



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 SEP 14 PM 2: 50

CHIEF CLERKS OFFICE

September 11, 2009

TO: (1) Office of the Chief Clerk
ATTN: Agenda Docket Clerk
Mail Code 105
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

(2) Persons on attached mailing list

RE: Docket N. 2009-0509-IWD
Champion Technologies, Inc.
Request(s) filed on Permit No. WQ00004306000



Champion Technologies, Inc. (Champion), as applicant, welcomes this opportunity to file this formal response to be considered by the commissioners of the TCEQ in connection with the renewal of TPDES Permit No. 0004306000 and the upcoming October 7, 2009 public meeting.

SUMMARY

Champion operates an organic chemicals manufacturing plant at 3130 FM 521, approximately 2.25 miles north of the intersection of FM 521 and State Highway 6, in the City of Fresno, Fort Bend County, Texas (Fresno Facility). An original permit was issued to Champion on January 14, 2003, and renewed on July 12, 2006. Champion submitted its latest renewal application, which the (TCEQ) deemed "administratively complete" on September 16, 2008. The TCEQ also concluded on March 10, 2009 that the permit application "meets the requirements of applicable law." TCEQ thereafter prepared a draft renewal permit dated September 28, 2008. Additionally, Champion participated in a January 8, 2009 public meeting and addressed all concerns raised by local citizens. The TCEQ issued a March 10, 2009 written response to comments at the public meeting, collectively concluding that the renewal permit as applied for and as drafted, includes requirements and limits that would be protective of human health, livestock, aquatic life and water quality in the receiving stream, ground water, public water supply, safety and the environment. Following its extensive review, the TCEQ made no changes to the draft permit in response to the public comments presented. Champion is submitting the following additional details and discussion, which together with the record on this matter, demonstrate that there is no justification for a contested case hearing.

Accordingly, we respectfully request that this challenge be denied and that the renewed permit be issued as drafted.

ADDITIONAL DETAILS AND DISCUSSION

The renewed permit will authorize a continuation of the discharge of cooling tower blowdown, storm water run-off, and previously monitored effluent (boiler blowdown) at a daily average dry weather flow not to exceed 4,400 gallons per day via Outfall 001. Champion's compliance



history for this permit and its Fresno Facility is satisfactory to the TCEQ, with no recurring or unresolved issues.¹ Moreover, Champion is fully capable of complying with all provisions of the renewal permit as drafted. The Fresno Facility has received no complaints from the local Citizens Advisory Panel (CAP) or people living near the plant. The CAP, which serves as a liaison with the local community, is comprised of members of the local community. Also, the permit application and all subsequent correspondence with the TCEQ have been maintained and are available for public viewing at the Fort Bend Public Library, Missouri City Branch.

This permit, when re-issued, will contain the same stringent effluent discharge limits established in earlier permits. However, in response to tightening national effluent discharge standards, additional effluent limits have been proposed for three new parameters. Effluent discharge limits will be established for two metals (copper and zinc) and E. coli (a biological agent). These additional requirements will provide added assurance that this discharge will not cause any human health or environmental concerns.

TCEQ Permit Review and Nature of discharge

Champion has met all of the stringent requirements established by the TCEQ for this type of waste discharge permit. This permit does not allow for the discharge of any process wastewater. Champion's Fresno Facility ships all process wastewater to licensed wastewater treatment facilities. This permit will only allow the discharge of storm water run-off and non-contact cooling tower and boiler "blowdown." Four separate detailed chemical analyses were conducted on samples collected over a one-month period and were submitted along the permit renewal application.

The cooling towers and boiler feeds are primarily used to thermally control chemical reactions in process vessels. The water in these systems does not come in contact with process chemicals. Treatment chemicals are injected into the boiler and cooling tower systems to control internal corrosion, scale build-up, and bacterial growth. Periodically, a portion of the cooling tower or boiler system water is removed from the system in a process call "blowdown" to reduce the concentration of inert solids which can build up in the treated water. This blowdown contains the cooling tower or boiler water with trace amounts of the treatment chemicals.

The treatment chemicals used are compliant with United States Environmental Protection Agency (USEPA) and state requirements, being free of priority pollutants. Information about these chemicals was submitted as part of the permit renewal application. Total treatment chemical usage amounts to about one teaspoon per gallon, of which 95% is common bleach (sodium hypochlorite), with the remainder being sulfuric acid, organic acids, and sodium nitrite. All of these chemicals have been shown to be non-persistent in the freshwater systems.

¹ TCEQ Notice of Application and Preliminary Decision for Water Quality TPDES Permit Renewal for Industrial Wastewater TPDES Permit No. WQ0004306000 October 30, 2008 Statement of Basis/Technical Summary and Executive Director's Preliminary Decision (Page 3): "A review of the self reported effluent data indicates that the permittee has not violated any permit limits in the past two years."



Protection of the Fort Bend County Fresh Water Supply District (FWSD) #1 Freshwater Well

Several commenters raised concerns about potential impacts to the ground water resources which are used to supply safe drinking water to local residents. The ground water supplied by the Fort Bend FWSD #1 is from well #1275 drilled to a depth of 1,490 feet and draws water from an aquifer that is recharged by a surface zone many miles to the west of Fresno. The surface water in Fresno would not pose a risk of adversely impacting this aquifer at such a depth and distance.²

Direction of Flow of Permitted Discharge

One commenter expressed concern that the Fresno Facility was operating wastewater ponds on the site. The TCEQ conducted a site visit and inspection of the entire Fresno Facility on January 12, 2009. The TCEQ concluded that “no wastewater pond was found” and “the flow from outfall 001 flows in accordance with the permit.”³The area of concern was later determined to be county ditches along Kentucky Road and West Dallas Street which had become silted from storm water runoff from surrounding properties. These county ditches, which do receive storm water run-off from the Fresno Facility, are covered by TPDES General (Storm Water) Permit No. TXR050000. These conveyances are on the west and southern sides of the facility. (See attached aerial photograph.)

In any event, in an effort to work with commenter Rodrigo Carreon, Champion contacted the Fort Bend County Drainage District, after which, work was performed to improve area drainage and reduce potential for stagnant water.⁴

Additionally, Champion invited Mr. Carreon on two separate occasions to tour the Fresno Facility to inspect Outfall #001 and learn more about the systems that produce the cooling tower and boiler blowdown wastewater. Facility tours were scheduled and accepted by Mr. Carreon twice, but he failed to show up for either appointment.

Alternative Dispute Resolution

Under the guidance of the TCEQ Alternative Dispute Resolution Office, Champion made several attempts to satisfy the concerns raised by Mr. Rodrigo Carreon. Champion acted in good faith but was unable to reach any agreement with Mr. Carreon. After the second missed appointment for a scheduled tour, Champion discontinued further attempts resolve this matter through the Alternative Dispute Resolution process.

² Attached aerial map shows the location of FB FWSD #1 Well #1275.

³The TCEQ inspector verified that the wastewater discharges covered by this permit exit the site through Outfall #001 on the east side of the facility and enter a county ditch which flows north along FM 521. This ditch then intersects a ditch which crosses under FM 521 eventually entering the Mustang Bayou. Also, refer to attached aerial photograph.

⁴During dry periods, standing water could accumulate in depressions in these ditches. The combined stagnant water combined with heat and loss of dissolved oxygen would occasionally result in unsightly localized “red algae” blooms.



Impact on Surface Water Quality in the Mustang & Chocolate Bayous and in the American Canal

The wastewater discharges have been evaluated three times by the TCEQ since 2002 and found to comply with effluent discharge standards and protective of the environment. As described above, additional limitations have been established over time to provide addition assurance that these point source discharges do not adversely impact human health or the environment.

The American Canal, referenced in the public comments, is one of two man-made conveyances used to transport water from the Brazos River to a surface water reservoir in Galveston County.⁵ No industrial discharges are permitted into these canals. These canals are controlled by the Gulf Coast Water Authority, a political subdivision of the State of Texas. The TCEQ inspection on January 12, 2009 verified that the discharges covered by Champion's permit do not enter the American Canal. The earthen walls of the canal are sufficiently higher than the surrounding area, thus preventing permitted effluent from entering the canal. Therefore, the permitted effluent discharge from the Fresno Facility will not affect the quality of water that municipal, agricultural, and industrial users enjoy from the American Canal.⁶

CONCLUSION AND REQUEST FOR PERMIT ISSUANCE

In conclusion, Champion has satisfied all requirements set forth by the TCEQ and adequately addressed the comments raised by concerned citizens. Champion asserts that no plausible concerns remain that would be sufficiently relevant and material to the commission's decision on the application that would merit holding a contested case hearing.⁷ Therefore, Champion respectfully requests that this challenge be denied and that the renewed permit be issued as drafted by the TCEQ.

Very truly yours

James W. Scialabba
Champion Technologies, Inc.
3200 Southwest Freeway
Suite 270
Houston, TX 77027

CC: Richard Melton; Jeff Webb

Attachments: Mailing List, Aerial Photograph

⁵ The location of the American Canal is marked on the attached aerial photograph.
⁶ Mr. Carreon incorrectly asserted that Champion's effluent discharge would adversely impact this surface water resource that the City of Pearland will depend upon in the future for drinking water.
⁷ See, 30 TAC Chapter 55, Subchapter F, Rule 55.211

MAILING LIST

CHAMPION TECHNOLOGIES, INC.

DOCKET NO. 2009-0509-IWD; PERMIT NO. WQ0004306000

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FOR ALTERNATIVE DISPUTE

RESOLUTION:

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See attached list of Requesters/Interested Persons.

MAILING LIST

CHAMPION TECHNOLOGIES, INC.

DOCKET NO. 2009-0509-IWD; PERMIT NO. WQ0004306000

REQUESTER(S)

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The Honorable Dora Olivo
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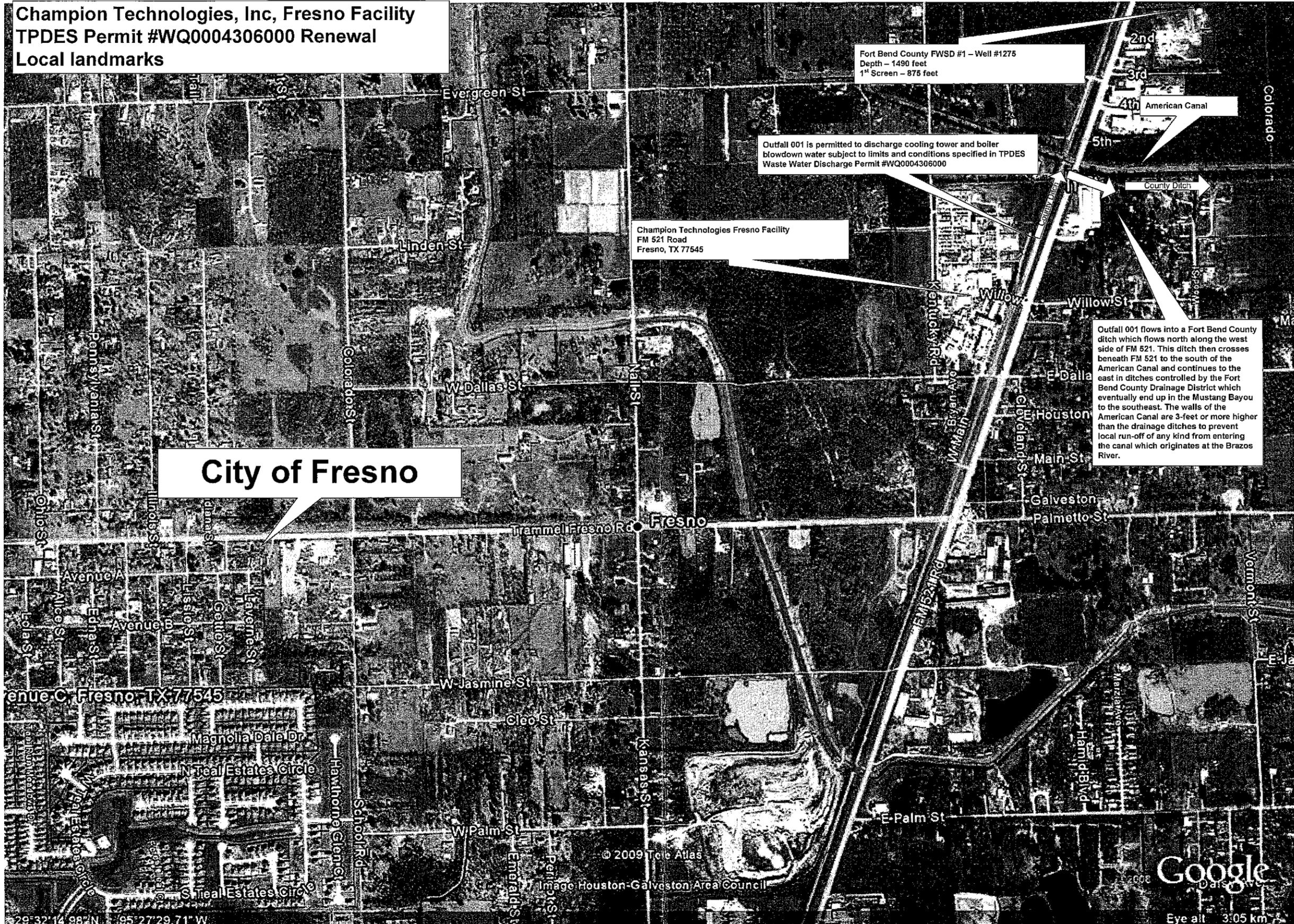
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Champion Technologies, Inc, Fresno Facility
TPDES Permit #WQ0004306000 Renewal
Local landmarks



Fort Bend County FWSD #1 - Well #1275
Depth - 1490 feet
1st Screen - 875 feet

Outfall 001 is permitted to discharge cooling tower and boiler
blowdown water subject to limits and conditions specified in TPDES
Waste Water Discharge Permit #WQ0004306000

Champion Technologies Fresno Facility
FM 521 Road
Fresno, TX 77545

Outfall 001 flows into a Fort Bend County
ditch which flows north along the west
side of FM 521. This ditch then crosses
beneath FM 521 to the south of the
American Canal and continues to the
east in ditches controlled by the Fort
Bend County Drainage District which
eventually end up in the Mustang Bayou
to the southeast. The walls of the
American Canal are 3-feet or more
higher than the drainage ditches to
prevent local run-off of any kind from
entering the canal which originates at
the Brazos River.

City of Fresno

29° 32' 14.98" N, 95° 27' 29.71" W

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Image Houston-Galveston Area Council

Google

Eye alt 3.05 km