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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 15, 2011

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CERTIFIED MAIL

Mr. Patrick Nesby
AF Agricultural Resources, LLC
1213 North Interstate Highway 35
Austin, Texas 78702

Re: Application for a New Registration, AF Agricultural Resources, LLC, Mr. Robert D. Kizer Site, Registration No. 710918, Travis County (CN603938168, RN106187404)

Dear Mr. Nesby:

On August 22, 2011 the Water Quality Assessment (WQA) Team received an application for a new registration AF Agricultural Resources, LLC, Mr. Robert D. Kizer Site, Registration No. 710918. The WQA Team has completed a review of the registration application information and identified deficiencies that must be addressed before the WQA Team can continue with the technical review. The deficient items are listed in an Attachment to this letter which will require your response in a timely, complete, and accurate manner.

An accurate and complete revised registration application is essential for making recommendations to the commission regarding whether this registration should be issued. Based on the information provided in the application, the executive director does not have sufficient information to make a recommendation. Therefore, you must send updated technically complete and accurate information within 30 days of the date of this letter or the executive director may return this application as allowed by Title 30, Texas Administrative Code Section 281.19(b).

Please note that all correspondence from the TCEQ regarding this application, all responses and application revisions or clarifications, shall be copied and the updates made publicly available within 14 days from the date of the correspondence.

If you have questions or comments, please contact Ms. April Hoh at (512) 239-3567 or Ms. Amanda Pirani at (512) 239-6526. If communicating by correspondence, include MC-150 in the letterhead address following their names.

Sincerely,

A handwritten signature in cursive script that reads "James M. Moore".

James M. Moore, P.E., Manager
Water Quality Assessment Section

Technical Completeness Review
Attachment
Current Deficiencies

The following items are needed for the completion of the New Registration Application for AF Agricultural Resources, LLC, Mr. Robert D. Kizer Site, Registration No. 710918, Travis County.

Please address the following items:

Geology comments

1. Please provide a revised site map clearly identifying the proposed domestic septage application fields and the proposed holding ponds. Identify all buffers on the property in accordance with 30 Texas Administrative Code (TAC) 312.44 and indicate the slopes that are greater than 8%. Provide a legend for the various colored areas shown on the current site map to indicate what they represent.
2. Please clarify if the blue area shown on the Buffer Exhibit with the caption of "<8% slope" is in error. Is this slope actually greater than (>) 8% slope? If so, please identify this acreage as being excluded from septage application.
3. Identify how many holding ponds are proposed. Clearly indicate their proposed location(s) on the site map.
4. Provide additional engineering design information about the holding pond(s) including: length, width, and depth of the pond(s); design volume; side slopes; thickness of the plastic liner; any leak detection systems; whether the material is UV resistant and how degradation is addressed in the design; how the aerators will be anchored.
5. How often and how long will septage be stored in the pond(s)?
6. The USGS topographic map shows that the northern boundary of the property appears to be a stream channel. As such, this must be buffered by 200 feet per 30 TAC 312.44(c)(1). Please clarify that the buffer of 200 feet will be maintained.
7. Please clarify whether there will be holding tanks in addition to the proposed pond(s).
8. Please clarify the type of irrigation equipment proposed to be used at the site.
9. Appendix C—On-Site Storage, Item f identifies an 18-inch berm located around the perimeter of the "containment area." Please clarify what this means. Identify this area on the map.

Agronomy comments

10. Please revise the NRCS soil map to show the location of each individual grab sample of the composite soil sample taken for analyses as requested in Item 4 on page 11 of 20 of the permit application.
11. Technical Report items 1 and 2 and the yield goal in Appendix A Step 1 indicate that the grasses onsite will be grazed. The warm season intended crop in Appendix A Step 1 indicates bermudagrass hay. Please clarify whether the site will be used for grazing of livestock, for the production of hay to be cut and removed from the site, or both. Please revise these documents if necessary.
12. Please indicate the crop yield goals in Appendix A Step 1. The yield goal can be given in pounds or tons of production or as a stocking rate.
13. Please specify the type of bermudagrass (coastal, hybrid, common, midland, etc.) to be maintained onsite.
14. Please provide the means of determining the crop nutrient needs in Appendix A Step 1.A.
15. The soil lab reports indicate that soil metals concentrations are provided on a dry-weight basis, while all other results are provided on an as-received basis unless otherwise indicated. It does not appear that soil nitrogen analyses were reported on a dry-weight basis. Please either provide verification from the lab that soil nitrogen analyses were reported on a dry-weight basis, or provide ammonium-nitrogen, nitrate-nitrogen, and total Kjeldahl nitrogen (TKN) analysis results on a dry-weight basis for both the 0 to 6 and 6 to 24 inch depths. If the lab measured percent solids or percent moisture on the samples for the metals analyses, then soil nitrogen concentrations on a dry-weight basis can easily be calculated using that number. Once soil nitrate concentrations on a dry-weight basis have been obtained, please revise the nutrient available in soil calculation in Appendix A Step 1.B. to reflect soil nitrate on a dry-weight basis.
16. It appears that total concentrations of soil phosphorus, calcium, magnesium, potassium and sodium were reported on the soil lab reports. Please provide these concentrations on a plant-available basis using Mehlich III extraction as requested in Appendix B of the permit application. Results should be reported on a dry-weight basis.
17. The buffer map appears to show areas covered with trees in the northwest and east/southeast sections of the application area. Please either describe how the proposed crops of bermudagrass and ryegrass will be maintained in these areas, or buffer these areas from the proposed application area. If necessary revise the acreage available for septage application.