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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 18, 2012

Mr. Robert D. Kizer
AF Agricultural Resources, LLC
1213 North Interstate Highway 35
Austin, Texas 78702

Re.: Proposed Domestic Septage Registration for No. 710918
(CN603938168; RN106187404)

Dear Mr. Kizer:

The Executive Director's (ED) staff has reviewed the application and supplemental information you submitted regarding the proposed land application and processing of domestic septage on 78 acres in Travis County. Your request to separate solids in the septic waste and construct on-site storage ponds qualifies as sludge processing and storage subject to a sludge processing permit, which is authorized under Title 30 of the Texas Administrative Code (30 TAC) section 312.11 ("Sludge Use, Disposal, and Transportation Permits"). The proposed actions contemplated in your application and further discussed in letters and conversations with the ED staff, cannot be authorized under 30 TAC § 312.12 ("Registrations"). If you would like to obtain a processing permit as indicated in your letters and conversations with the ED staff, you must apply for a sludge processing permit and withdraw the application for a Domestic Septage Land Application Registration (No. 710918) which you submitted on July 1, 2011. If you wish to only apply domestic septage without processing, storing or using a subsurface system for irrigation, you must submit a letter withdrawing the pending Registration Application (No. 710918) and file a new registration application that only contains the items necessary for land application of domestic septage.

If you wish to process, store and land apply the sludge/septage or irrigate by using a subsurface system, you must submit a withdrawal letter for the pending registration application and file the appropriate permit applications mentioned below.

In response to your letter to the TCEQ Water Quality Assessment Section dated February 23, 2012, in which you discussed a subsurface system for irrigation that injects wastewater into the ground at 16 to 24 inches below the surface, a Subsurface Area Drip Dispersal System Permit is required. Texas Water Code § 32.051 mandates that a person may not operate a subsurface area drip dispersal system without first obtaining a permit from the Texas Commission on Environmental Quality (TCEQ).

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The Subsurface Area Drip Dispersal System permit application (TCEQ Form No. 10054) can be found on the TCEQ website at:
<http://www.tceq.texas.gov/assets/public/permitting/waterquality/forms/10054.pdf>

The sludge processing permit application, entitled "Application for Permit to Process, Surface Dispose, or Incinerate Sludge" (TCEQ Form No. 00744), can be found on the TCEQ website at:
<http://www.tceq.texas.gov/assets/public/permitting/waterquality/forms/00744.pdf>

The instructions for this application form can be found on the TCEQ website at:
<http://www.tceq.texas.gov/assets/public/permitting/waterquality/forms/00744ins.pdf>

Any of the statutes and rules referenced above can be found at:
<http://www.statutes.legis.state.tx.us/> and
[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.viewtac](http://info.sos.state.tx.us/pls/pub/readtac$ext.viewtac)

Please submit a response within **30 days** from the date of this letter explaining the type of operation you wish to conduct at this site. Provide one original and two copies of the complete response and address them to Brian Sierant of the Water Quality Division's Municipal Permits Team (MC 148).

If your decision is to apply for only the Septage Registration, please state so in your response along with a withdrawal letter for the application for a Domestic Septage Land

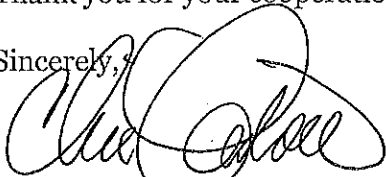
Application Registration (No. 710918) which you submitted on July 1, 2011. However, if your decision is to conduct a Subsurface Area Drip Dispersal System indicate so in your response and attach a completed application with the proper application fee.

If your decision is to apply for a sludge processing permit, indicate so in your response and attach a completed sludge processing permit application with the proper application fee along with a withdrawal letter for the application for the Domestic Septage Land Application Registration.

If the requested information is not received by the given deadline, pursuant to 30 TAC Chapter 281, the application may be returned. If you should have any further questions, please do not hesitate to call Brian Sierant at (512) 239-1375.

Thank you for your cooperation in this matter.

Sincerely,



Chris Linendell, E.I.T., Manager
Wastewater Permitting Section
Water Quality Division
Texas Commission on Environmental Quality

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