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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JAN -4 PM 3:04
CHIEF CLERKS OFFICE

January 4, 2008

LaDonna Castañuela, Chief Clerk
Office of Chief Clerk
Texas Commission on Environmental Quality MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application by Interstate Southwest, Ltd., Permit No. WQ0004073000.

Dear Ms. Castañuela:

Enclosed for filing in the above styled application is the original and eleven copies of: "*Executive Director's Response to Hearing Request.*"

If you have any questions or comments, please call me at 239-6994. Thank you for your attention to this matter.

Sincerely,

Michael F. Northcutt, Jr.
Staff Attorney
Environmental Law Division MC-173

Enclosures

DOCKET NUMBER 2007-1144-IWD

Application by	§	Before the
Interstate Southwest, Ltd.	§	**TEXAS COMMISSION ON**
for **TCEQ Permit No. WQ0004073000**	§	**ENVIRONMENTAL QUALITY**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JAN -4 PM 3:04
CHIEF CLERK'S OFFICE

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUEST

I. Introduction

The Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to Hearing Request (Response) on the application of Interstate Southwest, Ltd. (Applicant) for Permit Number WQ0004073000. Mr. Benjamin Swank, III and Ms. Sharon Swank Backhus submitted a timely letter requesting a contested case hearing (CCH).

Attached for Commission consideration are the following:

Attachment A - Technical Summary & Draft Permit
Attachment B - TCEQ Response to Comments (RTC)
Attachment C - Compliance Histories
Attachment D - GIS Map

The RTC was previously mailed by the Office of the Chief Clerk to all persons on the mailing list.

II. Description Of The Facility

The Applicant operates an iron and steel forge facility. The facility uses steel ingots to manufacture oil field equipment, aircraft landing gears, parts for construction equipment and automotive defense industries, and heavy equipment. Wastewater is produced from boiler blowdown, cooling waters, wash down waters, and process wastewaters. Several cooling streams are generated from the steel forging process. The Applicant uses a closed-loop cooling system to keep the induction heaters from becoming too hot. The closed-loop cooling system is only drained to the wastewater system in the event of power failure or emergency. Two wastewater ponds collect storm water and the various wastewater streams from the wastewater generating processes at the site. The ponds allow retention and equalization of the wastewater streams before discharge from Outfall 001.

The Applicant has applied for a major amendment to authorize the additional discharge of process wastewaters to the discharge from iron and steel forging operations via Outfall 001. The current permit authorizes the disposal of once through cooling water, boiler blowdown, wash down water and storm water at a daily average flow not to exceed 500,000 gallons per day via Outfall 001.

The effluent is discharged to an unnamed tributary of Sandy Creek; thence to Sandy Creek; thence

to Grassy Creek; thence to Brazos River Below Navasota River in Segment No. 1202 of the Brazos River Basin. The unclassified receiving waters have no significant aquatic life use for the unnamed tributary of Sandy Creek and limited aquatic life use for Sandy Creek. The designated uses for Segment No. 1202 are contact recreation, high aquatic life use, and public water supply. The draft permit authorizes the discharge of treated process wastewaters, once through cooling water, boiler blowdown, wash down water, and storm water at a daily average dry weather flow not to exceed 500,000 gallons per day (MGD) via Outfall 001.

The facility is located adjacent to the west side of the Texas and New Orleans Rail Road, with an entrance roadway off State Highway 508, approximately one mile south of the intersection of State Highway 508 and Farm-to-Market Road 379, and approximately three miles south of the City of Navasota, Grimes County, Texas.

III. Procedural Background

The application was submitted on August 16, 2005, and declared administratively complete on October 6, 2005. The Notice of Receipt of Application and Intent to Obtain Permit was published October 19, 2005 in the *Navasota Examiner* in Grimes County, Texas. The Executive Director completed the technical review of the application on December 31, 2005, and prepared a draft permit. The Notice of Application and Preliminary Decision was published March 15, 2006 in the *Navasota Examiner* in Grimes County, Texas. State Representative Lois W. Kolkhorst requested the TCEQ to hold a public meeting on this application. After an inadvertent delay, the public meeting was scheduled in Navasota for January 16, 2007. Due to inclement weather the public meeting had to be rescheduled and was held in Navasota on March 27, 2007. The comment period for this application closed at the end of the public meeting. The Executive Director's Response to Comments was filed on June 6, 2007.

IV. The Evaluation Process For Hearing Requests

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings. For those applications declared administratively complete on or after September 1, 1999, it established new procedures for providing public notice and public comment, and for the commission's consideration of hearing requests. The application was declared administratively complete on October 6, 2005, and therefore is subject to the HB 801 requirements. The commission implemented HB 801 by adopting procedural rules in 30 Texas Administrative Code (30 TAC) Chapters 39, 50, and 55.

A. Response to Requests

"The executive director, the public interest counsel, and applicant may submit written responses to [hearing] requests . . . ." 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

(1) whether the requestor is an affected person;

(2) whether issues raised in the hearing request are disputed;

(3) whether the dispute involves questions of fact or of law;
(4) whether the issues were raised during the public comment period;
(5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;
(6) whether the issues are relevant and material to a decision on the application; and
(7) a maximum expected duration for the contested case hearing.

30 TAC § 55.209(e).

B. Hearing Request Requirements

In order for the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements.

A request for a contested case hearing by an affected person must be in writing, must be filed with the chief clerk within the time provided . . . and may not be based on an issue that was raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment.

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:
(1) give the name, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
(2) identify the person's justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
(3) request a contested case hearing;
(4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the executive director's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law or policy; and
(5) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

C. Requirement that Requestor be an "Affected Person"

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected person."

(a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.

(b) Governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.

(c) In determining whether a person is an affected person, all factors shall be considered including but not limited to the following:

  (1) whether the interest claimed is one protected by the law under which the application will be considered;

  (2) distance restrictions or other limitations imposed by law on the affected interest;

  (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;

  (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;

  (5) likely impact of the regulated activity on use of the impacted natural resource by the person; and

  (6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203.

D. Referral to the State Office of Administrative Hearings

"When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing." 30 TAC § 50.115(b). "The commission may not refer and issue to SOAH for a contested case hearing unless the commission determines that the issue: (1) involves a disputed question of fact; (2) was raised during the public comment period; and (3) is relevant and material to the decision on the application." 30 TAC § 50.115(c).

V. Analysis Of The Requests

A. Analysis of the Hearing Request

The Executive Director has analyzed whether the hearing request conformed with Commission rules, who qualifies as an affected person, what issues may be referred for a contested case hearing, and the length of the hearing.

1. **Whether the Requestors Complied with 30 TAC §§ 55.201(c) and (d).**

Mr. Benjamin Swank, III and Ms. Sharon Swank Backhus timely submitted a written CCH request that was in writing, provided contact information, provided their location and distance from the facility, requested a contested case hearing, and raised disputed issues of fact.

The Executive Director concludes Mr. Benjamin Swank, III and Ms. Sharon Swank Backhus' CCH request substantially complies with the requirements of 30 TAC Section 55.201 (c) and (d).

2. **Whether Requestors Met the Requirements of an Affected Person**

Mr. Benjamin Swank, III and Ms. Sharon Swank Backhus raised interests protected by the law under which the application will be considered, are adjacent property owners to the facility with the discharge route running through their property, and this discharge could impact their use of Sandy Creek. Due to their proximity to the facility, the discharge route running through their property directly after it leaves the Applicant's property, and the issues raised, Mr. Benjamin Swank, III and Ms. Sharon Swank Backhus could be personally affected by this permit.

The Executive Director recommends the commission find that Mr. Benjamin Swank, III and Ms. Sharon Swank Backhus are affected persons based upon 30 TAC Section 55.203.

B. Whether Issue is Referable to SOAH for a Contested Case Hearing

Issue 1: Whether the Applicant's compliance history warrants granting their request for a major amendment to their permit.

This issue is within TCEQ's jurisdiction and is relevant or material to TCEQ's decision on the permit application. The issue involves a question of fact, is disputed, was raised during the public comment period, and was not withdrawn.

The Executive Director concludes that this issue is referable to SOAH because it meets the relevant criteria.

Issue 2: Whether this facility will adversely affect property values.

The legislature has given TCEQ the responsibility to protect water quality. However, neither chapter 26 of the Texas Water Code nor the applicable TCEQ wastewater regulations authorize the TCEQ to consider property values when reviewing a permit application. Therefore, this issue is not relevant and material to TCEQ's decision on this permit.

The Executive Director concludes that this issue is not referable to SOAH because it is not relevant and material to the decision on this permit.

Issue 3: **Whether livestock drinking from Sandy Creek will be adversely effected by this discharge.**

This issue is within TCEQ's jurisdiction and is relevant or material to TCEQ's decision on the permit application. The issue involves a question of fact, is disputed, was raised during the public comment period, and was not withdrawn.

The Executive Director concludes that this issue is referable to SOAH because it meets the relevant criteria.

Issue 4: **Whether this discharge will have an adverse effect not only on Sandy Creek but on the Brazos River.**

This issue is within TCEQ's jurisdiction and is relevant or material to TCEQ's decision on the permit application. The issue involves a question of fact, is disputed, was raised during the public comment period, and was not withdrawn.

The Executive Director concludes that this issue is referable to SOAH because it meets the relevant criteria.

VI. Duration For The Contested Case Hearing

The Executive Director recommends that a contested case hearing, should the Commission decide to refer the case, last approximately nine months. This time period begins with the preliminary hearing and concludes with presentation of a proposal for decision before the Commission.

VII. Executive Director's Recommendation

The Executive Director recommends the following actions by the Commission:

A. Find that Mr. Benjamin Swank, III and Ms. Sharon Swank Backhus are affected persons and refer the case to SOAH for a CCH.

B. Refer the following issues to SOAH for a proceeding of nine months duration:

Issue 1: Whether the Applicant's compliance history warrants granting their request for a major amendment to their permit.
Issue 3: Whether livestock drinking from Sandy Creek will be adversely effected by this discharge.
Issue 4: Whether this discharge will have an adverse effect not only on Sandy Creek but on the Brazos River.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Glenn Shankle, Executive Director

Robert Martinez, Director
Environmental Law Division

By: Michael F. Northcutt, Jr.

Michael F. Northcutt, Jr.
Staff Attorney
Environmental Law Division
Texas State Bar No. 24037194
P.O. Box 13087, MC-173
Austin, Texas 78711-3087
(512) 239-6994
(512) 239-0606 (Fax)

ATTORNEYS FOR
THE EXECUTIVE DIRECTOR

CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2007 the original and eleven true and correct copies of the "Executive Director's Response to Hearing Request" relating to the application of Interstate Southwest, Ltd., for Permit No. WQ0004073000 were filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, or by deposit in the U.S. Mail.

Michael F. Northcutt, Jr.

Michael F. Northcutt, Jr.
Staff Attorney
Environmental Law Division
Texas State Bar No.24037194
P.O. Box 13087, MC-173
Austin, Texas 78711-3087
Tel: (512) 239-6994
Fax: (512) 239-0606

MAILING LIST
INTERSTATE SOUTHWEST, LTD.
DOCKET NO. 2007-1144-MWD; PERMIT NO. WQ0004073000

FOR THE APPLICANT:
Ken Morris
Interstate Southwest, Ltd.
PO Box 1030
Navasota, Texas 77868-1030

FOR THE EXECUTIVE DIRECTOR:
Michael Northcutt, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6994
Fax: (512) 239-0606

John Onyenobi, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division, MC -148
P.O. Box 13087
Austin, Texas 78711-3087

OFFICE OF PUBLIC INTEREST COUNCIL
Mr. Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Office of Public Interest, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6363
Fax: (512) 239-6377

FOR OFFICE OF PUBLIC ASSISTANCE:
Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4000
Fax(512) 239-4007

FOR ALTERNATIVE DISPUTE RESOLUTION
Mr. Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE CHIEF CLERK:
LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

REQUESTER:
Benjamin F. Swank III
Sharon Swank Backhus
16934 County Road 323
Navasota, Texas 77868-6924

Attachment A

STATEMENT OF BASIS/TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0004073000

DESCRIPTION OF APPLICATION

Applicant:	Interstate Southwest, Ltd.; Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004073000 (TX0084034).
Regulated Activity:	Industrial Wastewater Permit.
Type of Application:	Major Amendment.
Request:	Major amendment with renewal to authorize the discharge of process wastewaters from iron and steel forging operations via Outfall 001.
Authority:	Federal Clean Water Act - Section 402; Texas Water Code § 26.027; 30 TAC Chapter 305, Subchapters C-F, Chapters 307 and 319, Commission Policies and EPA Guidelines.

EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The proposed permit be approved and issued to expire on July 1, 2009 in accordance with 30 TAC Section 305.71, Basin Permitting.

REASON FOR PROJECT PROPOSED

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment of its existing permit. The proposed amendment would authorize the discharge of process wastewaters from iron and steel forging operations via Outfall 001.

PROJECT DESCRIPTION AND LOCATION

The applicant operates an iron and steel forge facility.

Non-contact cooling water and wash down water from the maintenance shop are collected in a drain system and routed through an oil/water separator. Wastewater from the oil/water separator is discharged to an on-site storm sewer line, and are commingled with once through cooling water, wash down water from the die shop, and storm water. Once through cooling water, contact cooling/heating water, wash down water, and storm water collected in the drain system are routed through an additional oil/water separator prior to discharge into Cooling Pond No. 1, and thence Cooling Pond No. 2. Cooling Ponds No. 1 and 2 serve as cooling and stabilization ponds. From the cooling ponds, the wastewater is discharged via Outfall 001 into an on-site drainage ditch and thence to an unnamed tributary of Sandy Creek. Contaminated steam exhaust from the boilers is discharged to Evaporation Ponds Nos. 1, 2, or 3. Domestic wastewater is routed to the City of Navasota Wastewater Treatment Plant for disposal.

The plant site is located adjacent to the west side of the Texas and New Orleans Rail road, with an entrance roadway off State Highway 508, approximately one mile south of the intersection of State Highway 508 and Farm-to-Market Road 379, and approximately three miles south of the City of Navasota, Grimes County, Texas.

The effluent is discharged to an unnamed of Sandy Creek; thence to Sandy Creek; thence to Grassy Creek, thence to Brazos River Below Navasota River in Segment No. 1202 of the Brazos River Basin. The unclassified receiving waters have no significant aquatic life use for the unnamed tributary of Sandy Creek and limited aquatic life use for Sandy Creek. The designated uses for Segment No. 1202 are contact recreation, high aquatic life use and public water supply. The effluent limits in the draft permit will maintain and protect the existing instream uses. No significant degradation of high quality receiving waters is anticipated. All determinations are preliminary and subject to additional review and/or revisions.

In accordance with §307.5 and the TCEQ implementation procedures (January 2003) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The Houston Toad (*Bufo houstonensis* Sanders), an endangered aquatic-dependent species of critical concern, occurs within the Segment 1202's watershed. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998, October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. Species distribution information for the Segment No. 1202 watershed is provided by the United States Fish and Wildlife Service and documents the toad's presence solely in the vicinity of Deep Creek in Austin County, which is downstream and located in separate subwatershed from the facility associated with this permit action. Based upon the information, it is determined that the facility's discharge is not expected to impact the Houston Toad. This permit does not require EPA review with respect to the presence of endangered or threatened species.

Segment No. 1202 is not currently listed on the State's inventory of impaired and threatened waters (2002 Clean Water Act Section 303(d) list).

SUMMARY OF EFFLUENT DATA

The following is a quantitative description of the discharge described in the Monthly Effluent Report data for the period September 2000 through August 2005. The "Average of Daily Avg." values presented in the following table are the average of all daily average values for the reporting period for each parameter. The "Maximum of Daily Max." values presented in the following table are the individual maximum values for the reporting period for each parameter:

Flow

Outfall	Frequency	Average of Daily Avg (MGD)	Maximum of Daily Max (MGD)
001	Instantaneous	0.0781	0.9338

Temperature (degrees F)

Outfall	Daily Avg	Daily Max
001	N/A	91°F

Effluent Characteristics

Outfall	Parameter	Average of Daily Avg	Maximum of Daily Max
001	Chemical Oxygen Demand	114.74 mg/l	237.80 mg/l
		140.26 lbs/day	609.05 lbs/day
	Carbonaceous Biochemical Oxygen Demand (5-day)	9.28 mg/l	30.4 mg/l
		5.85 lbs/day	105.9 lbs/day
	Ammonia as Nitrogen	0.24 mg/l	2.20 mg/l
		0.15 lb/day	5.97 lbs/day
	Total Suspended Solids	9.23 mg/l	45.0 mg/l
		5.75 lbs/day	167.64 lbs/day
	Oil and Grease	4.62 mg/l	16.0 mg/l
		3.21 lbs/day	29.18 lbs/day
	pH, standard units (s.u.)	6.14 s.u. (minimum)	8.62 s.u. (maximum)

			Permit Limits		Reported Values	
Outfall	Dates	Parameter	Daily Avg.	Daily Max	Daily Avg.	Daily Max
001	28-02-2005	COD (*1)	200 mg/l	275 mg/l	122.7 mg/l	**1670 mg/l**
			835 lbs/d	1150 lbs/d	171.9 lbs/d	511.6 lbs/d
	30-11-2003	O&G (*2)	10 mg/l	20 mg/l	**11.2 mg/l**	14 mg/l
			42 lbs/d	84 lbs/d	7.2 lbs/d	10.6 lbs/d

(*1) Chemical Oxygen Demand
(*2) Oil and Grease

The facility appears to be in compliance with the permit limits for the reporting period. However, there appears to be an anomaly with the reported daily maximum value for chemical oxygen demand and the daily average value for oil and grease. The parameter excursions occurred infrequently, therefore, no permit action is necessitated. No additional requirements have been added to the permit.

PROPOSED PERMIT CONDITIONS

The draft permit authorizes a discharge of process wastewaters, once through cooling water, boiler blowdown, wash down water, and storm water via Outfall 001 at a daily average dry weather flow not to exceed 0.5 million gallons per day (MGD). The daily maximum dry weather flow shall not exceed 1.0 MGD.

Final effluent limitations are established in draft permit as follows:

Outfall Number	Pollutant	Daily Average	Daily Maximum
001	Flow (MGD)	(0.50)	(1.0)

Outfall Number	Pollutant	Daily Average	Daily Maximum
001	Carbonaceous Biochemical Oxygen Demand (5-day)	20 mg/l 83 lbs/day	40 mg/l 167 lbs/day
	Chemical Oxygen Demand	200 mg/l 835 lbs/day	275 mg/l 1150 lbs/day
	Ammonia as Nitrogen	2 mg/l 8 lbs/day	4 mg/l 16 lbs/day
	Total Suspended Solids	30 mg/l 125 lbs/day	45 mg/l 190 lbs/day
	Oil and Grease	10 mg/l 42 lbs/day	15 mg/l 65 lbs/day
	Temperature (°F)	N/A	95 °F
	pH, standard unit (s.u.)	6.0 s.u. (minimum)	9.0 s.u. (maximum)

Regulations promulgated in Title 40 of the Code of Federal Regulations (CFR) require technology-based limitations be placed in wastewater discharge permits based on effluent limitation guidelines, where applicable, and/or on best professional judgement (BPJ) in the absence of guidelines.

The discharge of process wastewater via Outfall 001 from forging operations facilities are subject to federal effluent limitation limitations in 40 CFR Part 420-Iron and Steel Manufacturing Point Source Category, Subpart M - Forging Operations. The calculation of production-based effluent limits from this subpart are shown in Appendix B.

Water quality based effluent limits for $CBOD_5$ and Ammonia as Nitrogen were continued from the existing permit and the Water Quality Assessment Team memorandum dated October 28, 2005. The effluent limits were compared to the technology-based effluent limits and the most protective were proposed in the draft permit.

Water quality-based effluent limitations for the protection of aquatic life and human health (Incidental Freshwater Fish Tissue) are presented at Appendix A. TEXTOX Menu #7 is used to evaluate protection of the Sandy Creek for aquatic life and incidental freshwater fish tissue from the discharge via Outfall 001. Human health (incidental freshwater fish tissue) recommendations by the Water Quality Assessment Team in their memorandum dated October 20, 2005, are incorporated into the menu. Analytical data reported as an attachment to the application for Outfall 001 were screened against calculated water quality-based values; no pollutants detected in the discharge exceeded 70% threshold requiring monitoring or the 85% threshold necessitating a limit in addition to monitoring.

An elevated level of fecal coliform concentration was reported in the application for Outfall 001, therefore, a retest requirements have been place in the draft permit for Outfall 001.

Biomonitoring requirements are included in the draft permit at Outfall 001.

SUMMARY OF CHANGES FROM APPLICATION

The applicant requested the following changes in their amendment request which the Executive Director granted.

1. After the issuance of the existing TPDES Permit No. WQ0004073000 in December 1999, the Code of Federal Regulations (40 CFR Part 420 - Iron and Steel Manufacturing Point Source Category) was amended to include categorical guidelines for forging operations. Forging operations facilities are subject to federal effluent

limitation limitations in 40 CFR Part 420 - Iron and Steel Manufacturing Point Source Category, Subpart M.

The following changes have been made from the application which make the draft permit more stringent.

1. Effluent limitations for Oil and Grease and Total Suspended Solids stipulated in 40 CFR, Part 420, Subpart M. for forging operations are set for process wastewater discharge via Outfall 001.
2. A retest requirement for fecal coliform has been place in the draft permit for Outfall 001.
3. The biomonitoring critical dilution increased to 100% effluent because Sandy Creek is considered an intermittent stream with perennial pools.
4. Increased biomonitoring frequency to once per quarter with the testing frequency reduction provisions.
5. Storm water best management practices have been added to the permit based on series of complaints received by the TCEQ Region 9 Office following storm events.

See the next section for additional changes to the existing permit.

SUMMARY OF CHANGES FROM EXISTING PERMIT

The permittee requested the following changes in their amendment request which the Executive Director has recommended granting.

1. Process description to clarify streams that historically have contributed to discharge via Outfall 001, which will include 40 CFR Part 420 - Iron and Steel Manufacturing Point Source Category as amended to include guidelines for forging operations has been updated per applicant's request.

The following additional changes have been made to the draft permit.

1. The Standard Conditions for the draft permit are updated based on current TCEQ practices and policies.

BASIS FOR PROPOSED DRAFT PERMIT

The following items were considered in developing the proposed permit draft:

1. Application submitted with letter dated August 16, 2005 and additional information submitted with letter dated September 28, 2005.
2. Existing permits: TCEQ Permit No. WQ0004073000 issued December 7, 1999 (EPA ID No. TX0084034).
3. TCEQ Rules.
4. Texas Surface Water Quality Standards - 30 TAC Sections 307.1-307.10, effective April 30, 1997, and Appendix E, effective February 27, 2002.
5. "Procedures to Implement the Texas Surface Water Quality Standards," Texas Commission on Environmental Quality, January 2003.
6. Memos from the Water Quality Standards Team and the Water Quality Assessment Team of the Water Quality Division.
7. "Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits," TCEQ Document No. 98-001.000-OWR-WQ, May 1998.
8. EPA Effluent Guidelines: 40 CFR Part 420, Subpart M (BPT). A new source determination was performed and the discharge via Outfall 001 is not a new source as defined at 40 CFR Section 122.2.
10. Consistency with the Coastal Management Plan: N/A

STATEMENT OF BASIS/TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0004073000

PROCEDURES FOR FINAL DECISION

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

Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application. This notice sets a deadline for public comment. Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment, and is not a contested case proceeding.

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

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

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

For additional information about this application contact John O. Onyenobi, P.E., NSPE at (512) 239-6707.

John O. Onyenobi, P.E., NSPE

12/28/2005
Date

APPENDIX A
CALCULATED WATER QUALITY-BASED EFFLUENT LIMITATIONS

TEXTOX MENU # 7 30 TAC 307 (4/30/97)

THE RECEIVING STREAM IS AN INTERMITTENT STREAM WITH PERENNIAL POOLS.
FRESHWATER FISH TISSUE STANDARDS APPLY

INPUT

Prepared By:	J. Onyenobi
Permittee:	Interstate Southwest, Ltd.
Permit No.:	WQ0004073000
Outfall No.:	001
Receiving Stream:	Sandy Creek
Segment No.:	1202
Segment Name:	Brazos River Below Navasota River
TSS:	33.0
pH:	7.6
Hardness:	160.0
Chloride:	92.0
Critical Low Flow [7Q2] (cfs)	0.0
Harmonic Mean Flow (cfs)	0.35
Effluent Flow for Aquatic Life (MGD)	0.1
Percent Effluent for Human Health:	25.7
Percent Effluent for ZID:	100.0
Percent Effluent for Mixing Zone:	100.0

CALCULATE TOTAL/DISSOLVED RATIO Ct/Cd = (1+(Kpo*TSS^(a+1))

METAL	Kpo	a	Ct/Cd	Fraction Dissolved	
Aluminum	N/A	N/A	1.00	1.00	Assumed
Arsenic	0.48	-0.73	2.23	0.45	
Cadmium	4	-1.13	3.54	0.28	
Chromium (Total)	3.36	-0.93	5.29	0.19	
Chromium (3+)	3.36	-0.93	5.29	0.19	
Chromium (6+)	N/A	N/A	1.00	1.00	Assumed
Copper	1.04	-0.74	3.58	0.28	
Lead	2.8	-0.8	6.63	0.15	
Mercury	N/A	N/A	1.00	1.00	
Nickel	0.49	-0.57	3.20	0.31	
Selenium	N/A	N/A	1.00	1.00	Assumed
Silver	2.4	-1.03	3.16	0.041	f(Cl)
Zinc	1.25	-0.7	4.57	0.22	

FRESHWATER AQUATIC LIFE
CALCULATE DAILY AVERAGE AND DAILY MAXIMUM PERMIT LIMITS

CONSTITUENT	ACUTE STANDARD (ug/L)	CHRONIC STANDARD (ug/L)	WLAa	WLAc	LTAa	LTAc	DLY AVG (ug/l)	DLY MAX (ug/l)	MAL (ug/l)
Aldrin	3	1E+183	3.00	*	1.719	*	2.527	5.346	0.05
Aluminum	991	1E+183	991	**********	568	**********	835	1766	30
Arsenic	360	190	804	424	461	327	480	1016	10
Cadmium	57.2	1.6	202.6	5.8	116.1	4.5	6.6	13.9	1
Carbaryl	2	1E+183	2.00	*	1.146	*	1.685	3.564	5
Chlordane	2.4	0.0043	2.40	0.0043	1.375	0.003	0.005	0.010	0.15
Chlorpyrifos	0.083	0.041	0.083	0.041	0.048	0.032	0.046	0.098	0.05
Chromium (3+)	2552	304	13504	1610	7738	1239	1822	3854	***
Chromium (6+)	16	11	16.00	11.00	9.17	8.47	12.45	26.34	10
Copper	29.89	19.12	107.04	68.48	61.33	52.73	77.51	163.98	10
Cyanide	45.78	10.69	45.78	10.69	26.23	8.23	12.10	25.60	20
4,4'-DDT	1.1	0.001	1.10	0.001	0.630	0.001	0.001	0.002	0.1
Demeton	1E+183	0.1	*	0.1	*	0.08	0.11	0.24	0.2
Dicofol	59.3	19.8	59.3	19.8	34.0	15.2	22.4	47.4	20
Dieldrin	2.5	0.0019	2.50	0.0019	1.433	0.001	0.002	0.005	0.1
Diuron	210	70	210	70	120	54	79	168	***
Endosulfan	0.22	0.056	0.22	0.056	0.126	0.043	0.063	0.134	0.1
Endrin	0.18	0.0023	0.18	0.002	0.103	0.002	0.003	0.006	0.1
Guthion	1E+183	0.01	*	0.010	**********	0.008	0.011	0.024	0.1
Heptachlor	0.52	0.0038	0.52	0.004	0.298	0.003	0.004	0.009	0.05
Hexachlorocyclohexane	2	0.08	2.00	0.080	1.146	0.062	0.091	0.192	0.05
Lead	148.5	5.8	985.3	38.4	564.6	29.6	43.5	92.0	5
Malathion	1E+183	0.01	*	0.01	*	0.0077	0.011	0.024	0.1
Mercury	2.4	1.3	2.40	1.30	1.38	1.00	1.47	3.11	0.2
Methoxychlor	1E+183	0.03	*	0.03	**********	0.02	0.03	0.07	2
Mirex	1E+183	0.001	*	0.001	**********	0.001	0.001	0.002	0.2
Nickel	2111	235	6762	752	3875	579	851	1800	10
PCBs (Total)	2	0.014	2.00	0.014	1.146	0.011	0.016	0.034	1
Parathion	0.065	0.013	0.07	0.013	0.037	0.010	0.015	0.031	0.1
Phenanthrene	30	30	30.00	30.00	17.19	23.10	25.27	53.46	10
Pentachlorophenol	16.58	10.46	16.58	10.46	9.50	8.06	11.84	25.06	50
Selenium	20	5	20.00	5	11.5	3.9	5.7	12.0	10
Silver	0.92	*	22.32	*	12.79	**********	18.80	39.78	2
Toxaphene	0.78	0.0002	0.78	0.0002	0.4469	0.0002	0.0002	0.0005	5
Tributyltin	0.13	0.024	0.13	0.024	0.074	0.018	0.027	0.057	0.01
2,4,5-Trichlorophenol	136	64	136	64	78	49	72	153	50
Zinc	174	158	796	721	456	555	671	1419	5

HUMAN HEALTH
CALCULATE DAILY AVERAGE AND DAILY MAXIMUM PERMIT LIMITS

CONSTITUENT	Fish Only (ug/l)	WLAh	LTAh	DLY AVG (ug/l)	DLY MAX (ug/l)	MAL (ug/l)	
Aldrin	0.0327	0.127	0.118	0.17	0.37	0.05	
Alpha Hexachlorocyclohexane	0.997	3.878	3.606	5.30	11.22	0.05	
Benzene	312	1213.5	1128.6	1659.0	3509.9	10	
Benzidine	0.0035	0.014	0.013	0.02	0.04	50	
Benzo(a)anthracene	0.0265	0.103	0.096	0.14	0.30	10	
Benzo(a)pyrene	0.0265	0.103	0.096	0.14	0.30	10	
Beta Hexachlorocyclohexane	3.49	13.574	12.624	18.56	39.26	0.05	
Bis(chloromethyl)ether	1.59	6.184	5.751	8.45	17.89	***	
Carbon Tetrachloride	182	707.9	658.3	967.8	2047.4	10	
Chlordane	0.0213	0.083	0.077	0.11	0.24	0.15	
Chlorobenzene	4947	19242	17895	26305	55652	10	
Chloroform	12130	47180	43877	64500	136459	10	
Chrysene	0.0265	0.103	0.096	0.14	0.30	10	
Cresols	46667	181513	168807	248146	524990	10	
4,4'-DDD	0.299	1.163	1.082	1.59	3.36	0.1	
4,4'-DDE	0.0545	0.212	0.197	0.29	0.61	0.1	
4,4'-DDT	0.0528	0.205	0.191	0.28	0.59	0.1	
Danitol	0.721	2.804	2.608	3.83	8.11	***	
Dibromochloromethane	15354	59720	55540	81643	172728	10	
1,2-Dibromoethane	1.15	4.473	4.160	6.11	12.94	2	
Dieldrin	0.0012	0.005	0.004	0.0064	0.0135	0.1	
1,2-Dichloroethane	1794	6977.8	6489.4	9539.4	20182.0	2	
1,1-Dichloroethylene	87.4	339.946	316.149	464.74	983.22	10	
Dicofol	0.217	0.844	0.785	1.15	2.44	20	
Dioxins/Furans	1.00E-06	3.89E-06	3.62E-06	3.89E-06	1.12E-05	10	ppq
Gamma Hexachlorocyclohexane	16	62.233	57.876	85.08	180.00	0.05	
Heptachlor	0.0181	0.070	0.065	0.096	0.204	0.05	
Heptachlor Epoxide	7.39	28.744	26.732	39.30	83.14	1	
Hexachlorobenzene	0.0129	0.050	0.047	0.069	0.145	10	
Hexachlorobutadiene	11.2	43.563	40.513	59.55	126.00	10	
Hexachloroethane	94.1	366.005	340.385	500.37	1058.60	20	
Hexachlorophene	0.0532	0.207	0.192	0.28	0.60	10	
Lead	25	645.135	599.976	881.96	1865.92	5	
Mercury	0.0122	0.047	0.044	0.065	0.137	0.2	
Methyl Ethyl Ketone	886667	3448724	3207314	4714751	9974745	50	
Mirex	0.0189	0.074	0.068	0.100	0.213	0.2	
Nitrobenzene	721	2804	2608	3834	8111	10	
N-Nitrosodiethylamine	7.68	29.872	27.781	40.84	86.40	20	
N-Nitroso-di-n-Butylamine	13.5	52.509	48.833	71.78	151.87	20	
PCB's	0.0013	0.005	0.005	0.0069	0.0146	1	
Pentachlorobenzene	1.11	4.317	4.015	5.90	12.49	20	
Pentachlorophenol	136	529	492	723	1530	50	
Pyridine	13333	51859	48229	70897	149992	20	
1,2,4,5-Tetrachlorobenzene	1.52	5.912	5.498	8.08	17.10	20	
Tetrachloroethylene	1832	7126	6627	9741	20609	10	
Toxaphene	0.0445	0.173	0.161	0.24	0.50	5	
2,4,5-Trichlorophenol	4021	15640	14545	21381	45235	50	
Vinyl Chloride	94.5	367.561	341.832	502.49	1063.10	10	

CALCULATE 70% AND 85% OF DAILY AVERAGE PERMIT LIMITS

AQUATIC LIFE	70%	85%
Aldrin	1.77	2.15
Aluminum	584.31	709.52
Arsenic	336.28	408.34
Cadmium	4.60	5.59
Carbaryl	1.18	1.43
Chlordane	0.003	0.004
Chlorpyrifos	0.032	0.039
Chromium (3+)	1275.30	1548.58
Chromium (6+)	8.72	10.58
Copper	54.26	65.88
Cyanide	8.47	10.29
4,4'-DDT	0.001	0.001
Demeton	0.079	0.096
Dicofol	15.69	19.05
Dieldrin	0.002	0.002
Diuron	55.46	67.35
Endosulfan	0.044	0.054
Endrin	0.002	0.002
Guthion	0.008	0.010
Heptachlor	0.003	0.004
Hexachlorocyclohexane	0.063	0.077
Lead	30.42	36.94
Malathion	0.01	0.01
Mercury	1.03	1.25
Methoxychlor	0.02	0.03
Mirex	0.00	0.00
Nickel	595.64	723.27
PCBs (Total)	0.01	0.01
Parathion	0.01	0.01
Phenanthrene	17.69	21.48
Pentachlorophenol	8.29	10.07
Selenium	3.96	4.81
Silver	13.16	15.98
Toxaphene	0.00	0.00
Tributyltin	0.02	0.02
2,4,5-Trichlorophenol	50.71	61.58
Zinc	469.40	569.99

HUMAN HEALTH

Aldrin	0.12	0.15
Alpha Hexachlorocyclohexane	3.71	4.51
Benzene	1161.32	1410.17
Benzidine	0.01	0.02
Benzo(a)anthracene	0.10	0.12
Benzo(a)pyrene	0.10	0.12
Beta Hexachlorocyclohexane	12.99	15.77
Bis(chloromethyl)ether	5.92	7.19
Carbon Tetrachloride	677.44	822.60
Chlordane	0.08	0.10
Chlorobenzene	18414	22359
Chloroform	45150	54825
Chrysene	0.10	0.12
Cresols	173703	210924
4,4'-DDD	1.11	1.35
4,4'-DDE	0.203	0.246
4,4'-DDT	0.197	0.239
Danitol	2.68	3.26
Dibromochloromethane	57150	69397
1,2-Dibromoethane	4.28	5.20
Dieldrin	0.004	0.005
1,2-Dichloroethane	6677.57	8108.48
1,1-Dichloroethylene	325.32	395.03
Dicofol	0.81	0.98
Dioxins/Furans	2.72E-06	3.31E-06
Gamma Hexachlorocyclohexane	59.55	72.32
Heptachlor	0.07	0.08
Heptachlor Epoxide	27.51	33.40
Hexachlorobenzene	0.05	0.06
Hexachlorobutadiene	41.69	50.62
Hexachloroethane	350.26	425.31
Hexachlorophene	0.20	0.24
Lead	617.38	749.67
Mercury	0.05	0.06
Methyl Ethyl Ketone	3300326	4007538
Mirex	0.07	0.09
Nitrobenzene	2683.68	3258.76
N-Nitrsodiethylamine	28.59	34.71
N-Nitroso-di-n-Butylamine	50.25	61.02
PCB's	0.005	0.006
Pentachlorobenzene	4.13	5.02
Pentachlorophenol	506.22	614.69
Pyridine	49627.70	60262.20
1,2,4,5-Tetrachlorobenzene	5.66	6.87
Tetrachloroethylene	6819.02	8280.23
Toxaphene	0.17	0.20
2,4,5-Trichlorophenol	14966.85	18174.03
Vinyl Chloride	351.75	427.12

TEXTOX MENU # 3 30 TAC 307 (4/30/97)

THE RECEIVING STREAM IS A PERENNIAL STREAM OR RIVER.

INPUT

Prepared By:	J. Onyenobi
Permittee:	Interstate Southwest, Ltd.
Permit No.:	WQ0004073000
Outfall No.:	001
Receiving Stream:	Grassy Creek
Segment No.:	1202
Segment Name:	Brazos River Below Navasota River
TSS:	33.0
pH:	7.6
Hardness:	160.0
Chloride:	92.0
Critical Low Flow [7Q2] (cfs)	0.0
Harmonic Mean Flow (cfs)	1.8
Effluent Flow for Aquatic Life (MGD)	0.000
Percent Effluent for Human Health:	6.2
Percent Effluent for ZID:	100.0
Percent Effluent for Mixing Zone:	100.0
Fish Only (1) or Water & Fish (2) Option:	1

CALCULATE TOTAL/DISSOLVED RATIO Ct/Cd = (1+(Kpo*TSS^(a+1))

STREAM METAL	Kpo	a	Ct/Cd	Fraction Dissolved	
Aluminum	N/A	N/A	1.00	1.00	Assumed
Arsenic	0.48	-0.73	2.23	0.45	
Cadmium	4.0	-1.13	3.54	0.28	
Chromium (Total)	3.36	-0.93	5.29	0.19	
Chromium (3+)	3.36	-0.93	5.29	0.19	
Chromium (6+)	N/A	N/A	1.00	1.00	Assumed
Copper	1.04	-0.74	3.58	0.28	
Lead	2.8	-0.8	6.63	0.15	
Mercury	N/A	N/A	1.00	1.00	
Nickel	0.49	-0.57	3.20	0.31	
Selenium	N/A	N/A	1.00	1.00	Assumed
Silver	2.4	-1.03	3.16	0.041	f(Cl)
Zinc	1.25	-0.7	4.57	0.22	

HUMAN HEALTH
CALCULATE DAILY AVERAGE AND DAILY MAXIMUM PERMIT LIMITS

CONSTITUENT	Fish Only (ug/l)	Water and Fish (ug/l)	WLAh	LTAh	DLY AVG (ug/l)	DLY MAX (ug/l)	MAL (ug/l)	
Aldrin	0.0327	0.0312	0.527	0.491	0.721	1.525	0.05	
Alpha Hexachlorocyclohexane	0.997	0.645	16.081	14.955	21.984	46.510	0.05	
Arsenic	*	50	0.0	0.0	0.0	0.0	10	
Barium	*	2000	0	0	0	0	10	
Benzene	312	5	5032.258	4680.000	6879.600	**********	10	
Benzidine	0.0035	0.0011	0.056	0.053	0.077	0.163	50	
Benzo(a)anthracene	0.0265	0.0261	0.427	0.398	0.584	1.236	10	
Benzo(a)pyrene	0.0265	0.0261	0.427	0.398	0.584	1.236	10	
Beta Hexachlorocyclohexane	3.49	2.26	56.290	52.350	76.955	162.809	0.05	
Bis(chloromethyl)ether	1.59	0.0207	25.645	23.850	35.060	74.174	***	
Cadmium	*	5	0.00	0.00	0.00	0.00	1	
Carbon Tetrachloride	182	5	2935.48	2730.00	4013.10	8490.30	10	
Chlordane	0.0213	0.021	0.344	0.320	0.470	0.994	0.15	
Chlorobenzene	4947	1305	79790	74205	109081	230778	10	
Chloroform	12130	*	195645	181950	267467	565865	10	
Chromium	*	100	0	0	0	0	10	
Chrysene	0.0265	0.0261	0.427	0.398	0.584	1.236	10	
Cresols	46667	4049	752694	700005	1029007	2177016	10	
Cyanide (Free)	*	200	0.0	0.0	0.0	0.0	20	
4,4'-DDD	0.299	0.297	4.823	4.485	6.593	13.948	0.1	
4,4'-DDE	0.0545	0.0544	0.879	0.818	1.202	2.542	0.1	
4,4'-DDT	0.0528	0.0527	0.852	0.792	1.164	2.463	0.1	
2,4-D	*	70	0.0	0.0	0.0	0.0	10	
Danitol	0.721	0.709	11.629	10.815	15.898	33.635	***	
Dibromochloromethane	15354	100	247645.2	230310.0	338555.7	716264.1	10	
1,2-Dibromoethane	1.15	0.0518	18.548	17.250	25.358	53.648	2	
Dieldrin	0.0012	0.0012	0.019	0.018	0.026	0.056	0.1	
p-Dichlorobenzene	*	75	0.0	0.0	0.0	0.0	10	
1,2-Dichloroethane	1794	5	**********	**********	**********	**********	10	
1,1-Dichloroethylene	87.4	7	1409.677	1311.000	1927.170	4077.210	10	
Dicofol	0.217	0.215	3.500	3.255	4.785	10.123	20	
Dioxins/Furans	1.00E-06	1.00E-06	1.61E-05	1.50E-05	1.61E-05	4.67E-05	10	ppq
Endrin	*	2	0.000	0.000	0.000	0.000	0.1	
Fluoride	*	4000	0	0	0	0	500	
Gamma Hexachlorocyclohexane	16	0.2	258.065	240.000	352.800	746.400	0.05	
Heptachlor	0.0181	0.0177	0.292	0.272	0.399	0.844	0.05	
Heptachlor Epoxide	7.39	0.2	119.194	110.850	162.950	344.744	1	
Hexachlorobenzene	0.0129	0.0129	0.208	0.194	0.284	0.602	10	
Hexachlorobutadiene	11.2	9.34	180.645	168.000	246.960	522.480	10	
Hexachloroethane	94.1	84.4	1517.7	1411.5	2074.9	4389.8	20	
Hexachlorophene	0.0532	0.0531	0.858	0.798	1.173	2.482	10	
Lead	25	5	2675.230	2487.964	3657.307	7737.568	5	
Mercury	0.0122	0.0122	0.197	0.183	0.269	0.569	0.2	
Methoxychlor	*	40	0.000	0.000	0.000	0.000	2	
Methyl Ethyl Ketone	886667	4411	**********	**********	**********	**********	50	
Mirex	0.0189	0.0171	0.305	0.284	0.417	0.882	0.2	
Nitrate-Nitrogen	*	10000	0	0	0	0	1000	
Nitrobenzene	721	41.8	11629.0	10815.0	15898.1	33634.7	10	
N-Nitrosodiethylamine	7.68	0.0382	123.871	115.200	169.344	358.272	20	
N-Nitroso-di-n-Butylamine	13.5	1.84	217.742	202.500	297.675	629.775	20	
PCB's	0.0013	0.0013	0.021	0.020	0.029	0.061	1	
Pentachlorobenzene	1.11	1.09	17.903	16.650	24.476	51.782	20	
Pentachlorophenol	136	129	2193.5	2040.0	2998.8	6344.4	50	
Pyridine	13333	88.1	215048.4	199995.0	293992.7	621984.5	20	
Selenium	*	50	0.0	0.0	0.0	0.0	10	
1,2,4,5-Tetrachlorobenzene	1.52	1.43	24.516	22.800	33.516	70.908	20	
Tetrachloroethylene	1832	5	**********	**********	**********	85462.80	10	
Toxaphene	0.0445	0.044	0.718	0.668	0.981	2.076	5	
2,4,5-TP (Silvex)	*	50	0.0	0.0	0.0	0.0	2	
2,4,5-Trichlorophenol	4021	2767	64855	60315	88663	187580	50	
Trichloroethylene	*	5	0.000	0.000	0.000	0.000	10	
1,1,1-Trichloroethane	*	200	0.0	0.0	0.0	0.0	10	
TTHMs	*	100	0.0	0.0	0.0	0.0	10	
Vinyl Chloride	94.5	2	1524.194	1417.500	2083.725	4408.425	10	

CALCULATE 70% AND 85% OF DAILY AVERAGE PERMIT LIMITS

AQUATIC LIFE	70%	85%
Aldrin	1.77	2.15
Aluminum	584	709.52
Arsenic	336	408.34
Cadmium	4.60	5.59
Carbaryl	1.18	1.43
Chlordane	0.003	0.00
Chlorpyrifos	0.032	0.04
Chromium (3+)	1275	1548.58
Chromium (6+)	8.72	10.58
Copper	54.26	65.88
Cyanide	8.47	10.29
4,4'-DDT	0.001	0.00
Demeton	0.079	0.10
Dicofol	15.688	19.05
Dieldrin	0.002	0.00
Diuron	55.463	67.35
Endosulfan	0.044	0.05
Endrin	0.001	0.002
Guthion	0.008	0.010
Heptachlor	0.003	0.004
Hexachlorocyclohexane	0.06	0.08
Lead	30.42	36.94
Malathion	0.008	0.01
Mercury	1.03	1.25
Methoxychlor	0.02	0.03
Mirex	0.001	0.00
Nickel	596	723.27
PCBs (Total)	0.011	0.013
Parathion	0.010	0.01
Phenanthrene	17.69	21.48
Pentachlorophenol	8.29	10.07
Selenium	3.96	4.81
Silver	13.16	15.98
Toxaphene	0.000	0.00
Tributyltin	0.019	0.023
2,4,5-Trichlorophenol	50.71	61.58
Zinc	469	570

HUMAN HEALTH

Aldrin	0.505	0.613
Alpha Hexachlorocyclohexane	15.39	18.686
Arsenic	0.00	0.000
Barium	0	0.000
Benzene	4815.72	5847.66
Benzidine	0.054	0.066
Benzo(a)anthracene	0.409	0.497
Benzo(a)pyrene	0.409	0.497
Beta Hexachlorocyclohexane	53.87	65.411
Bis(chloromethyl)ether	24.54	29.801
Cadmium	0.00	0.000
Carbon Tetrachloride	2809.17	3411.14
Chlordane	0.329	0.399
Chlorobenzene	76357	92719
Chloroform	187227	227347
Chromium	0	0.000
Chrysene	0.409	0.497
Cresols	720305	874656
Cyanide (Free)	0.00	0.000
4,4'-DDD	4.62	5.604
4,4'-DDE	0.84	1.021
4,4'-DDT	0.81	0.990
2,4-D	0.00	0.000
Danitol	11.13	13.513
Dibromochloromethane	236989	287772
1,2-Dibromoethane	17.75	21.554
Dieldrin	0.019	0.022
p-Dichlorobenzene	0.00	0.000
1,2-Dichloroethane	27690.39	**********
1,1-Dichloroethylene	1349.02	1638.095
Dicofol	3.35	4.067
Dioxins/Furans	1.13E-05	0.000
Endrin	0.00	0.00
Flouride	0	0
Gamma Hexachlorocyclohexane	246.96	299.88
Heptachlor	0.279	0.339
Heptachlor Epoxide	114.06	138.51
Hexachlorobenzene	0.20	0.24
Hexachlorobutadiene	172.87	209.92
Hexachloroethane	1452.43	1763.67
Hexachlorophene	0.82	1.00
Lead	2560.11	3108.71
Mercury	0.188	0.229
Methoxychlor	0.00	0.00
Methyl Ethyl Ketone	**********	**********
Mirex	0.29	0.35
Nitrate-Nitrogen	0	0
Nitrobenzene	11128.64	13513.34
N-Nitrsodiethylamine	118.54	143.94
N-Nitroso-di-n-Butylamine	208.37	253.02
PCB's	0.020	0.024
Pentachlorobenzene	17.13	20.80
Pentachlorophenol	2099.16	2548.98
Pyridine	205795	249894
Selenium	0.00	0.00
1,2,4,5-Tetrachlorobenzene	23.46	28.49
Tetrachloroethylene	28276.92	34336.26
Toxaphene	0.69	0.83
2,4,5-TP (Silvex)	0.00	0.00
2,4,5-Trichlorophenol	62064	75364
Trichloroethylene	0.00	0.00
1,1,1-Trichloroethane	0.00	0.00
TTHMs	0.00	0.00
Vinyl Chloride	1458.61	1771.17

APPENDIX B
TECHNOLOGY-BASED EFFLUENT LIMITATIONS CALCULATION

Outfall 001:

The discharge of process wastewater via Outfall 001 from iron and steel forging operations is subject to federal categorical guidelines at 40 CFR, Part 420, Subpart M, §420.132(b) (Iron and Steel Manufacturing Point Source Category as amended to include guidelines for forging operations). These guidelines are expressed in lbs/day per 1000 lbs/day of finished products (FP). The design finished weight production rate for Subpart M is 340,000 pounds FP per day.

PRODUCTION: Subpart M: 340,000 lbs. FP/day

CALCULATIONS: Example Calculation for Oil and Grease:

Daily Avg. = [340,000 lbs FP/day][0.00446 lbs/1000 lbs FP] = 1.52 lb/day
Daily Max. = [340,000 lbs FP/day][0.00746 lbs/1000 lbs FP] = 2.54 lbs/day

Daily Production (1000 lbs. FP/day)	Limited Parameter	EPA Guidelines lbs/1000 lbs FP Daily Avg./Daily Max	Limit lbs/day Daily Avg./Daily Max
200	Oil and Grease	0.00446/0.00746	1.52/2.54
	Total Suspended Solids	0.00508/0.0123	1.73/4.18

pH, standard units (s.u.): 6.0. s.u. (minimum) - 9.0 s.u. (maximum)

The above effluent limitations are based on 40 CFR, Part 420, Subpart M, §420.132(b):

CONTRIBUTING WASTE STREAMS: Boiler Blowdown = 4,000 gallons per day = 0.004 MGD; Wash down water = 1,000 gallons per day = 0.001 MGD, Storm water = 10% of 0.5 MGD = 0.05 MGD; and Once through cooling water = 0.45 MGD at Outfall 001.

Effluent limitations for Boiler blowdown, storm water, wash down water and once through cooling water are based on best professional judgement (BPJ).

Effluent Limits - Total Suspended Solids (TSS):
Daily Average concentration = 30 mg/l
Daily Maximum concentration = 45 mg/l

Loading Calculations:

Boiler blowdown:
Daily Avg. = [30 mg/l][0.004 MGD][8.345 lbs/gal] = 1.00 lbs/day
Daily Max. = [45 mg/l][0.004 MGD][8.345 lbs/gal] = 1.50 lb/day

Storm water:
Daily Avg. = [30 mg/l][0.05 MGD][8.345 lbs/gal] = 12.52 lbs/day
Daily Avg. = [45 mg/l][0.05 MGD][8.345 lbs/gal] = 18.78 lbs/day

Wash down water:

Daily Avg. = [30 mg/l][0.001 MGD][8.345 lbs/gal] = 0.25 lb/day
Daily Max = [45 mg/l][0.001 MGD][8.345 lbs/gal] = 0.38 lb/day

Once through cooling water:

Daily Avg. = [30 mg/l][0.45 MGD][8.345 lbs/gal] = 112.7 lbs/day
Daily Max. = [45 mg/l][0.45 MGD][8.345 lbs/gal] = 168.9 lbs/day

Summation of mass allocations resulted in the following TSS limitations:

TSS avg: 128.2 lbs/day
TSS max: 193.7 lbs/day

Effluent Limits - Oil and Grease (O&G):

Daily Average concentration = 10 mg/l
Daily Maximum concentration = 15 mg/l

Loading Calculations:

Boiler blowdown:

Daily Avg. = [10 mg/l][0.004 MGD][8.345 lbs/gal] = 0.334 lbs/day
Daily Max. = [15 mg/l][0.004 MGD][8.345 lbs/gal] = 0.507 lb/day

Storm water:

Daily Avg. = [10 mg/l][0.05 MGD][8.345 lbs/gal] = 4.17 lbs/day
Daily Avg. = [15 mg/l][0.05 MGD][8.345 lbs/gal] = 6.26 lbs/day

Wash down water:

Daily Avg. = [10 mg/l][0.001 MGD][8.345 lbs/gal] = 0.08 lb/day
Daily Max = [15 mg/l][0.001 MGD][8.345 lbs/gal] = 0.13 lb/day

Once through cooling water:

Daily Avg. = [10 mg/l][0.45 MGD][8.345 lbs/gal] = 37.6 lbs/day
Daily Max. = [15 mg/l][0.45 MGD][8.345 lbs/gal] = 56.3 lbs/day

Summation of mass allocations resulted in the following O&G limitations:

O&G avg: 43.7 lbs/day
O&G max: 65.7 lbs/day

APPENDIX C
COMPARISON OF EFFLUENT LIMITATIONS DERIVATION

	Existing TPDES Permit Limits		Water Quality-Based Effluent Limits		Technology-Based Effluent Limits		Proposed TPDES Permit Limits, mg/l		
Pollutant	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.	Basis of Limits
Outfall 001									
Temperature	N/A	95 °F	N/A	95°F	N/A	N/A	N/A	95 °F	WQ&BPJ
$CBOD_5$[1]	20 mg/l 83 lb/d	40 mg/l 167 lb/d	N/A	N/A	N/A	N/A	20 mg/l 83 lb/d	40 mg/l 167 lb/d	BPJ
COD[2]	200 mg/l 835 lb/d	275 mg/l 1150 lb/d	N/A	N/A	N/A	N/A	200 mg/l 835 lb/d	275 mg/l 1150 lb/d	BPJ
Ammonia	2 mg/l 8 lb/d	4 mg/l 16 lb/d	N/A	N/A	N/A	N/A	2 mg/l 8 lb/d	4 mg/l 16 lb/d	BPJ
TSS[3]	30 mg/l 125 lb/d	45 mg/l 190 lb/d	30 mg/l 128 lb/d	45 mg/l 193 lb/d	N/A	N/A	30 mg/l 125 lb/d	45 mg/l 190 lb/d	BPJ
O & G[4]	10 mg/l 42 lb/d	20 mg/l 84 lb/d	10 mg/l 43 lb/d	15 mg/l 65 lb/d	N/A	N/A	10 mg/l 42 lb/d	15 mg/l 65 lb/d	BPJ
pH, s.u.	6.0 s.u.	9.0 s.u.	N/A	N/A	6.0 s.u.	9.0 s.u.	6.0 s.u.	9.0 s.u.	TBL

1 Carbonaceous Biochemical Oxygen Demand (5-day)
2 Chemical Oxygen Demand
3 Total Suspended Solids
4 Oil and Grease

TPDES PERMIT NO. WQ0004073000
[For TCEQ office use only -
EPA I.D. No. TX0084034]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P. O. Box 13087

Austin, Texas 78711-3087

This amendment supercedes and replaces TPDES Permit No. WQ0004073000, issued on December 7, 1999.

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

Interstate Southwest, Ltd.

whose mailing address is

P. O. Box 1030
Navasota, Texas 77868

is authorized to treat and discharge wastes from an iron and steel forge facility (SIC 3462)

located adjacent to the west side of the Texas and New Orleans Rail road, with an entrance roadway off State Highway 508, approximately one mile south of the intersection of State Highway 508 and Farm-to-Market Road 379, and approximately three miles south of the City of Navasota, Grimes County, Texas

to an unnamed tributary of Sandy Creek; thence to Sandy Creek; thence to Grassy Creek, thence to Brazos River Below Navasota River in Segment No. 1202 of the Brazos River 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 on July 1, 2009.

ISSUED DATE:

For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon date of issuance and lasting through date of expiration, the permittee is authorized to discharge once through cooling water, boiler blowdown, process wastewater from forging operations, wash down water, and storm water subject to the following effluent limitations:

The daily average dry weather flow of effluent shall not exceed 0.5 million gallons per day (MGD). The daily maximum dry weather flow shall not exceed 1.0 MGD.

Effluent Characteristics	Discharge Limitations					Minimum Self-Monitoring Requirements	
	Daily Average		Daily Maximum		Single Grab	Report Daily Average and Daily Maximum	
	lbs/day	mg/l	lbs/day	mg/l	mg/l	Measurement Frequency	Sample Type
Flow (MGD)	(Report)		(Report)		N/A	1/day	Instantaneous
Total Suspended Solids	125	30	190	45	60	2/week	Composite
Carbonaceous Biochemical Oxygen Demand (5-day)	83	20	167	40	60	1/week	Composite
Chemical Oxygen Demand	835	200	1,150	275	350	2/week	Composite
Oil and Grease	42	10	65	15	20	2/week	Grab
Ammonia Nitrogen	8	2	16	4	6	2/week	Composite
Temperature (°F)	N/A		(95)		(95)	1/day	Instantaneous

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day, by grab sample.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

4. Effluent monitoring samples shall be taken at the following location: At Outfall 001, after discharge from the cooling pond and prior to entering the on-site drainage ditch.

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 §§ 5.103 and 5.105, and the Texas Health and Safety Code §§ 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 Section 26.001 of the Texas Water Code 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 a 1 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 calender 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 calender 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 calender 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. Fecal coliform bacteria concentration - the number of colonies of fecal coliform bacteria per 100 milliliters effluent. The daily average fecal coliform 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 calender 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 calender month. For any measurement of fecal coliform bacteria equaling zero, a substituted value of one shall be made for input into either computation method. The 7-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calender week.

f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calender 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 calender 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 which have not been classified as hazardous waste separated from wastewater by unit processes .

6. 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, a monthly effluent report shall be submitted each month, to 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 reported on an approved self-report form, that is 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, the Texas Water Code, Chapters 26, 27, and 28, and Texas Health and Safety Code, Chapter 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

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.

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 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 maybe 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 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. 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 Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. 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 which 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 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 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 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 Publicly Owned Treatment Works (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 section 301 or 306 of the CWA 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 which 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 Texas Water Code Section 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 Texas Water Code §§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 Clean Water Act, §§ 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 Texas Water Code Chapters 26, 27, and 28, and Texas Health and Safety Code Chapter 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 Texas Water Code Section 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 which are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9;

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 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 Texas Water Code § 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 Section 307(a) of the Clean Water Act 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 Section 307(a) of the Clean Water Act 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 which 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 Chapter 11 of the Texas Water Code.

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(15)) 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;
ii. the permit number(s);
iii. 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 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 Agriculture and Sludge 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 Texas Water Code § 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 which 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 percent 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 percent 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 percent 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 judgement 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 149) 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 percent, unless otherwise authorized by this permit.

11. Facilities which 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 127) 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 Registration, Review, and Reporting 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 Chapter 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 Chapter 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with Chapter 361 of the Texas Health and Safety Code.

OTHER REQUIREMENTS

1. Violations of daily maximum limitations for the following pollutants shall be reported orallyor by facsimile to TCEQ Region 9, within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 9 and the Enforcement Division (MC 224): None.

2. There shall be no discharge of contaminated steam exhaust or from Evaporation Ponds 1, 2, or 3 into waters of the State.

3. All wastewater retention ponds shall be operated in such a manner as to maintain a minimum freeboard of two feet.

4. The permittee shall notify the Executive Director in writing, at least 90 days prior to discontinuing use of any surface impoundment, pit, or basin authorized by this permit. The permittee shall, at the request of the Executive Director, submit such information as is necessary to evaluate closure of the waste management unit(s) including, but not limited to, chemical analyses of bottom sediments, soils, and groundwater samples.

5. Subsequent to this permit issuance date, all process wastewater ponds shall be lined in compliance with one of the following requirements:

   a. Soil Liner: The soil liner shall contain at least 3 feet of clay-rich (liquid limit greater than or equal to 30 and plasticity index greater than or equal to 15) soil material along the sides and bottom of the pond compacted in lifts of no more than 9 inches, to 95% standard proctor density at the optimum moisture content to achieve a permeability equal to or less than 1×10^{-7} cm/sec.

   b. Plastic/Rubber Liner: The liner shall be either a plastic or rubber membrane liner at least 30 mils in thickness which completely covers the sides and the bottom of the pond and which is not subject to degradation due to reaction with wastewater with which it will come into contact. If this lining material is vulnerable to ozone or ultraviolet deterioration it should be covered with a protective layer of soil of at least 6 inches. A leak detection system is also required.

   c. Alternate Liner: The permittee shall submit plans for any other pond lining method. Pond liner plans must be approved in writing by the Executive Director of the Texas Commission on Environmental Quality prior to pond construction.

   The permittee shall notify the Texas Commission on Environmental Quality Regional Office upon completion of construction of the pond and at least a week prior to its use. Certification of the lining specifications shall be provided by a Texas licensed professional engineer and shall be available for inspection by TCEQ personnel upon request. For new construction, the certification and the test results of soils forming the bottom and sides of the pond shall be submitted to the TCEQ, Wastewater Permitting Section (MC-148) and Regional Office for review prior to discharging any wastewaters into the ponds. Permeability tests shall be made with material typical of the expected use.

6. There shall be no discharge of domestic sewage. All sewage shall be routed to the City of Navasota Wastewater Treatment Facility - WQ00010231-001.

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

8. Storm Water Best Management Practices

   The permittee must develop and implement a storm water pollution prevention plan (SWP3) that includes a set of best management practices (BMPs) to eliminate or lessen the exposure of storm water to industrial activities and pollutants. The SWP3 must be maintained on site and be made readily available for review by authorized TCEQ personnel. The SWP3 must contain elements, or sections, to require implementation of the following activities:

A. *Good Housekeeping Measures* - Activities must be defined and implemented to ensure areas of the facility that either contribute or potentially contribute pollutants to storm water discharges are maintained and operated in a clean and orderly manner. The frequency for conducting each of the good housekeeping measures must be defined in the SWP3.

B. *Spill Prevention and Response Measures* - Areas must be identified where spills would likely contribute pollutants to storm water discharges. Procedures must be identified and implemented to minimize or prevent contamination of storm water from spills. Spill cleanup techniques must be identified and the necessary materials and equipment for cleanup made available to facility personnel. Facility personnel that work in the identified areas must be trained in spill prevention and response measures at a minimum frequency of once per year. A record of employee training shall be maintained on a minimum frequency of once per year, maintained on site, and be made readily available for inspection by authorized TCEQ personnel upon request.

The SWP3 may be modified at any time in order to implement either additional or more effective pollution control measures. A summary of revisions, including the dates of the revisions, shall be maintained on a quarterly basis, maintained as a part of the SWP3 document, and made readily available for inspection by authorized TCEQ personnel upon request.

Qualified personnel, who are familiar with the industrial activities performed at the facility, must conduct monthly inspections to determine the effectiveness of the Good Housekeeping Measures, Spill Prevention and Response Measures, Best Management Practices, and the Employee Training Program. The results of inspections must be documented in an inspection summary report; include an assessment for any necessary revisions or additional measures to increase effectiveness of the SWP3; and include a time-frame for implementation of any follow-up actions. The summary report must be maintained on site, and be made readily available for inspection by authorized TCEQ personnel upon request.

9. Table 1, shall be completed with the analytical results for Outfall 001 and sent to the TCEQ, Wastewater Permitting Section (MC-148), within 90 days upon issuance of permit. Based on; the technical review of the submitted analytical results, an amendment may be initiated by TCEQ staff to include additional effluent limitations and/or monitoring requirements.

TABLE 1: Complete table required for all external outfalls.

Outfall No.: 001 ☐C ☐G	**Effluent Concentration (mg/l)**					
Pollutants	**Samp. 1**	**Samp. 2**	**Samp. 3**	**Samp. 4**	**Average**	
BOD (5-day)						
CBOD (5-day)						
Chemical Oxygen Demand						
Total Organic Carbon						
Ammonia Nitrogen						
Total Suspended Solids						
Nitrate Nitrogen						
Total Organic Nitrogen						
Total Phosphorus						
Oil and Grease						
Total Residual Chlorine						
Total Dissolved Solids						
Sulfate						
Chloride						
Fluoride						
Fecal Coliform						
Temperature(°F)						
pH (Standard Units; min/max)						
	Effluent Concentration (µg/l)					**MAL (µg/l)**
Total Aluminum						30
Total Antimony						30
Total Arsenic						10
Total Barium						10
Total Beryllium						5
Total Cadmium						1
Total Chromium						10
Trivalent Chromium						N/A
Hexavalent Chromium						10
Total Copper						10
Cyanide						20
Total Lead						5
Total Mercury						0.2
Total Nickel						10
Total Selenium						10
Total Silver						2.0
Total Thallium						10
Total Zinc						5

CHRONIC BIOMONITORING REQUIREMENTS: FRESHWATER

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

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, reproduction, or growth of the test organisms.

b. The permittee shall conduct the following toxicity tests utilizing the test organisms, procedures and quality assurance requirements specified in this Part of the permit and in accordance with "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition" (EPA-821-R-02-013), or the most recent update thereof:

1) Chronic static renewal survival and reproduction test using the water flea (*Ceriodaphnia dubia*) (Method 1002.0 or the most recent update thereof). This test should be terminated when 60% of the surviving adults in the control produce three broods. This test shall be conducted once per quarter.

2) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*) (Method 1000.0 or the most recent update thereof). 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 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 herein defined as any test failing to satisfy the test acceptability criteria, including Percent Minimum Significant Difference (PMSD) boundary requirements, procedures, and quality assurance requirements specified in the test methods and permit. All test results, valid or invalid, must be submitted as described below.

c. The permittee shall use five effluent dilution concentrations and a control in each toxicity test. These additional effluent 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 Whole Effluent Toxicity (WET) limit, Chemical-Specific (CS) limits, a Best Management Practice (BMP), additional toxicity testing, and/or other appropriate actions to address toxicity. The permittee may be required to conduct additional biomonitoring tests and/or a Toxicity Reduction Evaluation (TRE) if biomonitoring data indicate multiple numbers of unconfirmed toxicity events.

e. Testing Frequency Reduction

1) If none of the first four consecutive quarterly tests demonstrates significant lethal or sub-lethal effects, the permittee may submit this information in writing and, upon approval from the Water Quality Standards Team, reduce the testing frequency to once per six months for the invertebrate test species and once per year for the vertebrate test species.

2) If one or more of the first four consecutive quarterly tests demonstrates significant sub-lethal effects, the permittee shall continue quarterly testing for that species until four consecutive quarterly tests demonstrate no significant sub-lethal effects. At that time, the permittee may apply for the appropriate testing frequency reduction for that species.

3) If one or more of the first four consecutive quarterly tests demonstrates significant lethal effects,

the permittee shall continue quarterly testing for that species until the permit is reissued. If a testing frequency reduction had been previously granted and a subsequent test demonstrates significant lethal effects, the permittee will resume a quarterly testing frequency for that species until the 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 80% or greater;

2) a control mean number of water flea neonates per surviving adult of 15 or greater;

3) a control mean dry weight of surviving fathead minnow larvae of 0.25 mg or greater;

4) a control Coefficient of Variation percent (CV%) of 40 or less between replicates for the young of surviving females in the water flea reproduction and survival test; and the growth and survival endpoints in the fathead minnow growth and survival test.

5) a critical dilution CV% of 40 or less for young of surviving females in the water flea reproduction and survival test; and the growth and survival endpoints for the fathead minnow growth and survival test. However, if statistically significant lethal or nonlethal effects are exhibited at the critical dilution, a CV% greater than 40 shall not invalidate the test.

6) a Percent Minimum Significant Difference of 47 or less for water flea reproduction;

7) a Percent Minimum Significant Difference of 30 or less for fathead minnow growth.

b. Statistical Interpretation

1) For the water flea survival test, the statistical analyses used to determine if there is a significant difference between the control and an effluent dilution shall be Fisher's Exact Test as described in the "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition" (EPA-821-R-02-013), or the most recent update thereof.

2) For the water flea reproduction test and the fathead minnow larval survival and growth 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 methods described in the "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition" (EPA-821-R-02-013), or the most recent update thereof.

3) The permittee is responsible for reviewing test concentration-response relationships to ensure that calculated test-results are interpreted and reported correctly. The EPA manual, "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.

4) If significant lethality is demonstrated (that is, there is a statistically significant difference in survival at the critical dilution when compared to the control), the conditions of test acceptability are met, and the survival of the test organisms are equal to or greater than 80% 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.

5) The NOEC is defined as the greatest effluent dilution at which no significant effect is demonstrated. The Lowest Observed Effect Concentration (LOEC) is defined as the lowest

effluent dilution at which a significant effect is demonstrated. A significant effect is herein defined as a statistically significant difference at the 95% confidence level between the survival, reproduction, or growth of the test organism(s) in a specified effluent dilution compared to the survival, reproduction, or growth of the test organism(s) in the control (0% effluent).

6) 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 3 above and a full report will be submitted to the Water Quality Standards Team

7) Pursuant to the responsibility assigned to the permittee in Part 2.b.3), test results that demonstrate a non-monotonic (non-continuous) concentration-response relationship may be submitted, prior to the due date, for technical review. The above-referenced guidance manual will be used when making a determination of test acceptability

8) The Water Quality Standards Team will review test results (i.e., Table 1 and Table 2 forms) for consistency with established TCEQ rules, procedures, and permit requirements.

c. Dilution Water

1) Dilution water used in the toxicity tests shall be the receiving water collected at a point upstream of the discharge 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) utilize 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 of item 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 item 2.a;

b) the test indicating receiving water toxicity was carried out to completion (i.e., 7 days);

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

The synthetic dilution water shall have a pH, hardness, and alkalinity similar to that of the receiving water or a natural water in the drainage basin that is unaffected by the discharge, provided the magnitude of these parameters will not cause toxicity in a synthetic dilution water control that has been formulated to match the pH, hardness, and alkalinity naturally found in the receiving 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 three flow-weighted 24-hour composite samples from Outfall 001. The second and third 24-hour composite samples will be used for the renewal of the dilution concentrations for each toxicity test. A 24-hour composite sample consists of a minimum of 12 effluent portions collected at equal time intervals representative of a 24-hour operating day

and combined proportionally to flow, or a sample continuously collected proportionally to flow over a 24-hour operating day.

2) The permittee shall collect the 24-hour composite samples such that the samples are representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance 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 24-hour composite sample. The holding time for any subsequent 24-hour 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 flow from the outfall being tested ceases 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 daily 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 effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Part 3 of this Section.

3. Reporting

All reports, tables, plans, summaries, and related correspondence required in any Part of this Section shall be submitted to the attention of the Water Quality Standards Team (MC 150) of the Water Quality Division. All DMRs, including DMRs with biomonitoring data, should be sent to the Enforcement Division (MC 224).

a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this permit in accordance with the Report Preparation Section of "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition" (EPA-821-R-02-013), or the most recent update thereof, for every valid and invalid toxicity test initiated whether carried to completion or not. All full reports shall be retained for 3 years at the plant site and shall be available for inspection by TCEQ personnel.

b. A full report must be submitted with the first valid biomonitoring test results for each test species and with the first test results any time the permittee subsequently employs a different test laboratory. Full reports need not be submitted for subsequent testing unless specifically requested. The permittee shall routinely report the results of each biomonitoring test on the Table 1 forms provided with this permit. All Table 1 reports must include the information specified in the Table 1 form attached to 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 on the DMR for the appropriate parameters for valid tests only:

1) For the water flea, Parameter TLP3B, enter a "1" if the NOEC for survival is less than the critical

dilution; otherwise, enter a "0."

2) For the water flea, Parameter TOP3B, report the NOEC for survival.

3) For the water flea, Parameter TXP3B, report the LOEC for survival.

4) For the water flea, Parameter TWP3B, enter a "1" if the NOEC for reproduction is less than the critical dilution; otherwise, enter a "0."

5) For the water flea, Parameter TPP3B, report the NOEC for reproduction.

6) For the water flea, Parameter TYP3B, report the LOEC for reproduction.

7) For the fathead minnow, Parameter TLP6C,enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

8) For the fathead minnow, Parameter TOP6C, report the NOEC for survival.

9) For the fathead minnow, Parameter TXP6C, report the LOEC for survival.

10) For the fathead minnow, Parameter TWP6C,enter a "1" if the NOEC for growth is less than the critical dilution; otherwise, enter a "0."

11) For the fathead minnow, Parameter TPP6C, report the NOEC for growth.

12) For the fathead minnow, Parameter TYP6C, report the LOEC for growth

d. Enter the following codes on the DMR for 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 when a test demonstrates a significant effect at the critical dilution. A significant effect is defined as a statistically significant difference, at the 95% confidence level, between a specified endpoint (survival, growth, or reproduction) of the test organism in a specified effluent dilution when compared to the specified endpoint of the test organism in the control. Significant lethality is defined as a statistically significant difference in survival at the critical dilution when compared to the survival of the test organism in the control. Significant sublethality is defined as a statistically significant difference in growth/reproduction at the critical dilution when compared to the growth/reproduction of the test organism in the control.

a. The permittee shall conduct a total of 2 additional tests (retests) for any species that demonstrates a significant effect (lethal or sublethal) at the critical dilution. 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. The retests shall also be reported on the DMRs as specified in Part 3.d.

b. If the retests are performed due to a demonstration of significant lethality, and one or both of the two retests specified in item 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5. The provisions of item 4.a. are suspended upon completion of the

two retests and submittal of the TRE Action Plan and Schedule defined in Part 5.

If neither test demonstrates significant lethality and the permittee is testing under the reduced testing frequency provision of Part 1.e., the permittee shall return to a quarterly testing frequency for that species.

c. If the two retests are performed due to a demonstration of significant sublethality, and one or both of the two retests specified in item 4.a. demonstrates significant lethality, the permittee shall again perform two retests as stipulated in item 4.a.

d. If the two retests are performed due to a demonstration of significant sublethality, and both retests pass, the permittee shall continue testing at the quarterly frequency until such time that the permittee can invoke the reduced testing frequency provision specified in Part 1.e.

e. Regardless of whether retesting for lethal or sublethal effects, or a combination of the two, no more than one retest per month is required for a species.

5. Toxicity Reduction Evaluation

a. Within 45 days of the last test day 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/or effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.

b. Within 90 days of the last test day 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 Toxicity Reduction Evaluation is a step-wise investigation combining toxicity testing with physical and chemical analysis 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 lethal effects at the critical dilution for both test species defined in item 1.b. As 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/or alternative approaches. When conducting characterization analyses, the permittee shall perform multiple characterizations and follow the procedures specified in the document entitled, "Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I" (EPA/600/6-91/005F), 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/60-0/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 specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and/or suspected pollutant(s) and/or source(s) 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, as well as 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 with due diligence.

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/or suspected pollutant(s) performed during the quarter;

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

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

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

5) any data which 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.

Copies of the TRE Activities Report shall also be submitted to the U.S. EPA Region 6 office.

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 (herein as defined below) 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. The permittee may only apply the "cessation of lethality" provision once.

This provision accommodate 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 herein defined as proactive efforts which 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/or 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/or 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 their pursuit of the TIE/TRE and must prove that circumstances beyond their control stalled the TIE/TRE. The report shall provide information pertaining to the specific control mechanism(s) selected that will, when implemented, result in reduction of effluent toxicity to no significant lethality at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism(s). A copy of the TRE Final Report shall also be submitted to the U.S. EPA Region 6 office.

h. Based upon the results of the TRE and proposed corrective actions, this permit may be amended to modify the biomonitoring requirements, where necessary, to require a compliance schedule for implementation of corrective actions, to specify a WET limit, to specify a BMP, and/or to specify CS limits.

TABLE 1 (SHEET 1 OF 4)

BIOMONITORING REPORTING

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION

			Date Time		Date Time
Dates and Times Composites Collected	No. 1	FROM:	_____	TO:	_____
	No. 2	FROM:	_____	TO:	_____
	No. 3	FROM:	_____	TO:	_____

Test initiated: _____ am/pm _____ date

Dilution water used: _____ Receiving Water _____ Synthetic Dilution Water

NUMBER OF YOUNG PRODUCED PER ADULT AT END OF TEST

	Percent effluent (%)					
REP	0%	32%	42%	56%	75%	100%
A						
B						
C						
D						
E						
F						
G						
H						
I						
J						
Surviv. Mean						
Total Mean						
CV%*						
PMSD	Acceptable Range 13-47					

*coefficient of variation = standard deviation x 100/mean (calculation based on young of the surviving adults)

Designate males (M), and dead females (D), along with number of neonates (x) released prior to death.

TABLE 1 (SHEET 2 OF 4)

BIOMONITORING REPORTING

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION TEST

1. Dunnett's Procedure or Steel's Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

   Is the mean number of young produced per adult significantly less (p=0.05) than the number of young per adult in the control for the % effluent corresponding to significant nonlethal effects?

   CRITICAL DILUTION (100%): _____ YES _____ NO

PERCENT SURVIVAL

	Percent effluent (%)					
Time of Reading	0%	32%	42%	56%	75%	100%
24h						
48h						
End of Test						

2. Fisher's Exact Test:

   Is the mean survival at test end significantly less (p=0.05) than the control survival for the % effluent corresponding to lethality?

   CRITICAL DILUTION (100%): _____ YES _____ NO

3. Enter percent effluent corresponding to each NOEC\LOEC below :

   a.) NOEC survival = _____% effluent

   b.) LOEC survival = _____% effluent

   c.) NOEC reproduction = _____% effluent

   d.) LOEC reproduction = _____% effluent

TABLE 1 (SHEET 3 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW LARVAE GROWTH AND SURVIVAL

			Date Time		Date Time
Dates and Times Composites Collected	No. 1	FROM:	_____	TO:	_____
	No. 2	FROM:	_____	TO:	_____
	No. 3	FROM:	_____	TO:	_____

Test initiated: _____ am/pm _____ date

Dilution water used: _____ Receiving Water _____ Synthetic Dilution Water

FATHEAD MINNOW GROWTH DATA

Effluent Concentration (%)	Average Dry Weight in milligrams in replicate chambers					Mean Dry Weight	CV%*
	A	B	C	D	E		
0%							
32%							
42%							
56%							
75%							
100%							
PMSD	Acceptable Range 12-30						

* coefficient of variation = standard deviation x 100/mean

1. Dunnett's Procedure or Steel's Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

   Is the mean dry weight (growth) at 7 days significantly less (p=0.05) than the control's dry weight (growth) for the % effluent corresponding to significant nonlethal effects?

   CRITICAL DILUTION (100%): _____ YES _____ NO

TABLE 1 (SHEET 4 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW GROWTH AND SURVIVAL TEST

FATHEAD MINNOW SURVIVAL DATA

Effluent Concentration (%)	Percent Survival in replicate chambers					Mean percent survival			CV%*
	A	B	C	D	E	24h	48h	7 day	
0%									
32%									
42%									
56%									
75%									
100%									

* coefficient of variation = standard deviation x 100/mean

2. Dunnett's Procedure or Steel's Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

   Is the mean survival at 7 days significantly less (p=0.05) than the control survival for the % effluent corresponding to lethality?

   CRITICAL DILUTION (100%): _____ YES _____ NO

3. Enter percent effluent corresponding to each NOEC/LOEC below:

   a.) NOEC survival = _____% effluent

   b.) LOEC survival = _____% effluent

   c.) NOEC growth = _____% effluent

   d.) LOEC growth = _____% effluent

24-HOUR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

The provisions of this Section apply individually and separately to Outfall 001 for whole effluent toxicity testing (biomonitoring). No samples or portions of samples from one outfall may be composited with samples or portions of samples from another outfall.

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 the Surface Water Quality Standard, 30 TAC §307.6(e)(2)(B), of 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 utilizing 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 the most recent update thereof:

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 in 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 in 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 herein defined as any test failing to satisfy the test acceptability criteria, procedures, and quality assurance requirements specified in the test methods and permit. All test results, valid or invalid, must be submitted as described below.

c. In addition to an appropriate control, a 100% effluent concentration shall be used in the toxicity tests. Except as discussed in item 2.b., the control and/or dilution water shall consist of a standard, synthetic, moderately hard, reconstituted water.

d. This permit may be amended to require a Whole Effluent Toxicity (WET) limit, a Best Management Practice (BMP), Chemical-Specific (CS) limits, additional toxicity testing, and/or other appropriate actions to address toxicity. The permittee may be required to conduct additional biomonitoring tests and/or a Toxicity Reduction Evaluation (TRE) if biomonitoring data indicate multiple numbers of unconfirmed toxicity events.

e. If the biomonitoring dilution series specified in the Chronic biomonitoring requirements includes a 100% effluent concentration, those results may fulfill the requirements of this Section. The results of any test with a 100% effluent concentration performed in the proper time interval may be substituted in lieu of performing a separate 24-hour acute test. Compliance will be evaluated as specified in item a. The greater than 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 defined in item b.

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 item 1.c., the control and/or dilution water shall normally consist of a standard, synthetic, moderately hard, reconstituted water. If the permittee utilizes the results of a 48-Hour Acute test or a Chronic test to satisfy the requirements in item 1.e., the permittee may use the receiving water or dilution water that meets the requirements of item 2.a. as the control and dilution water.

c. Samples and Composites

1) The permittee shall collect one flow-weighted 24-hour composite sample from Outfall 001. A 24-hour composite sample consists of a minimum of 12 effluent portions collected at equal time intervals representative of a 24-hour operating day and combined proportional to flow, or a sample continuously collected proportional to flow over a 24-hour operating day.

2) The permittee shall collect the 24-hour composite samples such that the samples are representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance discharged on an intermittent basis.

3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the 24-hour composite sample. Samples shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.

4) If the Outfall 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 required in Part 3 of this Section.

3. Reporting

All reports, tables, plans, summaries, and related correspondence required in any Part of this Section shall be submitted to the attention of the Water Quality Standards Team (MC 150) of the Water Quality Division. All DMRs, including DMRs with biomonitoring data, should be sent to the Enforcement Division (MC 224).

a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this permit in accordance with the Report Preparation Section of "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition" (EPA-821-R-02-012), or the most recent update thereof, for every valid and invalid toxicity test initiated. All full reports shall be retained for three years at the plant site and shall be available for inspection by TCEQ personnel.

b. A full report must be submitted with the first valid biomonitoring test results for each test species and with the first test results any time the permittee subsequently employs a different test laboratory. Full reports need not be submitted for subsequent testing unless specifically requested. The permittee shall routinely report the results of each biomonitoring test on the Table 2 forms provided with this permit. All Table 2 reports must include the information specified in the Table 2 form attached to this permit.

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

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

c. Enter the following codes on the DMR 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 a "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 a "1."

d. Enter the following codes on the DMR 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 a "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 a "1."

4. Persistent Mortality

The requirements of this Part apply when a toxicity test demonstrates significant lethality, here defined as a mean mortality of 50% or greater to organisms exposed to the 100% effluent concentration after 24-hours.

a. The permittee shall conduct two additional tests (retests) for each species that demonstrates significant lethality. The two retests shall be conducted once per week for two weeks. Five effluent dilution concentrations in addition to an appropriate control shall be used in the retests. These additional 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. The retests shall also be reported on the DMRs as specified in Part 3.d.

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

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/or 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 Toxicity Reduction Evaluation is a step-wise investigation combining toxicity testing with physical and chemical analysis 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 item 1.b. As 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/or 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/60-0/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 specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and/or suspected pollutant(s) and/or source(s) 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, as well as 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 with due diligence.

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/or suspected pollutant(s) performed during the quarter;

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

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

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

5) any data which 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.

Copies of the TRE Activities Report shall also be submitted to the U.S. EPA Region 6 office.

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 (herein as defined below) 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. The permittee may only apply the "cessation of lethality" provision once.

This provision accommodate 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 herein defined as proactive efforts which 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/or 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/or 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 their pursuit of the TIE/TRE and must prove that circumstances beyond their control stalled the TIE/TRE. The report shall specify the control mechanism(s) that will, when implemented, reduce effluent toxicity as specified in item 5.g. The report will also specify a corrective action schedule for implementing the selected control mechanism(s). A copy of the TRE Final Report shall also be submitted to the U.S. EPA Region 6 office.

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 their pursuit of the TIE/TRE and must prove that circumstances beyond their control stalled the TIE/TRE.

The requirement to comply with 30 TAC 307.6.(e)(2)(B) may be exempted upon proof 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, the 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, to require a compliance schedule for implementation of corrective actions, to specify a WET limit, to specify a BMP, and/or to specify a CS limit.

TABLE 2 (SHEET 1 OF 2)

WATER FLEA SURVIVAL

GENERAL INFORMATION

	Time (am/pm)	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

95% confidence limits: _____

Method of LC50 calculation:_____

* If 24-hour survivorship data from the chronic *Ceriodaphnia dubia* test is being used, the mean survival per dilution for all 10 replicates shall be reported on this row.

TABLE 2 (SHEET 2 OF 2)

FATHEAD MINNOW SURVIVAL

GENERAL INFORMATION

	Time (am/pm)	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

95% confidence limits: _____

Method of LC50 calculation:_____

Attachment B

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

TCEQ PERMIT NO. WQ0004073000

2007 JUN -6 PM 4: 29
CHIEF CLERK'S OFFICE

APPLICATION BY INTERSTATE SOUTHWEST, LTD. FOR TPDES PERMIT NO. WQ0004073000	§ § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the application by Interstate Southwest, Ltd. (Applicant), for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0004703000 and on the ED's preliminary decision. As required by 30 Texas Administrative Code (TAC) Section 55.156, before an application is approved, the ED prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk timely received comment letters from Benjamin F. Swank, III and Sharon Swank Backhus, and comments at the public meeting from Benjamin F. Swank, III and Floyd Burzynski. This response addresses all such timely public comments received, whether or not withdrawn. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

BACKGROUND

Description of Facility

The Applicant operates an iron and steel forge facility. The facility uses steel ingots to manufacture oil field equipment, aircraft landing gears, parts for construction equipment and automotive defense industries, and heavy equipment. Wastewater is produced from boiler blowdown, cooling waters, wash down waters, and process wastewaters. Several cooling streams are generated from the steel forging process. The Applicant uses a closed-loop cooling system to keep the induction heaters from becoming too hot. The closed-loop cooling system is only drained to the wastewater system in the event of power failure or emergency. Two wastewater ponds collect site storm water and the various wastewater streams from the wastewater generating processes at the site. The ponds allow retention and equalization of the wastewater streams before discharge from Outfall 001.

The Applicant has applied for a major amendment to authorize the additional discharge of process wastewaters to the discharge from iron and steel forging operations via Outfall 001. The current permit authorizes the disposal of once through cooling water, boiler blowdown, wash down water and storm water at a daily average flow not to exceed 500,000 gallons per day via Outfall 001.

The effluent is discharged to an unnamed tributary of Sandy Creek; thence to Sandy Creek; thence to Grassy Creek; thence to Brazos River Below Navasota River in Segment No. 1202 of the Brazos

River Basin. The unclassified receiving waters have no significant aquatic life use for the unnamed tributary of Sandy Creek and limited aquatic life use for Sandy Creek. The designated uses for Segment No. 1202 are contact recreation, high aquatic life use, and public water supply. The draft permit authorizes the discharge of treated process wastewaters, once through cooling water, boiler blowdown, wash down water, and storm water at a daily average dry weather flow not to exceed 500,000 gallons per day (MGD) via Outfall 001.

The facility is located adjacent to the west side of the Texas and New Orleans Rail Road, with an entrance roadway off State Highway 508, approximately one mile south of the intersection of State Highway 508 and Farm-to-Market Road 379, and approximately three miles south of the City of Navasota, Grimes County, Texas.

Procedural Background

The application was submitted on August 16, 2005, and declared administratively complete on October 6, 2005. The Notice of Receipt of Application and Intent to Obtain Permit was published October 19, 2005 in the *Navasota Examiner* in Grimes County, Texas. The ED completed the technical review of the application on December 31, 2005, and prepared a draft permit. The Notice of Application and Preliminary Decision was published March 15, 2006 in the *Navasota Examiner* in Grimes County. A public meeting was held in Navasota on March 27, 2007. The comment period for this application closed at the end of the public meeting. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

COMMENTS AND RESPONSES

COMMENT 1:

Mr. Swank and Ms. Swank Backhus stated that there was a "significant occurrence" in February 2005. They stated the Applicant released 1,200 gallons of an oily substance that overflowed onto their property and left much of the grass and water coated with a black substance. The black substance was released into a drainage ditch which feeds into Sandy Creek which is the main source of water for their property.

RESPONSE 1:

The TCEQ investigated the incident on February 9, 2005, and the investigator met with the complainant. That day the Applicant discovered the source of the discharge as a leaky valve in an abandoned wastewater treatment unit. That evening the Applicant hired Oil Mop LLC to begin the cleanup of the property. The Applicant took steps to prevent a recurrence. The Applicant continued to clean up the site and by April 15, 2005 scaled back their clean up operations to one monitoring per week and any necessary clean up. The area was fully cleaned shortly after. The Applicant was issued two Notice of Violations (NOV) for this incident. The first was for failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization of

the commission. The second NOV was for failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

The acceptance of this 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 TCEQ. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment. 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 not authorized or adjacent to water in the state at any location not permitted or otherwise defined in the Effluent Limitations and Monitoring Requirements section of this permit.

Failure to comply with any permit condition will constitute a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and may be grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or of an application for a permit for another facility. If at any time, the Applicant poses a threat to public health, safety, or the environment, or is suspected of violating the applicable laws or conditions of its permit, the public may contact the TCEQ's Environmental Violation Hotline toll-free at 1-888-777-3186 or the Region 9 Office in Waco at 254-751-0335.

The draft permit does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or actually do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation, or property.

COMMENT 2:

Mr. Swank and Ms. Swank Backhus are concerned that the Applicant's activities are affecting the use and enjoyment of their property and expressed concerns over property values.

RESPONSE 2:

In the wastewater permitting process, TCEQ is tasked by the Legislature with protecting the quality of the water in the state. Property value is not a factor in determining whether an applicant has met all of the statutory and regulatory criteria applicable to a wastewater permit.

The draft permit does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation, or property.

COMMENT 3:

Mr. Swank and Ms. Swank Backhus expressed concern regarding the Applicant's compliance history.

RESPONSE 3:

The applicant has a compliance history of average with a cite rating of 0.25. In the period from August 16, 2000 to January 12, 2007 the Applicant had eight notices of violation. If there is believed to be an unauthorized discharge occurring, please contact the local TCEQ region office. To report complaints about the facility, please contact the TCEQ at 1-888-777-3186 to reach the TCEQ region office in your area or by e-mail at cmplaint@TCEQ.state.tx.us.

COMMENT 4:

Mr. Swank and Ms. Swank Backhus state that it took numerous calls to the TCEQ Office of Public Assistance and four different trips to the library before the Applicant posted the proposed permit in the correct spot.

RESPONSE 4:

30 TAC Section 39.405(g) requires the applicant to make a copy of the application available for review and copying at a public place in the county in which the facility is located or proposed to be located. In a letter dated October 31, 2005, the Applicant states that notice was published in the Navasota Examiner and a copy of the application was posted in the Navasota Public Library. In Mr. Benjamin Swank's letter dated November 22, 2005, he states that after numerous attempts to find the application he found it in the library.

COMMENT 5:

Mr. Burzynaski indicated that there are two unnamed tributaries that meet at a point near the plant and the water in the tributary not flowing from the plant is clear, but the water flowing from the plant is dark. Mr. Burzynski stated that the water in the unnamed tributary from the plant has always been dark and the difference is noticeable. Mr. Swank and Ms. Swank Backhus state that the appearance of the creek is unattractive and they are concerned about the Brazos River.

RESPONSE 5:

The draft permit specifically prohibits any discharge of untreated wastewater from the facility. The draft permit was written in accordance with 30TAC, Section 307.4(b)(5). According to this section waste discharges shall not cause substantial and persistent changes from ambient conditions of turbidity or color and to protect the water quality of the receiving stream. Also, surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottom of the watercourse; or cause toxicity to man, aquatic life, or terrestrial life in accordance 30 TAC, Section 307.4(d).

Regarding the downstream affect on the Brazos River, the discharge is subject to federal categorical guidelines at Title 40 Code of Federal Regulation (CFR), Part 420, Subpart M, §420.132(b) (Iron and Steel Manufacturing Point Source Category as amended to include guidelines for forging operations). Subpart M requires effluent limitations for oil and grease, total suspended solids, and pH. The following daily average and daily maximum effluent limitations are established in the draft permit: 95 °F daily maximum temperature; 125 lb/day and 190 lb/day total suspended solids; 83 lb/day and 167 lb/day carbonaceous biochemical oxygen demand (5-day); 835 lb/day and 1150 lb/day chemical oxygen demand; 42 lb/day and 65 lb/day oil and grease; 8 lb/day and 16 lb/day ammonia nitrogen, respectively. The draft permit requires an effluent pH between 6.0 and 9.0 standard units.

The effluent limits in the draft permit will maintain and protect the existing instream uses. No significant degradation of high quality receiving waters is anticipated. In accordance with Section 307.5 and the TCEQ implementation procedures for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. The stream reach assessed was the unnamed tributary to Sandy Creek and Sandy Creek. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

TCEQ practice for determining significant potential is to compare the reported analytical data against percentage of the calculated daily average water quality-based effluent limitation. Permit limitations are required when analytical data reported in the application exceeds 85% of the calculated daily average water quality-based effluent limitation. Monitoring and reporting is required when analytical data reported in the application exceeds 70% of the calculated daily average water quality-based effluent limitation. No analytical data reported in the application for Outfall 001 exceeded 70% and 85% threshold of the calculated daily average water quality-based effluent limitation for aquatic life protection. An elevated level of fecal coliform concentration was reported in the application for Outfall 001. Therefore, a retest requirements were placed in the draft permit for discharges via Outfall 001.

Based on comments and numerous complaints to the Region 9 Office on the receiving water being black, a storm water best management practices has been added to the draft permit "Other Requirements item number 8." "Other Requirements item number 8" will also help to expedite the Applicant's plan with the County to construct a drainage system to minimize storm water runoff in storm events.

COMMENT 6:

Mr. Burzynski, who has cattle on the property of Mr. Swank, expressed concern for his cattle. He stated his cows graze on the property and any little bit of steel that a cow picks up will get inside the

cow, and kill the cow. Mr. Burzynski also stated that if a cow licks oil containing steel in it, it will kill the cow. In addition, Mr. Burzynski stated that if the water is not good to drink, he expects the permittee to put some clean water there, and if the animals die from the water, he expects the permittee to pay the vet bill to have the animals checked out. Mr. Swank and Ms. Swank Backhus expressed concern for cattle grazing and drinking water in and around the creek.

RESPONSE 6:

The proposed permit does not authorize the Applicant to discharge bits of steel. The proposed permit was drafted in accordance with 30 TAC Chapter 307, and "Procedures to Implement the Texas Surface Water Quality Standards," January 2003 (Implementation Procedures). 30 TAC Chapter 307, states that surface waters cannot be made toxic to aquatic or terrestrial organisms. While 30 TAC Chapter 307, and the Implementation Procedures do not specifically designate criteria for the protection of livestock, they do designate criteria for the protection of aquatic life and human health that should preclude impacts to the health and performance of livestock.

A guidance document provided by the Texas Agricultural Extension Service entitled "Water Quality: Its Relationship to Livestock" (Doc. No. L2374) states that the most common water quality problems affecting livestock production are high mineral concentrations (excess salinity), high nitrogen, bacteria contamination, heavy growths of blue-green algae, petroleum, pesticide, and fertilizer spills. Except for nitrogen the constituents of concern mentioned in the guidance document are generally not found in the waste streams generated from this facility and therefore, the discharge should not adversely affect livestock. The effluent limits for ammonia nitrogen in the draft permit are daily average of 2 mg/l and a daily maximum of 4 mg/l. These permit limits are very stringent and should not affect the health and performance of livestock.

In addition, the draft permit does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or actually do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation, or property.

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT

Based upon comments received a storm water best management practices requirement has been added to Other Requirements item number 8:

Storm Water Best Management Practices

The permittee must develop and implement a storm water pollution prevention plan (SWP3) that includes a set of best management practices (BMPs) to eliminate or lessen the exposure of storm water to industrial activities and pollutants. The SWP3 must be maintained on site and be made readily available for review by authorized TCEQ personnel. The SWP3 must contain elements, or sections, to require implementation of the following activities:

A. *Good Housekeeping Measures* - Activities must be defined and implemented to ensure areas of the facility that either contribute or potentially contribute pollutants to storm water discharges are maintained and operated in a clean and orderly manner. The frequency for conducting each of the good housekeeping measures must be defined in the SWP3.

B. *Spill Prevention and Response Measures* - Areas must be identified where spills would likely contribute pollutants to storm water discharges. Procedures must be identified and implemented to minimize or prevent contamination of storm water from spills. Spill cleanup techniques must be identified and the necessary materials and equipment for cleanup made available to facility personnel. Facility personnel that work in the identified areas must be trained in spill prevention and response measures at a minimum frequency of once per year. A record of employee training shall be maintained on a minimum frequency of once per year, maintained on site, and be made readily available for inspection by authorized TCEQ personnel upon request.

The SWP3 may be modified at any time in order to implement either additional or more effective pollution control measures. A summary of revisions, including the dates of the revisions, shall be maintained on a quarterly basis, maintained as a part of the SWP3 document, and made readily available for inspection by authorized TCEQ personnel upon request.

Qualified personnel, who are familiar with the industrial activities performed at the facility, must conduct monthly inspections to determine the effectiveness of the Good Housekeeping Measures, Spill Prevention and Response Measures, Best Management Practices, and the Employee Training Program. The results of inspections must be documented in an inspection summary report; include an assessment for any necessary revisions or additional measures to increase effectiveness of the SWP3; and include a time-frame for implementation of any follow-up actions. The summary report must be maintained on site, and be made readily available for inspection by authorized TCEQ personnel upon request.

Respectfully submitted,

Texas Commission on Environmental Quality

Glenn Shankle
Executive Director

Robert Martinez, Director
Environmental Law Division

Michael F. Northcutt, Jr.
Staff Attorney
Environmental Law Division
State Bar No. 24037194
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone (512) 239-6994
Fax: (512) 239-0606

REPRESENTING THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on June 6, 2007 the "Executive Director's Response to Public Comment" for Permit No. WQ0004073000 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.

Michael F. Northcutt, Jr.

Michael F. Northcutt, Jr.
Staff Attorney
Environmental Law Division
State Bar No. 24037194
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone (512) 239-6994
Fax: (512) 239-0606

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN -6 PM 4: 29
CHIEF CLERKS OFFICE

Attachment C

Compliance History

Customer/Respondent/Owner-Operator:	CN601235104	Interstate Southwest, Ltd.	Classification: AVERAGE	Rating: 0.25
Regulated Entity:	RN102343563	INTERSTATE SOUTHWEST LTD	Classification: AVERAGE	Site Rating: 0.25

ID Number(s):	WASTEWATER	PERMIT	WQ0004073000
	WASTEWATER	PERMIT	TPDES0084034
	WASTEWATER	PERMIT	TX0084034

Location: Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: January 12, 2007

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Compliance Period: August 16, 2000 to January 12, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Onyenobi, John Phone: 239-6707

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

N/A

1	02/17/2003	(316165)
2	03/03/2004	(316166)
3	03/12/2004	(316167)
4	04/21/2004	(316168)
5	02/21/2006	(476582)
6	05/22/2003	(316169)
7	03/21/2006	(476583)
8	06/16/2003	(316170)
9	06/16/2004	(316171)
10	10/17/2005	(476584)
11	07/14/2003	(316172)
12	11/14/2005	(476585)
13	01/16/2003	(207089)
14	08/15/2003	(316173)
15	01/18/2002	(207088)
16	09/12/2003	(316174)
17	12/12/2005	(476586)
18	10/24/2003	(316175)
19	01/23/2006	(476587)
20	01/16/2001	(207087)
21	11/20/2003	(316176)
22	12/12/2002	(207086)
23	12/17/2003	(316177)
24	12/17/2001	(207085)
25	12/20/2000	(207084)

26	01/12/2004	(316178)
27	11/15/2002	(207083)
28	11/15/2001	(207082)
29	11/27/2000	(207081)
30	10/15/2002	(207080)
31	10/11/2001	(207079)
32	09/23/2000	(207078)
33	09/23/2002	(207077)
34	09/12/2001	(207076)
35	08/21/2002	(207075)
36	08/23/2001	(207074)
37	02/22/2005	(424565)
38	07/18/2002	(207073)
39	04/04/2005	(424566)
40	07/23/2001	(207072)
41	11/16/2004	(386743)
42	12/18/2000	(207071)
43	04/12/2005	(424567)
44	12/27/2004	(386744)
45	06/17/2002	(207070)
46	05/17/2005	(424568)
47	01/18/2005	(386745)
48	06/13/2001	(207069)
49	06/16/2005	(424569)
50	05/20/2002	(207068)
51	05/11/2001	(207067)
52	04/14/2003	(207066)
53	04/18/2002	(207065)
54	04/12/2001	(207064)
55	03/18/2003	(207063)
56	03/25/2002	(207062)
57	03/19/2001	(207061)
58	02/13/2002	(207060)
59	02/16/2001	(207059)
60	07/20/2006	(525915)
61	09/05/2006	(525916)
62	09/13/2006	(525917)
63	05/24/2004	(360760)
64	07/21/2004	(360761)
65	08/18/2004	(360762)
66	09/24/2004	(360763)
67	04/13/2006	(503560)
68	10/18/2004	(360764)
69	05/10/2006	(503561)
70	03/21/2005	(348210)
71	06/19/2006	(503562)
72	07/29/2005	(445296)
73	08/22/2005	(445297)
74	09/21/2005	(445298)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/28/2006 (476583)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2000 (207087)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (476585)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
Date: 11/30/2003 (316177)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2005 (424566)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2006 (525916)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 08/31/2006 (525917)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 03/31/2006 (503560)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Compliance History

Customer/Respondent/Owner-Operator:	CN601235104	Interstate Southwest, Ltd.	Classification: AVERAGE	Rating: 0.41
Regulated Entity:	RN102343563	INTERSTATE SOUTHWEST LTD	Classification: AVERAGE	Site Rating: 0.41

ID Number(s):			
	WASTEWATER	PERMIT	WQ0004073000
	WASTEWATER	PERMIT	TPDES0084034
	WASTEWATER	PERMIT	TX0084034

Location: Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: January 04, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 16, 2000 to January 04, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: N/A Phone: N/A

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. if Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	09/23/2000	(207078)
2	11/27/2000	(207081)
3	12/18/2000	(207071)
4	12/20/2000	(207084)
5	01/16/2001	(207087)
6	02/16/2001	(207059)
7	03/19/2001	(207061)
8	04/12/2001	(207064)
9	05/11/2001	(207067)
10	06/13/2001	(207069)
11	07/23/2001	(207072)
12	08/23/2001	(207074)
13	09/12/2001	(207076)
14	10/11/2001	(207079)
15	11/15/2001	(207082)
16	12/17/2001	(207085)
17	01/18/2002	(207088)
18	02/13/2002	(207060)
19	03/25/2002	(207062)
20	04/18/2002	(207065)
21	05/20/2002	(207068)
22	06/17/2002	(207070)
23	07/18/2002	(207073)
24	08/21/2002	(207075)
25	09/23/2002	(207077)

26	10/15/2002	(207080)
27	11/15/2002	(207083)
28	12/12/2002	(207086)
29	01/16/2003	(207089)
30	02/17/2003	(316165)
31	03/18/2003	(207063)
32	04/14/2003	(207066)
33	05/22/2003	(316169)
34	06/16/2003	(316170)
35	07/14/2003	(316172)
36	08/15/2003	(316173)
37	09/12/2003	(316174)
38	10/24/2003	(316175)
39	11/20/2003	(316176)
40	12/17/2003	(316177)
41	01/12/2004	(316178)
42	03/03/2004	(316166)
43	03/12/2004	(316167)
44	04/21/2004	(316168)
45	05/24/2004	(360760)
46	06/16/2004	(316171)
47	07/21/2004	(360761)
48	08/18/2004	(360762)
49	09/24/2004	(360763)
50	10/18/2004	(360764)
51	11/16/2004	(386743)
52	12/27/2004	(386744)
53	01/18/2005	(386745)
54	02/22/2005	(424565)
55	03/21/2005	(348210)
56	04/04/2005	(424566)
57	04/12/2005	(424567)
58	05/17/2005	(424568)
59	06/16/2005	(424569)
60	07/29/2005	(445296)
61	08/22/2005	(445297)
62	09/21/2005	(445298)
63	10/17/2005	(476584)
64	11/14/2005	(476585)
65	12/12/2005	(476586)
66	01/23/2006	(476587)
67	02/21/2006	(476582)
68	03/21/2006	(476583)
69	04/13/2006	(503560)
70	05/10/2006	(503561)
71	06/19/2006	(503562)
72	07/20/2006	(525915)
73	09/05/2006	(525916)
74	09/13/2006	(525917)
75	10/20/2006	(550338)
76	11/16/2006	(550339)
77	12/28/2006	(550340)
78	02/05/2007	(586237)
79	02/15/2007	(586232)
80	03/19/2007	(586233)
81	04/18/2007	(586234)
82	05/16/2007	(586235)
83	06/20/2007	(586236)
84	07/12/2007	(604665)
85	08/16/2007	(604666)
86	09/18/2007	(604667)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 12/31/2000 (207087)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2003 (316177)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (424566)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (476585)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2006 (476583)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2006 (503560)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2006 (525916)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (525917)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2007 (586236)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

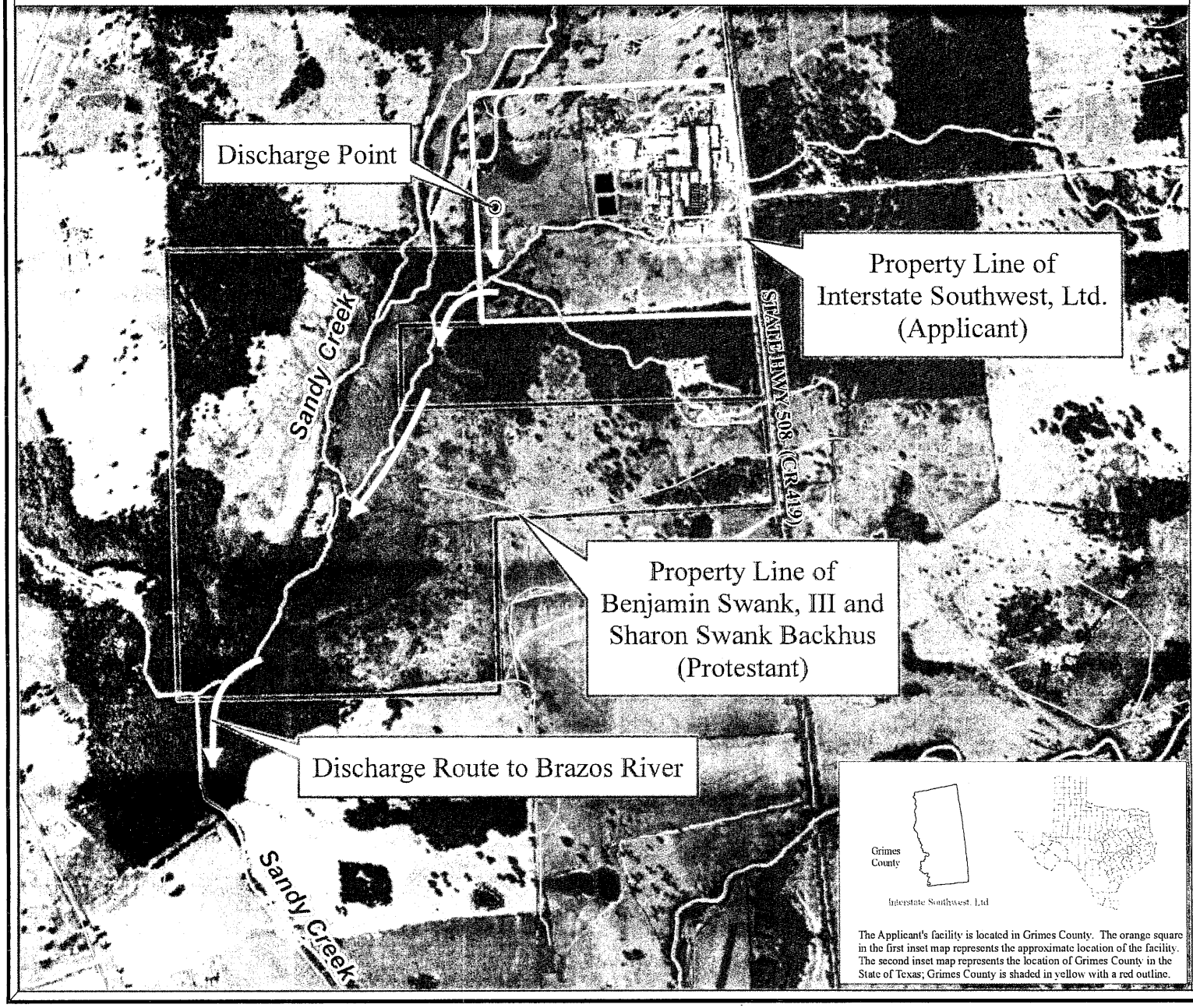
N/A

Sites Outside of Texas

N/A

Attachment D

Interstate Southwest, Ltd.
TCEQ Permit No. WQ0004073000



The Applicant's facility is located in Grimes County. The orange square in the first inset map represents the approximate location of the facility. The second inset map represents the location of Grimes County in the State of Texas; Grimes County is shaded in yellow with a red outline.

Protecting Texas by Reducing and Preventing Pollution

TCEQ

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087

December 21, 2007

0 0.05 0.1 0.2 0.3 0.4 Miles

Projection: Texas Statewide Mapping System (TSMS)

Scale 1:16,552

Legend

- Discharge Point (Outfall)
- Land Owner Property Boundary
- Facility Property Boundary

Source: This map was requested by TCEQ's Office of Legal Services (OLS). The location of the facility was provided by OLS. The property boundaries depicted were manually digitized and approximated (survey data not available) using paper maps provided by OLS.

The counties are GDT 2000 Line Data (1:100,000). NHD stream data used is from EPA's Reach File version 3, 2006. The imagery in this map are georeferenced aerial photographs called Digital Orthophoto Quarter Quadrangles (DOQQs) which were obtained in 2004 from the National Agricultural Imagery Program (NAIP). U.S. Department of Agriculture. This color-infrared (CIR) imagery has a one-meter pixel resolution. The DOQQs used are from the tx185_1-1.sid compressed imagery file.

N

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P E Buschow CRF 071213105