PERMIT NO. WQ0004815000

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

PERMIT TO DISCHARGE WASTES
under provisions of Chapter 26
of the Texas Water Code

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 JUN 20 AM 8:38
CHIEF CLERKS OFFICE

I. Name of Permittee:

A. Name: H Bowers, Inc.

B. Address: Rural Route 1, Box 534
Palacios, Texas 77465

II. Nature of Business Producing Waste:

a shrimp and catfish processing facility. (SIC 2092)

III. General Description and Location of Waste Disposal System:

Description: Process wastewater consists of wash down water from a fish and shrimp processing facility. Solids will be rendered and hauled to other processing facilities. The wash down water will be collected in an in-ground concrete holding tank for solids removal prior to routing to the irrigation holding pond system with a surface area and storage capacity of 5.3 acres and 27.9 acre-feet, respectively. Wastewater will be irrigated on 36.5 acres of Coastal Bermuda grass hay fields over seeded with Rye grass at an application rate not to exceed 3.2 acre-inches/acre-irrigated/month.

Location: Located 3.5 miles north of the City of Palacios on Highway 35, 1000 feet south of the intersection of Highway 35 and FM 521, Matagorda County, Texas.

Drainage Basin: The facility and disposal site are located in the drainage area of Tres Palacios/Turtle Bay in Segment No. 2452 of the Bays and Estuaries. No discharge of pollutants into water in the state is authorized by this permit.

This permit and the authorization contained herein shall expire at midnight on December 1, 2012.

ISSUED DATE:

For the Commission

IV. CONDITIONS OF THE PERMIT:

Character: Process wastewater from the wash down of a fish and shrimp processing facility.

Volume: At a daily average flow not to exceed 102,740 gallons per day and a daily maximum flow not to exceed 150,000 gallons per day routed to the irrigation holding pond system.

Quality: Wastewater disposed of via irrigation is subject to the following effluent limitations and monitoring requirements. Flow shall be measured prior to routing of wastewater to the irrigation holding pond system. All other samples shall be collected at the prescribed frequency, prior to routing to the irrigated fields.

| Pollutant | Daily Average | Daily Maximum | Frequency | Sample Type |
|---|---|---|---|---|
| Flow (MGD) | (Report) | (Report) | 1/day | Record |
| Total Suspended Solids | Report mg/L | Report mg/L | 2/month | Grab |
| Biochemical Oxygen Demand (5-day) | Report mg/L | Report mg/L | 2/month | Grab |
| Oil and Grease | Report mg/L | Report mg/L | 2/month | Grab |
| Total Nitrogen | Report mg/L | Report mg/L | 2/month | Grab |
| pH (standard units) | (minimum 6.0) | (maximum 9.0) | 1/week | Grab |

Results from the analyses shall be retained on site for five years and available for inspection by authorized representatives of the TCEQ. This data shall be submitted to the Enforcement Division (MC 224), Industrial Permits Team (MC-148), and the Region 12 Office of the Texas Commission on Environmental Quality (TCEQ) during the month of September of each calendar year.

V. SPECIAL PROVISIONS:

A. For the purpose of Part IV of this permit, the following definitions shall apply:

1. A grab sample means an individual sample collected in less than 15 minutes.

2. Grab sample quality means the quality determined by measuring the concentration in milligrams per liter, parts per million or other appropriate units of measurement in a single grab sample of the defined waste.

3. Daily average flow volume means the arithmetic average of all determinations of the daily flow measurement 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 discharge, the determination shall be the arithmetic average of all instantaneous measurements taken during that month.

4. Daily maximum flow means the highest total flow for any 24-hour period in a calendar month.

B. The permittee shall use cultural practices to promote and maintain the health and propagation of the Bermuda/Rye grass and avoid plant lodging. The permittee shall harvest crops (cut and remove it from the application field) at least once per year. Harvesting and mowing dates shall be recorded in a log book kept on site to be made available to TCEQ personnel upon request.

C. The permittee shall obtain representative soil samples from the root zones of the irrigation areas. Composite sampling techniques shall be used. Each composite sample shall represent no more than 40 acres. Subsamples shall be composited by like sampling depth and soil type for analysis and reporting. Soil types are soils that have like topsoil or plow layer textures. These soils shall be sampled individually from 0 to 6 inches, 6 to 18 inches and 18 to 30 inches below ground level. The permittee shall sample and analyze soils in December and February of each year.

The permittee shall provide annual soil analyses of the irrigation area for pH [2:1 (v/v) water/soil mixture]; electrical conductivity [2:1 (v/v) water/soil mixture]; and total Kjeldahl nitrogen (TKN); nitrate-nitrogen; plant-available potassium, calcium, magnesium, sulfur, and phosphorus; and sodium adsorption ratio (SAR) and its constituent parameter analysis, i.e., water-soluble sodium, calcium, magnesium (water soluble ions expressed in mg/liter). The plant nutrient parameters shall be analyzed on a plant-available basis. Phosphorus shall be analyzed according to the Mehlich III procedure and potassium, calcium, magnesium, sodium, and sulfur may also be analyzed in the Mehlich III extract. Plant-available phosphorus, potassium, calcium, magnesium, sodium and sulfur shall be reported on a dry weight basis in mg/kg; electrical conductivity, in mmho/cm; and pH, in standard units. Kjeldahl procedures that use methods that rely on mercury as a catalyst are not acceptable. If the SAR is 10 or greater, amendments (e.g. lime, gypsum) shall be added to the soil to adjust the SAR to less than 10.

The permittee shall submit the results of the annual soil sample analyses with copies of the laboratory reports to the TCEQ Regional Office (MC Region 12) and the Enforcement Division (MC 224) no later than the end of September of each sampling year.

D. All wastewater ponds and irrigation areas shall be located a minimum of 150 feet away from any private water well and a minimum of 500 feet from any public water supply well.

E. All wastewater ponds shall be constructed to the following specifications as one of the following:

(1) Compacted Clay Liner: The soil liner shall contain at least 3 feet, along the sides and bottom, of clay-rich soil material 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 $1x10^{-7}$ cm/sec.

(2) In-situ clay liner: The soil liner shall contain at least 3 feet, along the sides and bottom, of clay-rich soil material having more than 30% passing a 200-mesh sieve, liquid limit greater than or equal to 30%, and a plasticity index greater than or equal to 15, to achieve a permeability equal to or less than $1x10^{-7}$ cm/sec.

(3) Synthetic/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.

Liner certifications shall be certified by a professional engineer licensed in the state of Texas and shall be sent to Enforcement Division at MC-224, the Houston Regional Office at R-12, and the Water Quality Assessment Team at MC-150 prior to use.

F. Irrigation practices shall be designed and managed to prevent contamination of ground or surface waters and to prevent to occurrence of nuisance conditions. Tail water control facilities shall be provided, where necessary, to prevent the discharge of any wastewater which might drain from irrigated lands to water in the state.

G. A readily accessible sampling point and flow measuring device shall be provided by the permittee.

H. Adequate signs shall be erected stating that the irrigation water is from a non-potable water supply. Said signs shall consist of a red slash superimposed over the international symbol for drinking water accompanied by the message "Do not drink the water", in both English and Spanish.

I. No wastewater may be applied within twenty-four hours after a measured rainfall of 0.5 inches or greater, or to any zone containing standing water.

J. The permittee shall tabulate the volume and quality of the wastewater used for irrigation, the acreage which has been irrigated, and the soil sampling results for the preceding year. This data shall be submitted to the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, Industrial Permits Team (MC 148) of the Water Quality Division, and the Region 12 Office of the Texas Commission on Environmental Quality (TCEQ) during the month of September of each calendar year.

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

L. The permittee shall provide adequate maintenance of the treatment and irrigation facilities to ensure that the facilities are in working condition. No treatment or irrigation facilities shall be removed from service without prior notification of the Executive Director of the TCEQ.

M. This permit does not authorize the discharge of any pollutant from the irrigation site. The wastewater disposal system shall be designed and operated to prevent:

1. Discharge from the irrigated property.
2. Recharge of groundwater resources which supply or may potentially supply domestic raw water.
3. The occurrence of nuisance conditions.

N. Storm water drainage shall be prevented from entering all ponds and from running onto the irrigation tract.

O. Wastewater shall be sampled and analyzed for those parameters listed on Attachment A of this permit for two (2) separate sampling events which are a minimum of one (1) week apart. Attachment A shall be completed and sent to the TCEQ, Wastewater Permitting Section (MC-148), Industrial Team within 180 days of permit issuance. Based on a technical review of the submitted analytical results, an amendment may be initiated by TCEQ staff to include additional effluent limitations and/or monitoring requirements.

P. The permittee shall provide a minimum storage capacity of 27.8 acre-feet within the irrigation holding pond system.

VI. STANDARD PERMIT CONDITIONS

This permit is granted in accordance with the Texas Water Code and the rules and other Orders of the Commission and the laws of the State of Texas.

DEFINITIONS

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. 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.

   b. 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.

   c. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

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.

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 REQUIREMENTS

1. Monitoring Requirements

Monitoring results shall be collected 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 in accordance with 30 TAC §§ 319.4 - 319.12.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating 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, records 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, monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, and records of all data used to complete the application for this permit 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, or application. This period shall be extended at the request of the Executive Director.

c. Records of monitoring activities shall include the following:

i. date, time and place of sample or measurement;
ii. identity of individual who collected the sample or made the measurement.
iii. date and time of analysis;
iv. identity of the individual and laboratory who performed the analysis;
v. the technique or method of analysis; and
vi. the results of the analysis or measurement and quality assurance/quality control records.

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

4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in determining compliance with permit requirements.

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.

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.

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).

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 Special Provisions section of this permit.

h. 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).

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 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 Requirements No. 9;

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

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

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

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

e. In accordance with the 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.

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. Property Rights

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

8. 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.

9. 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.

10. 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 Land Applications 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 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. 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 Environmental Cleanup 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 Permitting and Remediation Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.

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

f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC 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.

11. 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.

TCEQ Revision 04/2006

**ATTACHMENT A**

| Outfall No.: ☐C ☐G | Effluent Concentration (mg/l) | | | |
|---|---|---|---|---|
| **Pollutants** | **Sample 1** | **Sample 2** | **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 | | | | |
| Specific Conductance (mmhos/cm) | | | | |
| pH (Standard Units; min/max) | | | | |
| Soluble Sodium | | | | |
| Soluble Calcium | | | | |
| Soluble Magnesium | | | | |
| SAR | | | | |
| | **Effluent Concentration (µg/l)** | | | **MAL** |
| 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 |

# TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

## DESCRIPTION OF APPLICATION

| | |
|---|---|
| Applicant: | H Bowers, Inc.; Permit No. WQ0004815000. |
| Regulated Activity: | Industrial Wastewater Permit. |
| Type of Application: | New permit to authorize the disposal of process wastewater via irrigation. |
| Request: | New Permit. |
| Authority: | Texas Water Code § 26.027; 30 TAC Chapter 305, Subchapters C-F, Chapters 307, 309, 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. It is proposed the permit be issued to expire December 1, 2012 in accordance with 30 TAC Section 305.71, Basin Permitting.

## REASON FOR PROJECT PROPOSED

The applicant has applied to the TCEQ for a new permit to authorize the disposal of process wastewater via irrigation.

## PROJECT DESCRIPTION AND LOCATION

The applicant proposes to operate a shrimp and catfish processing facility.

Process wastewater consists of wash down water from a fish and shrimp processing facility. Solids will be rendered and hauled to other processing facilities. The wash down water will be collected in an in-ground concrete holding tank for solids removal prior to routing to the irrigation holding pond system with a surface area and storage capacity of 5.3 acres and 27.9 acre-feet, respectively. Wastewater will be irrigated on 36.5 acres of Coastal Bermuda grass hay fields over seeded with Rye grass at an application rate not to exceed 3.2 acre-inches/acre-irrigated/month.

The facility is located 3.5 miles north of the City of Palacios on Highway 35, 1000 feet south of the intersection of Highway 35 and FM 521, Matagorda County, Texas.

The facility and disposal site are located in the drainage area of Segment No. 2452 of the Bays and Estuaries. The designated uses for Segment No. 2452 are exceptional aquatic life use, contact recreation, and oyster waters. All determinations are preliminary and subject to additional review and/or revisions. No discharge of pollutants into water in the state is authorized by this permit.

## PROPOSED PERMIT CONDITIONS

The draft permit authorizes the disposal of process wastewater from a fish and shrimp processing facility via irrigation of 36.5 acres of Coastal Bermuda grass hay fields over seeded with Rye grass at an application rate not to exceed 3.2 acre-inches/acre-irrigated/month.

The following limitations have been established in the draft permit:

| Parameter | Daily Average | Daily Maximum |
|---|---|---|
| Flow (MGD) | (0.10274) | (0.150) |
| Total Suspended Solids | Report mg/L | Report mg/L |
| Total Organic Carbon | Report mg/L | Report mg/L |
| Oil and Grease | Report mg/L | Report mg/L |
| Total Nitrogen | Report mg/L | Report mg/L |
| pH (standard units) | (minimum 6.0) | (maximum 9.0) |

Effluent monitoring requirements and limitations are based upon best professional judgement (BPJ), 30 TAC Chapter 309, and similar fish processing operations. A water balance is included on Appendix A of this Technical Summary.

## SUMMARY OF CHANGES FROM APPLICATION

The following additional requirements have been proposed in the draft permit.

1. A retest requirement has been proposed as Special Provision Item O. No nitrogen loading limit is proposed in the draft permit since the proposed hydraulic application rate of 3.2 acre-inches/acre-irrigated/month is limiting. However, based on a technical review of the submitted wastewater analysis, an amendment may be initiated by TCEQ staff to include additional effluent limitations and/or monitoring requirements.

2. Special Provision Item P., which requires a minimum storage capacity of 27.8 acre-feet, has been included on Page 4 of the draft permit.

## SUMMARY OF CHANGES FROM EXISTING PERMIT

N/A - This is an application for a new permit.

## BASIS FOR PROPOSED DRAFT PERMIT

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

1. Application submitted with letter dated November 21, 2006 and additional information submitted with letters dated January 10, 2007, and January 31, 2007.
2. TCEQ Rules.
3. "Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits," May 1998.
4. Texas Commission on Environmental Quality Ground-Water Impact Evaluation, Permit No. WQ0004815000, dated June 14, 2007.
5. 30 TAC Chapter 309.
6. "Bulletin 6019 - Consumptive Use Of Water By Major Crops In Texas," Texas Water Development Board, November 1960.
7. Texas Water Development Board Lake Evaporation and Precipitation data for Quadrangle 911.
8. Consistency with the Coastal Management Plan: N/A - This facility does not discharge into water in the state.

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 David W. Galindo at (512) 239-0951.

David W Galindo
David W. Galindo

1/30/08
Date

## Appendix A - Water Balance

TABLE 1: WATER BALANCE CALCULATIONS, all units in inches

Facility Name: Bowers Shrimp

| Month | Avg Prec | Avg Runoff | Avg Infilt Rainfall | Evapo trans | Req Leach | Total Water Needs | Effl Needed Root Zn | Net Evap Res. Ft. | Net Evap. Res. Surf | Efflnt Needed Based on Irrigation Efficiency | Consump. from Reserv. (Including Res. Evap.) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| January | 2.75 | 0.95 | 1.80 | 2.23 | 0.09 | 2.32 | 0.52 | -0.06 | -0.10 | 0.61 | 0.51 |
| February | 2.63 | 0.87 | 1.76 | 3.42 | 0.33 | 3.75 | 2.00 | -0.02 | -0.03 | 2.35 | 2.31 |
| March | 2.17 | 0.58 | 1.59 | 7.90 | 1.26 | 9.16 | 7.58 | 0.12 | 0.21 | 8.91 | 9.12 |
| April | 2.47 | 0.77 | 1.70 | 10.50 | 1.76 | 12.26 | 10.56 | 0.15 | 0.26 | 12.42 | 12.68 |
| May | 4.06 | 1.93 | 2.13 | 11.70 | 1.91 | 13.61 | 11.49 | 0.06 | 0.10 | 13.52 | 13.62 |
| June | 4.23 | 2.07 | 2.16 | 6.90 | 0.95 | 7.85 | 5.69 | 0.15 | 0.26 | 6.69 | 6.96 |
| July | 2.79 | 0.98 | 1.81 | 6.51 | 0.94 | 7.45 | 5.64 | 0.34 | 0.59 | 6.64 | 7.23 |
| August | 3.34 | 1.38 | 1.96 | 4.65 | 0.54 | 5.19 | 3.22 | 0.25 | 0.44 | 3.79 | 4.23 |
| September | 5.64 | 3.26 | 2.38 | 5.10 | 0.54 | 5.64 | 3.27 | -0.05 | -0.09 | 3.84 | 3.76 |
| October | 4.50 | 2.29 | 2.21 | 5.23 | 0.60 | 5.83 | 3.63 | -0.01 | -0.02 | 4.27 | 4.25 |
| November | 2.92 | 1.07 | 1.85 | 3.40 | 0.31 | 3.71 | 1.86 | 0.01 | 0.02 | 2.19 | 2.21 |
| December | 2.64 | 0.88 | 1.76 | 2.23 | 0.09 | 2.32 | 0.56 | -0.03 | -0.05 | 0.66 | 0.61 |
| Total | 40.14 | 17.05 | 23.09 | 69.77 | 9.34 | 79.11 | 56.02 | 0.91 | 1.59 | 65.90 | 67.49 |

| | | |
|---|---|---|
| Crop is | Co. Berm/Rye | |
| CN | 78.00 | |
| Ce | 1.50 | |
| CL | 9.00 | |
| PND AREA | 5.30 | ACRES |
| PND CAPACITY | 27.9 | AC-FEET |
| IRR. AREA | 36.50 | ACRES |
| Irr. Eff., K | 0.85 | |
| Design Flow | 0.103 | MGD |
| Effluent Avail. Application= | 3.15 | IN/AC/MONTH |

Max. Appl = 5.62 Ac-in/ac/month

## Appendix A - Water Balance

TABLE 2: STORAGE CALCULATIONS

| Month | Effluent Application (inches) | Rain Dist | Rain Worst Year (inches) | Field Runoff Worst Year (inches) | Infilt Rain Check (inches) | Infilt. Rain (inches) | Avail Water (inches) | Net Low Evap. Mean Dist | Net Low Evap Res. Surf | Storage (inches) | Accum Storage |
|---|---|---|---|---|---|---|---|---|---|---|---|
| January | 3.15 | 6.85 | 4.15 | 2.00 | 2.14 | 2.14 | 5.30 | N/A | -0.16 | 3.11 | 7.99 |
| February | 3.15 | 6.56 | 3.97 | 1.86 | 2.11 | 2.11 | 5.26 | N/A | 0.08 | 1.14 | 9.13 |
| March | 3.15 | 5.41 | 3.27 | 1.33 | 1.95 | 1.95 | 5.10 | N/A | -1.17 | -4.17 | 4.96 |
| April | 3.15 | 6.17 | 3.73 | 1.68 | 2.06 | 2.06 | 5.21 | N/A | -0.13 | -8.72 | 0.00 |
| May | 3.15 | 10.10 | 6.11 | 3.68 | 2.43 | 2.43 | 5.59 | N/A | -0.27 | -9.73 | 0.00 |
| June | 3.15 | 10.53 | 6.37 | 3.91 | 2.46 | 2.46 | 5.62 | N/A | 0.59 | -3.78 | 0.00 |
| July | 3.15 | 6.94 | 4.20 | 2.05 | 2.15 | 2.15 | 5.31 | N/A | 0.79 | -3.87 | 0.00 |
| August | 3.15 | 8.32 | 5.04 | 2.74 | 2.29 | 2.29 | 5.45 | N/A | 0.72 | -0.97 | 0.00 |
| September | 3.15 | 14.05 | 8.50 | 5.86 | 2.65 | 2.65 | 5.80 | N/A | -0.76 | 0.38 | 0.38 |
| October | 3.15 | 11.21 | 6.79 | 4.28 | 2.50 | 2.50 | 5.66 | N/A | -0.94 | 0.17 | 0.55 |
| November | 3.15 | 7.27 | 4.40 | 2.21 | 2.19 | 2.19 | 5.34 | N/A | -0.21 | 1.57 | 2.12 |
| December | 3.15 | 6.59 | 3.99 | 1.88 | 2.11 | 2.11 | 5.26 | N/A | 0.15 | 2.76 | 4.88 |
| | 37.84 | 100.00 | 60.53 | 33.48 | 27.05 | 27.05 | 64.88 | 0.00 | -1.31 | -22.10 | 9.13 |

Low Net Evap. = -0.75 feet
Max. Annual Rain = 60.53 Inches

Storage Requirements = 27.77 Ac-Ft

# Compliance History

Customer/Respondent/Owner-Operator: CN603139411 H. Bowers, Inc. Classification: AVERAGE Rating: 3.01

Regulated Entity: RN105137962 BOWERS SHRIMP Classification: AVERAGE BY DEFAULT Site Rating: 3.01

ID Number(s):

Location: 1000 FT SOUTH OF THE INTERSECTION OF FM 521 AND STATE HWY 35 IN MATAGORDA COUNTY Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 02, 2008

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

Compliance Period: November 21, 2001 to June 02, 2008

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

Name: David W. Galindo Phone: 512-239-0951

## 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.)

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

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

**Texas Commission on Environmental Quality**
INTEROFFICE MEMORANDUM

TO: LaDonna Castañuela, Chief Clerk DATE: January 30, 2008

THRU: Kelly Holligan, Team Leader VH 1/30/08
Industrial Team, Wastewater Permitting Section (MC-148)

FROM: David W. Galindo, Permit Writer
DWG 1/30/08 Industrial Team, Wastewater Permitting Section (MC-148)

SUBJECT: CHANGES TO BE MADE TO DRAFT PERMIT
H Bowers, Inc. – WQ0004815000

Attached is a copy of the draft permit and Technical Summary for the above-referenced facility. The changes are made to include a minimum storage capacity requirement. This change makes the draft permit more stringent and does not require the permit application to be re-noticed.

Please contact me at Ext. 0951 if you have any specific questions.

***End of Notice Period has past***
***and changes have been incorporated into***
***draft permit by:***

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JAN 30 PM 4:05
CHIEF CLERKS OFFICE

Attachment