

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

September 14, 2009

VIA HAND DELIVERY

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

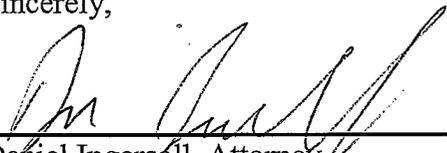
RE: TCEQ Docket No. 2009-0509-IWD
Champion Technologies, Inc.

Dear Ms. Castañuela:

Enclosed for filing, please find eight (8) copies of the **Executive Director's Response to Hearing Request**. Please time stamp one copy and return to the undersigned attorney. The original document will be filed electronically.

If you have any questions or comments, please call me at (512) 239-3668.

Sincerely,



Daniel Ingersoll, Attorney
Environmental Law Division
MC 173

TCEQ Docket Number 2009-0509-IWD

APPLICATION BY	§	BEFORE THE
CHAMPION TECHNOLOGIES,	§	
INC.	§	TEXAS COMMISSION ON
FOR TPDES PERMIT NO.	§	
WQ0004306000	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUEST

I. Introduction

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to Hearing Request (Response) on the application by Champion Technologies, Inc. (Champion or Applicant) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0004306000. Rodrigo Carreon submitted the sole contested case hearing (CCH) request for this matter.

Attached for Commission consideration are the following:

- Attachment A – GIS Map
- Attachment B – Technical Summary & Draft Permit
- Attachment C - Compliance History
- Attachment D - ED's Response to Comments (RTC)

Copies were provided to all parties.

II. Description of the Facility

Champion Technologies, Inc., which operates the Fresno Plant, has applied to the TCEQ for a renewal of TPDES Permit No. WQ0004306000, which authorizes the discharge of cooling tower blowdown, storm water run-off, and previously monitored effluent (boiler blowdown) at a

daily average flow not to exceed 4,400 gallons per day via Outfall 001; and boiler blowdown on an intermittent and flow variable basis via Outfall 101.

The facility is located at 3130 Farm-to-Market Road 521, approximately 2.25 miles north of the intersection of Farm-to-Market Road 521 and State Highway 6, in the City of Fresno, Fort Bend County, Texas. The effluent is discharged into a county drainage ditch, then to Mustang Bayou, then to Persimmon Bayou, then to New Bayou, then to Chocolate Bay in Segment No. 2432 of the Bays and Estuaries. The unclassified receiving waters have no significant aquatic life use for the county drainage ditch, and high aquatic life use for Mustang Bayou. The designated uses for Segment 2432 are high aquatic life use, contact recreation, and oyster waters.

III. Procedural Background

The application was received on June 3, 2008, declared administratively complete on July 14, 2008, and declared technically complete on September 16, 2008. The Notice of Receipt of Application and Intent to Obtain Water Quality Permit Renewal (NORI) was published in the *Houston Chronicle* on July 31, 2008 and in *La Voz de Houston* on July 30, 2008. The Executive Director prepared a draft permit and the Notice of Application and Preliminary Decision for Water Quality TPDES Permit Renewal for Industrial Wastewater (NAPD) was published in the *Houston Chronicle* on November 20, 2008 and *La Voz de Houston* on November 19, 2008. Notice of a Public Meeting on an Application for a Water Quality TPDES Permit for Industrial Wastewater was published in the *Houston Chronicle* on December 4, 2008. A public meeting was held on January 8, 2009 at the Mustang Community Center in Fresno, Texas, at which time the comment period closed. The Executive Director's Decision and RTC were mailed by the Office of the Chief Clerk on March 10, 2009. The deadline to file request for contested case hearing ended on April 9, 2009. 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.

IV. Legal Authority for Review of Hearing Requests

A party that requests a contested case hearing on an application declared administratively complete on or after September 1, 1999 must comply with the requirements of 30 Texas Administrative Code (TAC) §§ 55.201 through 55.205. In particular, the party must file its request no later than 30 days after the Chief Clerk mails or transmits the ED's Response to Comments. 30 TAC § 55.201(a). Furthermore, the request must be in writing, and may not be based on an issue that was raised solely in a public comment that was specifically withdrawn by the commenter.

Additionally, the requestor must substantially comply with the following requirements, found at 30 TAC § 55.201(d):

- 1) The request must list the name, address, daytime telephone number, and fax number (where possible) of the person making the request.
- 2) The party must identify its personal justiciable interest that is affected by the application. This should be a brief, specific, written statement that describes the party's proximity to the proposed facility or proposed activity, as well as a description of how the party is adversely affected by the facility or activity in a way that is not common to members of the general public.
- 3) The party must request a contested case hearing.
- 4) The request must 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.
- 5) The party must also provide any other information specified in the public notice of application.

30 TAC §§ 55.201(d)(1)--(5).

Finally, the party requesting the contested case hearing must be an "affected person." 30 TAC § 55.201(b)(4). Section 55.203(a) defines an affected person as the following:

- (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.

30 TAC § 22.203(a).

This section of the Administrative Code also includes several non-exclusive factors to consider in determining whether a party is an affected person. These factors are as follows:

- 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 person;
- 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 resource by the person; and
- 6) for government entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC §§55.203(c)(1)-(6).

If the Commission determines that the requestor has met the requirements for requesting a hearing, the Commission may grant the request and “shall issue an order specifying the number and scope of the issues to be referred to” the State Office of Administrative Hearings (SOAH). *See* Texas Water Code (TWC) § 5.556(e) and 30 TAC § 50.115(b). The Commission may refer an issue to SOAH if 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.

See TWC § 5.556(d) and 30 TAC § 50.115(c).

Pursuant to Section 55.209 of the Commission rules, a response to a hearing request must specifically address:

- (1) whether the requestor is an affected person;
- (2) which 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 RTC;
- (6) whether the issues are relevant and material to the decision on the application; and
- (7) a maximum expected duration for the contested case hearing.

See 30 TAC § 55.209(e).

V. Analysis of the Hearing Requests

The Executive Director has reviewed the Request and respectfully recommends that the Request be denied under the following analysis.

A. Whether the Requester is Entitled to a Contested Case Hearing under 30 TAC § 55.201(i)

The request in this case should be denied because, under TWC § 26.028(d) and 30 TAC §55.201(i)(5), there is no right to a contested case hearing for a permit renewal or amendment of this sort. Pursuant to 30 TAC § 55.201(i)(5), there is no right to a contested case hearing under the following circumstances: 1) the applicant is not applying to increase significantly the quantity of waste authorized to be discharged or change materially the pattern or place of discharge, 2) the activity to be authorized by the renewal will maintain or improve the quality of waste authorized to be discharged, 3) required public meetings have been given, 4) timely response to public comments has been given, and 5) the applicant's compliance history for the previous five years raises no issues regarding the applicant's ability to comply with a material term of the permit. *See also* TWC § 26.028(d).

The Applicant satisfied the conditions outlined in Section 55.201(i)(5) of the Commission rules. The Executive Director therefore recommends that the request filed by Mr. Carreon be denied. The Applicant did not request, and the draft permit does not authorize, an increase in the permitted flow (4,400 gallons per day). Furthermore, the discharge location and discharge route remain the same between the current permit and proposed renewal.

All required public meetings were held in this case. A public meeting was required by rule because Senator Rodney Ellis and Representative Dora Olivo both requested a public meeting in letters dated October 2, 2008 and October 17, 2008, respectively. *See* 30 TAC § 55.154(c)(2). In response to those letters, a public meeting was held in Fresno, Texas on January 8, 2009.

The ED provided timely response to public comments. The comment period in this matter ended December 22, 2008, but was automatically extended to the date of the January 8, 2009 public meeting under 30 TAC § 55.152(b). The Executive Director filed a Response to Public Comments (RTC) on March 6, 2009. The filing of the RTC on March 6, 2009 was within 60 days of the end of comment period, and was therefore timely under the requirements of 30 TAC § 55.156(b)(3).

In this case, the compliance history of the Applicant raises no issues concerning the ability of the Applicant to comply with the terms of the draft permit. The compliance history attached to this Response extends from five years prior to the receipt of the application on June 3, 2008 (June 3, 2003) to September 10, 2009. The compliance history cites a Classification of Average, and a Site Rating of 2.59.

The draft permit does contain four changes to the existing permit, which are listed on Page 4 of the Executive Director's Technical Summary, Attachment B; however, these changes should not affect the quality of water authorized to be discharged. The fecal coliform limitation in the existing permit was replaced with an *E. coli* limitation as part of an agency-wide initiative to substitute *E. coli* as the appropriate indicator bacteria. The new *E. coli* standard should maintain the quality of water authorized to be discharged. The remaining three changes to the draft permit are administrative changes meant to clarify or update the existing permit, and should have no bearing on the water quality authorized to be discharged. The first administrative change is an updated mailing address for the permittee. The other two changes are to clarify or revise Other Requirements No. 6 and Other Requirements No. 7. These changes would not affect the nature of the discharge.

The Executive Director concludes that the Requester is not entitled to a contested case hearing under 30 TAC §§ 55.201(i)(5).

B. Whether the Request Complies with 30 TAC § 55.201(a)-(d)

The Requestor did not substantially comply with the requirements of 30 TAC § 55.201(a)-(d). Mr. Carreon submitted a timely request on January 8, 2009, therefore meeting the requirement of 30 TAC § 55.201(a) that the request be filed no later than 30 days after the Chief Clerk mails or transmits the ED's Response to Comments. In this case, the period to submit hearing requests on this matter ended April 8, 2009. Additionally, the request was in writing, and was not based on comments that were specifically withdrawn, meeting the requirements of 30 TAC § 55.201(c).

Mr. Carreon also partially satisfied the requirements of 30 TAC§ 55.201(d) by requesting a hearing on an issue raised by a comment that was made during the public comment period. In this case, the comments listed in the January 8, 2009 request letter were themselves made during the comment period, which ended January 8, 2009. The letter also listed the Requester's personal information under 30 TAC § 55.201(d)(1) and requested a "contest court hearing if needed," thereby satisfying the requirement of 30 TAC § 55.201(d)(3).

However, Mr. Carreon, did not comply with the requirements of 30 TAC § 55.201(d)(2) because he failed to articulate a personal, justiciable interest. Mr. Carreon's request for a contested case hearing does not describe his location in relation to the facility or the activity conducted at the facility. Furthermore, the Requestor did not establish that he is affected by the proposed activity in a manner that is not common to the general public. The concerns listed by the Requester, including whether the discharge will enter a "public drainage ditch," whether the discharge route is accurate, and whether the discharge will affect a public water well referred to as Fort Bend Fresh Water Supply District #1, are concerns that are common to the general public, and the Requestor makes no effort to describe how those concerns will affect him personally or uniquely.

The Executive Director concludes that the Requester did not substantially complied with 30 TAC §§ 55.201(a)-(d).

C. Whether the Requestor Meets the Requirements of an Affected Person

Mr. Carreon should not be considered an affected person because he raises issues that are common to the general public, and he does not describe how his personal interests are related to the activity being regulated. The rule regarding affected person status, 30 TAC § 55.203(a), states the following: "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." As stated earlier, the Requester did not articulate a personal justiciable interest as required by 30 TAC § 55.201(d)(2). However, using the address provided by Mr. Carreon, the ED produced a

GIS map indicating the presumed location of his property in relation to the facility (*See* Attachment A, GIS Map). Mr. Carreon's property is located approximately one and one-quarter mile from the facility and the point of discharge. His property is neither located downstream nor near the discharge route.

While Mr. Carreon does identify several issues in his request, he does not relate those issues back to any personal legal right, duty, privilege, power, or economic interest, and the nature of those issues are not specific to Mr. Carreon. They are broad societal issues common to the general public. The issues raised are 1) the pollution of Mustang Bayou by the proposed discharge, 2) the protection of a public water well owned by Fort Bend Fresh Water Supply District #1 3) the accuracy of the discharge route, particularly concerning whether it flows into the American Canal, and 4) the existence of wastewater ponds near a well on the southwest corner of the facility property, near the corner of West Dallas Street and Kentucky Road. All of these issues are common to the general public, and Mr. Carreon does not indicate how any of these identified issues affect his personal interests.

The Executive Director respectfully concludes that the Requester is not an affected person under 30 TAC § 55.203.

D. Whether Issues Raised are Referable to SOAH for a Contested Case Hearing

The Executive Director is recommending denial of Mr. Carreon's request for a contested case hearing. To the extent, Mr. Carreon is found to be an affected person the ED analyzes the issues raised in accordance with the regulatory criteria. All of the issues discussed below were raised during the comment period. None of the listed issues were withdrawn. All identified issues in the response are considered disputed, unless otherwise noted.

1. *Whether the proposed discharge from the facility will contribute to the pollution of Mustang Bayou*

This issue was addressed in the Executive Director's RTC, Comment 2. It involves a

question of fact and it is relevant and material to the decision on this application.

The Executive Director concludes that this issue is appropriate for referral to SOAH.

2. ***Whether the proposed effluent limits will be protective of a public water well owned by Fort Bend Fresh Water Supply District #1***

This issue was addressed in the Executive Director's RTC, Comment 2. It involves a question of fact and it is relevant and material to the decision on this application.

The Executive Director concludes that this issue is appropriate for referral to SOAH.

3. ***Whether the discharge route is accurate, particularly concerning whether it flows into the American Canal***

This issue was addressed in the Executive Director's RTC, Comment 2. It involves a question of fact and it is relevant and material to the decision on this application.

The Executive Director concludes that this issue is appropriate for referral to SOAH.

4. ***Whether there exists a wastewater pond near a well on the southwest corner of the facility property, near the corner of West Dallas Street and Kentucky Road***

The Texas Water Code authorizes the TCEQ to grant permits for the discharge of effluent into waters of the state. *See* TEX. WATER CODE § 26.027 ("The commission may issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state."). The Applicant does not propose, and the draft permit does not authorize the discharge of effluent into a wastewater pond on this site.

The Executive Director concludes that this issue is not appropriate for referral to SOAH.

VI. Duration of the Contested Case Hearing

The Executive Director recommends that the duration for a contested case hearing on this matter, should there be one, between preliminary hearing and the presentation of a proposal for decision before the Commission, be nine (9) months.

VII. Executive Director's Recommendation

The Executive Director recommends that the Commission find that the Requester, Rodrigo Carreon, does not have a right to a contested case hearing on this application under 30 TAC § 55.201(i). In the alternative, the ED recommends that the Commission find that the Requester, Rodrigo Carreon, is not an affected person.

If the Commission determines that a hearing is necessary, the ED recommends referring the following issues:

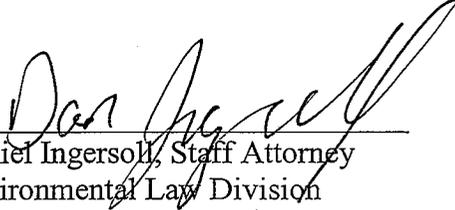
1. Whether the proposed discharge from the facility will contribute to the pollution of Mustang Bayou
2. Whether the proposed effluent limits will be protective of a public water well owned by Fort Bend Fresh Water Supply District #1
3. Whether the discharge route is accurate, particularly concerning whether it flows into the American Canal

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Mark R. Vickery, P.G.
Executive Director

Robert Martinez, Director
Environmental Law Division

By 
Daniel Ingersoll, Staff Attorney
Environmental Law Division
State Bar No. 24062794

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(512) 239-3668
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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2009 the original and seven true and correct copies of the "Executive Director's Response to Hearing Request" relating to the application of Champion Technologies, Inc. for a renewal of TPDES Permit No. WQ0004306000 were filed with the Office of the Chief Clerk of the TCEQ, and that copies of the document were provided to the parties.


Daniel W. Ingersoll, Staff Attorney
Environmental Law Division
State Bar No. 24062794

MAILING LIST
CHAMPION TECHNOLOGIES, INC.
DOCKET NO. 2009-0509-IWD; PERMIT NO. WQ0004306000

FOR THE APPLICANT:

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FOR ALTERNATIVE DISPUTE

RESOLUTION:

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Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
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Fax: (512) 239-4015

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Office of Chief Clerk, MC-105
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Tel: (512) 239-3300
Fax: (512) 239-3311

*See attached list of Requesters/Interested
Persons.*

REQUESTER(S)

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VICTOR HERRERA
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PUBLIC OFFICIALS - INTERESTED PERSON(S)

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ERMA LONG
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THE HONORABLE DORA OLIVO
STATE REPRESENTATIVE - TEXAS HOUSE OF
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INTERESTED PERSON(S)

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ROSHARON TX 77583-2126

KATHERINE RATTLER
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ARCOLA TX 77583-2028

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PAUL HAMILTON
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FRESNO TX 77545-0739

Attachment A

Champion Technologies, Inc.
Application for Renewal of TPDES Permit No. WQ0004306000
Map Requested by TCEQ Office of Legal Services
for Commissioners Agenda



Texas Commission on Environmental Quality
 GIS Team (Mail Code 197)
 P.O. Box 13087
 Austin, Texas 78711-3087
 April 14, 2009



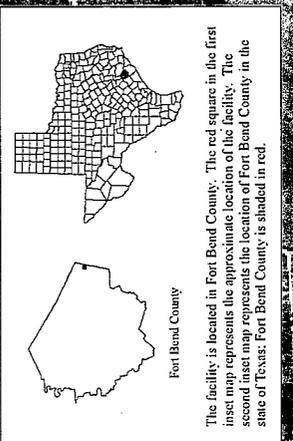
Projection: Texas Statewide Mapping System
 (TSSMS)
 Scale: 1:20,000

- Legend**
- Facility
 - Protestant's Property
 - Discharge Route

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information and the requestor information from the applicant. The coordinates are U.S. Census Bureau 1992 TIGER/Line Data (1:100,000). The background of this map is a source photograph from the 2004 U.S. Department of Agriculture Imagery Program. The imagery is one-meter Color-Infrared (CIR). The image classification number is 04157_1-1.

This map depicts the following:

- (1) The approximate location of the facility. This is labeled "Facility".
- (2) Circle and arrow depicting 1-mile radius. This is labeled "1-Mile Radius".
- (3) The approximate location of the protestant. This is labeled with the protestant's name.
- (4) The discharge route. This is labeled "Discharge Route".



The facility is located in Fort Bend County. The red square in the first inset map represents the approximate location of the facility. The second inset map represents the location of Fort Bend County in the state of Texas. Fort Bend County is shaded in red.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This map was not generated by a licensed surveyor, and is intended for illustrative purposes only. No claims are made to the accuracy or completeness of the data or to its suitability for a particular use. For more information concerning this map, contact the Information Resources Division at (512) 239-0800.

MAP/090414034

Attachment B

STATEMENT OF BASIS/TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

DESCRIPTION OF APPLICATION

Applicant: Champion Technologies, Inc.; Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004306000, (TX0112461).

Regulated Activity: Industrial Wastewater Permit.

Type of Application: Renewal.

Request: Renewal with changes to Permit No. WQ0004306000 to remove the limits for fecal coliform at Outfall 001.

Authority: Federal Clean Water Act §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. It is proposed the permit be issued to expire on November 1, 2013 in accordance with 30 TAC §305.71, Basin Permitting.

REASON FOR PROJECT PROPOSED

The applicant has applied to the TCEQ for a renewal of its existing permit.

PROJECT DESCRIPTION AND LOCATION

The applicant operates an organic chemical manufacturing facility.

Cooling tower blowdown, storm water run-off, and previously monitored effluents (boiler blowdown maintained at internal Outfall 101) are discharged via Outfall 001. The effluent receives no treatment prior to discharge. All process wastewater is taken off-site for disposal. Domestic sewage is disposed of by an on-site spray field and is authorized by the county.

The plant site is located at 3130 Farm-to-Market Road 521, approximately 2.25 miles north of the intersection of Farm-to-Market Road 521 and State Highway 6, in the City of Fresno, Fort Bend County, Texas.

The effluent is discharged to a county drainage ditch; thence to Mustang Bayou; thence to Persimmon Bayou thence to New Bayou; thence to Chocolate Bay in Segment No. 2432 of the Bays and Estuaries. The unclassified receiving waters have no significant aquatic life use for the county drainage ditch, and high aquatic life use for Mustang Bayou. The designated uses for Segment No. 2432 are high aquatic life use, contact recreation, and oyster waters. The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and/or revisions.

The discharge from this permit is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. 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 or aquatic dependent species occurring in

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0004306000

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. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Segment 2432 is currently listed on the State's inventory of impaired and threatened waters (2006 Clean Water Act Section 303(d) list). The listing is specifically for elevated bacteria levels (in oyster waters) throughout the entire segment. Based on Texas Department of Health (TDA) shellfish maps, the entire segment does not support the oyster water use. Nonsupporting areas are restricted or prohibited for the growing and harvesting of shellfish for direct marketing due to potential contamination by human pathogens. This draft permit does not authorize the discharge of domestic wastewater. Therefore, no further impairment to the segment is anticipated by this discharge, the draft permit contains limits for *E. coli* bacteria, and the draft permit does not authorize an increase in the permitted flow.

SUMMARY OF EFFLUENT DATA

The following is a quantitative description of the discharge described in the Monthly Effluent Report data for the period June 2003 through February 2008. The "Average of Daily Average" 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 Maximum" values presented in the following table are the individual maximum values for the reporting period for each parameter:

Flow

<u>Outfall</u>	<u>Frequency</u>	<u>Average of Daily Average MGD</u>	<u>Maximum of Daily Maximum MGD</u>
001	1/week	0.001	0.008

Effluent Characteristics

<u>Outfall</u>	<u>Parameter</u>	<u>Average of Daily Average mg/L</u>	<u>Maximum of Daily Maximum mg/L</u>
001	Total Copper	0.06	1.0
	Total Zinc	0.54	15.9
	Free Available Chlorine	0.05	0.66
	Fecal Coliform (#/100 mls)	(4121)	(64,100)
	pH (Standard Units)	(Minimum 3.2)	(Maximum 9.25)
101	Total Suspended Solids	33.4	174
	Oil and Grease	5.68	67
	pH (Standard Units)	(Minimum 6.37)	(Maximum 8.7)

Based on the Monthly Effluent Report data for the period June 2003 through February 2008, the permit limits were exceeded on the following dates for the following parameters for Outfall 001 and 101:

<u>Outfall</u>	<u>Parameter</u>	<u>Date</u>	<u>Daily Average mg/L</u>	<u>Daily Maximum mg/L</u>
001	Free Available Chlorine	11/30/2003	0.25	N/A
		12/31/2003	0.35	0.66
		1/31/2004	0.25	N/A
		4/30/2005	0.29	N/A
	pH (Standard Units)	8/31/2003	N/A	9.25
		3/31/2004	4.6	N/A

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0004306000

<u>Outfall</u>	<u>Parameter</u>	<u>Date</u>	<u>Daily Average mg/L</u>	<u>Daily Maximum mg/L</u>
001 cont	pH (Standard Units)	7/31/2006	(3.2)	N/A
	Total Suspended Solids	8/31/2003	59.3	174
		10/31/2003	32.35	N/A
		11/30/2003	59.55	N/A
	Total Suspended Solids	4/30/2004	36.75	N/A
	Oil and Grease	8/31/2003	18.45	67

A review of the self reported effluent data above indicates that the permittee has not violated any permit limits in the past two years. These violations are considered incidental and therefore require no permit action be taken.

PROPOSED PERMIT CONDITIONS

The draft permit authorizes a discharge of cooling tower blowdown, storm water run-off, and previously monitored effluent (PME) at a daily average flow not to exceed 0.0044 million gallons per day via Outfall 001, and boiler blowdown at an intermittent and flow variable rate via Outfall 101.

Final effluent limitations are established in the draft permit as follows:

<u>Outfall Number</u>	<u>Pollutant</u>	<u>Daily Average mg/L</u>	<u>Daily Maximum mg/L</u>
001	Flow (MGD)	(0.0044)	(0.015)
	Free Available Chlorine	0.20	0.50
	Total Copper	0.075	0.16
	Biochemical Oxygen Demand (5-day)	Report	Report
	Total Zinc	0.54	1.14
	<i>E. coli</i> (#/100 mls)	(126)	(200)
	pH (Standard Units)	(6.0 Minimum)	(9.0 Maximum)
101	Total Suspended Solids	30	100
	Oil and Grease	15	20
	pH (Standard Units)	(6.0 Minimum)	(9.0 Maximum)

Outfall 001 - Technology based effluent limitations for pH and free available chlorine are applied to the discharge of cooling tower blowdown and are based on BPJ using 40 CFR 423.15 (a) & (j)(1)(2).

Water quality-based effluent limits for total copper and total zinc at Outfall 001 have been continued in the draft permit. Water quality-based effluent limits are calculated in Appendix A of this document. Existing water quality-based limits were compared to those calculated in Appendix A. The newly calculated water quality-based limits are the same as those in the existing permit, therefore, the existing limits are continued in the draft permit. Analytical data reported in the application was screened against calculated water quality-based effluent limitations for the protection of aquatic life and human health found in Appendix A. None of the reported analytical data screened exceeded the 70 percent or 85 percent of the calculated daily average water quality-based effluent limitation for aquatic life or human health protection.

Biochemical oxygen demand (5-day) report requirements have been added to the draft permit based on the analytical data submitted in the application. *E. coli* has been substituted for fecal coliform as the bacteria indicator.

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0004306000

Outfall 101 - Technology based effluent limitations for TSS, oil and grease, and pH are based on BPJ using the 40 CFR guidelines for low volume waste sources at 423.15(c).

Because of the small volume and variability expected of the flow, the draft permit includes concentration limits rather than mass-based limits.

SUMMARY OF CHANGES FROM APPLICATION

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

1. Biochemical oxygen demand (5-day) report requirements have been added to the draft permit at Outfall 001. The addition of BOD₅ report requirements to the draft permit is based on an Interoffice Memorandum dated July 24, 2008 from the Water Quality Assessments Team. Due to the high concentrations of CBOD₅ and BOD₅ indicated in the pollutant analysis of the application, the permittee shall now monitor for BOD₅ at Outfall 001.

The permittee requested the following change which could not be processed during an application renewal.

1. The permittee requested the removal of fecal coliform limits at Outfall 001 from the draft permit. According to 40 CFR § 122.44, when a permit is renewed or reissued the draft permit must be at least as stringent as the previous permit, therefore, the removal of fecal coliform limits can not be processed during this request for renewal. In order for the removal of these limits to be considered, the facility would have to submit an amendment application which requests the removal of fecal coliform limits from the permit. However, compliance with effluent limits does not typically justify the removal of limits under the anti-backsliding provisions found in 40 CFR § 122.441.

SUMMARY OF CHANGES FROM EXISTING PERMIT

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

1. The fecal coliform limitation has been changed to an *E. coli* limitation in the draft permit. TCEQ is currently moving from Fecal coliform as a bacteria indicator to *E. coli* as the indicator.
2. The mailing address of the permittee has been revised on the first page of the draft permit.
3. Other Requirements No. 6 has been revised/clarified in the draft permit.
4. Other Requirements No. 7 has been revised/clarified in the draft permit.

BASIS FOR PROPOSED DRAFT PERMIT

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

1. Application submitted with letter dated June 3, 2008 and additional information submitted with letter dated July 7, 2008 and July 14, 2008.
2. Existing permits: TPDES Permit No. WQ0004306000 issued July 12, 2006.
3. TCEQ Rules.
4. Texas Surface Water Quality Standards - 30 TAC §§307.1-307.10, effective April 30, 1997, and Appendix E, effective February 27, 2002.

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0004306000

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 Assessment Section of the TCEQ.
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: N/A
9. Consistency with the Coastal Management Plan: N/A – This facility is not within the coastal zone.

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.

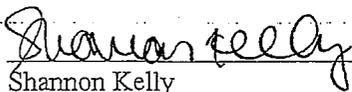
Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper 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.

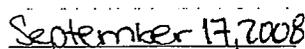
Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment, and is not a contested case proceeding. After the public comment deadline, the Executive Director prepares a response to 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 Shannon Kelly at (512) 239-2005.


Shannon Kelly


Date

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0004306000

Appendix A
Calculated Water Quality-Based Effluent Limits

TEXTTOX MENU #2 - INTERMITTENT STREAM WITHIN 3 MILES OF A FRESHWATER PERENNIAL STREAM/RIVER

The water quality-based effluent limitations demonstrated below are calculated using:

- Table 1, 1997 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life
- Table 3, 2000 Texas Surface Water Quality Standards for Human Health
- Procedures to Implement the Texas Surface Water Quality Standards, Texas Commission on Environmental Quality, January 2003.

PERMITTEE INFORMATION

Permittee Name: Champion Technologies, Inc.
TPDES Permit No.: WQ0004306000
Outfall No.: 001
Prepared by: Shannon Kelly
Date: August 5, 2008

DISCHARGE INFORMATION

Immediate Receiving Waterbody: county drainage ditch
Segment No.: 2432
TSS: 13
pH: 7.2
Hardness: 158
Chloride: 108
Effluent Flow for Aquatic Life (MGD): 0.0016
Critical Low Flow [7Q2] (cfs) for immediate: 0
Critical Low Flow [7Q2] (cfs) for perennial: 0.1
Percent Effluent for Mixing Zone: 2.42
Percent Effluent for Zone of Initial Dilution: 100
Effluent Flow for Human Health (MGD): 0.0013
Harmonic Mean Flow (cfs) for perennial: 0.2
Percent Effluent for Human Health: 0.996
Public Water Supply Use?: no

CALCULATE TOTAL/DISSOLVED RATIO:

<i>Stream/River Metal</i>	<i>Intercept (b)</i>	<i>Slope (m)</i>	<i>Partitioning Coefficient (K_{po})</i>	<i>Dissolved Fraction (Cd/Ct)</i>		<i>Water Effects Ratio (WER)</i>	
Aluminum	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Arsenic	5.68	-0.73	73590.43	0.51		1	Assumed
Cadmium	6.6	-1.13	219403.73	0.26		1	Assumed
Chromium (Total)	6.52	-0.93	304812.44	0.20		1	Assumed
Chromium (+3)	6.52	-0.93	304812.44	0.20		1	Assumed
Chromium (+6)	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Copper	6.02	-0.74	156921.31	0.33		1	Assumed
Lead	6.45	-0.8	362114.00	0.18		1	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Nickel	5.69	-0.57	113514.75	0.40		1	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Silver	6.38	-1.03	170859.19	0.31		1	Assumed
Zinc	6.1	-0.7	209044.94	0.27		1	Assumed

AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

TPDES Permit No. WQ0004306000

Parameter	Acute Standard (ug/L)	Chronic Standard (ug/L)	WLAa	WLAc	LTAa	LTAc	Daily Avg. (ug/L)	Daily Max. (ug/L)
Aldrin	3	N/A	3.000	N/A	1.719	N/A	2.527	5.346
Aluminum (d)	991	N/A	991.000	N/A	567.843	N/A	834.729	1765.992
Arsenic (d)	360	190	704.403	15389.352	403.623	11849.801	593.326	1255.268
Cadmium (d)	56.442	1.624	217.427	259.036	124.586	199.458	183.141	387.462
Carbaryl	2	N/A	2.000	N/A	1.146	N/A	1.685	3.564
Chlordane	2.4	0.0043	2.400	0.178	1.375	0.137	0.201	0.426
Chlorpyrifos	0.083	0.041	0.083	1.697	0.048	1.307	0.070	0.148
Chromium (+3) (d)	2525.679	301.047	12533.839	61842.586	7181.890	47618.792	10557.378	22335.678
Chromium (+6) (d)	16.000	11	16.000	455.345	9.168	350.616	13.477	28.512
Copper (d)	29.535	19.259	89.786	2423.571	51.447	1866.150	75.627	160.001
Cyanide (free)	45.78	10.69	45.780	442.513	26.232	340.735	38.561	81.581
4,4'-DDT	1.1	0.001	1.100	0.041	0.630	0.032	0.047	0.099
Dementon	N/A	0.1	N/A	4.140	N/A	3.187	4.686	9.913
Dicofol	59.3	19.8	59.300	819.621	33.979	631.108	49.949	105.674
Dieldrin	2.5	0.0019	2.500	0.079	1.433	0.061	0.089	0.188
Diuron	210	70	210.000	2897.650	120.330	2231.191	176.885	374.226
Endosulfan I (alpha)	0.22	0.056	0.220	2.318	0.126	1.785	0.185	0.392
Endosulfan II (beta)	0.22	0.056	0.220	2.318	0.126	1.785	0.185	0.392
Endosulfan sulfate	0.22	0.056	0.220	2.318	0.126	1.785	0.185	0.392
Endrin	0.18	0.0023	0.180	0.095	0.103	0.073	0.108	0.228
Guthion	N/A	0.01	N/A	0.414	N/A	0.319	0.469	0.991
Heptachlor	0.52	0.0038	0.520	0.157	0.298	0.121	0.178	0.377
Hexachlorocyclohexane (Lindane)	2	0.08	2.000	3.312	1.146	2.550	1.685	3.564
Lead (d)	146.157	5.696	834.190	1345.635	477.991	1036.139	702.647	1486.552
Malathion	N/A	0.01	N/A	0.414	N/A	0.319	0.469	0.991
Mercury	2.400	1.3	2.400	53.814	1.375	41.436	2.022	4.277
Methoxychlor	N/A	0.03	N/A	1.242	N/A	0.956	1.406	2.974
Mirex	N/A	0.001	N/A	0.041	N/A	0.032	0.047	0.099
Nickel (d)	2088.404	232.167	5170.244	23792.730	2962.550	18320.402	4354.949	9213.531
Parathion (ethyl)	0.065	0.013	0.065	0.538	0.037	0.414	0.055	0.116
Pentachlorophenol	11.090	7.001	11.090	289.791	6.354	223.139	9.341	19.762
Phenanthrene	30	30	30.000	1241.850	17.190	956.225	25.269	53.461
Polychlorinated Biphenyls (PCBs)	2	0.014	2.000	0.580	1.146	0.446	0.656	1.388
Selenium	20	5	20.000	206.975	11.460	159.371	16.846	35.641
Silver, (free ion)	0.92	N/A	26.331	N/A	15.088	N/A	22.179	46.922
Toxaphene	0.78	0.0002	0.780	0.008	0.447	0.006	0.009	0.020
Tributyltin (TBT)	0.13	0.024	0.130	0.993	0.074	0.765	0.110	0.232
2,4,5 Trichlorophenol	136	64	136.000	2649.280	77.928	2039.946	114.554	242.356
Zinc (d)	172.421	156.169	640.988	24032.706	367.286	18505.183	539.911	1142.260

HUMAN HEALTH

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS

Parameter	Water and FW Fish (ug/L)	FW Fish Only (ug/L)	WLAh	LTAh	Daily Avg. (ug/L)	Daily Max. (ug/L)
Acrylonitrile	1.28	109	10947.289	10180.979	14966.039	31662.845
Aldrin	0.00408	0.0426	4.278	3.979	5.849	12.375
Arsenic (d)	50	N/A	N/A	N/A	N/A	N/A
Barium (d)	2000	N/A	N/A	N/A	N/A	N/A
Benzene	5	1060	106459.877	99007.686	145541.298	307913.902
Benzidine	0.00106	0.0347	3.485	3.241	4.764	10.080
Benzo(a)anthracene	0.099	8.1	813.514	756.568	1112.155	2352.927
Benzo(a)pyrene	0.099	8.1	813.514	756.568	1112.155	2352.927
Bis(chloromethyl)ether	0.00462	0.193	19.384	18.027	26.500	56.064

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0004306000

Cadmium (d)	5	N/A	N/A	N/A	N/A	N/A
Carbon Tetrachloride	3.76	84	8436.443	7845.892	11533.461	24400.724
Chlordane	0.021	0.213	21.392	19.895	29.246	61.873
Chlorobenzene	776	13800	1385987.077	1288967.982	1894782.933	4008690.423
Chloroform	100	12920	1297605.292	1206772.922	1773956.195	3753063.787
Chromiumd	100	33200	16547183.968	1.54E+07	2.26E+07	4.79E+07
Chrysene	0.417	81	8135.142	7565.682	11121.552	23529.270
Cresols	3313	131160	13172903.262	1.23E+07	1.80E+07	3.81E+07
Cyanide (free)	200	N/A	N/A	N/A	N/A	N/A
4,4'-DDD	0.0103	0.1	10.043	9.340	13.730	29.048
4,4'-DDE	0.0073	0.07	7.030	6.538	9.611	20.334
4,4'-DDT	0.0073	0.07	7.030	6.538	9.611	20.334
2,4'-D	70	N/A	N/A	N/A	N/A	N/A
Danitol	0.709	7.21	724.128	673.439	989.955	2094.396
Dibromochloromethane	9.2	716	71910.634	66876.889	98309.028	207987.126
1,2-Dibromoethane	0.014	3.35	336.453	312.902	459.965	973.124
1,3-Dichloropropene (1,3-Dichloropropylene)	22.8	1610	161698.492	150379.598	221058.009	467680.549
Dieldrin	0.00171	0.02	2.009	1.868	2.746	5.810
p-Dichlorobenzene	75	N/A	N/A	N/A	N/A	N/A
1,2-Dichloroethane	5	739	74220.612	69025.169	101466.999	214668.277
1,1-Dichloroethylene	1.63	58.4	5865.337	5454.763	8018.502	16964.313
Dicofol	0.215	2.17	217.941	202.686	297.948	630.352
Dioxins/Furans (TCDD Equivalents)	1.34E-07	0.0000014	0.000	1.31E-04	1.92E-04	4.07E-04
Endrin	1.27	13.4	1345.814	1251.607	1839.862	3892.496
Fluoride	4000	N/A	N/A	N/A	N/A	N/A
Heptachlor	0.0026	0.0265	2.661	2.475	3.639	7.698
Heptachlor Epoxide	0.159	11	1104.772	1027.438	1510.334	3195.333
Hexachlorobenzene	0.0194	0.198	19.886	18.494	27.186	57.516
Hexachlorobutadiene	2.99	36	3615.618	3362.525	4942.912	10457.453
Hexachlorocyclohexane (alpha)	0.163	4.13	414.792	385.756	567.062	1199.702
Hexachlorocyclohexane (beta)	0.57	14.5	1456.291	1354.350	1990.895	4212.030
Hexachlorocyclohexane (gamma) (Lindane)	0.2	20	2008.677	1868.070	2746.062	5809.696
Hexachloroethane	84.2	2780	279206.092	259661.666	381702.649	807547.781
Hexachlorophene	0.0531	0.53	53.230	49.504	72.771	153.957
Lead (d)	4.98	253	145025.766	134873.962	198264.725	419458.023
Mercury	0.0122	0.122	12.253	11.395	16.751	35.439
Methoxychlor	2.21	22.2	2229.631	2073.557	3048.129	6448.763
Methyl Ethyl Ketone	52900	99400000	9.98E+09	9.28E+09	1.36E+10	2.89E+10
Nitrate-Nitrogen (as Total Nitrogen)	10000	N/A	N/A	N/A	N/A	N/A
Nitrobenzene	37.3	2330	234010.862	217630.101	319916.249	676829.615
N-Nitrosodiethylamine	0.0382	76.8	7713.319	7173.387	10544.879	22309.234
N-Nitroso-di-n-Butylamine	1.84	135	13558.569	12609.469	18535.920	39215.450
PCB's (Polychlorinated Biphenyls)	0.0013	0.013	1.306	1.214	1.785	3.776
Pentachlorobenzene	6.1	66.8	6708.981	6239.352	9171.848	19404.386
Pentachlorophenol	1	1350	135585.692	126094.694	185359.200	392154.498
Pyridine	88.1	133330	13390844.708	1.25E+07	1.83E+07	3.87E+07
Selenium	50	N/A	N/A	N/A	N/A	N/A
1,2,4,5-Tetrachlorobenzene	0.241	2.43	244.054	226.970	333.647	705.878
Tetrachloroethylene	5	3230	324401.323	301693.230	443489.049	938265.947
Toxaphene	0.005	0.14	14.061	13.076	19.222	40.668
2,4,5-TP (Silvex)	47	503	50518.225	46981.949	69063.465	146113.861
2,4,5-Trichlorophenol	953	10690	1073637.815	998483.168	1467770.257	3105282.653
Trichloroethylene	5	6120	614655.138	571629.279	840295.040	1777767.057
1,1,1-Trichloroethane	200	125860	12640603.877	1.18E+07	1.73E+07	3.66E+07
TTHM (Sum of Total Trihalomethanes)	100	N/A	N/A	N/A	N/A	N/A
Vinyl Chloride	2	4150	416800.462	387624.429	569807.911	1205511.975

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0004306000

CALCULATE 70% AND 85% OF DAILY AVERAGE EFFLUENT LIMITATIONS

Parameter	70%	85%
<i>Aquatic Life</i>		
Aldrin	1.769	2.148
Aluminum	584.310	709.520
Arsenic	415.328	504.327
Cadmium	128.199	155.670
Carbaryl	1.179	1.432
Chlordane	0.141	0.171
Chlorpyrifos	0.049	0.059
Chromium (+3)	7390.165	8973.771
Chromium (+6)	9.434	11.455
Copper	52.939	64.283
Cyanide (free)	26.993	32.777
4,4'-DDT	0.033	0.040
Dementon	3.280	3.983
Dicofol	34.964	42.457
Dieldrin	0.062	0.076
Diuron	123.820	150.352
Endosulfan (alpha)	0.130	0.158
Endosulfan (beta)	0.130	0.158
Endosulfan sulfate	0.130	0.158
Endrin	0.075	0.092
Guthion	0.328	0.398
Heptachlor	0.125	0.151
Hexachlorocyclohexane (Lindane)	1.179	1.432
Lead	491.853	597.250
Malathion	0.328	0.398
Mercury	1.415	1.718
Methoxychlor	0.984	1.195
Mirex	0.033	0.040
Nickel	3048.464	3701.706
Parathion (ethyl)	0.038	0.047
Pentachlorophenol	6.54E+00	7.94E+00
Phenanthrene	17.689	21.479
Polychlorinated Biphenyls (PCBs)	0.459	0.558
Selenium	11.792	14.319
Silver, (free ion)	15.525	18.852
Toxaphene	0.007	0.008
Tributyltin (TBT)	0.077	0.093
2,4,5 Trichlorophenol	80.188	97.371
Zinc	377.937	458.924
<i>Human Health</i>		
Acrylonitrile	10476.227	12721.133
Aldrin	4.094	4.972
Arsenic (d)	N/A	N/A
Barium (d)	N/A	N/A
Benzene	101878.908	123710.103
Benzidine	3.335	4.050
Benzo(a)anthracene	778.509	945.332
Benzo(a)pyrene	778.509	945.332
Bis(chloromethyl)ether	18.550	22.525
Cadmium (d)	N/A	N/A
Carbon Tetrachloride	8073.423	9803.442
Chlordane	20.472	24.859

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

TPDES Permit No. WQ0004306000

Chlorobenzene	1326348.053	1610565.493
Chloroform	1241769.337	1507862.766
Chromiumd	1.58E+07	1.92E+07
Chrysene	7785.086	9453.319
Cresols	1.26E+07	1.53E+07
Cyanide (free)	N/A	N/A
4,4'-DDD	9.611	11.671
4,4'-DDE	6.728	8.170
4,4'-DDT	6.728	8.170
2,4'-D	N/A	N/A
Danitol	692.969	841.462
Dibromochloromethane	68816.319	83562.673
1,2-Dibromoethane	321.976	390.971
1,3-Dichloropropene (1,3- Dichloropropylene)	154740.606	187899.308
Dieldrin	1.922	2.334
p-Dichlorobenzene	N/A	N/A
1,2-Dichloroethane	71026.899	86246.949
1,1-Dichloroethylene	5612.951	6815.726
Dicofol	208.563	253.256
Dioxins/Furans (TCDD Equivalents)	1.35E-04	1.63E-04
Endrin	1287.903	1563.882
Fluoride	N/A	N/A
Heptachlor	2.547	3.093
Heptachlor Epoxide	1057.234	1283.784
Hexachlorobenzene	19.030	23.108
Hexachlorobutadiene	3460.038	4201.475
Hexachlorocyclohexane (alpha)	396.943	482.003
Hexachlorocyclohexane (beta)	1393.627	1692.261
Hexachlorocyclohexane (gamma) (Lindane)	1922.244	2334.153
Hexachloroethane	267191.854	324447.251
Hexachlorophene	50.939	61.855
Lead (d)	138785.307	168525.016
Mercury	11.726	14.238
Methoxyclor	2133.690	2590.910
Methyl Ethyl Ketone	9.55E+09	1.16E+10
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A
Nitrobenzene	223941.374	271928.811
N-Nitrosodiethylamine	7381.415	8963.147
N-Nitroso-di-n-Butylamine	12975.144	15755.532
PCB's (Polychlorinated Biphenyls)	1.25E+00	1.52E+00
Pentachlorobenzene	6420.293	7796.071
Pentachlorophenol	129751.440	157555.320
Pyridine	1.28E+07	1.56E+07
Selenium	N/A	N/A
1,2,4,5-Tetrachlorobenzene	233.553	283.600
Tetrachloroethylene	310442.334	376965.691
Toxaphene	13.456	16.339
2,4,5-TP (Silvex)	48344.425	58703.945
2,4,5-Trichlorophenol	1027439.180	1247604.719
Trichloroethylene	588206.528	714250.784
1,1,1-Trichloroethane	1.21E+07	1.47E+07
TTHM (Sum of Total Trihalomethanes)	N/A	N/A
Vinyl Chloride	398865.538	484336.724

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

Mr. Jim Scialabba
Champion Technologies, Inc.
3130 Farm-to-Market Road 521
Fresno, Texas 77545

Re: Champion Technologies, Inc., TPDES Permit No. WQ0004306000
(RN101618882; CN600361869)

Dear Mr. Scialabba:

Enclosed is a copy of the above referenced permit for a wastewater treatment facility issued on behalf of the Executive Director pursuant to Chapter 26 of the Texas Water Code.

If you are receiving a Texas Pollutant Discharge Elimination System (TPDES) discharge permit and your system is a new facility or an existing facility that has been reporting to the Texas Commission on Environmental Quality (TCEQ), you may comply with self-reporting requirements by submitting discharge monitoring reports (DMR) electronically over the Web through STEERS (see enclosed flyer). Information about the electronic DMR (eDMR) system is available at www.tceq.state.tx.us/goto/eDMR. We encourage electronic reporting. Discharge facilities that do not use the eDMR system will receive paper DMR forms and instructions from the TCEQ Enforcement Division, or from the U.S. Environmental Protection Agency (EPA) if the facility has been submitting DMRs to EPA.

If you are receiving a land application (no discharge) permit and are required to report monitoring results, self-reporting forms and instructions will be forwarded to you by the TCEQ Enforcement Division.

Enclosed is a "Notification of Completion of Wastewater Treatment Facilities" form. Use this form when the facility begins to operate or goes into a new phase. The form notifies the agency when the proposed facility is completed or when it is placed in operation. This notification complies with the special provision incorporated into the permit. When the agency receives this form, the appropriate permit requirements will be activated in the compliance system database so that accurate monitoring and reporting can occur.

Mr. Jim Scialabba
Page 2

Should you have any questions, please contact Ms. Shannon Kelly of the TCEQ's Wastewater Permitting Section at (512) 239-4671 or if by correspondence, include MC 148 in the letterhead address at the bottom of the previous page.

Sincerely,

L'Oreal W. Stepney, P.E., Director
Water Quality Division
Texas Commission on Environmental Quality

LWS/SK/sp

Enclosures

cc: TCEQ, Region 12



TPDES PERMIT NO. WQ0004306000
[For TCEQ office use only -
EPA I.D. No. TX0112461]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O Box 13087
Austin, Texas 78711-3087

This is a renewal of TPDES Permit No.
WQ0004306000, issued on, July 12,
2006.

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

Champion Technologies, Inc.

whose mailing address is

3130 Farm-to-Market Road 521
Fresno, Texas 77545

is authorized to treat and discharge wastes from an organic chemical manufacturing plant, (SIC 2869)

located at 3130 Farm-to-Market Road 521, approximately 2.25 miles north of the intersection of Farm-to-Market Road 521 and State Highway 6, in the City of Fresno, Fort Bend County, Texas

to a county drainage ditch; thence to Mustang Bayou; thence to Persimmon Bayou; thence to New Bayou; thence to Chocolate Bay in Segment No. 2432 of the Bays and Estuaries

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 November 1, 2013.

ISSUED DATE:

For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge cooling tower blowdown, storm water run-off, and previously monitored effluent (PME) subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.0044 million gallons per day (MGD). The daily maximum dry weather flow shall not exceed 0.015 MGD.

Effluent Characteristics	Discharge Limitations		Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency Sample Type
Flow (MGD)	(Report)	(Report)	N/A	1/week Estimate
Free Available Chlorine	0.20	0.50	N/A	1/week Grab
Total Copper	0.075	0.16	N/A	1/week Grab
Total Zinc	0.54	1.14	N/A	1/week Grab
Biochemical Oxygen Demand (5-day)	Report	Report	N/A	1/week Grab
<i>E. coli</i>	126 (#/100 mls) (*1)	200 (#/100 mls)	200 (#/100 mls)	1/week Grab

(*1) The daily average *E. coli* value shall be calculated as the geometric mean of the samples during the month.

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/week 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, at the northeast border of the facility property, prior to entering county drainage ditch.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 101

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge boiler blowdown subject to the following effluent limitations:

Flow: Intermittent and flow variable.

Effluent Characteristics	Discharge Limitations		Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency Sample Type
Total Suspended Solids	30	100	100	1/week Grab
Oil and Grease	15	20	20	1/week Grab

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/week 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 101, at the discharge from the boiler prior to mixing with any other wastewaters.

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 (TWC) §§5.103 and 5.105, and the Texas Health and Safety Code (THSC) §§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 Texas Water Code §26.001 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 one 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 calendar 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 calendar 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 calendar 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. Bacteria concentration (Fecal coliform, E. coli, or Enterococci) - the number of colonies of bacteria per 100 milliliters effluent. The daily average 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 n th root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements of made in a calendar month. For any

measurement of bacteria equaling zero, a substitute value of one shall be made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar 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).

Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar 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 that 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 that 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; TCW Chapters 26, 27, and 28; and THSC 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

- a. 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.
- b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

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 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 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 that 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 that 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 that 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 that 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) that 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 $\mu\text{g/L}$);
 - ii. Two hundred micrograms per liter (200 $\mu\text{g/L}$) for acrolein and acrylonitrile; five hundred micrograms per liter (500 $\mu\text{g/L}$) 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 that would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant that 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 $\mu\text{g/L}$);
 - 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 that would be subject to CWA §301 or §306 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 that 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 TWC §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 that 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 CWA §§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 TWC Chapters 26, 27, and 28, and THSC 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 TWC §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 that 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 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 that are not described in the permit application or that 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 TWC §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 CWA §307(a) for a toxic pollutant that 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 CWA §307(a) 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 that 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 Texas Water Code Chapter 11.

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 Land Application 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 TWC §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 that 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% 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% 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 that reaches 75% 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 judgment 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%, unless otherwise authorized by this permit.
11. Facilities that 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 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.

- 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 THSC Code Chapter 361.

TCEQ Revision 08/2008

OTHER REQUIREMENTS

1. The Executive Director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the Coastal Coordination Council (CCC) and has determined that the action is consistent with the applicable CMP goals and policies.
2. Violations of daily maximum limitations for the following pollutants shall be reported orally or by facsimile to TCEQ Region 12, 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 12 and the Enforcement Division (MC 224):

<u>POLLUTANT</u>	<u>MAL (mg/L)</u>
Copper (Total)	0.010
Zinc (Total)	0.005

Test methods utilized shall be sensitive enough to demonstrate compliance with the permit effluent limitations. Permit compliance/noncompliance determinations will be based on the effluent limitations contained in this permit with consideration given to the minimum analytical level (MAL) for the parameters specified above.

When an analysis of an effluent sample for any of the parameters listed above indicates no detectable levels above the MAL and the test method detection level is as sensitive as the specified MAL, a value of zero (0) shall be used for that measurement when determining calculations and reporting requirements for the self-reporting form. This applies to determinations of daily maximum concentration, calculations of loading and daily averages, and other reportable results.

When a reported value is zero (0) based on this MAL provision, the permittee shall submit the following statement with the self-reporting form either as a separate attachment to the form or as a statement in the comments section of the form.

"The reported value(s) of zero (0) for [list parameter(s)] on the self-reporting form for [monitoring period date range] is based on the following conditions: 1) the analytical method used had a method detection level as sensitive as the MAL specified in the permit, and 2) the analytical results contained no detectable levels above the specified MAL."

When an analysis of an effluent sample for a parameter indicates no detectable levels and the test method detection level is not as sensitive as the MAL specified in the permit, or an MAL is not specified in the permit for that parameter, the level of detection achieved shall be used for that measurement when determining calculations and reporting requirements for the self-reporting form. A zero (0) may not be used.

3. There shall be no discharge of cooling tower maintenance chemicals which contain the 126 priority pollutants (Appendix A of 40 CFR Part 423).
4. The term "blowdown" means the minimum discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentration in amounts exceeding limits established by best engineering practices.
5. There shall be no discharge of domestic sewage. This waste shall be routed into an onsite primary treatment system and then spray irrigated.
6. The discharge of process wastewater, boiler cleaning wastes, and other metal cleaning wastes is not authorized under this permit. This wastewater must be routed to a sanitary sewer system or transported off-site for disposal at an authorized facility.

7. There is no mixing zone established for this intermittent stream. Acute toxic criteria apply at the point of discharge.
8. This permit recognizes that storm water runoff discharges through Outfall 001; however, the permit does not include specific controls addressing storm water runoff associated with industrial activities. Storm water discharges associated with industrial activity are subject to TPDES permitting requirements. Therefore, the permittee shall maintain any authorization required to discharge storm water under TPDES General Permit No. TXR05T916, which addresses requirements for storm water discharges from industrial facilities.

Attachment C

Compliance History Report

Customer/Respondent/Owner-Operator: CN600361869 Champion Technologies, Inc. Classification: AVERAGE Rating: 2.59
 Regulated Entity: RN101618882 CHAMPION TECHNOLOGIES FRESNO Classification: AVERAGE Site Rating: 4.52

ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0790119
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000356816
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31502
	AIR NEW SOURCE PERMITS	PERMIT	4005
	AIR NEW SOURCE PERMITS	PERMIT	24713
	AIR NEW SOURCE PERMITS	PERMIT	25343
	AIR NEW SOURCE PERMITS	PERMIT	29340
	AIR NEW SOURCE PERMITS	PERMIT	33992
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	FG0053G
	AIR NEW SOURCE PERMITS	REGISTRATION	55037
	AIR NEW SOURCE PERMITS	AFS NUM	4815700067
	AIR NEW SOURCE PERMITS	REGISTRATION	70773
	AIR NEW SOURCE PERMITS	REGISTRATION	700845
	AIR NEW SOURCE PERMITS	PERMIT	70845
	AIR NEW SOURCE PERMITS	REGISTRATION	72846
	AIR NEW SOURCE PERMITS	REGISTRATION	74858
	AIR NEW SOURCE PERMITS	REGISTRATION	76945
	AIR NEW SOURCE PERMITS	REGISTRATION	78261
	AIR NEW SOURCE PERMITS	REGISTRATION	82798
	AIR NEW SOURCE PERMITS	REGISTRATION	82305
	AIR NEW SOURCE PERMITS	REGISTRATION	88068
	AIR NEW SOURCE PERMITS	REGISTRATION	85675
	WATER QUALITY NON PERMITTED	ID NUMBER	R12SW0008
	WATER LICENSING	LICENSE	0790119
	WASTEWATER	PERMIT	WQ0004306000
	WASTEWATER	EPA ID	TPDES0112461
	WASTEWATER	PERMIT	TPDES0112461
	WASTEWATER	PERMIT	TX0112461
	STORMWATER	PERMIT	TXR05T916
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	31502
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	FG0053G
Location:	3130 FM 521 RD, FRESNO, TX, 77545		

TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: September 10, 2009
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: June 03, 2003 to September 10, 2009
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Dan Ingersoll Phone: 239 - 1000

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 04/29/2006 ADMINORDER 2005-1727-IHW-E
 N/A
 Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(2)
 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
 Description: Failure to label hazardous waste containers with the words "hazardous waste" and with the beginning accumulation date.
 Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
 Description: Failure to update the Notice of Registration.
 Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)
 Description: Failure to submit a complete and correct Annual Waste Summary.
 Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)
 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(2)
 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(8)
 Description: Failure to properly complete a Land Disposal Restriction Form for waste stream 4136404H.
 Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
 30 TAC Chapter 335, SubChapter E 335.112(a)(9)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(f)
 Description: Failure to have secondary containment for underground ancillary equipment associated with hazardous waste tanks.
 Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
 30 TAC Chapter 335, SubChapter E 335.112(a)(9)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.192(a)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(e)(3)(iii)
 Description: Failure to have four hazardous waste tanks certified by a professional engineer and have an adequate leak detection system for a hazardous waste underground storage tank.

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	06/24/2003	(324600)
N/A	2	06/24/2003	(324602)
	3	06/24/2003	(324603)
	4	06/24/2003	(324604)
	5	07/21/2003	(324605)
	6	08/07/2003	(146625)
	7	08/25/2003	(324606)
	8	09/05/2003	(324607)
	9	10/23/2003	(324608)
	10	11/25/2003	(324609)
	11	12/29/2003	(324610)
	12	01/21/2004	(324611)
	13	02/24/2004	(324599)
	14	03/25/2004	(324601)
	15	04/23/2004	(365247)
	16	05/24/2004	(365248)
	17	06/10/2004	(365246)
	18	07/12/2004	(365249)
	19	08/18/2004	(365250)
	20	09/21/2004	(365251)
	21	10/21/2004	(365252)
	22	11/01/2004	(338997)
	23	11/23/2004	(365253)
	24	12/14/2004	(389174)
	25	01/24/2005	(389175)
	26	04/04/2005	(426733)
	27	04/22/2005	(426734)
	28	06/09/2005	(426735)
	29	06/22/2005	(426736)
	30	07/19/2005	(446960)
	31	08/11/2005	(446961)
	32	08/12/2005	(398585)
	33	08/24/2005	(400090)
	34	09/12/2005	(446962)
	35	11/03/2005	(490951)
	36	11/10/2005	(490952)
	37	12/13/2005	(490953)
	38	01/23/2006	(490954)
	39	02/21/2006	(490949)
	40	03/16/2006	(490950)
	41	04/17/2006	(505551)

42 05/15/2006 (505552)
 43 06/14/2006 (505553)
 44 07/18/2006 (527828)
 45 08/21/2006 (527829)
 46 09/18/2006 (527830)
 47 10/13/2006 (588372)
 48 10/17/2006 (513120)
 49 11/13/2006 (588373)
 50 01/08/2007 (588374)
 51 01/22/2007 (588375)
 52 02/20/2007 (588367)
 53 03/14/2007 (588368)
 54 04/20/2007 (588369)
 55 05/18/2007 (588370)
 56 06/08/2007 (588371)
 57 07/12/2007 (605416)
 58 08/17/2007 (605417)
 59 09/07/2007 (605418)
 60 10/03/2007 (605419)
 61 11/08/2007 (629632)
 62 12/07/2007 (629633)
 63 01/11/2008 (629634)
 64 02/07/2008 (676772)
 65 03/05/2008 (676773)
 66 04/08/2008 (676774)
 67 05/07/2008 (695335)
 68 06/10/2008 (695336)
 69 06/23/2008 (682532)
 70 07/15/2008 (695337)
 71 08/12/2008 (716863)
 72 08/21/2008 (687929)
 73 09/10/2008 (716864)
 74 10/13/2008 (716865)
 75 11/11/2008 (732288)
 76 12/10/2008 (732289)
 77 01/12/2009 (732290)

78 02/09/2009 (755605)
 79 03/04/2009 (724409)
 80 03/09/2009 (755606)
 81 04/09/2009 (755607)
 82 05/12/2009 (772650)
 83 06/09/2009 (746102)
 84 06/12/2009 (772651)

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

Date: 08/31/2003 (324607) CN600361869
 N/A 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: 10/31/2003 (324609) CN600361869
 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 (324610) CN600361869
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: 12/31/2003 (324611) CN600361869
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: 01/31/2004 (324599) CN600361869
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: 03/31/2004 (365247) CN600361869
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: 04/30/2004 (365248) CN600361869
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: 04/30/2005 (426735) CN600361869
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 (527829) CN600361869
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.

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Attachment D

2009 MAR -6 AM 11:46

TPDES PERMIT NO. WQ0004306000

CHIEF CLERKS OFFICE

APPLICATION BY	§	BEFORE THE
CHAMPION TECHNOLOGIES	§	TEXAS COMMISSION ON
TPDES PERMIT NO. WQ0004306000	§	ENVIRONMENTAL QUALITY
	§	
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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 Champion Technologies and the Executive Director's preliminary decision. As required by 30 Texas Administrative Code (TAC) § 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk timely received comment letters and requests for a public meeting from the following persons: The Honorable Rodney Ellis, State Senator, The Honorable Dora Olivo, State Representative, and Rodrigo Carreon. At the public meeting formal oral comments were received from Rodrigo Carreon, Dora Blossom, Bertin Duarte, Javier Flores, Victor Herrera, Erma Holdman, Javier Marquez, Victor Martinez, Francisco Palomo, and Gil Velez. State Representative Dora Olivo, Rodrigo Carreon, Patricia Barboza, and Ramsey Barboza submitted written comments at the public meeting. This response addresses all 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.

TEXAS
COMMISSION
ON ENVIRONMENTAL
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BACKGROUND

CHIEF OFFICE

A. Description of Facility

Champion Technologies, Inc., which operates the Fresno Plant, has applied to the TCEQ for a renewal of TPDES Permit No. WQ0004306000, which authorizes the discharge of cooling tower blowdown, storm water run-off, and previously monitored effluent (boiler blowdown) at a daily average flow not to exceed 4,400 gallons per day via Outfall 001; and boiler blowdown on an intermittent and flow variable basis via Outfall 101. Outfall 001 effluent limitations are as follows: pH has a minimum limitation of 6.0 standard units and a maximum limitation of 9.0 standard units, free available chlorine has a daily average limitation of 0.20 mg/l and a daily maximum limitation of 0.50 mg/l, total copper has a daily average limitation of 0.075 mg/l and a daily maximum limitation of 0.16 mg/l, 5-day biochemical oxygen demand (BOD₅) has a report requirement for both the daily average and daily maximum limitations, total zinc has a daily average limitation of 0.54 mg/l and a daily maximum limitation of 1.14 mg/l, and *E. coli* has a daily average limitation of 120 colonies/100 mls and a daily maximum limitation of 200 colonies/100 mls. Internal Outfall 101 effluent limitations are as follows: total suspended solids daily average limitation of 30 mg/l and a daily maximum limitation of 100 mg/l, oil and grease daily average limitation of 15 mg/l and a daily maximum limitation of 20 mg/l, and pH has a minimum limitation of 6.0 standard units and a maximum limitations of 9.0 standard units

The facility is located at 3130 Farm-to-Market Road 521, approximately 2.25 miles north of the intersection of Farm-to-Market Road 521 and State Highway 6, in the City of Fresno, Fort Bend County, Texas. The effluent is discharged into a county drainage ditch, then to Mustang Bayou, then to Persimmon Bayou, then to New Bayou, then to Chocolate Bay in Segment No. 2432 of the Bays and Estuaries. The unclassified receiving waters have no significant aquatic life use for the county drainage ditch, and high aquatic life use for Mustang Bayou. The designated uses for Segment 2432 are high aquatic life use, contact recreation, and oyster waters.

B. Procedural Background

The application was received on June 3, 2008, declared administratively complete on July 14, 2008, and declared technically complete on September 16, 2008. The Notice of Receipt of Application and Intent to Obtain Water Quality Permit Renewal (NORI) was published in the *Houston Chronicle* on July 31, 2008 and in *La Voz de Houston* on July 30, 2008. The Executive Director prepared a draft permit and the Notice of Application and Preliminary Decision for Water Quality TPDES Permit Renewal for Industrial Wastewater (NAPD) was published in the *Houston Chronicle* on November 20, 2008 and *La Voz de Houston* on November 19, 2008. Notice of a Public Meeting on an Application for a Water Quality TPDES Permit for Industrial Wastewater was published in the *Houston Chronicle* on December 4, 2008. A public meeting was held on January 8, 2009 at the Mustang Community Center in Fresno, Texas, at which time the comment period closed. 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.

C. Access to Rules, Laws, and Records

Please consult the following websites to access the rules and regulations applicable to this permit:

- Secretary of State website: www.sos.state.tx.us
- For TCEQ rules in Title 30 of the Texas Administrative Code: www.sos.state.tx.us/tac/ (select "TAC Viewer" on the right, then "Title 30 Environmental Quality")
- For Texas statutes: www.capitol.state.tx.us/statutes/statutes.html
- To access the TCEQ website: www.tceq.state.tx.us (for downloadable rules in WordPerfect or Adobe PDF formats, select "Rules, Policy, & Legislation," then "Rules and Rulemaking," then "Download TCEQ Rules")
- For Federal rules in Title 40 of the Code of Federal Regulations: www.epa.gov/epahome/cfr40.htm
- For Federal environmental laws: www.epa.gov/epahome/laws.htm

Commission records for this facility are available for viewing and copying at the TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk). The application for this facility has been available for viewing and copying at the Missouri City Branch, Fort Bend County Library, 1530 Texas Parkway, Missouri City, Texas since publication of the NORI. The draft permit, statement of basis/technical summary, and Executive Director's preliminary decision have been available for viewing and copying at the same location since publication of the NAPD.

II. COMMENTS AND RESPONSES

COMMENT 1:

State Representative Dora Olivo requested the TCEQ staff to thoroughly review the draft permit. Representative Olivo expressed concerns about contamination of public water wells by the discharge from the facility. Rodrigo Carreon, Dora Blossom, Bertin Duarte, Javier Marquez, and Victor Martinez expressed concern over the potential for chemicals in the discharge to contaminate the public drinking water supply.

RESPONSE 1:

When the TCEQ receives a permit application it goes through an administrative and technical review. The administrative review determines if the Administrative Report Section of the application has been completed in accordance with all applicable statutes and TCEQ regulations. The technical review begins with the Water Quality Standards and Assessment (WQSA) Section. They provide recommendations used in the draft permit. They determine the designated uses of the water body segment that is receiving the proposed discharge, the critical conditions for the water body (i.e. low flow) when the water body is most susceptible to adverse effects, the effluent limitations (numeric or narrative) to ensure that the dissolved oxygen criteria for the water body is maintained, and the whole-effluent toxicity testing requirements. Once the WQSA Section's review is completed, the permit application is assigned to a permit writer. The permit writer reviews the information about the facility and the proposed discharge and develops technology-based effluent

limitations based on federal effluent guidelines if applicable. Using the permit application and recommendations from the WQSA Section, the permit writer develops water quality-based effluent limitations. The permit writer then compares the technology-based limitations with the water quality-based effluent limitations and applies the more protective limits in the draft permit.

Because this is a permit renewal request, Champion Technologies collected effluent data from four separate discharges and submitted the results with the application. The effluent data was compared against water quality-based effluent limits derived using information provided by the Water Quality Assessments Section. The effluent data did not show pollutants that have the potential to exceed the water quality criteria, therefore additional monitoring, effluent limits, and/or other controls were not necessary in the draft permit to ensure protection of human health and aquatic life in the receiving stream.

The existing permit contains water quality-based effluent limits for total copper and total zinc at Outfall 001 that have been continued in the draft permit. Existing water quality-based limits were compared to those calculated in Appendix A in the Statement of Basis. The newly calculated water quality-based limits are the same as those in the existing permit; therefore, the existing limits are still protective and are continued in the draft permit.

BOD₅ report requirements were added to the draft permit based on the analytical data submitted in the application and recommendations from the Water Quality Assessments Section. No significant dissolved oxygen depletion would normally be expected to occur in the receiving waters as a result of this type of discharge. However, due to the elevated BOD₅ and five-day carbonaceous biochemical oxygen demand (CBOD₅) concentrations submitted with the application, a monitoring requirement has been included in the draft permit for BOD₅ so more information about the discharge may be obtained.

Technology-based effluent limitations in the existing permit were developed using Title 40 Code of Federal Regulations (CFR) Part 423.15(c), pertaining to Steam Electric Power Generating. This facility is not specifically subject to this effluent guideline because it is not a Steam Electric Power Generating Station. However, this guideline has requirements for cooling tower and boiler blowdown wastewater which are amenable to the instant permit and the effluent limits imposed. Outfall 101 technology-based effluent limitations were included for TSS, oil and grease, and pH.

Outfall 001 technology-based effluent limitations were included for pH and free available chlorine, are applied to the discharge of cooling tower blowdown, and are based on Best Professional Judgment using 40 CFR 423.15 (a) & (j)(1)(2) as guidance.

This permit does not authorize the discharge of process wastewater by the Applicant. The discharge from Outfall 001 consists of cooling tower blowdown, boiler blowdown and storm water runoff. The storm water runoff discharged through Outfall 001 does not come into contact with chemicals used or manufactured on site. Wastewater that comes into contact with raw material during production of organic chemicals (process wastewater) is not authorized to be discharged from this facility. Pursuant to Other Requirements number 6 of the draft permit, process wastewater must be routed to a sanitary sewer system or transported off-site for disposal at an authorized facility. The Executive Director expects ground water and public water supply to be protected from contamination if the Applicant operates and maintains the facility in accordance with all applicable laws and the requirements in the draft permit.

In accordance with Section 305.125(9) of the Commission rules, the permittee is required to report any noncompliance with the permit that could endanger human health, safety, or the environment to the TCEQ. The permittee shall report such information orally or by facsimile transmission to the Regional Office within 24 hours of becoming aware of the noncompliance. Should these conditions and/or other potential violations of the TPDES draft permit be observed at the facility, observers are encouraged to report an environmental complaint by calling toll-free, 1-888-777-3186 or calling the TCEQ, Region 12 Office, at (713) 767-3500. On a complaint basis, the regional investigators will investigate the conditions at the facility. If the regional investigator documents a violation of TCEQ regulations or conditions included in the TPDES permit, then appropriate action will be taken.

COMMENT 2:

Rodrigo Carreon requested that when renewing the permit for this facility the TCEQ consider improving the water quality issues affecting the surrounding community. Mr. Carreon expressed concern that the discharge of 4,400 gallons a day of wastewater from this facility may damage the surface water quality of the American Canal, Mustang Bayou, and Chocolate Bayou. Mr. Carreon

requested that the permit limits protect the public water well (Fresh Water Supply District #1). Mr. Carreon expressed concern with a possible wastewater pond onsite at the facility that is not covered under the permit. Mr. Carreon also expressed concern that the wastewater does not follow the discharge route stated in the permit.

RESPONSE 2:

The TCEQ appreciates Mr. Carreon's comments on the proposed draft permit. 30 TAC, Chapter 307 designates the criteria for the protection of surface water quality in the state. The document *Procedures to Implement the Texas Surface Water Quality Standards*, January 2003 (Implementation Procedures) provides guidance for implementing these criteria in wastewater permits. The effluent data from the discharge at the facility was compared against Water Quality Based effluent limitations calculated for the receiving stream. The data received was below the limitations necessary to maintain the protection of aquatic life and human health. Therefore, the draft permit should be protective of water quality in the receiving stream when the Applicant operates and maintains the facility according to the requirements of the draft permit.

In response to Mr. Carreon's concerns, on January 12, 2009 a TCEQ investigator from Region 12 conducted an investigation of the facility. A site visit was conducted to address the concerns with an onsite wastewater pond. The entire facility was inspected and no wastewater pond was found. According to the Applicant, there used to be a wastewater pond along the southwest area of the facility, and the pond was closed in accordance with TCEQ closure regulations.

During the investigation on January 12, 2009, TCEQ regional staff also inspected the discharge route. The investigator found that the receiving stream, a wide flat county drainage ditch, runs in front of the entire facility. This receiving stream addressed the drainage concerns raised by Mr. Carreon. Near the north end of the facility, outfall 001 discharges into the county drainage ditch. The county drainage ditch was overgrown with cat tails and other vegetation. The vegetative growth and the wide flat nature of the drainage ditch slow down the water flow in the ditch. The vegetative growth extended approximately 20 feet to the south and 1000 feet to the north of outfall 001. The vegetative growth indicates moist conditions where the water is not rapidly flowing through the

ditch. The predominance of the vegetative growth to the north indicated that the flow generally goes northward. Therefore, the flow from outfall 001 flows in accordance with the permit.

COMMENT 3:

Patricia and Ramsey Barboza requested that TCEQ or the Applicant provide a translation service during a public meeting when attendees of the meeting do not speak English.

RESPONSE 3:

TCEQ rules currently do not require the Executive Director or the Applicant to provide a bilingual interpreter at a public meeting. However, in response to the Spanish speaking participants present at the public meeting held on January 8, 2009 in Fresno, Texas, the Executive Director and TCEQ Office of Public Assistance made efforts to encourage formal comments on the record, even if they were not in English. The Office of Public Assistance facilitated the public meeting; received all Spanish comments; the comments were later translated by TCEQ staff from the audio recording of the meeting; and are included in this Response to Public Comments.

COMMENT 4:

Rodrigo Carreon, Dora Blossom, Bertin Duarte, Javier Flores, Victor Herrera, Javier Marquez, Victor Martinez, and Gil Velez expressed concern about the chemicals that were discharged from the facility. Javier Flores and Victor Herrera asked what specific chemicals were discharged from the facility. Gil Velez requested to know whether Champion Technologies, Inc., could recycle the chemicals instead of discharging them into the stream.

RESPONSE 4:

The chemicals produced and manufactured at this facility are not permitted to be discharged via Outfall 001 under the draft permit. Wastewater that comes into contact with raw material during production of organic chemicals (process wastewater) is not authorized to be discharged from this facility. Pursuant to Other Requirements number 6 of the draft permit, process wastewater must be routed to a sanitary sewer system or transported off-site for disposal at an authorized facility.

The draft permit identifies and establishes effluent limits for constituents that have the potential to arise in the proposed discharge. These constituents are separate and distinct from the process wastewater, as well as the chemicals produced at the facility. The limitations established in the draft permit should ensure that the constituents at the point of discharge should not cause adverse impact to the receiving stream, human health, safety or the environment. The Executive Director expects ground water and public water supply to be protected from contamination if the Applicant operates and maintains the facility in accordance with all applicable laws and the requirements in the draft permit.

In accordance with Section 305.125(9) of the Commission rules, the permittee is required to report any noncompliance with the permit that could endanger human health, safety, or the environment to the TCEQ. The permittee shall provide this information orally or by facsimile transmission to the Regional Office within 24 hours of becoming aware of the noncompliance. Should these conditions and/or other potential violations of the TPDES draft permit be observed at the facility, observers are encouraged to report an environmental complaint by calling toll-free, 1-888-777-3186 or calling the TCEQ, Region 12 Office, at (713) 767-3500. On a complaint basis, the regional investigators will investigate the conditions at the facility. If the regional investigator documents a violation of TCEQ regulations or conditions included in the TPDES permit, then appropriate action will be taken.

Finally, the draft permit for this facility is limited to establishing effluent limitations for the proposed discharge and does not permit the Applicant to recycling the effluent, process wastewater, or the chemicals manufactured at the facility.

COMMENT 5:

Erma Holdman expressed concern about chemicals going into the soil and asked whether there were any public notification procedures addressing what was going into the soil, or being discharged and how much.

RESPONSE 5:

This permit prohibits the discharge of process wastewater. Therefore chemicals used and

produced at the facility will not be leached into the soil or discharged from this facility. Any wastewaters that contain raw product (process wastewater) are removed and must be routed to a sanitary sewer system or transported off-site for disposal at an authorized facility, pursuant to Other Requirements number 6 of the draft permit.

Any noncompliance that may endanger human health or safety, or the environment must be reported by the permittee to the TCEQ. The permittee shall provide this information orally or by facsimile transmission to the Regional Office within 24 hours of becoming aware of the noncompliance.

COMMENT 6:

Dora Blossom requested to know if there have been previous effluent samples analyzed from the discharge at Outfall 001 and, if so, did the samples identify any problems from the discharge at Outfall 001. Ms. Blossom also expressed concern that the proposed discharge from this facility would cause potential harm to people and livestock living in close proximity to the facility.

RESPONSE 6:

Effluent limitations reported in the application were compared against water quality standards for the receiving stream. None of the effluent data reported in the application exceeded the standard criteria for the protection of aquatic life or human health.

Both 30 TAC Chapter 307 and the Implantation Procedures provide the regulatory framework for the regulation of water in the state to protect human health, safety, and the environment. The designated uses for Segment 2432 of the Bays and Estuaries include contact recreation. The proposed permit was drafted in accordance with 30 TAC Chapter 307 and the Implementation Procedures, and should be protective of human health in the receiving stream when the Applicant operates and maintains the facility according to the requirements of the draft permit. Should these conditions and/or other potential violations of the TPDES permit be observed at the facility, observers are encouraged to report an environmental complaint by calling toll-free, 1-888-777-3186 or calling the TCEQ, Region 12 Office, at (713) 767-3500. On a complaint basis, the regional investigators will investigate the conditions at the facility. If the regional investigator documents a

violation of TCEQ regulations or conditions included in the TPDES permit, then appropriate action will be taken.

Furthermore, 30 TAC Chapter 307 also 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.

The constituents of concern mentioned in the document are generally not associated with the waste streams generated from this facility; therefore the wastewater discharged from this facility should not affect livestock.

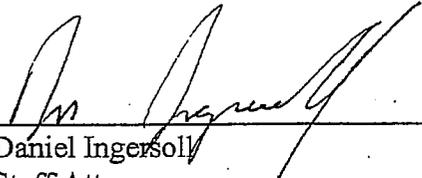
No changes were made to the draft permit in response to the comments above.

Respectfully submitted,

Texas Commission on Environmental Quality

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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on March 6, 2009, the "Executive Director's Response to Public Comment" for Permit No. WQ0004306000 was filed with the Texas Commission on Environmental Quality, Office of the Chief Clerk.



Daniel Ingersoll, Staff Attorney
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