				
2				
3				
4				
5				
6				
7				
8				

The following machines are exempt from this tax: Stamp vending, service machine vending, gas meters, food vending, cigarette vending, beverage vending, and merchandise vending.

City of Alpine Annual License and permit expires on December 31st of each year.

Amusement Redemption Machines better known as "8 liners" to include "Sweepstakes" machines and Bona Fide amusement purposes awards merchandise and prizes. Awards non-cash merchandise, prizes, toys or novelties, or a representation of a value.

GAMBLING DEVICES PROHIBITED

Any machine that: Pays cash, gift cards and gift certificate, pays anything of value by chance and Not by skill.

OFFICE USE ONLY

LICENSE FEE PAID _____ DATE _____

PERMIT FEE PAID _____ DATE _____ Permit fee is non-refundable

Approved by: Chief of Police: _____ Date _____

BUILDING SERVICES

309 W SUL ROSS AVE

ALPINE, TX 79830

(432) 837-3281

PERMIT #

DATE OF ISSUANCE:

- *Submit a letter describing the proposed conditional use and note the request on the site plan document*
- *In the same letter, describe or show on the site plan, and conditional requirements or conditions imposed upon the particular conditional use by applicable district regulations (example: buffer yards, distance between users)*
- *In the same letter, describe whether the proposed conditional use will, or will not cause substantial harm to the value, use, or enjoyment of the other property in the neighborhood. Also describe how the proposed conditional use will add to the value, use or enjoyment of other property in the neighborhood.*
- *Application of site plan approval (Section 20, see attached Form "B")*
- *The site plan submission shall meet the requirements of Section 20.04 Site Plan Requirements.*

- *All conditional use and conditional use applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled at a later date.*
- *All public hearings will be opened, and testimony given by applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.*
- *Any changes to a site plan (no matter how minor or major) approved with a conditional use permit can only be approved by city council the the public hearing process.*
- *I have read and understood all requirements as set forth by the application for conditional use or conditional use permit and acknowledge that all requirements of this application have been met at the time of submittal.*

PART 4. SIGANTURE TO AUTHORIZE CONDITIONAL USE REQUEST AND PLACE A CONDITIONAL USE REQUEST SIGN ON THE SUBJECT PROPERTY

PHUONG HUNG TO

Print Applicants Name

Applicant Signature

The State of Texas

County Of Brewster

Before ME Erica G. Chavez on this day personally appeared Phuong Hung To

(notary) (applicant)

Known to me (or proved to me on the oath of card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this 7th day of February, A.D. 2022

ERICA G. CHAVEZ
Notary Public, State of Texas
Comm. Expires 04-08-2025
Notary ID 13302279-9

Erica G Chavez

Notary in And for State of Texas

Charley Sanders

Print Property Owners Name

Property Owners Signature

The State Of _____ County Of _____

Before Me _____ on this day personally appeared _____

(Notary) (Applicant)

Known to me (or proved to me on the oath of card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this _____ day of _____, A.D._____

Notary in And for State of Texas.

30-306
(Rev.1-15/10)

STATE OF TEXAS

TEXAS COIN OPERATED MACHINE REGISTRATION CERTIFICATE

MACHINE LOCATION

DBA: LUCKY STAR
1102A LAMAR ST UNIT A
SWEETWATER TX 79556-6518

Taxpayer number

3-20192-3291-0

Effective Period

01/01/2021-12/31/2021

THIS PERMIT IS NON-TRANSFERABLE

PLEASE READ REVERSE SIDE

Taxpayer name and mailing address

PHUONG HUNG TO
911 SOUTHMOOR DR
ARLINGTON TX 76010-5841

GLENN HEGAR
Comptroller of Public Accounts

DISPLAY PROMINENTLY AT
THE MACHINE LOCATION

30-306 (Rev.1-15/10)

STATE OF TEXAS

TEXAS COIN OPERATED MACHINE REGISTRATION CERTIFICATE

MACHINE LOCATION

DBA: LUCKY STAR
2516 W YUKON RD
ODESSA TX 79764-2628

Taxpayer number

3-20192-3291-0

Effective Period

01/01/2022-12/31/2022

THIS PERMIT IS NON-TRANSFERABLE

PLEASE READ REVERSE SIDE

Taxpayer name and mailing address

PHUONG HUNG TO
911 SOUTHMOOR DR
ARLINGTON TX 76010-5841

GLENN HEGAR
Comptroller of Public Accounts

DISPLAY PROMINENTLY AT THE MACHINE LOCATION

Please detach here and display your license or certificate

Is the information printed on this license or certificate correct? If not, please tell us.

- If your business name and/or location address are correct, enter the correct trade name and/or address. Do not use this form to show a change of location.
- If your taxpayer name and/or mailing address are incorrect, enter the correct information.
- If you have received a Federal Employer's Identification (FEI) number, enter it in the space below.

If your license or certificate is correct, you do not have to return this form.

- If any corrections are required please enter the correct information on this form and return it to:
  COMPTROLLER OF PUBLIC ACCOUNTS
  111 E. 17th Street
  Austin, Texas 78774-0100

Keep this license or certificate until you receive a corrected license or certificate.

NOTE: ***This form cannot be used if there has been a change of ownership or a change of location for this business. For these changes and to obtain a new license or certificate, please call 1-800-252-1385.***

Taxpayer name shown on the license or certificate

Taxpayer number shown on the license or certificate

3-20192-3291-0

- **Please enter only the information that has to be corrected.**

Correct business name

Correct business location address

City | State | ZIP code

Correct taxpayer name | Phone *(Area code and number)*

Correct mailing address

City | State | ZIP code | FEI number

For additional information, see the back of this form.

sign here — Taxpayer or authorized agent | Date

Comptroller's use only

JOB NAME: AMUSEAPP

Microfilm:

☐ PL05 ■ 00900 ■ 4401

Master name correction

☐ PL10 ■01170 ■0

Master mailing address change

☐ PL06 ■01180

County code

Master phone number add/change

☐ PL06 ■01185

BUILDING SERVICES

309 W SUL ROSS AVE

ALPINE, TX 79830

(432) 837-3281

PERMIT #

DATE OF ISSUANCE:

ILLUMINATION PLAN

An illumination plan to include a site photometric (including illuminated signs) and all fixture details shall be submitted as part of the site plan review process.

Applications will not be accepted without this requirement.

I hereby acknowledge that an illumination plan has been included as part of this submittal.

Applicants Signature _____

Date: 02/14/22

Property Owners Signature _____

Date: 2/14/2022

BUILDING SERVICES

309 W SUL ROSS AVE

ALPINE, TX 79830

(432) 837-3281

PERMIT #

DATE OF ISSUANCE:

ACKNOWLEDGEMENT

All conditional Use and Special Use Applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled to a later date.

All public hearings will be opened, and testimony given by the applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.

Any changes to a site plan (no matter how minor or major) approved with a conditional use or special use permit can only be approved by city council through the public hearing process.

Any application for a change in zoning or for an amendment to the zoning ordinance shall have, from the date of submittal, a period of four months to request and be scheduled on an agenda before the Planning and Zoning Commission and City Council, If after said period of four months an application has not been scheduled before the commission and city council said application, along with the required filing fee may be resubmitted any time thereafter for reconsideration, Delays in scheduling applications before the Planning and Zoning Commission and City Council created by city staff shall not be considered a part of the four month period.

I have read and understand all of the requirements as set forth by the application for conditional use or special use permit and acknowledge that all requirements of this application have been met at the time of submittal.

Signature of Applicant _____

Date: 02-7-22

Signature of Owner _____

Date: 2/14/2022

	Machine Serial / ID # /TAG #	Machine Make / Manufacture	Machine type code Use letter code above	Machine used by O=owner L=Lessee
1	342256	IGT	G	O
2	342257	IGT	G	O
3	342258	IGT	G	O
4	342259	IGT	G	O
5	342269	IGT	G	O
6	342261	LEISURE	G	O
7	342262	LEISURE TIME	G	O
8	342263	LEISURE TIME	G	O
9	342264	LEISURE TIME	G	O
10	342265	LEISURE TIME	G	O
11	342266	LEISURE TIME	G	O
12	342267	LEISURE TIME	G	O
13	342268	LEISURE TIME	G	O
14	342269	LEISURE TIME	G	O
15	342270	LEISURE TIME	G	O
16	342271	BALLYS	G	O
17	342272	BALLYS	G	O
18	342273	BALLYS	G	O
19	342274	BALLYS	G	O
20	342275	BALLYS	G	O
21	342276	BALLYS	G	O
22	342277	BALLYS	G	O
23	342278	BALLYS	G	O
24	342279	BALLYS	G	O
25	342280	BALLYS	G	O

A=Video | B=Pool | C=Pinball | D=Darts | E=Music | F=Amusement Redemption | G= Other

	Machine Serial / ID # /TAG #	Machine Make / Manufacture	Machine type code Use letter code above	Machine used by O=owner L=Lessee
1	3422281	william game	G	O
2	3422282	william game	G	O
3	3422283	william game	G	O
4	3422284	william game	G	O
5	3422285	william game	G	O
6	3422286	william game	G	O
7	3422287	william game	G	O
8	3422288	william game	G	O
9	3422289	william game	G	O
10	3422290	william game	G	O
11	3422291	william game	G	O
12	3422292	william game	G	O
13	3422293	william game	G	O
14	3422294	william game	G	O
15	3422295	william game	G	O
16	3422296	william game	G	O
17	3422297	william game	G	O
18	3422298	william game	G	O
19	3422299	william game	G	O
20	3422300	william game	G	O
21	3422301	william game	G	O
22	3422302	william game	G	O
23	3422303	william game	G	O
24	3422304	william game	G	O
25	3422305	william game	G	O

A=Video | B=Pool | C=Pinball | D=Darts | E=Music | F=Amusement Redemption | G= Other


22
342280


STATE OF TEXAS
20 22
PERMIT NO. 342279
TEXAS COMPTROLLER
OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES
DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 342278
TEXAS COMPTROLLER
OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES
DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 342277
TEXAS COMPTROLLER
OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES
DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 342276
TEXAS COMPTROLLER
OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES
DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 342243
TEXAS COMPTROLLER
OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES
DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 342248
TEXAS COMPTROLLER
OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES
DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 342249
TEXAS COMPTROLLER
OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES
DECEMBER 31, 2022

CITY COUNCIL

MEETING AGENDA ITEM COVER MEMO

APRIL 19, 2022

To: Honorable Mayor and City Council
Agenda Item: Action Item 9 – Coin-operated machine permit, Chi Thoi Vo
Agenda Sponsor: Megan Antrim, City Manager
Memo Submitted By: Geoffrey Calderon, City Secretary

SYNOPSIS

Approve an application for a Special Use Permit for applicant Chi Thoi Vo. The applicant is requesting a special use permit for the purpose of establishing a coin-operated machine business. The property in question is located at 2000 E. Highway 90. Record property owner is Vimal Patel (M. Antrim, City Manager)

BACKGROUND

- The Planning & Zoning Commission considered this Special Use Permit on March 28, 2022.
- The Commission was reluctant to approve any coin-operated machine permits because there is no limit in place for machines.
- There is not a machine limit in the current ordinance, but a limit is being proposed in Ordinance 2022-03-01. The ordinance also stipulates that coin-operated machine permits go through the Commission initially and then to City Council.
- The Planning & Zoning Commission unanimously voted to recommend the denial of this permit.

SUPPORTING MATERIALS

1. Special Use Permit Application & Documentation.

STAFF RECOMMENDATION

APPROVE: City Staff supports approval of this permit.

City Manager	Megan Antrim
City Secretary	Geoffrey Calderon

BUILDING SERVICES

309 W SUL ROSS AVE

ALPINE, TX 79830

(432) 837-3281

SUP PERMIT # 22-006122

DATE OF ISSUANCE: 03/03/22

COIN-OPERATED AMUSEMENT MACHINE PERMIT APPLICATION

Texas Comptroller Taxpayer Number: 32015747572

BUSINESS/APPLICANT INFORMATION

BUSINESS

Name:	LUCKY GAMEROOM		
Address:	2000 E HWY 90 ALPINE TX 79830		
Phone Number:	469 569 4947		
Email Address:	chithoivo1116@gmail.com		
Owners Name:	CHI THOI VO		
Mailing Address:	406 S JACKSON AV ODESSA TX 79761		
Driver License #	TX-13475231	Zoning District:	

(Copy of Photo ID must be submitted with application)

BUSINESS OWNER INFORMATION

Employee Name:	Driver License Number:
1. CHI THOI VO	TX 13475231
2.	
3.	

(The business owner is required to notify the City of Alpine Building Services Department of all new employees)

PROPERTY OWNER INFORMATION

Property Owner:

Name:	Vimal Patel	Phone Number:	(432) 448-3131
Address:	2000 E HWY 90, Alpine TX 79830		
Email:		Property Zoning District:	

(Copy of lease agreement or letter from property owner must be submitted with application)

TEXAS COIN OPERATED MACHINE LICENSE INFORMATION:

(Complete this section if different from business owner)

License Holder:

Name:	CHI THOI VO
Address:	1851 KNIGHTSBRIDE RD # 4324 FARMER BRANCH TX 75231
Phone Number:	469 569 4947
Email Address:	chithoivo1116@gmail.com

ANNUAL LICENSE FEE: $3,000.00

ANNUAL PERMIT FEE: $120 (PERMIT FEE IS NON-REFUNDABLE)

City of Alpine Annual License and Permit expires on December 31st of each year

PAID pd CASH

☐	*Submit a letter describing the proposed conditional use and note the request on the site plan document* *In the same letter:* 1. *describe or show on the site plan, and conditional requirements or conditions imposed upon the particular conditional use by applicable district regulations (example: buffer yards, distance between users)* 2. *Describe whether the proposed conditional use will, or will not cause substantial harm to the value, use, or enjoyment of the other property in the neighborhood.* 3. *Describe how the proposed conditional use will add to the value, use or enjoyment of other property in the neighborhood.* 4. *Application of site plan approval (Section 20, see attached Form "B")* *The site plan submission shall meet the requirements of Section 20.04 Site Plan Requirements.*
	All conditional use and conditional use applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. ***Based on the size of the agenda, your application may be scheduled at a later date.*** ***All public hearings will be opened, and testimony given by applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.*** ***Any changes to a site plan (no matter how minor or major) approved with a conditional use permit can only be approved by city council the public hearing process.***
☐	*I have read and understood all requirements as set forth by the application for conditional use or conditional use permit and acknowledge that all requirements of this application have been met at the time of submittal.*

PART 4. SIGANTURE TO AUTHORIZE CONDITIONAL USE REQUEST AND PLACE A CONDITIONAL USE REQUEST SIGN ON THE SUBJECT PROPERTY

CHI THIDI VU _____ _____

Print Applicants Name **Applicant Signature**

The State of Texas

County Of Brewster

Before ME Oscar P Jimenez on this day personally appeared Chi Thi Vu

(notary) (applicant)

Known to me (or proved to me on the oath of card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this 3 day of March, A.D. 2022

_____

Notary in And for State of Texas

VIMAL PATEL _____

Print Property Owners Name

_____

Property Owners Signature

The State Of Texas County Of Brewster

Before Me Oscar P Jimenez on this day personally appeared Vimal Patel

(Notary) (Applicant)

Known to me (or proved to me on the oath of card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this 3 day of March, A.D. 2022

Notary in And for State of Texas.

OSCAR P JIMENEZ
Notary Public
STATE OF TEXAS
Notary ID # 13245994-4
My Comm. Exp. May 1, 2024

Coin-Operated Amusement Machine Permit Application:

Each coin operated machine must have a serial number that is clearly visible on the outside of the machine. If a machine is manufactured without a serial number, the machine owner must assign a serial number and stamp or engrave the number on the machine. An occupation tax permit sticker issued by comptroller must be affixed to each machine. A license issued by the City of Alpine must be posted at each business.

TAX RATE SCHEDULE FOR EACH COIN OPERATED MACHINE

QUARTERS	MONTHS	MACHINE TOTALS		TAX RATE PER MACHINE	TOTAL AMOUNT
1ST QUARTER	JAN-MARCH		X	$ 15.00	
2ND QUARTER	APRIL-JUNE		X	$ 11.25	
3RD QUARTER	JULY-SEPT.		X	$ 7.50	
4TH QUARTER	OCT.DEC		X	$ 3.75	

Name of Business: LUCKY GAMEROOM

Business phone #: (469) 569 4947 Email: _____

Owners Name: CHI THOI VO Email: Chithoivo116@gmail.com

Owners Address: 406 S JACKSON AVE Phone: 469 569 4947

A=Video	B=Pool	C=Pinball	D=Darts	E=Music	F=Amusement Redemption	G= Other

	Machine Serial / ID #	Machine Make / Manufacture	Machine type code Use letter code above	Machine used by O=owner L=Lessee
1				
2				
3				
4				
5				
6				
7				
8				

The following machines are exempt from this tax: Stamp vending, service machine vending, gas meters, food vending, cigarette vending, beverage vending, and merchandise vending.

City of Alpine Annual License and permit expires on December 31st of each year.

Amusement Redemption Machines better known as "8 liners" to include "Sweepstakes" machines and Bona Fide amusement purposes awards merchandise and prizes. Awards non-cash merchandise, prizes, toys or novelties, or a representation of a value.

GAMBLING DEVICES PROHIBITED

Any machine that: **Pays cash, gift cards and gift certificate, pays anything of value by chance and Not by skill.**

OFFICE USE ONLY

LICENSE FEE PAID _____ DATE_____
PERMIT FEE PAID _____ DATE_____ Permit fee is non-refundable

Approved by: Chief of Police: _____ Date _____

	Machine Serial / ID # /TAG #	Machine Make / Manufacture	Machine type code Use letter code above	Machine used by O=owner L=Lessee
1			G	O
2			G	O

	Machine Serial / ID # /TAG #	Machine Make / Manufacture	Machine type code Use letter code above	Machine used by O=owner L=Lessee
1	3010001 / 409760	Bally	G	O
2	3010001 / 409761	Bally	G	O
3	3010002 / 409762	Bally		
4	3010003 / 409763	Bally		
5	3010004 / 409764	BALLY		
6	3010005 / 409765	Bally		
7	3010006 / 409766	Bally		
8	3010007 / 409767	Bally		
9	3010008 / 409768	Bally		
10	3010009 / 409769	Bally		
11	3010010 / 409770	WMS		
12	3010011 / 409771	WMS		
13	3010012 / 409772	WMS		
14	3010013 / 409773	WMS		
15	3010014 / 409774	WMS		
16	3010015 / 409775	WMS		
17	3010016 / 409776	WMS		
18	3010017 / 409777	WMS		
19	3010018 / 409778	WMS		
20	3010019 / 409779	WMS		
21	3010020 / 409780	WMS		
22	3010021 / 409781	WMS		
23	3010022 / 409782	WMS		
24	3010023 / 409783	WMS		
25	3010024 / 409784	WMS	G	O

A=Video	B=Pool	C=Pinball	D=Darts	E=Music	F=Amusement Redemption	G= Other

	Machine Serial / ID # /TAG #	Machine Make / Manufacture	Machine type code Use letter code above	Machine used by O=owner L=Lessee
1	301025 / 409785	IGT	G	O
2	301026 / 409786	IGT	G	O
3	301027 / 409787	IGT	G	O
4	301028 / 409788	IGT	G	O
5	301029 / 409789	potter & GOLD	G	O
6	301030 / 409790	potter & GOLD	G	O
7	301031 / 409791	potter GOLD	G	O
8	301032 / 409792	GOLD TOUCH	G	O
9	301033 / 409793	GOLD TOUCH	G	O
10	301034 / 409794	GOLD TOUCH	G	O
11	301035 / 409795	WMS Line of Luxury	G	O
12	301036 / 409796	"	" G	O
13	301037 / 409797	"	" G	O
14	301038 / 409798	"	" G	O
15	301039 / 409799	WMS Line of Luxury	G	O
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

A=Video	B=Pool	C=Pinball	D=Darts	E=Music	F=Amusement Redemption	G= Other

30-306
(Rev.1-15/10)

STATE OF TEXAS

TEXAS COIN OPERATED MACHINE GENERAL BUSINESS LICENSE

RECORDS LOCATION

GOLDEN GAME ROOM
406 S JACKSON AVE
ODESSA TX 79761-6569

Taxpayer number

3-20157-4757-2

Effective Period

01/03/2022-12/31/2022

THIS PERMIT IS NON-TRANSFERABLE

PLEASE READ REVERSE SIDE

Taxpayer name and mailing address

CHI THOI VO
406 S JACKSON AVE
ODESSA TX 79761-6569

GLENN HEGAR
Comptroller of Public Accounts

DISPLAY PROMINENTLY AT THE MACHINE LOCATION

Please detach here and display your license or certificate

Is the information printed on this license or certificate correct? If not, please tell us.

- If your business name and/or location address are correct, enter the correct trade name and/or address. Do not use this form to show a change of location.
- If your taxpayer name and/or mailing address are incorrect, enter the correct information.
- If you have received a Federal Employer's Identification (FEI) number, enter it in the space below.

If your license or certificate is correct, you do not have to return this form.

- If any corrections are required please enter the

BUILDING SERVICES

309 W SUL ROSS AVE

ALPINE, TX 79830

(432) 837-3281

FOR STAFF USE ONLY

PERMIT #_____

TOTAL FEE: $350.00

DATE:_____

CONDITIONAL/SPECIAL USE PERMIT (Form A)

PART 1. APPLICANT INFORMATION

Name of applicant/agent/company/contact:

CHI THOI VO

Street address of applicant/agent:

1851 KNIGHTS BRIDGE RD APT 4324

City/State/Zip Code of applicant / agent:

FAMER BRANCH TX 75234

Telephone number of applicant/agents:	*Fax number of applicant/agents:*
469 569 4947	
Email address of applicant /agent:	*Mobile phone of applicant/agent:*
Chithoivo1116@gmail.com	

PART 2. PROPERTY INFORMATION

Street address of public property:

2000 E Hwy 90 ALPINE TX 79830

Legal description of subject property (metes and bounds must be described on 8 ½ x 11 paper

Lot:	*Block:*	*Addition:*
100, TR:14 (PTN) GHSA	9	

Size of subject property ABST 1188

Square footage: 1000 *Acres:* 3.07

Present zoning classification:	*Proposed use of the property:*
C-1	COIN OPERATION

Zoning ordinance provision requiring a conditional use:

SPECIAL USE PERMIT COIN OPERATION

PART 3. PROPERTY OWNER INFORMATION

Name of current property owner:

Vimal Patel,

Street address of property owner:

2000 E Hwy 90 Alpine TX 79830

City/State/Zip code of property owner:

Alpine TX 79830

Telephone number of property owner:	*Fax number of property owner:*
432.448-3131	

DPS Computerized Criminal History (CCH) Verification

(AGENCY COPY)

I, CHI THOI VO, acknowledge that a Computerized Criminal

APPLICANT or EMPLOYEE NAME (Please print)

History (CCH) check may be performed by accessing the Texas Department of Public Safety Secure Website and may be based on name and DOB identifiers. (This is not a consent form, but serves as information for the applicant.) Authority for this agency to access an individual's criminal history data may be found in Texas Government Code 411; Subchapter F.

Name-based information is not an exact search and only fingerprint record searches represent true identification to criminal history record information (CHRI), therefore the organization conducting the criminal history check is not allowed to discuss with me any CHRI obtained using the name and DOB method. The agency may request that I also have a fingerprint search performed to clear any misidentification based on the result of the name and DOB search.

In order to complete the fingerprint process I must make an appointment with the Fingerprint Applicant Services of Texas (FAST) as instructed online at www.txdps.state.tx.us */Crime Records/Review of Personal Criminal History* or by calling the DPS Program Vendor at 1-888-467-2080, submit a full and complete set of fingerprints, request a copy be sent to the agency listed below, and pay a fee of $25.00 to the fingerprinting services company.

Once this process is completed the information on my fingerprint criminal history record may be discussed with me.

(This copy must remain on file by this agency. Required for future DPS Audits)

Signature of Applicant or Employee (optional)

02/16/2022
Date

Alpine Police Dept.
Agency Name (Please print)

Darren R. Lassen Chief
Agency Representative Name (Please print)

Signature of Agency Representative

2/16/22
Date

Please:
Check and Initial each Applicable Space

CCH Report Printed:

YES ✓ NO ____ DRL initial

Purpose of CCH: Vendor Permit

Empl ___ Vol/Contractor ___ ____ initial

Date Printed: 2/16/22 DRL initial

Destroyed Date: ____ ____ initial

Retain in your files

Rev. 09/2015

ACKNOWLEDGEMENT

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I have read and understand all of the requirements as set forth by the application for conditional use or special use permit and acknowledge that all requirements of this application have been met at the time of submittal.

Owner/Agent Print	CHI THOI VO	Date:
Owner/Agent Signature		Date:

ILLUMINATION PLAN

An illumination plan to include a site photometric (including illuminated signs) and all fixture details shall be submitted as part of the site plan review process.

Applications will not be accepted without this requirement.

I hereby acknowledge that an illumination plan has been included as part of this submittal.

Owner/Agent Print	CHI THOI VO	Date:
Applicant Signature		Date:


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 3183, COIN-OPERATED MACHINES.
PERMIT NO.
409798
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 3183, COIN-OPERATED MACHINES.
PERMIT NO.
409797
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 3183, COIN-OPERATED MACHINES.
PERMIT NO.
409796
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 3183, COIN-OPERATED MACHINES.
PERMIT NO.
409793
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 3183, COIN-OPERATED MACHINES.
PERMIT NO.
409792
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 3183, COIN-OPERATED MACHINES.
PERMIT NO.
409791
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 3183, COIN-OPERATED MACHINES.
PERMIT NO.
409795
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 3183, COIN-OPERATED MACHINES.
PERMIT NO.
409760
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 3183, COIN-OPERATED MACHINES.
PERMIT NO.
409794
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 3183, COIN-OPERATED MACHINES.
PERMIT NO.
409799
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409785
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409790
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409784
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409789
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409788
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PERMIT NO. 409787
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STATE OF TEXAS
20 22
PERMIT NO. 409786
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409783
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409782
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409781
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409779
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409774
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409780
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409775
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409778
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409777
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409776
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409773
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409772
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
PERMIT NO. 409771
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 2153, COIN-OPERATED MACHINES.
PERMIT NO.
409770
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 2153, COIN-OPERATED MACHINES.
PERMIT NO.
409769
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 2153, COIN-OPERATED MACHINES.
PERMIT NO.
409768
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 2153, COIN-OPERATED MACHINES.
PERMIT NO.
409767
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20
PERMIT NO.
409766
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 2153, COIN-OPERATED MACHINES.
PERMIT NO.
409765
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 2153, COIN-OPERATED MACHINES.
PERMIT NO.
409764
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 2153, COIN-OPERATED MACHINES.
PERMIT NO.
409763
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20 22
OCCUPATION TAX RECEIPT
COIN OPERATED MACHINE
THIS CERTIFIES THAT THE STATE OCCUPATION TAX HAS BEEN PAID IN ACCORDANCE WITH THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 2153, COIN-OPERATED MACHINES.
PERMIT NO.
409762
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022


STATE OF TEXAS
20
PERMIT NO.
409761
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
THIS PERMIT EXPIRES DECEMBER 31, 2022

3			G	O	
4			G	O	
5			G	O	
6			G	O	
7			G	O	
8			G	O	
9			G	O	
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11			G	O	
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19			G	O	
20			G	O	
21			G	O	
22			G	O	
23			G	O	
24			G	O	
25			G	O	
A=Video	B=Pool	C=Pinball	D=Darts	E=Music	F=Amusement Redemption	G= Other

CITY COUNCIL

MEETING AGENDA ITEM COVER MEMO

APRIL 19, 2022

To: Honorable Mayor and City Council
Agenda Item: Action Item 10 – Alpine Country Club Estates & Airport Taxiway Paving RFP
Agenda Sponsor: Megan Antrim, City Manager

SYNOPSIS

Award contract for paving for the Alpine Country Club Estates to Jarratt Dirt Work; authorize City Manager to negotiate the proposal from Jarratt Dirt Work for the paving of an airport taxiway responsive to the request for proposals issued for paving services, not to exceed $60,000.

BACKGROUND

- 1st Request for Proposals issued February 17, 2022 for paving approximately 13,500 square fee of taxiway at the Alpine Casparis Municipal Airport and approximately 28,000 square feet of road along Alpine Country Club Estate Road
- City received one response – J. Carrizal General Construction – response was over budget. March 15, 2022 City Council Meeting – Council did not approve.
- 2nd Request for Proposals issued March 23, 2022. Closing Date April 7, 2022
- City received two proposals – J. Carrizal General Construction and Jarrett Dirt Work.
- Jarrett Dirt Work submitted the lowest bid on both paving projects.
- The Alpine Country Club Estate Paving is within budget and being recommend for approval
- The Alpine Casparis Municipal Airport Taxiway Project exceeds funding limit and being recommend to negotiate to allow for a portion of the paving.

SUPPORTING MATERIALS

1. RFP – Jarrett Dirt Work

STAFF RECOMMENDATION

Approve Alpine Country Club Estate Paving and negotiate taxiway portion to fall within available funding.

City Manager Megan Antrim

REQUEST FOR PROPOSAL

STREET PAVING

RFP 2022-02-01-A

CLOSING DATE & TIME:

April 7, 2022 AT 5:00 PM, CST

DELIVER OR MAIL TO:

CITY OF ALPINE

FINANCE DEPARTMENT

100 NORTH 13TH STREET

ALPINE, TEXAS 79830

(Note: Without exemption- Proposal must be time and date stamped by the Finance Department. Timely physical delivery is at the risk of the respondent.

Subject Title: Street Paving

Date Due: April 7, 2022 **Time Due:** 5:00 p.m. CST **Date Issued:** March 22, 2022

Calendar of Events
The dates and times listed below are tentative and subject to change. The City will make every effort to adhere to the following schedule.

March 24, 2022	Newspaper Publication Notice
March 31, 2022	Newspaper Publication Notice
April 7, 2022	Proposals due by 5:00pm CST
April 19, 2022	Award by City Council

Article I. GENERAL CONDITIONS

Section 1.01

a) This Request for Proposal ("RFP") shall be on file in the Finance Department,

City of Alpine (the "City"), City Hall, 100 North 13th Street Alpine, Texas 79830, from 8:00 a.m. until 5:00 p.m., Monday through Friday, and available to interested individuals and entities ("Bidders") from the Date Issued until the Due Date and Time.

Section 1.02

a) Bidders are expected to examine all documents that make up this RFP.

Bidders shall promptly notify the City of any omission, ambiguity, inconsistency, or error that they may discover upon examination of the RFP. The City assumes no responsibility for errors or misrepresentations that result from the use of incomplete proposals.

Section 1.03

a) All responses to this RFP shall be submitted on the attached response forms.

Faxed or emailed proposals and/or late submissions will not be accepted. Proposals must be received by the City of Alpine Finance Department at or before 5:00 p.m. CST on April 7, 2022. Each Proposal must be submitted in a sealed envelope clearly identified as "Request for Proposal – Street Paving" and delivered to the following person:

City of Alpine
Finance Department
Jovannie L. Gonzales
100 North 13th Street
Alpine, Texas 79830
Do Not Open – RFP Street Paving

Section 1.04

a) READ THIS RFP FULLY AND CAREFULLY. PROPOSALS SHALL BE COMPLETE UPON SUBMISSION, INCLUDING ALL FORMS AND ATTACHMENTS REQUIRED HEREIN. FAILURE TO STRICTLY COMPLY WITH THESE STATED TERMS OF SUBMISSION MAY RESULT IN REJECTION OF THE PROPOSAL.

Section 1.05

a) During the pendency of this RFP, Bidder shall not contact any City staff except those designated in this RFP or subsequent addendums or correspondence. Any questions or concerns should be addressed in writing at least five (5) business days prior to the due date. Non-compliance with this provision may result in rejection of the Proposal. City staff designated as a contact for this RFP is:

Name	Jovannie L. Gonzales
Title	Finance Clerk
Phone	(432) 837-3301
Fax	(432) 837-2044
Email	j.gonzales@ci.alpine.tx.us

Name	Eddie Molinar
Title	Director of Public Works
Phone	(432)294-0505
Fax	(432)837-2044
Email	eddie.molinar@ci.alpine.tx.us

Section 1.06

a) The enclosed, Special Conditions and accompanying STANDARD PURCHASE TERMS & CONDITIONS and SPECIFICATIONS AND BID SHEET(S) are for your convenience in bidding the enclosed referenced products and/or services.

Section 1.07

a) Bidder shall initial and date each page of this RFP and must sign and date this RFP. The person signing the RFP must have the authority to bind the firm in a contract. Bids which are not signed and dated in this manner may be rejected.

Section 1.08

a) Bids cannot be altered or amended after the submission deadline. Any interlineations, alteration or erasure made before opening time must be initialed by the signer of the bid, guaranteeing authenticity.

Section 1.09

a) Bids must comply with all applicable federal, state, county and local laws concerning these types of services.

Section 1.10

a) The bid opening is scheduled to be held at the Alpine City Hall,Council Chambers located at 100 North 13th Street, Alpine, Texas on Friday, April 8, 2022 at 10:00 am. Each Bidder is invited to attend.

Article II. GENERAL INFORMATION

Section 2.01

a) STATE OF TEXAS FORM 1295 CERTIFICATES OF INTERESTED PARTIES: Pursuant to House Bill 1295 passed by the 84th Texas Legislature (Section 2252.908, Texas Government Code, as amended) and formal rules released by the Texas Ethics Commission (TEC), all contracts with private business entities requiring approval by the Alpine City Council must be accompanied by a completed, executed, and notarized Certificate of Interested Parties, Form 1295. The successful Bidder will be required to complete Form 1295. In order to complete Form 1295, the successful Bidder will need to obtain a Contract Tracking Number from the City of Alpine Finance Department at (432) 837-3301 or by emailing director.finance@ci.alpine.tx.us

Step One – Set up Account:

For a video detailing how you register your company for the first time with the Texas Ethics Commission go to:

https://www.ethics.state.tx.us/filinginfo/videos/Form1295/FirstLogin-Business/Form1295Login-Business.html

Step Two – Create Certificate Form 1295:

For a video detailing how to create Form 1295, following registration got to: http://www.statutes.legis.state.tx.us/filinginfo/videos/Form1295/CreateCertificate/CreateCertificate.html

b) SALES TAX: The City of Alpine is exempt by law from payment of Texas Sales Tax and Federal Excise Tax.

c) EXCEPTIONS/SUBSTITUTIONS OF MATERIALS USED IN THE PROJECT: Bidders taking exception to the specifications, or offering substitutions, shall state these exceptions according to the guidelines outlined in the Request for Approved Equals. If the Bidder takes no exception to the specifications, or offers no substitution, a check mark should be placed in the space provided indicating that the unit proposed meets that particular specification. The absence of any exceptions/substitutions shall indicate that the Bidder has not taken exceptions, and shall hold the Bidder responsible to perform in strict accordance with this RFP. The City Council of the City of Alpine reserves the right to accept any, all or none of the exception(s)/substitution(s) deemed to be in the interest of the City.

d) ADDENDUM: Any interpretations, corrections or changes to this RFP will be made by Addendum. Sole issuing authority of Addendums shall be vested in the City of Alpine, Finance Department. An Addendum will be issued, if necessary, and posted on the City website (www.cityofalpine.com). All effort will be made to notify all who are known to have received a copy of this RFP of any and all Addendums. Bidders shall acknowledge receipt of all Addendums on the sealed envelope containing their bid.

e) REFERENCE: Bidders shall supply with their bid, a list of at least three references where like services have been supplied by their firm. It must include the name of the firm, address, telephone number and name of representative. Failure to provide this information will result in rejection of bid.

f) SILENCE OF SPECIFICATIONS: The apparent silence of the RFP as to any detail or to the apparent omission of a detailed description concerning any point shall be regarded as meaning that only the best commercial practices are to prevail. All interpretations of these specifications shall be made on the basis of this statement.

g) BID AWARD: It is not the policy of the City to award a contract on the basis of price alone. The City reserves the right to award the contract to the Bidder offering the best value, and not necessarily to the Bidder offering the lowest price. A Proposal may be evaluated and selected on the basis of references, reputation, experience, past performance, skill, financial capacity, product quality and features, delivery schedule, quality installation, compatibility with existing equipment, and product service warranty or other criteria deemed to be in the best interest of the City.

h) CONTRACT: This bid, when properly accepted by the City, shall constitute a contract equally binding between the successful Bidder and the City. No different or additional terms will become a part of this contract with the exception of Change Orders.

i) CHANGE ORDERS: No oral statement of any person shall modify or otherwise change, or affect the terms, conditions or specifications stated in the resulting contract. All change orders will be made in writing and approved by both parties prior to commencement.

j) CONTRACT TERM: The Contract Term shall commence and be binding on the date of award by City Council and shall expire upon completion of Section 5.01, (a) or September 30, 2022, whichever shall come first.

Article III. SPECIAL CONDITIONS

Section 3.01 APPROVED EQUALS

a) An Approved Equal is a request from the Bidder offering that deviates from specified standards (e.g. a feature quantity is not the level specified, or a design or functional capability is not of the type specified, or where manufacturing or engineering technology has developed a new approach that may use an alternative method differing from the method called for in the specification that meets or exceeds the performance goal specified).

b) Any non-approved alternates taken from the specified standards contained in the bid may disqualify the bid.

Section 3.02 REQUEST FOR APPROVED EQUALS

a) Bidders may submit to the City requests for approved equals for materials. Requests must be supported by evidence such as technical data, test results, or other pertinent information that demonstrate the substitute offered is equal or better than the specification's requirements.

b) The City reserves the right to determine equivalency. All requests for approved equals must be submitted in writing and received by the City not later than one week prior to the RFP due date.

c) All known Bidders shall be informed, via addendum to the original specifications, of those requests determined by the City to be equal or to exceed the minimum stated specifications three (3) days prior to the bid opening.

d) Request for Approved Equals shall be directed to:

City of Alpine
Finance Department
Jovannie L. Gonzales
100 North 13th Street
Alpine, Texas 79830
Phone: (432) 837-3301
Fax: (432) 837-2044
j.gonzales@ci.alpine.tx.us

Section 3.03 CONDITIONS FOR PLACEMENT

a) The asphaltic mixture shall only be placed when the air temperature is above 50 degrees Fahrenheit and is rising. The air temperature shall be taken in the shade away from artificial heat. It is further provided that the asphaltic mixture shall be placed only when the humidity, general weather conditions, temperature and moisture conditions of the base, in the opinion of the City, are suitable.

Article IV. STANDARD PURCHASE TERMS AND CONDITIONS

Section 4.01 CONDITIONS

a) Bidders shall thoroughly examine the specifications, drawings, schedule, instructions and all other contract documents.

b) Bidders shall make all investigations necessary to thoroughly inform themselves regarding plant and facilities for delivery of material and equipment if required by the bid conditions. No plea of ignorance by the Bidder of conditions that exist or that may hereafter exist as a result of failure or omission on the part of the Bidder to make the necessary examinations and investigations, or failure to fulfill in every detail the requirements of the contract documents, will be accepted as a basis for varying the requirements of the City or the compensation to the vendor.

c) Bidders are advised that all City contracts are subject to all legal requirements provided for in the City Charter, Code and/or applicable City Ordinances, State of Texas and Federal statutes.

Section 4.02 CONTRACT

a) Contract Definition. The General Conditions of Bidding and Terms of Contract, Specifications, Plans, Bidding Forms, Addenda, and any other documents made a part of this bid shall constitute the complete bid. This bid, when duly accepted by City of Alpine, shall constitute a contract equally binding between the successful bidder and City of Alpine.

b) Contract Agreement. Once a contract is awarded, the unit prices offered by the successful bidder shall remain firm for the term of the contract.

Section 4.03 PREPARATION OF BIDS

a) All information required by the bid form shall be furnished. The Bidder shall sign in ink the Bid Specifications and Bid Summary documents in the places indicated, stating the firm's name and address where required.

b) Unit prices shall be shown, and where there is an error in extension of price, the unit price shall govern.

Section 4.04 CLARIFICATION OF OBJECTION TO BID SPECIFICATIONS

a) Bidder may, if in doubt as to the true meaning of the specifications or other bid documents or any part thereof, submit to the Finance Department, on or before seven (7) calendar days prior to scheduled bid opening, a request for clarification. All such request for information shall be made in writing and the person submitting such request shall be responsible for its prompt delivery. Any interpretation of the bid, if made, will be made only by Addendum duly issued. A copy of such addendum will be issued, if necessary, and posted on the City website (www.cityofalpine.com). All effort will be made to notify all who are known to have received a copy of this RFP of any and all Adendums. The City will not be responsible for any other explanation or interpretation of the proposed bid made or given prior to RFP submittal deadline.

Section 4.05 WITHDRAWAL OF BIDS

a) Bids may not be withdrawn after the time set for the bid opening, unless approved by the City Council.

Section 4.06 LATE BIDS OR MODIFICATION OF BID

a) Bids and modifications received after the bid due date and time, will be returned to the Bidder unopened, as required by State law.

Section 4.07 INSURANCE

a) Prior to commencing work, the successful Bidder shall furnish the City with certificates of insurance in the amounts listed below:

   i. Workers' Compensation Insurance

      Amount: Statutory

   ii. Comprehensive General Liability Insurance

      Amount: $500.000 Each Occurrence

      $1,000,000 General Aggregate

   iii. Comprehensive Automobile Liability Insurance

      Amount: $500,000 Combined Single Limit

b) The successful Bidder shall procure and maintain in force this insurance until the work under this RFP has been completed and accepted by the City. The City shall be listed as Additional Insured under the policy.

Section 4.08 PERFORMANCE AND PAYMENT BOND

a) Performance and Payment Bond. Bidder must provide a performance bond and payment bond to the City of Alpine, Finance Department prior to commencement of work. The performance bond and payment bond or Letter of Credit must be in an amount equal to one hundred (100%) percent of the Total Square Yard Bid as outlined herein. The performance bond and payment bond or Letter of Credit shall be returned by the City upon completion of work contemplated in this RFP.

Section 4.09 NON-DISCRIMINATION CLAUSE

a) Bidder agrees that if his/her bid is accepted, Bidder will not engage in employment practices which have the effect of discriminating against employees or prospective employees because of race, color, national origin, sex, age, handicap or political belief or affiliation. In addition, Bidder agrees that he/she will abide by all applicable terms and provision of this Nondiscrimination Clause.

Section 4.10 LIQUIDATED DAMAGES

a) In the event the Proposal herein, is accepted by the City and the Bidder breaches the contract, the Bidder shall be liable for liquidated damages as provided for herein.

Section 4.11 RELEASE AND INDEMNIFICATION

a) TO THE MAXIMUM EXTENT PERMITTED BY LAW, BIDDER HEREBY AGREES AND CONSENTS FOR ITSELF, INDIVIDUALLY, AND ON BEHALF OF THE BUSINESS ENTITY REPRESENTED, TO FULLY AND UNCONDITIONALLY RELEASE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF ALPINE, TEXAS, INCLUDING ITS OFFICERS, AGENTS AND EMPLOYEES, AND TO DEFEND AND HOLD IT HARMLESS FROM AND AGAINST ANY AND ALL COSTS, EXPENSES, ATTORNEY FEES, CLAIMS, SUITS, DEMANDS, LOSSES, OR LIABILITY FOR INJURIES TO REAL OR PERSONAL PROPERTY AND INJURIES TO PERSONS INCLUDING DEATH, INCLUDING BIDDER'S EMPLOYEES, AFFILIATES, REPRESENTATIVES, PARTNERS, AGENTS, OR THOSE WORKING ON BIDDER'S BEHALF, FROM ANY AND ALL OTHER COSTS, EXPENSES, ATTORNEY FEES, CLAIMS, SUITS, DEMANDS, LOSSES OR LIABILITIES OF ANY AND EVERY NATURE WHATSOEVER ARISING IN ANY MANNER, DIRECTLY OR INDIRECTLY, OUT OF OR IN CONNECTION WITH ANY CONTRACT AWARDED PURSUANT TO THIS RFP AND IN THE PERFORMANCE THEREOF, REGARDLESS OF CAUSE OR OF THE SOLE, JOINT, COMPARATIVE OR CONCURRENT NEGLIGENCE OR GROSS NEGLIGENCE OF CONTRACTOR, ITS OFFICERS, AGENTS OR EMPLOYEES, SAVE AND EXCEPT THE SOLE AND EXCLUSIVE NEGLIGENCE OF THE CITY. THIS PROVISION SHALL APPLY TO ALL

IMPUTED OR ACTUAL JOINT ENTERPRISE AND JOINT VENTURE LIABILITY, IF ANY.

Article V. SPECIFICATIONS AND BID SHEETS

Section 5.01 THE CITY OF ALPINE IS ACCEPTING BIDS FOR THE FOLLOWING ITEMS:

a) In general, the work consists of paving approximately 13,500 square feet of taxi way I(around Hangars) located at the Alpine Casparis Municipal Airport.

b) In general, the work consists of paving approximately 28,000 square feet of road begining at the entrance to Alpine Country Club Estates.

The estimated quantities specified herein are not a guarantee of actual quantities and the City does not guarantee any particular quantity of materials to be purchased during the term of the contract.

Bidder will coordinate paving schedule with the Airport Manager prior to commencement of paving work.

a) Taxiway - Complete in place paving consisting of Hot Mix Asphaltic Concrete conforming to TxDOT Item 340, Type D Hot Mix Asphaltic Concrete as indicated by TxDot's Standard Specifications (2004). The base course should be Type C or D with a minimum of four inches and a surface of Type D with a minimum two inch compacted thickness.

b) Alpine Country Club Estate Road - to be repaved with two (2) course penetration to the following specifications: Asphalt: CRS-2 1st Course: 0.35 GAL/S.Y. 2nd Course: 0.30 GAL/S.Y. Aggregate: 1st Course: GR. 3, Type B - 1 CU.YD./80 S.Y. 2nd Course: GR. 4, Type B - 1 CU. YD./110 - 115 S.Y. Primer Oil: AEP @ .25 GAL./S.Y. Base Material: Type B, Grade 3.

The successful Bidder shall be responsible for providing all labor, tools and equipment must be able to pave a minimum width of twelve (12) foot. Bidder shall arrange pickup and delivery of all asphalt material.

Bidder shall be responsible for providing traffic control ensuring the construction area and adjacent streets have appropriate safety markings and barricades to warn the general public of all work and any hazards.

Due to the volatility of the petroleum market, the successful Bidder will be allowed to request an increase in their bid price, once every three months, based on the Producer Price Index(s) for Asphalt Paving Mixtures/324121 and Crushed and Broken Limestone/212312.

The City will not reasonably withhold consent if the Bidder can demonstrate a direct increase in the index(s) and/or in the cost of materials. Since the perceived need for price increases may be due in whole or in part to factors other than index changes, the City may consider fully documented increase requests based on other cost factors. Prices for products or services unaffected by verifiable cost trends shall not be subject to change.

Except as mutually agreed upon by the City and Bidder, Bidder shall not proceed with paving without City consent. Failure to begin work after the stated time period may result in the enforcement of liquidated damages up to $250 per day. In the event weather conditions prohibit the ability of the Bidder to begin work within five (5) working days of notice, the Bidder may request, in writing, additional time to begin the work.

Section 5.02 BID FORM

a) In strict compliance with all specifications outlined herein, Bidder hereby agrees to enter into a contract for the following bid price:

Item No.	Unit	Description and Unit Price in Words	Unit Price	Approximate Square Feet	Total Square Feet Bid *(Unit Price X Square Yards)*
1	SF	Taxiway Five Dollars and Thirty three Cents per square foot.	$5.33	13,500	$71,955.00
2	SF	Alpine Country Club Estates Three _ Dollars and fifty _ Cents per square foot.	$3.50	28,000	$98,000.00
SF = Square Foot					

BIDDERS OFFER AND ACCEPTANCE FORM
OFFER TO CONTRACT

To City of Alpine:

We hereby offer and agree to furnish the materials and services, if applicable, in compliance with all terms, conditions, specifications, and amendments in the RFP and any written exceptions listed in the deviation section outlined herein. We understand that the items in the RFP, including, but not limited to, all required certificates are fully incorporated herein as a material and necessary part of the contract.

The undersigned hereby states, under penalty of perjury, that all information provided is true, accurate, and complete, and states that he/she has the authority to submit this bid, which will result in a binding contract if accepted by City of Alpine. We acknowledge receipt of the following amendment(s): _____, _____, _____, _____.

I certify, under penalty of perjury, that I have the legal authorization to bind the firm hereunder:

Jarratt Dirt Work and Paving, Inc.
Company Name and/or DBA

PO Box 1147 ** 43082 State Hwy 17	Fort Davis	Texas	79734
Address	City	State	Zip

432-426-3592	432-426-3140
Phone	Fax
office@jarrattdirtwork.com	N/A
Email	Website

Lance Jarratt
Signature of Person Authorized to Sign

Lance Jarratt
Printed Name

President
Title

CONTACT FOR THIS PROPOSAL:

Name: Lance Jarratt

Address: PO Box 1147 ** 43082 State Hwy 17

City, State, Zip: Fort Davis, Texas 79734

Phone: 432-249-0187 Fax: 432-426-3140

E-mail: lance@jarrattdirtwork.com

REFERENCES & EQUIPMENT USED

Bidder shall submit a list of at least three (3) references, for which Bidder has provided like products or services. References will include contact name and telephone number. Proposals submitted without three references may be disqualified from consideration.

1. Company: Lee Lewis Construction

   Company Address: P.O. Box 65197 Lubbock, Texas 79464

   Contact name: Neil Easter Phone number: 806-441-2009

2. Company: Jeff Davis County Commissioner Court

   Company Address: 100 Court Avenue Fort Davis, Texas 79734

   Contact name: Albert Miller Phone number: 432-467-2971

3. Company: Franklin Mountain KC, LLC

   Company Address: 123 W Mills Ave. Ste. 600 El Paso, Texas 79901

   Contact name: Travis Dimler Phone number: 210-364-7604

EQUIPMENT TO BE USED:

2015 CAT 160 M2 Motor Grader

2006 Etnyre Paving Machine

2008 CAT 12M Motor Grader

2008 Etnyre 3500 gals distributor truck

2007 Western Star 4000 gals water truck

2007 CAT 434 vibatory asphalt roller

2006 IR 84" vibatory roller

2014 Case 1320 skid steer

2- 2017 Western Star Belly Dump Trucks

2003 Case 321 C - 4 c.y. loader

2017 CAT paving machine

DEVIATION OR COMPLIANCE ACKNOWLEDGEMENT

DEVIATIONS: In the event the undersigned Bidder intends to deviate from the general terms, conditions, special conditions or specifications contrary to those listed in the "Terms and Conditions" and other information attached hereto, all such deviations must be **LISTED UNDER THIS SECTION**, with complete and detailed conditions and information also being attached (attach additional pages as necessary).

NO DEVIATIONS: In the absence of any deviation entry on this page, Bidder assures the City of Bidder's compliance with the Terms, Conditions, Specifications, and information contained in this RFP.

List here:

_____

_____

_____

_____

_____

_____

_____

All Bidders MUST COMPLETE this section.

This form must be returned with Proposal or else the Proposal will be considered as Non-responsive.

By initialing below, Bidder acknowledges:

_____ Proposal is submitted according deviations listed above.
Initial

_____ Proposal is submitted with no deviations.
Initial

PROPOSAL RESPONSE ACKNOWLEDGEMENT

By signing and submitting this Proposal, Bidder acknowledges that they have inspected the specifications, are capable and willing to perform and/or provide the required services and/or products, and shall complete this project within the amount of time and dollar amount specified. The undersigned certifies that the prices contained in this Proposal have been carefully checked and submitted as correct and final. All unit prices include the cost and if applicable delivery of services. The undersigned is authorized to bind themselves or the entity they represent to a contract.

_____ An individual proprietorship _____ A partnership

XX A corporation chartered under the laws of the State of Texas, acting by its officers pursuant to its by-laws or a resolution of its Board of Directors

Signature: Lance Jarratt

Printed Name: Lance Jarratt

Title: President

Date: 4-7-22

NON-COLLUSION AFFIDAVIT OF BIDDER

State of Texas)

County of Jeff Davis)

Lance Jarratt (Name), being first duly sworn, deposes and says that:

1) He/she is President (Title) of Jarratt Dirt Work and Paving, Inc. (Company Name), the Bidder that has submitted bid for Street Paving RFP;

2) He/she is fully informed respecting the preparation and contents of the RFP and of all pertinent circumstances respecting such RFP;

3) Such RFP is genuine and is not a collusive bid;

4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with another Bidder, firm or person to submit a collusive or sham bid in connection with the Contract for which the RFP has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm or person to fix the price or prices in the RFP or of any other Bidder, or to fix an overhead, profit or cost element of the RFP price or the RFP price of any other Bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the (Local Public Agency) or any person interested in the proposed RFP; and

5) The price or prices quoted in the RFP are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

NOTARY PUBLIC STATE OF TEXAS
Laura L Lannom
MY COMMISSION EXPIRES
08/21/2024
NOTARY ID: 13263646-9

Signature

President
Title

Subscribed and sworn to me this 7 day of April, 2022.

By: Laura L Lannom
Notary of Public

My commission expires: 8-21-24

ACCEPTANCE OF OFFER

The Offer is hereby accepted for street paving. The Bidder is now bound to sell the services listed herein and based upon the RFP, including all terms, conditions, specifications, amendments, and the Bidder's Offer as accepted by City of Alpine.

The Bidder has not been authorized to commence any billable work or to provide any material or service under this contract until Bidder receives a notice to proceed from the authorizing City of Alpine official.

Countersigned:

_____

Megan Antrim, City Manager

_____
Date

CONFLICTS OF INTEREST

The Texas Ethics Commission adopted the attached Conflict of Interest Questionnaire (Form CIQ) pursuant to HB914. For questions about these forms, please see the Texas Ethics Commission at Conflict of Interest Form.

Bidder shall answer each question in the attached Form CIQ in relation to the following individuals and submit a completed form with its Proposal:

City of Alpine, Mayor

- Andres "Andy" Ramos

City of Alpine, City Council

- Judy Stokes, Ward 1
- Chris Rodriguez, Ward 2
- Sara Tandy, Ward 3
- Martin Sandate, Ward 4
- Jerry Johnson, Ward 5

City of Alpine, Staff

- Megan Antrim, City Manager
- Eddie Molinar, Public Works Director

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. *See* Section 176.006, Local Government Code.

A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

1 **Name of person who has a business relationship with local governmental entity.**

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.**

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 **Name of local government officer with whom filer has employment or business relationship.**

_____
Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

☐ Yes ☐ No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

☐ Yes ☐ No

D. Describe each employment or business relationship with the local government officer named in this section.

4

Signature of person doing business with the governmental entity

4-7-22
Date

Adopted 06/29/2007

Form **W-9**
(Rev. January 2011)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)

Business name/disregarded entity name, if different from above

Check appropriate box for federal tax classification (required): ☐ Individual/sole proprietor ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶

☐ Other (see instructions) ▶

☐ Exempt payee

Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

City, state, and ZIP code

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

___ - __ - ____

Employer identification number

__ - _____

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here Signature of U.S. person ▶ Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

Cat. No. 10231X — Form **W-9** (Rev. 1-2011)

SECTION OVERVIEW

10. City Council Member Comments – No discussion or action may take place.

NOTICE: The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.086 (economic development).

11. Executive Session – None.

12. Action – Executive Session – None.

13. Adjourn.