

**DOCKET NO. 2010-1850-IWD**

**Application by  
CEMEX CEMENT of  
TEXAS, L.P.  
for TPDES Permit  
No. WQ0002179000**

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**BEFORE THE  
TEXAS  
COMMISSION  
ON  
ENVIRONMENTAL  
QUALITY**

**EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUEST**

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**I. Introduction**

The Executive Director (ED) of the Texas Commission on Environmental Quality (the TCEQ or Commission) files this Response to Hearing Request ("Response") on the application by CEMEX Cement of Texas, L.P. (Applicant) for a major amendment with renewal to Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0002179000. Hearing requests were received from: Tim and Sharlene Fey and Joseph Hager on behalf of the Schoenthal Ranch Community Association.

A copy of the draft permit, a compliance history report prepared by the ED's staff, the ED's Response to Public Comment (RTC), a map of the facility, the affected landowners list and map, and the technical summary have been filed with this Response as Exhibits A through F respectively. Copies were also provided to all parties.

**II. Description of the Facility**

CEMEX Cement of Texas, L.P., has applied to the TCEQ for a major amendment with renewal to TPDES Permit No. WQ0002179000 to authorize the discharge of storm water from two new areas of the facility via Outfall 001; to authorize reuse of wastewater for on-site landscaping and irrigation; and to authorize the discharge of truck wash water from CEMEX Construction Materials, Inc. Quarry via Outfall 001. The draft permit, if issued would authorize discharges from Outfall 001 at an intermittent and flow variable rate. The current permit authorizes the discharge of wash water from the plant process and truck wash areas and storm water from plant and material/product storage areas via Outfall 001.

The facility is located at 2580 Wald Road, at the intersection of Wald Road and Solms Road, approximately 0.75 miles north of Interstate Highway 35, and approximately 1.8 miles southwest of the City of New Braunfels, Comal County, Texas 78132. The effluent is discharged from the storm water settling pond through a controlled weir and into a 24-inch concrete pipe; then to Dry Comal Creek; then to the

Comal River in Segment No. 1811 of the Guadalupe River Basin. The unclassified receiving waters have limited aquatic life use for Dry Comal Creek. The designated uses for Segment No. 1811 are high aquatic life use, contact recreation, public water supply and aquifer protection.

### **III. Procedural Background**

The application was received on October 20, 2009, declared administratively complete on November 24, 2009, and declared technically complete on February 19, 2010. The Notice of Receipt of Application and Intent to Obtain Water Quality Permit Amendment (NORI) was published in the *New Braunfels Herald-Zeitung* on December 6, 2009. The Notice of Application and Preliminary Decision (NAPD) was published in the *New Braunfels Herald-Zeitung* on June 1, 2010. The public comment period closed on July 1, 2010. The ED's response to public comment was filed on October 5, 2010, the final decision letter was mailed on October 8, 2010, and the time period to request a contested case hearing ended on November 8, 2010. 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, 76<sup>th</sup> Legislature, 1999.

### **IV. Evaluation Process for Hearing Requests**

The regulations governing requests for contested case hearings are found at Title 30 of the Texas Administrative Code (TAC) Chapter 55. 30 TAC §§ 55.201(c) and (d) require that a request for a contested case hearing must comply with the following:

- 1) be in writing;
- 2) be timely filed;
- 3) request a contested case hearing;
- 4) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request;
- 5) provide any other information specified in the public notice of application;  
and
- 6) raise disputed issues.

In addition to requesting a contested case hearing, a person must be an "affected person" as defined in 30 TAC § 55.203(a). The rule defines an affected person as "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.

In making an "affected person" determination, 30 TAC § 55.203(c) lists factors to consider, including:

- 1) whether the interest claimed is one protected by the law under which the application will be considered;
- 2) distance restrictions or other limitations imposed by law on the affected interest;
- 3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- 4) the likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
- 5) the likely impact of the regulated activity on use of the impacted natural resource by the person; and
- 6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

If the Commission determines that the hearing request is timely and that the requestor is an affected person, the Commission applies the following test from 30 TAC § 55.211(b) to the issues raised to determine if any of the issues should be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing:

- 1) does the issue involve questions of fact, not questions strictly of law or policy;
- 2) was it raised during the public comment period;
- 3) was it withdrawn; and
- 4) is it relevant and material to the Commission's decision on the application.

## **V. Analysis of the Requests**

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

#### **a. Tim and Sharlene Fey**

The requestors timely submitted their request in writing, they included a mailing address, they referenced the permit number, they identified disputed issues of concern, and they requested a contested case hearing in their letter.

The ED concludes that Tim and Sharlene Fey substantially complied with 30 TAC §§ 55.201(c) and (d) by timely filing a written hearing request and providing the information requested in their letter.

**b. Joseph Hager on behalf of the Schoenthal Ranch Community Association**

The requestor timely submitted his request in writing, he included a mailing address, he referenced the permit number, he identified disputed issues of concern, and he requested a contested case hearing.

The ED concludes that Joseph Hager substantially complied with 30 TAC §§ 55.201(c) and (d) by timely filing a written hearing request and providing the information requested in his letter.

**2. Whether the Requestor Met Requirements of an Affected Person?**

**a. Tim and Sharlene Fey**

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. An individual, organization or entity has "a personal justiciable interest only if he or she would be affected personally by the permit decision. A personal interest is not one that a person shares with the general public. To qualify as a personal interest, a proposed activity must impair or deny a person's right to the advantage gained from his or her property or from use of adjacent natural resources." The term "justiciable" means "the matter falls within [TCEQ's] regulatory authority and jurisdiction."<sup>1</sup>

Tim and Sharlene Fey stated that their address is 6028 FM 482, New Braunfels Texas 78132. The ED was able to map this address independently, and found it to be approximately 1 1/2 miles upstream from the facility and not on the discharge route. The estimated location of Tim and Sharlene Fey's property based on the address that they provided is shown on the ED's GIS map in Exhibit D.

<sup>1</sup> Texas House of Representative, House Research Organization, Focus Report, March 19, 1999.

With its application, the Applicant was required to supply an affected landowners list and map. The instructions for completing the application instruct applicants to clearly show the highlighted discharge route for one mile downstream from the point of discharge and the property boundaries of all landowners surrounding the point of discharge and on both sides of the discharge route for one full stream mile downstream of the point of discharge. The map that the Applicant submitted does not have Tim and Sharlene Fey listed as affected landowners. The affected landowners list and map are attached to this Response as Exhibit E.

Given the distance between Tim and Sharlene Fey from the facility, it is unlikely that they will be affected by the discharge from the facility. A reasonable relationship does not exist between their claimed personal interests and the regulated activity, and the discharge is not likely to impact their health and safety or the use of their property.

The ED concludes that Tim and Sharlene Fey are not affected persons under 30 TAC § 55.203.

**b. Joseph Hager on behalf of the Schoenthal Ranch Community Association**

A hearing request by a group or association may only be granted if the group or association meets the requirements of 30 TAC § 55.205. The group or association must show that:

- 1) one or more members of the group or association would otherwise have standing to request a hearing in their own right;
- 2) the interests the group or association seeks to protect are germane to the organization's purpose; and
- 3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

The Schoenthal Ranch Community Association has not identified any member of the association that would have standing to request a hearing in his or her own right in this case. The address that Joseph Hager gave in his hearing request is 13025 Tonne Dr. E., New Braunfels Texas 78132-4561. Mr. Hager did not specify whether this address belongs to him or to the association. The ED was able to map this address independently, and found it to be over 9 miles away from the facility and not on the discharge route. The estimated location of the address that Mr. Hager provided is shown on the ED's GIS map in Exhibit D.

The map that the Applicant submitted does not have Joseph Hager or the Schoenthal Ranch Community Association listed as affected landowners. The affected landowners list and map are attached to this Response as Exhibit E.

Based on the address provided, the ED cannot conclude that Mr. Hager is an affected person that would be able to request a contested case hearing in his own right. Similarly, the ED cannot conclude that the Schoenthal Ranch Community Association has standing to request a contested case hearing, because it failed to identify any member that would be able to request a contested case hearing in his or her own right.

Additionally, Mr. Hager did not articulate the purpose or purposes for which the Schoenthal Ranch Community Association was organized. The ED is therefore unable to evaluate whether or not "the interests the group or association seeks to protect are germane to the organization's purpose."

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The ED concludes that neither Joseph Hager nor the Schoenthal Ranch Community Association are affected persons under 30 TAC §§ 55.203 and 55.205.

### **3. Whether Issues Raised are Referable to SOAH for a Contested Case Hearing?**

In addition to recommending to the Commission those persons who qualify as affected persons, the ED analyzes issues raised in accordance with the regulatory criteria. The following issues were raised during the comment period and not withdrawn.

1. Whether the proposed discharge will endanger wildlife and aquatic life?

**The ED concludes that this issue is referable because it involves a question of fact and it is relevant and material to the Commission's decision on the application.**

2. Whether the proposed discharge will threaten endangered species?

**The ED concludes that this issue is referable because it involves a question of fact and it is relevant and material to the Commission's decision on the application.**

3. Whether the proposed discharge will degrade aquatic life uses or cause a violation of the Texas Surface Water Quality Standards?

**The ED concludes that this issue is referable because it involves a question of fact and it is relevant and material to the Commission's decision on the application.**

4. Whether limited aquatic life use is the correct use designation for the Dry Comal Creek?

**The ED concludes that this issue is referable because it involves a question of fact and law and it is relevant and material to the Commission's decision on the application.**

5. Whether the proposed discharge will negatively impact hiking and biking at the Dry Comal Nature Trail?

**The ED concludes that this issue is not referable because it is not relevant and material to the Commission's decision on the application.**

6. Whether the draft permit considers the cumulative impacts from other operations and run-offs from development along IH 35 and other roadways into Dry Comal Creek?

**The ED concludes that this issue is not referable because it involves a question of law, and it is not relevant and material to the Commission's decision on the application.**

7. Whether there has been proper coordination between local, state, and federal agencies regarding the draft permit?

**The ED concludes that this issue is not referable because it involves a question of law, and it is not relevant and material to the Commission's decision on the application.**

8. Whether the proposed discharge will devalue the requestors' property, damage the reputation of the community, or negatively impact the requestors' quality of life?

**The ED concludes that this issue is not referable because it involves a question of law, and it is not relevant and material to the Commission's decision on the application.**

9. Whether the proposed discharge will entice more waste and trash to be discharged or discarded into the creek?

**The ED concludes that this issue is not referable because it involves a question of law, and it is not relevant and material to the Commission's decision on the application.**

10. Whether the proposed discharge will cause flooding, and would flooding, if any, from the proposed discharge extend the stream reach of Dry Comal Creek?

**The ED concludes that this issue is not referable because it involves a question of law, and it is not relevant and material to the Commission's decision on the application.**

11. Whether the proposed discharge will negatively affect Tim and Sharlene Fey's efforts to preserve their heritage farm, wildlife, and the environment?

**The ED concludes that this issue is not referable because it is not relevant and material to the Commission's decision on the application.**

12. Whether the Applicant should be required under the commission rules applicable to wastewater discharge permits to conduct independent studies on Dry Comal Creek to study its seep springs, surrounding wetlands, and habitats?

**The ED concludes that this issue is not referable because it is not relevant and material to the Commission's decision on the application.**

## **VI. Duration for the Contested Case Hearing**

The ED recommends that the duration for the contested case hearing, should there be one, be six months from the preliminary hearing on the matter to presentation of a proposal for decision before the Commission.

**EXECUTIVE DIRECTOR'S RECOMMENDATION**

1. The ED recommends denying Tim and Sharlene Fey's hearing request because they are not affected persons.
2. The ED recommends denying Joseph Hager's hearing request on behalf of the Schoenthal Ranch Community Association because Joseph Hager is not an affected person, and because the Schoenthal Ranch Community Association has not identified any member that would have standing to request a hearing in his or her own right.

Respectfully submitted,  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

Mark R. Vickery, P.G., Executive Director

Robert Martinez, Director  
Environmental Law Division

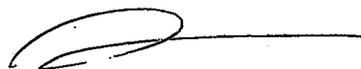


By:

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ATTORNEY FOR  
THE EXECUTIVE DIRECTOR

**CERTIFICATE OF SERVICE**

I certify that on January 31, 2011, the original and seven copies of the "Executive Director's Response to Hearing Request" for Permit No. WQ0002179000 were filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk; a complete copy with attachments and exhibits was either faxed, mailed, or both faxed and mailed to the requestor, the applicant, the Public Interest Counsel, and the director of the Office of Public Assistance.



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Alicia M. Lee, Staff Attorney  
Environmental Law Division  
State Bar No. 24032665

**LIST OF EXHIBITS**

Application by the Capitol Aggregates for TPDES Permit No. WQ0002179000  
TCEQ Docket No. 2010-1850-IWD

- Exhibit A — Draft Permit No. WQ0002179000
- Exhibit B — Compliance History
- Exhibit C — Executive Director's Response to Public Comment
- Exhibit D — Map of Facility
- Exhibit E — Affected landowners list and map
- Exhibit F — Technical Summary

**CEMEX CEMENT of TEXAS , L.P.  
DOCKET No. 2010-1850-IWD**

**EXHIBIT A**

**Draft Permit No. WQ0002179000**



TPDES PERMIT NO. WQ0002179000  
[For TCEQ office use only -  
EPA I.D. No. TX0077534]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O Box 13087  
Austin, Texas 78711-3087

This permit supersedes and replaces  
TPDES Permit No. WQ0002179000  
issued on September 1, 2005.

PERMIT TO DISCHARGE WASTES

under provisions of

Section 402 of the Clean Water Act  
and Chapter 26 of the Texas Water Code

CEMEX Cement of Texas, L.P.

whose mailing address is

2580 Wald Road  
New Braunfels, Texas 78132

is authorized to treat and discharge wastes from the Balcones Cement Plant, which manufactures portland and masonry cement (SIC 3241).

located at 2580 Wald Road, at the intersection of Wald Road and Solms Road, approximately 0.75 mile north of Interstate Highway 35, and approximately 1.8 miles southwest of the City of New Braunfels, Comal County, Texas

from the storm water settling pond through a controlled weir and into a 24-inch concrete pipe; thence to Dry Comal Creek; thence to Comal River in Segment No. 1811 of the Guadalupe River Basin

only according to effluent limitations, monitoring requirements and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight on February 1, 2015.

ISSUED DATE:

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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 wash water from the plant process and truck wash areas (\*2) (\*3), storm water from the plant, material and product storage areas, and railcar loading area subject to the following effluent limitations:

Volume: 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
Flow (MGD)	(Report)	(Report)	N/A	1/day (*1) Instantaneous
Total Suspended Solids	N/A	35	35	1/day (*1) Grab
Chemical Oxygen Demand	N/A	150	150	1/day (*1) Grab
Oil and Grease	N/A	15	15	1/day (*1) Grab
Total Dissolved Solids	N/A	800	800	1/month (*1) Grab
Turbidity (Jackson Turbidity Units)	N/A	(95)	(95)	1/month (*1) Grab

(\*1) When discharge occurs.

(\*2) Truck wash water (on-site) is made up of water from 3.0 acre cooling pond, which includes treated domestic wastewater previously monitored at Internal Outfall 101 and non-contact cooling water.

(\*3) Truck wash water from CEMEX Construction Materials, Inc. Quarry is also included in the discharge. See Other Requirement No. 10.

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day (\*1), 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, where the storm water settling pond discharges into Dry Comal Creek.

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 treated domestic wastewater subject to the following effluent limitations:

Volume: 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	N/A	65	65	1/month (*1) Grab
Biochemical Oxygen Demand (5-day)	N/A	65	65	1/month (*1) Grab

(\*1) When discharge occurs.

2. The effluent flow shall contain a chlorine residual of at least 1.0 mg/L after a detention time of at least 20 minutes (based on peak flow), and shall be monitored 5/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 point from the domestic wastewater treatment plant and prior to commingling with any other waters.

**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 nth 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.

- f. 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).
  - g. 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 µg/L);
  - ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
  - iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
  - iv. The level established by the TCEQ.
- b. That any activity has occurred or will occur 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 µg/L);
  - ii. One milligram per liter (1 mg/L) for antimony;
  - iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
  - iv. The level established by the TCEQ.

## 10. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

11. All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Executive Director of the following:
  - a. Any new introduction of pollutants into the POTW from an indirect discharger 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.
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- 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.

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**OTHER REQUIREMENTS**

1. Violations of daily maximum limitations for the following pollutants shall be reported orally or by facsimile to TCEQ Region 13, 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 13 and the Enforcement Division (MC 224): None.
2. All wastewater retention ponds shall be operated in such a manner as to maintain a minimum freeboard of two feet.
3. There is no mixing zone established for this discharge to an intermittent stream with perennial pools. Chronic toxic criteria apply at the point of discharge.
4. The permittee shall maintain berms around the cooling pond and storm water settling pond at an adequate height, at or above the 100-year flood plain.
5. The permittee is authorized to route non-contact cooling water and treated domestic wastewater to the 3.0 acre pond for reuse and disposal. The discharge of treated domestic wastewater to the 3.0 acre pond is monitored at Outfall 101. The discharge of non-contact cooling water to the 3.0 acre pond is not monitored in this permit. The permittee is required to maintain a freeboard of 2.0 feet in the 3.0 acre pond at all times. Discharge from the 3.0 acre pond directly to the storm water settling pond or Outfall 001 is not authorized.
6. The permittee may route treated domestic wastewater through Outfall 101 to an authorized septic tank/drainfield system in lieu of discharging to the cooling water pond.
7. This requirement is applicable to the treatment and disposal of domestic wastewater at Outfall 101 only.

On-site disposal of sewage sludge is not authorized. The permittee shall ensure that all sewage sludge which is not a hazardous waste (as defined in 30 TAC Chapter 335) is handled, transported, and disposed of in compliance with the applicable provisions of 30 TAC Chapter 312. The permittee shall ensure that all sewage sludge which is a hazardous waste (as defined in 30 TAC Chapter 335) is handled, transported, and disposed of in compliance with the applicable provisions of 30 TAC Chapter 335. The permittee shall keep records of all sludges removed from the wastewater treatment plant site. Such records will include the following information:

- a. volume (dry weight basis) of sludge disposed;
- b. date of disposal;
- c. identity and registration number of hauler;
- d. location and registration or permit number of disposal site; and
- e. method of final disposal.

The above records shall be maintained in a monthly basis and be available at the plant site for inspection by authorized representatives of the Texas Commission on Environmental Quality for at least five years.

8. Wastewater contained in the cooling pond and storm water settling pond is authorized for on-site use in dust suppression activities.
9. Storm Water Best Management Practices

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

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

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

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

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

#### 10. REUSE OF WASTEWATER FOR IRRIGATION/LANDSCAPING ON-SITE

Wastewater from the storm water settling pond can be used for landscaping and irrigation activities on-site. The permittee shall comply with following requirements during reuse activities.

- a. Irrigation practices shall be designed and managed to prevent contamination of groundwater or surface water and to prevent the occurrence of nuisance conditions. Tail water control facilities shall be provided, where necessary, to prevent the discharge of any industrial reclaimed water from irrigated lands into or adjacent to water in the state.
- b. No wastewater may be land applied when the ground is frozen or saturated or during rainfall events.
- c. When applying industrial reclaimed water to land, a buffer area must be maintained around water wells to prevent the possibility of waste transport to groundwater via the well or well casing. Industrial reclaimed water shall not be applied within 250 feet of a private water well (used for domestic or irrigation use) or 500 feet of a public water supply well.
- d. The user shall provide adequate maintenance of the irrigation facilities to ensure that the facilities are in good working condition.
- e. Wastewater from the cooling water pond shall not be used for irrigation and landscaping activities.

#### 11. PERMITS AUTHORIZING DISCHARGE OF 3RD PARTY WASTES

This permit does not provide authorization for the permittee to accept wastewaters from third party sources, neither does it prohibit acceptance of such wastewaters. This permit only provides the authorization to discharge these wastes. Should authorization to accept third party waste be required, it is the obligation of the permittee to obtain such authorization from the appropriate regulatory authority.

12. Wastewater discharged via Outfall 001 shall be sampled and analyzed for those parameters listed on Table 1 of this permit for a minimum of two (2) separate sampling events which are a minimum of one (1) week apart. Table 1 shall be completed with the analytical results for Outfall 001 and sent to the TCEQ, Wastewater Permitting Section (MC-148), Industrial Team. Analytical testing shall be conducted within 90 days after commencement of discharge from newly added areas. Based on a technical review of the submitted analytical results, an amendment may be initiated by TCEQ staff to include additional effluent limitations and/or monitoring requirements.

**TABLE 1:** Completed table required for all external outfalls

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

**CEMEX CEMENT of TEXAS , L.P.  
DOCKET No. 2010-1850-IWD**

**EXHIBIT B**

**Compliance History**

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## Compliance History Report

Customer/Respondent/Owner-Operator: CN601235385 CEMEX Cement of Texas, L.P. Classification: AVERAGE Rating: 3.47  
 Regulated Entity: RN102605375 CEMEX CEMENT OF TEXAS LP Classification: AVERAGE Site Rating: 0.37

ID Number(s):	DESCRIPTION	ACCOUNT NUMBER	REGISTRATION #
	AIR OPERATING PERMITS	CS0022K	
	AIR OPERATING PERMITS	1126	
	AIR OPERATING PERMITS	1789	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD093742005
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	38300
	WASTEWATER PERMIT	WQ0002179000	
	WASTEWATER PERMIT	TPDES0077534	
	WASTEWATER PERMIT	TX0077534	
	AIR NEW SOURCE PERMITS	6048	
	AIR NEW SOURCE PERMITS	21851	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CS0022K
	AIR NEW SOURCE PERMITS	AFS NUM	4809100010
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX74M1
	AIR NEW SOURCE PERMITS	REGISTRATION	77653
	AIR NEW SOURCE PERMITS	REGISTRATION	79815
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	1543
	TIRES	REGISTRATION	6200152
	EDWARDS AQUIFER	REGISTRATION	13-89111001
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	CS0022K

Location: 2580 WALD RD, NEW BRAUNFELS, TX, 78132

TCEQ Region: REGION 13 - SAN ANTONIO

Date Compliance History Prepared: February 05, 2010

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

Compliance Period: October 20, 2004 to February 05, 2010

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

Name: Rupali Sabnis Phone: 239 - 4417

### Site Compliance History Components

- Has the site been in existence and/or operation for the full five year compliance period? Yes
- Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
- If Yes, who is the current owner/operator?
 

OWNOPR	Cemex Cement of Texas, L.P.
OWNOPR	
OWN	Cemex Inc.
OWN	Cemex Cement of Texas Inc
OWNOPR	Cemex Construction Materials, Inc.
- If Yes, who was/were the prior owner(s)/operator(s) ?
 

OWN	Cemex Construction Materials, Inc.
-----	------------------------------------
- When did the change(s) in owner or operator occur?
 

07/26/2007	OWN	Cemex Construction Materials, Inc.
------------	-----	------------------------------------
- Rating Date: 9/1/2009 Repeat Violator: NO

### Components (Multimedia) for the Site :

- Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- 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. (CEEDS Inv. Track. No.)

1	10/22/2004	(360082)
2	10/28/2004	(339185)
3	10/28/2004	(339269)
4	11/16/2004	(386339)
5	12/03/2004	(338476)
6	12/14/2004	(339347)
7	12/20/2004	(339323)
8	12/27/2004	(386340)
9	01/20/2005	(386341)
10	02/21/2005	(349684)
11	02/22/2005	(424220)
12	03/23/2005	(386338)
13	04/22/2005	(424221)
14	05/18/2005	(424222)
15	06/13/2005	(424223)
16	07/12/2005	(445001)
17	07/15/2005	(398010)
18	07/25/2005	(399404)
19	08/15/2005	(445002)
20	09/12/2005	(431527)
21	09/19/2005	(445003)
22	10/05/2005	(381022)
23	10/24/2005	(475994)
24	11/18/2005	(475995)
25	12/20/2005	(449892)
26	12/21/2005	(475996)
27	01/10/2006	(450266)
28	01/20/2006	(475997)
29	01/31/2006	(450906)
30	02/07/2006	(453583)
31	02/15/2006	(454917)
32	02/21/2006	(475992)
33	02/28/2006	(450360)
34	02/28/2006	(454778)
35	03/15/2006	(475993)
36	03/31/2006	(460301)
37	04/11/2006	(461061)
38	04/24/2006	(503207)
39	05/16/2006	(465758)
40	05/19/2006	(503208)
41	06/15/2006	(480825)
42	06/21/2006	(503209)
43	07/10/2006	(486084)
44	07/11/2006	(486043)
45	07/19/2006	(525571)
46	08/28/2006	(525572)
47	09/13/2006	(488816)
48	09/13/2006	(490288)
49	09/15/2006	(509370)
50	09/19/2006	(510661)
51	09/19/2006	(525573)
52	10/16/2006	(550211)
53	11/21/2006	(550212)
54	12/19/2006	(550213)
55	01/15/2007	(550214)

56 01/26/2007 (532352)  
 57 02/20/2007 (550210)  
 58 02/21/2007 (540557)  
 59 03/20/2007 (585475)  
 60 03/27/2007 (541633)  
 61 03/30/2007 (555347)  
 62 04/09/2007 (542430)  
 63 04/20/2007 (585476)  
 64 05/20/2007 (585477)  
 65 06/12/2007 (557458)  
 66 06/14/2007 (563413)  
 67 06/20/2007 (585478)  
 68 06/26/2007 (565337)  
 69 07/20/2007 (585479)  
 70 08/20/2007 (604582)  
 71 09/20/2007 (604583)  
 72 10/20/2007 (604584)  
 73 11/09/2007 (598602)  
 74 11/20/2007 (623705)  
 75 11/30/2007 (609646)  
 76 12/20/2007 (623706)  
 77 01/07/2008 (613197)  
 78 01/19/2008 (623707)  
 79 02/11/2008 (617615)  
 80 02/20/2008 (674949)  
 81 03/20/2008 (674950)  
 82 04/20/2008 (674951)  
 83 04/29/2008 (654544)  
 84 05/20/2008 (693286)  
 85 06/20/2008 (693287)  
 86 07/20/2008 (693288)  
 87 08/20/2008 (714528)  
 88 09/20/2008 (714529)  
 89 10/03/2008 (702434)  
 90 10/20/2008 (714530)  
 91 11/20/2008 (730486)  
 92 01/20/2009 (730487)  
 93 02/20/2009 (753702)  
 94 03/20/2009 (753703)  
 95 04/29/2009 (771116)  
 96 05/14/2009 (771117)  
 97 05/29/2009 (747170)  
 98 06/12/2009 (771118)  
 99 08/11/2009 (765220)  
 100 09/07/2009 (762483)  
 101 09/07/2009 (762550)  
 102 11/02/2009 (779910)

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

Date: 02/03/2006 (453583) Classification: Moderate  
 Self Report? NO  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Description: Failure to control opacity emissions from the kiln stack due to an operator error.  
 The opacity exceeded the permit limit of 20 percent opacity.  
 Date: 02/28/2006 (475993) CN601235385  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 03/31/2006 (503207) CN601235385

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:	04/30/2006 (503208)	CN601235385	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2006 (503209)	CN601235385	
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:	06/30/2006 (525571)	CN601235385	
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 (525572)	CN601235385	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2006 (525573)	CN601235385	
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:	04/06/2007 (542430)	CN601235385	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitation and Monitoring PERMIT		
Description:	Failure of the permittee to meet the minimum permit limit of 1.0 mg/l for chlorine residual at Outfall 101.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure of the permittee to accurately complete the DMR's for Outfall 101.		
Date:	08/31/2007 (604583)	CN601235385	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/29/2008 (674950)	CN601235385	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

F. Environmental audits.

G. Type of environmental management systems (EMSs).

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

**CEMEX CEMENT of TEXAS , L.P.  
DOCKET No. 2010-1850-IWD**

**EXHIBIT C  
Executive Director's Response to Public  
Comment**

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TPDES PERMIT NO. WQ0002179000

2010 OCT -5 PM 1:56

APPLICATION BY	§	BEFORE THE	CHIEF CLERKS OFFICE
CEMEX CEMENT OF TEXAS, L.P.	§	TEXAS COMMISSION ON	
TPDES PERMIT NO. WQ0002179000	§	ENVIRONMENTAL QUALITY	
	§		
	§		

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on CEMEX Cement of Texas, L.P.'s (Applicant) application and the ED's preliminary decision. As required by 30 Texas Administrative Code (TAC) Section (§) 55.156, before an application is approved, the ED prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk timely received comment letters from: Janis Rosebush, Tim & Sharlene Fey, Joseph Hager (on behalf of the Schoenthal Ranch Community), and Michael E. Morrison, City Manager, City of new Braunfels, Texas. This response addresses all such timely public comments received, whether or not withdrawn. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

**BACKGROUND**

Description of Facility

CEMEX Cement of Texas, L.P., has applied to the TCEQ for a major amendment with renewal to TPDES Permit No. WQ0002179000 to authorize the discharge of storm water from two new areas of the facility via Outfall 001; to authorize reuse of wastewater for on-site landscaping and irrigation; and to authorize the discharge of truck wash water from CEMEX Construction Materials, Inc. Quarry via Outfall 001. The draft permit, if issued would authorize discharges from Outfall 001 at an intermittent and flow variable rate. The current permit authorizes the discharge of wash water from the plant process and truck wash areas and storm water from plant and material/product storage areas via Outfall 001.

The facility is located at 2580 Wald Road, at the intersection of Wald Road and Solms Road, approximately 0.75 miles north of Interstate Highway 35, and approximately 1.8 miles southwest of the City of New Braunfels, Comal County, Texas 78132. The effluent is discharged from the storm

water settling pond through a controlled weir and into a 24-inch concrete pipe; then to Dry Comal Creek; then to the Comal River in Segment No. 1811 of the Guadalupe River Basin. The unclassified receiving waters have limited aquatic life use for Dry Comal Creek. The designated uses for Segment No. 1811 are high aquatic life use, contact recreation, public water supply/aquifer protection.

#### Procedural Background

The application was received on October 20, 2009, declared administratively complete on November 24, 2009, and declared technically complete on February 19, 2010. The Notice of Receipt of Application and Intent to Obtain Permit (NORI) was published in the *New Braunfels Herald-Zeitung* on December 6, 2009. The Notice of Application and Preliminary Decision (NAPD) was published in the *New Braunfels Herald-Zeitung* on June 1, 2010. The public comment period closed on July 1, 2010. 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, 76<sup>th</sup> Legislature, 1999.

### **COMMENTS AND RESPONSES**

#### **COMMENT 1:**

Janis Rosebush, Tim and Sharlene Fey, and Joseph Hager commented that an increase in suspended solids and contaminants in the discharge from CEMEX into the Dry Comal Creek could cause flooding and extend the stream reach and would degrade aquatic life uses, endanger aquatic life, and place the Comal River, Comal Springs, Guadalupe River, the heart of New Braunfels and rural subdivisions at risk. Ms. Rosebush is also concerned about residue problems and silt buildup.

#### **RESPONSE 1:**

The draft permit includes the same effluent limits as in the existing permit for all parameters, including total suspended solids. These limits are more stringent than the limits in 40 C.F.R. Part 411 relating to effluent limitation guidelines for Cement Manufacturing Point Source Category. Effluent limits for other parameters are based on the best professional judgment (BPJ) for this cement manufacturing facility. The permit amendment does not authorize any increase in the concentrations of suspended solids and contaminants in the discharge from the facility.

In accordance with 30 TAC § 307.5 and the TCEQ implementation procedures (IPs, January 2003) for the Texas Surface Water Quality Standards (TSWQS), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 antidegradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate

aquatic life uses downstream, and existing uses will be maintained and protected.

Finally, the TCEQ has no jurisdiction to address flooding issues in the wastewater permitting process, unless there is a potential impact to water quality. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. The draft permit includes effluent limits and other requirements that the Applicant must meet, even during rainfall events. For flooding concerns, please contact the local floodplain administrator for this area. If you need help finding the local floodplain administrator, please call the TCEQ Resource Protection Team at 512/239-4691.

**COMMENT 2:**

The City of New Braunfels is concerned that the uses of Comal River and Guadalupe River by the City, Schlitterbahn, other government entities, citizens and visitors, which are downstream from the point of discharge from this permit, could be impacted by the proposed permit. The City had general concerns about the water quality. Joseph Hager also asked if the local habitat will be safe and healthy for wildlife and endangered species, for hikers and bikers and for county residents. Tim Fey and Sharlene Fey and Joseph Hager commented about the impact of the discharge on the Dry Comal Nature Trail which is located with its trailhead about 1.5 to 2 miles downstream from the facility.

**RESPONSE 2:**

The ED's technical review of the permit application begins with a review by the Water Quality Assessment (WQA) Section. The WQA Section determines the designated uses of the segment or water body that would receive the proposed discharge, the critical conditions for the water body (i.e., low flow) when it is most susceptible to adverse effects, the limitations to ensure that the dissolved oxygen criteria are met, and the whole-effluent toxicity testing requirements. Upon completion of the review, the WQA Section provides recommendations that are used to develop requirements in the draft permit.

The TSWQS found in 30 TAC, Chapter 307 state that "surface waters will not be toxic to man from ingestion of water, consumption of aquatic organisms, or contact with the skin, or to terrestrial or aquatic life." The methodology outlined in the IPs is designed to ensure compliance with 30 TAC, Chapter 307. The proposed permit has been drafted in accordance with 30 TAC, Chapter 307 and the IPs, and should be protective of aquatic life and human health in the receiving stream when the Applicant operates and maintains the facility according to TCEQ rules and the draft permit requirements.

In addition, as stated above, a Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action, and numerical and narrative criteria to protect existing uses will be maintained. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and

existing uses will be maintained and protected. Endangered species are discussed in Response 9 below.

Also, Other Requirement No. 12 has been added to the draft permit to require the Applicant to sample the initial discharges from the newly added areas of the facility and analyze them for a series of pollutants to be screened against the concentrations necessary to protect the receiving water. If the permit is issued, the effluent data will be compared against the permit limits to ensure protection of aquatic life in the receiving stream and to protect the designated uses of the receiving water. If the effluent data shows pollutants that have the potential to exceed the water quality criteria, a permit amendment will be initiated by TCEQ staff and additional monitoring, effluent limits, and other controls may be added to the permit.

**COMMENT 3:**

Tim and Sharlene Fey and Joseph Hager expressed concern about the cumulative impacts on the Dry Comal Creek from other quarries along the creek together with runoff from development along IH 35 and other roadways.

**RESPONSE 3:**

Various facilities currently operate in and around the Dry Comal Creek watershed. The facilities are permitted to discharge to Dry Comal Creek only in accordance with the limitations and monitoring requirements that have been established to protect the receiving waters. Dry Comal Creek is not currently listed on the State's inventory of impaired and threatened waters (the 2008 Clean Water Act Section 303(d) list) and no cumulative impact assessment is proposed for the segment. Existing water quality uses in Dry Comal Creek will not be impaired and existing uses will be maintained.

**COMMENT 4:**

The City of New Braunfels commented that although the Applicant has a good compliance history, it is concerned with the magnitude of the plant expansion and the increase of discharge that the amendment will allow, and about the need for such increase.

**RESPONSE 4:**

The discharge flow rate in the draft permit is intermittent and flow variable, and in this major amendment request, the Applicant is not requesting an increase in that rate. The draft permit, if issued, would not allow for an increase in the amount or volume of water that the Applicant is currently permitted to discharge. One purpose of the major amendment is to allow the Applicant to discharge storm water from two new areas of the facility. Storm water is defined in 30 TAC § 307.3(a)(63) as rainfall runoff, snow melt runoff, surface runoff, and drainage.

**COMMENT 5:**

Tim and Sharlene Fey asked if the efforts of Federal and State governments to protect El Camino Real de los Tejas, a national historic trail, of which the Dry Comal Creek is an integral part, have been taken into account when analyzing the impacts of the proposed amended permit?

**RESPONSE 5:**

All new TPDES permits and permits requesting expansion of facilities are reviewed by the Texas Historical Commission (THC). If a facility is located in an area where historical or archeological artifacts might be disturbed, the THC asks for, and gets from the Applicant, a general survey of the plant site, effluent pipeline, access roads, utility lines, and construction easements, and a detailed survey should any concentration of artifacts be discovered by the general survey. The survey must be conducted by a qualified professional archeologist approved by the THC. The TCEQ is not apprised of the results of such surveys, but only receives a clearance letter once the survey results are approved by the THC. THC has not indicated that this facility or the two proposed new areas are located within an area with historical implications.

**COMMENT 6:**

Tim and Sharlene Fey commented that although the Applicant's proposed outfalls may lie downstream, they would be adversely affected due to their property's location and the negative stigma from having industrial wastewater and other discharges in the immediate vicinity. In their view, the thought of having an industrial discharge into a stream damages the entire stream and the damaging reputation would hurt their property, community, quality of life, and their efforts to preserve their heritage farm, wildlife, and environment. Finally, the Feys state that the discharge will entice more waste and trash to be thrown into the creek bed.

**RESPONSE 6:**

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider property values, quality of life, and negative stigma when determining whether to approve or deny an industrial wastewater permit application. However, the scope of the Agency's regulatory jurisdiction does not affect or limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of his property.

**COMMENT 7:**

The City of New Braunfels commented that if granted, the amendment will impact the diversion of state water from the Comal River which the City holds rights for. It also questions

whether the discharge as proposed will jeopardize its interests in water supplies.

**RESPONSE 7:**

TWC § 26.027 authorizes TCEQ to issue permits to control the discharge of wastes or pollutants into state waters and to protect the water quality of the state's rivers, lakes and coastal waters. The wastewater permitting process is limited to controlling the discharge of pollutants into water in the state. The draft permit would not regulate water rights or authorize diversions of state water. The TCEQ does not consider water rights in its determination of whether to issue a wastewater discharge permit.

**COMMENT 8:**

Tim and Sharlene Fey do not agree that the unclassified receiving waters have limited aquatic life use for the Dry Comal Creek. It is their understanding that intermittent streams in the area have immediate or high aquatic life uses. They state that aquatic life has been present and observed in the Dry Comal Creek that runs through their land, so they believe that there is also life in the proposed receiving waters. They think that if there is none, it may be an indication of the degradation already taking place due to existing wastewater and storm water from industries and development in the area.

**RESPONSE 8:**

Dry Comal Creek is assigned a limited aquatic life use due to the intermittent nature of the Creek. This designation does not imply that there is no life in the Creek or that conditions are degraded. The combination of intermittent stream flows (i.e., hot, dry conditions; flash flooding) and relatively uniform habitat characteristics naturally limits the diversity and abundance of aquatic-dependent biota in the creek. Biota is generally the species composition, diversity, and functional organization of a community of organisms in a water body or region.

**COMMENT 9:**

Tim and Sharlene Fey and Joseph Hager believe that independent studies should be done on the Dry Comal Creek, particularly taking into consideration its seep springs. They also state that the surrounding wetlands and habitats should be studied, particularly as it serves as nesting areas for wildlife and endangered species.

**RESPONSE 9:**

Review of geological maps of the Dry Comal Creek watershed indicate that the CEMEX facility is not located in the Edwards Aquifer Recharge Zone and will not impact caves, natural springs, or wetlands in the area.

The Memorandum of Agreement (MOA) between the Commission and the United States Environmental Protection Agency (EPA, Region 6), requires the Commission to address endangered

species issues through interagency coordination. The following excerpts from the MOA delineate the Commission's role with respect to endangered species concerns:

The Commission will involve "the United States Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and Texas Parks and Wildlife Department (TPWD) during the permitting process to address endangered species issues in TPDES permit."

The Commission "will address the effects on endangered species . . . through setting and enforcing water quality standards which undergo EPA approval with USFWS, NMFS . . . and TPWD consultation." The Commission will "consider endangered species issues . . . identified by NMFS, USFWS."

If USFWS, NMFS, or TPWD comments during the public comment period to express endangered species concerns, the Commission will coordinate with commenting agency to "resolve the relevant issues."<sup>1</sup>

The Peck's Cave amphipod, *Stygobromus pecki*, and the Comal Springs dryopid beetle, *Stygoparnus comalensis*, are two endangered species identified in the watershed of Segment 1811, but species distribution information for Segment 1811 watershed provided by the USFWS documents that both species are present solely in the vicinity of Comal Springs in Comal County, which is further upstream in the watershed from this facility. The fountain darter, *Etheostoma fonticola*, an endangered aquatic species, has been determined to occur in the watershed of Segment 1811. Neither the USFWS, NMFS, or TPWD commented on the draft permit during the public comment period. EPA, Region 6 reviewed the draft permit and had no objections to its issuance.

#### **COMMENT 10:**

Tim and Sharlene Fey request that the review of this proposed amendment/renewal be coordinated with local, state, and federal agencies that may have interests in the historical and cultural aspect of the area.

#### **RESPONSE 10:**

Information submitted with Supplemental Permit Information Form (SPIF) is sent to other state agencies as required by the TCEQ Memorandum of Agreement with the EPA. For this permit, the SPIF was sent to the U.S. Fish and Wildlife Service, Texas Parks and Wildlife Department, and Army Corps of Engineers-Fort Worth for review and comment, and no comments were received from any of those agencies. The following local authorities received mailed notice of the permit application: the mayor and health authorities of the city or town in which the facility is located or in which waste is disposed of; and the county judge and health authorities of the county in which the

<sup>1</sup> See, MOA between TNRCC and U.S. EPA, pp. 27, 33-35 (Executed September 14, 1998).

facility is located or in which waste is disposed. See 30 TAC § 39.413(2) and (3). Other state and local agencies, along with any other interested parties, have the opportunity to review the copy of the draft permit that is placed at the public place for viewing, and to provide comments on the draft permit.

#### **CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT**

No changes were made in response to public comment. However, corrections were made to reflect proper citation format, and grammatical and typographical errors.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark R. Vickery, P.G.  
Executive Director

Robert Martinez, Director  
Environmental Law Division



---

Alicia Lee  
Staff Attorney  
Environmental Law Division  
State Bar No. 24032665  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
Phone (512) 239-0600  
Fax (512) 239-0606

REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**CEMEX CEMENT of TEXAS , L.P.  
DOCKET No. 2010-1850-IWD**

**EXHIBIT D  
Map of Facility**

**CEMEX Cement of Texas, L.P.**  
**WQ0002179000**  
**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

July 21, 2010

0 0.25 0.5 1 Miles



Projection: Texas Statewide Mapping System  
 (TSM5)

Scale 1:37,650

**Legend**

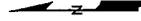
**Property Boundary**

- Requestor
- Outfall

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor. The vector data are U.S. Census Bureau 1992 TIGER/Line Data (1:100,000). The background of this map is a one-half meter photograph from the 2008 Texas Orthoimagery Project.

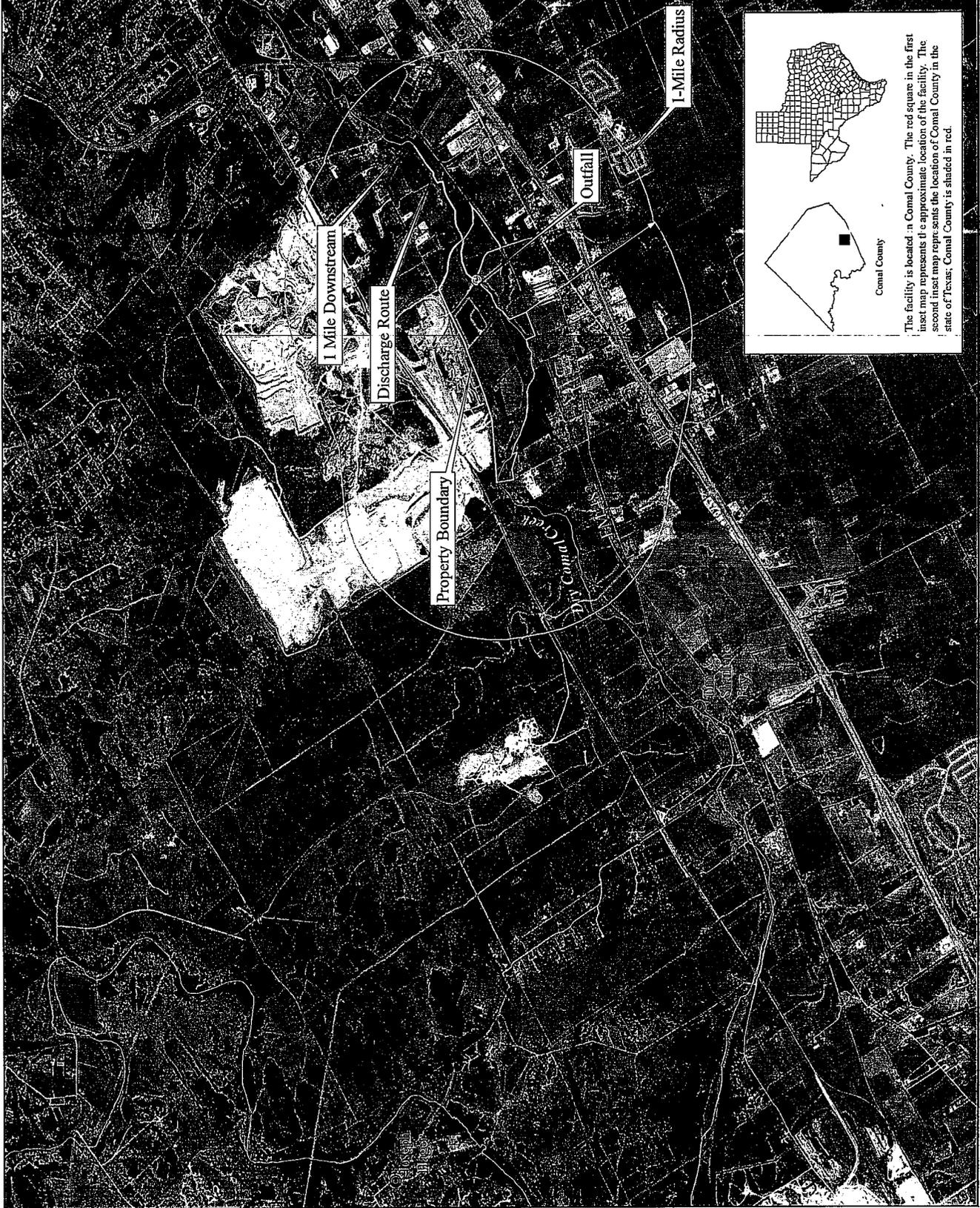
This map depicts the following:

- (1) The approximate location of the property boundary. This is labeled "Property Boundary".
- (2) Points depicting approximate location of the requestors. These are labeled with numbers that correspond to the requestors' names.
- (3) The outfall. This is labeled "Outfall".
- (4) The discharge route. This is labeled "Discharge Route".
- (5) Polygon representing the one mile radius of the property boundary. This is labeled "1-Mile Radius".



This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resources Division at (512) 259-0800.

Map Drawing: CNF-232002



Comal County

The facility is located in Comal County. The red squares in the first inset map represents the approximate location of the facility. The second inset map represents the location of Comal County in the state of Texas; Comal County is shaded in red.

**CEMEX CEMENT of TEXAS , L.P.  
DOCKET No. 2010-1850-IWD**

**EXHIBIT E  
Affected landowners list and map**

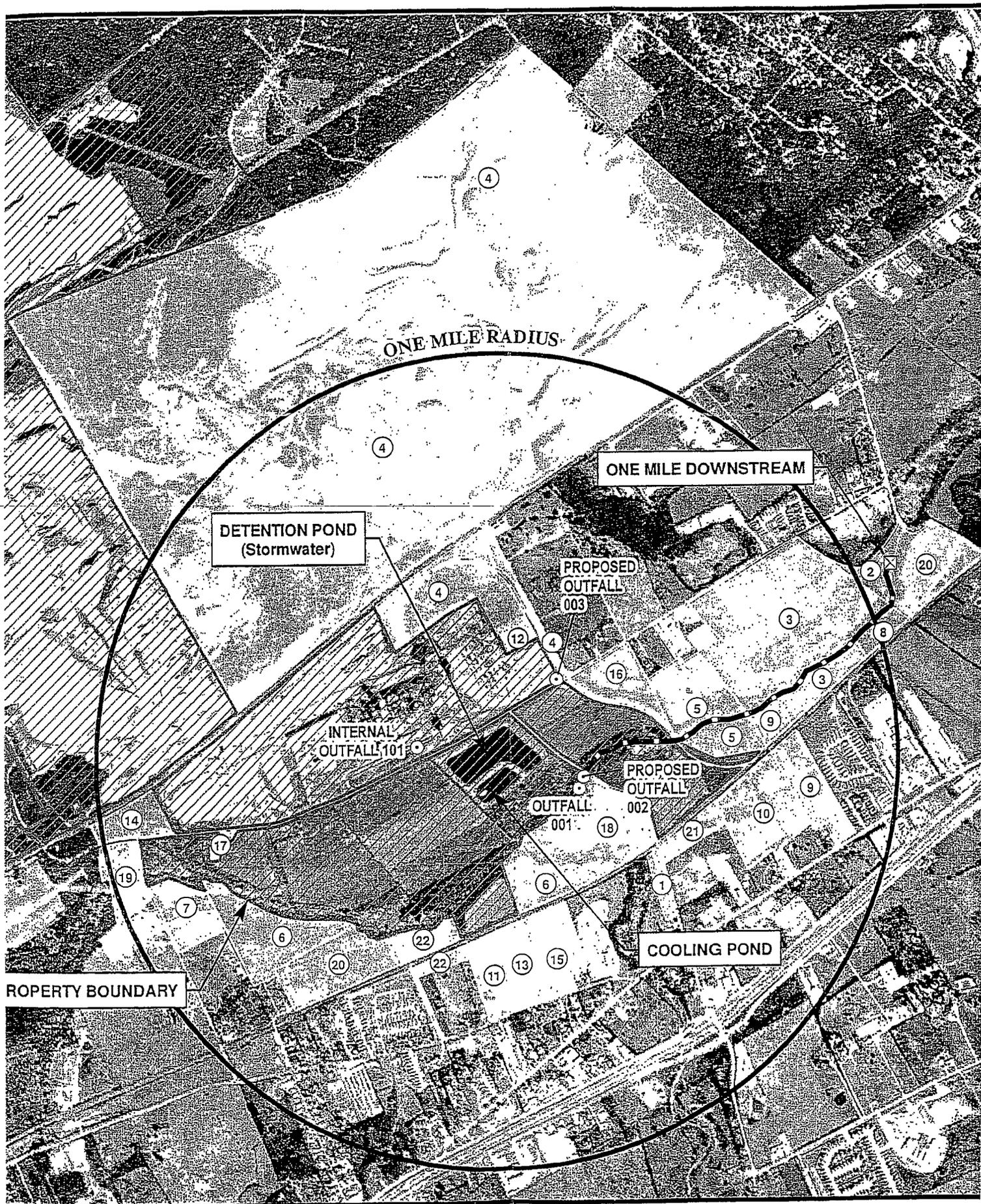
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MAPID	NAME	ADDRESS	CITY	STATE	ZIP
1	BRETZKE GALE ETAL	5346 RIVER RD	NEW BRAUNFELS	TX	78132
2	CANHAM TAMMY	P O BOX 312230	NEW BRAUNFELS	TX	78131-2230
3	CANHAM TIMOTHY M	P O BOX 312230	NEW BRAUNFELS	TX	78131-2230
4	CHEMICAL LIME N B LTD	P O BOX 985004	FT WORTH	TX	76185-6004
5	GAULT BETTY J	1359 CEDAR ELM ST	NEW BRAUNFELS	TX	78132
6	HENSHEL DAVID A	9445 SUMAC LN	GARDEN RIDGE	TX	78266-2042
7	HOLLAND JOHN A & PATRICIA A	732 KRUEGER CANYON	NEW BRAUNFELS	TX	78132
8	INGRAM READY MIX HEADQUARTERS LTD	3580 FM 482	NEW BRAUNFELS	TX	78132
9	KOEPP HELEN A	3910 FM 482	NEW BRAUNFELS	TX	78130
10	LOWMAN WILLIAM J II & RACHEAL M	2007 IH 35 S	NEW BRAUNFELS	TX	78130
11	NEUSE CECIL W	4868 FM 482	NEW BRAUNFELS	TX	78132-4928
12	CITY OF NEW BRAUNFELS	424 South Castell Ave	NEW BRAUNFELS	TX	78130
13	NOBLE EARL JR	4819 FM 482	NEW BRAUNFELS	TX	78132
14	PARMA DENNIS LVNG TR	824 KRUEGER CANYON	NEW BRAUNFELS	TX	78132-4533
15	SCHUMACHER APARTMENTS LLC	4752 FM 482	NEW BRAUNFELS	TX	78132
16	SHELTON CARROLL D & MARIONE	761 FREDERICKSBURG	NEW BRAUNFELS	TX	78130
17	SUNBELT NEW BRAUNFELS CITY PARK	P.O BOX 311747	NEW BRAUNFELS	TX	78130
18	TRANS TEXAS PROPERTIES LLC	9445 SUMAC LN	GARDEN RIDGE	TX	78266
19	WELL RANDY & MARGARET	7215 FAROS CT	SAN ANTONIO	TX	78233
20	WETZ CAROL ANN	3930 FM 482	NEW BRAUNFELS	TX	78132
21	WITT DALE	9912 FM 1863	SAN ANTONIO	TX	78266-2841
22	ZUNKER VINCENT D	4970 FM 482	NEW BRAUNFELS	TX	78132

RECEIVED

OCT 20 2009

Water Quality Division  
Application Team



ONE MILE RADIUS

ONE MILE DOWNSTREAM

DETENTION POND  
(Stormwater)

PROPOSED  
OUTFALL  
003

INTERNAL  
OUTFALL 101

PROPOSED  
OUTFALL  
002

PROPOSED  
OUTFALL  
002

COOLING POND

PROPERTY BOUNDARY

**CEMEX CEMENT of TEXAS , L.P.  
DOCKET No. 2010-1850-IWD**

**EXHIBIT F  
Technical Summary**

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( )

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

DESCRIPTION OF APPLICATION

Applicant: CEMEX Cement of Texas, L.P.; Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002179000, (TX0077534).

Regulated Activity: Industrial Wastewater Permit.

Type of Application: Major Amendment.

Request: Major Amendment with Renewal to authorize discharge of storm water from two new areas of the facility via Outfall 001; to authorize reuse of wastewater for on-site landscaping and irrigation; and to authorize the discharge of truck wash water from CEMEX Construction Materials, Inc. Quarry via 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 February 1, 2015 in accordance with 30 TAC §305.71, Basin Permitting.

REASON FOR PROJECT PROPOSED

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment with renewal of its existing permit. The proposed amendment would authorize discharge of storm water from two new areas of the facility via Outfall 001; to authorize reuse of wastewater for on-site landscaping and irrigation; and to authorize the discharge of truck wash water from CEMEX Construction Materials, Inc. Quarry via Outfall 001.

PROJECT DESCRIPTION AND LOCATION

The applicant operates Balcones Cement Plant, which manufactures Portland and Masonry Cement.

The wastewater system consists primarily of storm water runoff from the cement plant and the associated outside material/product storage areas. Wastewater is also generated from plant washdown, vehicle washdown, cooling tower blowdown and treated domestic wastewater. There are two ponds at the facility. The 9.1 acre storm water pond collects storm water runoff and wash water from the plant and vehicle wash station. The 3.0 acre cooling pond collects treated domestic wastewater, non-contact cooling loop water and cooling tower blowdown. After treating with descaling and anti-corrosion additives, water from this pond is used for non-contact cooling at the finish mills, the cement coolers and conditioning tower, plant wash down, truck wash and dust suppression. The domestic package plant treats domestic wastewater prior to being discharged to cooling pond. Wastewater from the storm water settling pond is discharged through a controlled weir and 24 inch pipe to Dry Comal Creek. Storm water from additional plant and material/product areas as well as railcar loading area will be routed to 9.1 acre storm water pond and discharged via Outfall 001. Wastewater from 9.1 acre storm water pond will be occasionally used for landscaping and irrigation activities around the site.

The plant site is located at 2580 Wald Road, at the intersection of Wald Road and Solms Road, approximately 0.75 mile north of Interstate Highway 35, and approximately 1.8 miles southwest of the City of New Braunfels, Comal County, Texas.

STATEMENT OF BASIS / TECHNICAL SUMMARY AND  
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The effluent is discharged from the storm water settling pond through a controlled weir and into a 24-inch concrete pipe; thence to Dry Comal Creek; thence to Comal River in Segment No. 1811 of the Guadalupe River Basin. The unclassified receiving waters have limited aquatic life use for Dry Comal Creek. The designated uses for Segment No. 1811 are high aquatic life use, contact recreation, public water supply/aquifer protection. The use of aquifer protection applies to the contributing, recharge, and transition zones of the Edwards Aquifer for Segment 1811. However, the discharge facility is not located in any of the listed zones. 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.

In accordance with 30 TAC §307.5 and the TCEQ implementation procedures (January 2003) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

A priority watershed of critical concern has been identified in Segment No. 1811 in Comal County. The fountain darter, *Etheostoma fonticola*, an endangered aquatic species, has been determined to occur in the watershed of Segment 1811. To make this determination for Texas Pollutant Discharge Elimination System (TPDES) permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the United States Fish and Wildlife Service's (USFWS) biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. Peck's Cave amphipod, *Stygobromus pecki*, and the Comal Springs dryopid beetle, *Stygoparnus comalensis*, are two additional endangered aquatic species identified in the watershed of Segment 1811, but species distribution information for the segment 1811 watershed provided by the USFWS documents both species are present solely in the vicinity of Comal Springs in Comal County, which is farther upstream in the watershed from the facility associated with this permit action. However, the presence of endangered fountain darter requires EPA review and, if appropriate, consultation with USFWS.

Segment No. 1811 is not currently listed on the State's inventory of impaired and threatened waters (the 2008 Clean Water Act Section 303(d) list).

SUMMARY OF EFFLUENT DATA

The following is a quantitative description of the discharge described in the Monthly Effluent Report data for the period October 2004 through January 2010. The "Average of Daily Avg" values presented in the following table are the average of all daily average values for the reporting period for each parameter. The "Maximum of Daily Max" values presented in the following table are the individual maximum values for the reporting period for each parameter:

Flow	Average of	Maximum of
<u>Outfall</u>	<u>Daily Avg (MGD)</u>	<u>Daily Max (MGD)</u>
001	Frequency 1/day 4,536	54,422

STATEMENT OF BASIS / TECHNICAL SUMMARY AND  
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Effluent Characteristics

<u>Outfall</u>	<u>Parameter</u>	<u>Average of Daily Avg. mg/L</u>	<u>Maximum of Daily Max. mg/L</u>
001	Total Suspended Solids	N/A	29
	Chemical Oxygen Demand	N/A	79
	Oil and Grease	N/A	13.0
	Total Dissolved Solids	N/A	492
	Turbidity (Jackson Turbidity Units)	N/A	52 JTU
	pH (Standard units)	5.3 (minimum)	8.3 (maximum)
101	Total Suspended Solids	N/A	56
	Biochemical Oxygen Demand	N/A	54
	Total Residual chlorine	N/A	0.27 (minimum)

A review of the self report data summarized above indicates that the permittee has had the following exceedences to effluent limitations established in the existing permit:

<u>Outfall</u>	<u>Parameter</u>	<u>Date</u>	<u>Reported</u>	<u>Effluent Limitation</u>
001	pH	August 2007	5.3 standard units minimum	6.0 standard units minimum
101	Total chlorine residual	February 2006	0.7 mg/l minimum	1 mg/l minimum
		March 2006	0.8 mg/l minimum	1 mg/l minimum
		April 2006	0.8 mg/l minimum	1 mg/l minimum
		May 2006	0.8 mg/l minimum	1 mg/l minimum
		June 2006	0.6 mg/l minimum	1 mg/l minimum
		July 2006	0.27 mg/l minimum	1 mg/l minimum
		August 2006	0.65 mg/l minimum	1 mg/l minimum
		February 2008	0.9 mg/l minimum	1 mg/l minimum

A review of exceedence data summarized above and the self report data from Discharge Monitoring Report indicate that there has been no exceedence since February 2008. The violations listed above are incidental and not indicative of any persistent problem at the facility. Therefore, no additional requirements are determined to be necessary based upon these exceedences.

PROPOSED PERMIT CONDITIONS

The draft permit authorizes a discharge of wash water from the plant process and truck wash areas and storm water from plant and material/product areas and railcar loading area on an intermittent and flow variable basis via Outfall 001

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

<u>Outfall Number</u>	<u>Pollutant</u>	<u>Daily Average: mg/L (Report)</u>	<u>Daily Maximum: mg/L (Report)</u>
001	Flow (MGD)	N/A	35
	Total Suspended Solids	N/A	150
	Chemical Oxygen Demand	N/A	15
	Oil and Grease	N/A	

STATEMENT OF BASIS / TECHNICAL SUMMARY AND  
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	Total Dissolved Solids	N/A	800
	Turbidity (Jackson Turbidity Units)	N/A	(95)
	pH (standard units)	6.0 s.u. (minimum)	9.0 s.u. (maximum)
101	Total Suspended Solids	N/A	65
	Biochemical Oxygen Demand	N/A	65
	Chlorine Residual	N/A	1.0 (minimum)

Regulations promulgated in Title 40 of the Code of Federal Regulations require that technology-based limitations be placed in wastewater discharge permits based on effluent limitations guidelines, where applicable, and/or on best professional judgment (BPJ) in the absence of guidelines. The manufacturing process at the facility falls under the non-leaching subcategory. The discharge of wash water from the plant process and truck wash areas via Outfall 001 is also subject to effluent guidelines 40 CFR §411 Sub Part A. The temperature limit from 40 CFR §411 Sub Part A is related to the discharge of cooling water from a cement manufacturing facility. The cooling water from this facility is not permitted to be discharged directly into the surface waters (see Other Requirement No. 5). The cooling water is retained on-site in a 3.0 acre cooling water pond and is recycled and reused for multiple activities around the plant including truck wash and dust suppression activities. The wastewaters permitted to be discharged via Outfall 001 are routed to a retention pond and then discharged intermittently from the pond whenever required. Direct discharge of wastewater from cooling water pond to the retention pond is prohibited by the permit. Therefore, the temperature limit from sub part A is not applicable to the discharge via Outfall 001. Technology based effluent limitation calculations are shown in Appendix A of this draft permit.

Water quality-based effluent limitations for the protection of aquatic life and human health are presented at Appendix B. Aquatic life and human health criteria established in Tables 1 and 3 of 30 TAC §307 are incorporated into the menu as well as recommendations by the Water Quality Assessment Section memorandum dated December 15, 2009. TCEQ practice for determining significant potential is to compare the reported analytical data from the facility against percentages of the calculated daily average water quality-based effluent limitation. Permit limitations are required when analytical data reported in the application exceeds 85 percent of the calculated daily average water quality-based effluent limitation. Monitoring and reporting is required when analytical data reported in the application exceeds 70 percent of the calculated daily average water quality-based effluent limitation. A comparison of these effluent limitations and results of analysis from the permit application indicate that water quality based effluent limitations are not necessary for the protection of water quality.

The existing effluent limits at Outfall 001 are more or equal stringent compared to technology based limits. Therefore effluent limitations at Outfalls 001 are continued from the existing permit. Existing permit currently authorizes the discharge of storm water via Outfall 001. Therefore, no new limitations are necessary to be added at Outfall 001 based on addition of new areas. Effluent limitations at Outfall 101 are continued from the existing permit and were based on 30 TAC 309 and best professional judgment.

SUMMARY OF CHANGES FROM APPLICATION

No changes were made from the application.

See the next section for changes to the existing permit.

STATEMENT OF BASIS / TECHNICAL SUMMARY AND  
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SUMMARY OF CHANGES FROM EXISTING PERMIT

The permittee requested the following changes in its amendment request that the Executive Director has recommended granting.

- The permittee requested to authorize the discharge of storm water from two new areas (railcar loading and plant and material storage area) via Outfall 001. Based on addition of this waste stream no new effluent limitations are required to be added at Outfall 001. Other Requirement No. 9 has been added about storm water best management practices.
- The permittee requested to authorize reuse of wastewater from 9.1 acre storm water pond for on-site landscaping and irrigation. Other Requirement no. 10 has been added based on 30 TAC 210E to describe the requirements about reuse of industrial wastewater on-site.
- The permittee requested authorization to the discharge truck wash water from CEMEX Construction Materials, Inc. Quarry via Outfall 001. Clarification of the waste streams was added on page 2 of the draft permit and Other Requirement No. 11 was added regarding discharge of third party waste.

Following additional changes are made to the existing permit:

- Added Other Requirement No. 12, which requires the permittee to submit effluent data for parameters listed in Table 1.

BASIS FOR PROPOSED DRAFT PERMIT

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

1. Application submitted with letter dated October 20, 2009 and additional information submitted with letters dated November 9, 2009 and December 15, 2009.
2. Existing permits: TPDES Permit No. WQ0002179000 issued September 1, 2005.
3. TCEQ Rules.
4. Texas Surface Water Quality Standards - 30 TAC §§307.1-307.10, effective August 17, 2000, and Appendix E, effective February 27, 2002.
5. "Procedures to Implement the Texas Surface Water Quality Standards," Texas Commission on Environmental Quality, January 2003.
6. Memos from the Water Quality Standards Team and the Water Quality Assessment Team of the Water Quality 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: 40 CFR 411, Subpart A and C (BPT). A new source determination was performed and the discharge of storm water from material storage areas is not a new source as defined at 40 CFR Section 122.2. See Appendix A.
9. Consistency with the Coastal Management Plan: N/A

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

STATEMENT OF BASIS / TECHNICAL SUMMARY AND  
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TPDES Permit No. WQ0002179000

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 Rupali Sabnis at (512) 239-4417.

Rupali Sabnis  
Rupali Sabnis

4/19/10  
Date

STATEMENT OF BASIS / TECHNICAL SUMMARY AND  
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Appendix A  
Calculated Technology-Based Effluent Limits

Outfall 001:

Discharge from Outfalls 001 is subject to federal effluent guidelines 40 CFR § 411 Sub parts A and C.

- Based on 40 CFR § 411 Sub Part A- BPT for wash water from plant process and truck wash areas, effluent limitations are:

$$\begin{aligned}\text{Daily Maximum Total suspended solids (TSS)} &= 0.005 \text{ lb/1000 lb of product} \\ &= 0.005 * 15,070,000/1000 \\ &= 75.35 \text{ lbs/day}\end{aligned}$$

pH = Between 6.0 and 9.0 Standard Units

- Based on 40 CFR § 411 Sub Part C- BPT for storm water from plant and material/product storage areas, effluent limitations are:

$$\begin{aligned}\text{Daily Maximum Total suspended solids (TSS)} &= 50 \text{ mg/L} \\ \text{pH} &= \text{Between 6.0 and 9.0 Standard Units}\end{aligned}$$

- Calculation for weighted TSS limit:

Based on 40 CFR § 411 Sub Part A- BPT, Daily Maximum Total suspended solids (TSS) = 75.35 lbs/day

Volume of wastewater generated by wash water from plant process and truck wash areas = 0.042 MGD

$$\begin{aligned}\text{Daily Maximum Total suspended solids (TSS) in mg/L} &= 75.35 / (0.042 * 8.345) \\ &= 215 \text{ mg/L}\end{aligned}$$

Based on 40 CFR § 411 Sub Part C- BPT, Daily Maximum Total suspended solids (TSS) = 50 mg/L

Volume of wastewater generated by storm water from plant and material/product storage areas = 0.143 MGD

$$\begin{aligned}\text{Weighted Daily Maximum Total suspended solids (TSS)} &= (215 * 0.042 + 50 * 0.143) / (0.042+0.143) \\ &= 87.5 \text{ mg/L}\end{aligned}$$

Effluent limit for TSS at Outfall 001 in the existing permit is more stringent compared to the above calculated technology based limit. Hence existing limit for TSS is continued in the draft permit at Outfall 001. Effluent limit for pH at Outfall 001 in the existing permit is equally stringent compared to the technology based limit; hence it is continued in the draft permit. Final effluent limitations for TSS and pH at Outfall 001 are as follows:

Daily Maximum Total suspended solids = 35 mg/L  
pH = Between 6.0 and 9.0 Standard Units

STATEMENT OF BASIS / TECHNICAL SUMMARY AND  
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**Appendix B**  
**Calculated Water Quality-Based Effluent Limits**

**TEXTOX MENU #7 - INTERMITTENT STREAM WITH PERENNIAL POOLS**  
The water quality-based effluent limitations demonstrated below are calculated using:

Table 1, 2000 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life  
Table 3, 2000 Texas Surface Water Quality Standards for Human Health (Multiplied by a factor of ten for Incidental Freshwater Fish Tissue)  
Procedures to Implement the Texas Surface Water Quality Standards, Texas Commission on Environmental Quality, January 2003

**PERMITTEE INFORMATION**

Permittee Name:	CEMEX Cement of Texas, L.P.
TPDES Permit No.:	WQ0002179000
Outfall No.:	001
Prepared by:	Rupali Sabnis
Date:	8-Feb-10

**DISCHARGE INFORMATION**

Intermittent Receiving Waterbody:	Dry Comal Creek
Segment No.:	1811
TSS (mg/L):	1
pH (Standard Units):	7.2
Hardness (mg/L as CaCO <sub>3</sub> ):	221
Chloride (mg/L):	16
Effluent Flow for Aquatic Life (MGD):	0.72
Critical Low Flow [7Q2] (cfs):	
Percent Effluent for Mixing Zone:	100
Percent Effluent for Zone of Initial Dilution:	100
Effluent Flow for Human Health (MGD):	0.52
Harmonic Mean Flow (cfs):	0.15
Percent Effluent for Human Health:	84.286

**CALCULATE TOTAL/DISSOLVED RATIO:**

<i>Stream/River Metal</i>	<i>Intercept (b)</i>	<i>Slope (m)</i>	<i>Partitioning Coefficient (K<sub>po</sub>)</i>	<i>Dissolved Fraction (Cd/Ct)</i>		<i>Water Effects Ratio (WER)</i>	
Aluminum	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Arsenic	5.68	-0.73	478630.09	0.68		1.00	Assumed
Cadmium	6.6	-1.13	3981071.71	0.20		1.00	Assumed
Chromium (Total)	6.52	-0.93	3311311.21	0.23		1.00	Assumed
Chromium (+3)	6.52	-0.93	3311311.21	0.23		1.00	Assumed
Chromium (+6)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	6.02	-0.74	1047128.55	0.49		1.00	Assumed
Lead	6.45	-0.8	2818382.93	0.26		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	5.69	-0.57	489778.82	0.67		1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	6.38	-1.03	2398832.92	0.29		1.00	Assumed
Zinc	6.1	-0.7	1258925.41	0.44		1.00	Assumed

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**AQUATIC LIFE**

**CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS**

<i>Parameter</i>	<i>Acute Standard (ug/L)</i>	<i>Chronic Standard (ug/L)</i>	<i>WLAa</i>	<i>WLAc</i>	<i>LTAa</i>	<i>LTAc</i>	<i>Daily Avg. (ug/L)</i>	<i>Daily Max. (ug/L)</i>
Aldrin	3	N/A	3.00	N/A	1.72	N/A	2.53	5.35
Aluminum	991	N/A	991.00	N/A	567.84	N/A	834.73	1765.99
Arsenic	360	190	532.31	280.94	305.01	216.32	318.00	672.77
Cadmium	80.187	1.922	399.42	9.57	228.86	7.37	10.83	22.92
Carbaryl	2	N/A	2.00	N/A	1.15	N/A	1.68	3.56
Chlordane	2.4	0.0043	2.40	0.00	1.38	0.00	0.00	0.01
Chlorpyrifos	0.083	0.041	0.08	0.04	0.05	0.03	0.05	0.10
Chromium (+3)	1050.564	340.792	4529.31	1469.26	2595.29	1131.33	1663.06	3518.44
Chromium (+6)	15.700	10.6	15.70	10.60	9.00	8.16	12.00	25.38
Copper	38.897	24.189	79.63	49.52	45.63	38.13	56.05	118.58
Cyanide	45.78	10.69	45.78	10.69	26.23	8.23	12.10	25.60
4,4'-DDT	1.1	0.001	1.10	0.00	0.63	0.00	0.00	0.00
Dementon	N/A	0.1	N/A	0.10	N/A	0.08	0.11	0.24
Dicofol	59.3	19.8	59.30	19.80	33.98	15.25	22.41	47.42
Dieldrin	2.5	0.0019	2.50	0.00	1.43	0.00	0.00	0.00
Diuron	210	70	210.00	70.00	120.33	53.90	79.23	167.63
Endosulfan I (alpha)	0.22	0.056	0.22	0.06	0.13	0.04	0.06	0.13
Endosulfan II (beta)	0.22	0.056	0.22	0.06	0.13	0.04	0.06	0.13
Endosulfan sulfate	0.22	0.056	0.22	0.06	0.13	0.04	0.06	0.13
Endrin	0.18	0.0023	0.18	0.00	0.10	0.00	0.00	0.01
Guthion	N/A	0.01	N/A	0.01	N/A	0.01	0.01	0.02
Heptachlor	0.52	0.0038	0.52	0.00	0.30	0.00	0.00	0.01
Hexachlorocyclohexane (Lindane)	2	0.08	2.00	0.08	1.15	0.06	0.09	0.19
Lead	199.179	6.915	760.54	26.40	435.79	20.33	29.89	63.23
Malathion	N/A	0.01	N/A	0.01	N/A	0.01	0.01	0.02
Mercury	2.400	1.3	2.40	1.30	1.38	1.00	1.47	3.11
Methoxychlor	N/A	0.03	N/A	0.03	N/A	0.02	0.03	0.07
Mirex	N/A	0.001	N/A	0.00	N/A	0.00	0.00	0.00
Nickel	2768.452	307.459	4124.38	458.05	2363.27	352.70	518.46	1096.88
Parathion (ethyl)	0.065	0.013	0.07	0.01	0.04	0.01	0.01	0.03
Pentachlorophenol	11.090	7.001	11.09	7.00	6.35	5.39	7.92	16.76
Phenanthrene	30	30	30.00	30.00	17.19	23.10	25.27	53.46
Polychlorinated Biphenyls (PCBs)	2	0.014	2.00	0.01	1.15	0.01	0.02	0.03
Selenium	20	5	20.00	5.00	11.46	3.85	5.66	11.97
Silver, (free ion)	0.8	N/A	5.17	N/A	2.96	N/A	4.36	9.22
Toxaphene	0.7800	0.0002	0.78	0.00	0.45	0.00	0.00	0.00
Tributyltin (TBT)	0.13	0.024	0.13	0.02	0.07	0.02	0.03	0.06
2,4,5 Trichlorophenol	136	64	136.00	64.00	77.93	49.28	72.44	153.26
Zinc	224.083	204.622	506.19	462.23	290.05	355.91	426.37	902.04

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**HUMAN HEALTH (APPLIES FOR INCIDENTAL FRESHWATER FISH TISSUE)  
CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS**

<i>Parameter</i>	<i>FW Fish Only (ug/L)</i>	<i>WLAh</i>	<i>LTAh</i>	<i>Daily Avg. (ug/L)</i>	<i>Daily Max. (ug/L)</i>
Acrylonitrile	10.9	12.93	12.03	176.80	374.04
Aldrin	0.00426	0.01	0.00	0.07	0.15
Arsenic	N/A	N/A	N/A	N/A	N/A
Barium	N/A	N/A	N/A	N/A	N/A
Benzene	106	125.76	116.96	1719.30	3637.43
Benzidine	0.00347	0.00	0.00	0.06	0.12
Benzo(a)anthracene	0.81	0.96	0.89	13.14	27.80
Benzo(a)pyrene	0.81	0.96	0.89	13.14	27.80
Bis(chloromethyl)ether	0.0193	0.02	0.02	0.31	0.66
Cadmium	N/A	N/A	N/A	N/A	N/A
Carbon Tetrachloride	8.4	9.97	9.27	136.25	288.25
Chlordane	0.0213	0.03	0.02	0.35	0.73
Chlorobenzene	1380	1637.29	1522.68	22383.32	47355.20
Chloroform	1292	1532.88	1425.58	20955.98	44335.44
Chromiumd	3320	16982.15	15793.40	232162.97	491174.73
Chrysene	8.1	9.61	8.94	131.38	277.95
Cresols	13116	15561.33	14472.03	212738.90	450080.26
Cyanide	N/A	N/A	N/A	N/A	N/A
4,4'-DDD	0.01	0.01	0.01	0.16	0.34
4,4'-DDE	0.007	0.01	0.01	0.11	0.24
4,4'-DDT	0.007	0.01	0.01	0.11	0.24
2,4'-D	N/A	N/A	N/A	N/A	N/A
Danitol	0.721	0.86	0.80	11.69	24.74
Dibromochloromethane	71.6	84.95	79.00	1161.34	2456.98
1,2-Dibromoethane	0.335	0.40	0.37	5.43	11.50
1,3-Dichloropropene (1,3- Dichloropropylene)	161	191.02	177.65	2611.39	5524.77
Dieldrin	0.002	0.00	0.00	0.03	0.07
p-Dichlorobenzene	N/A	N/A	N/A	N/A	N/A
1,2-Dichloroethane	73.9	87.68	81.54	1198.64	2535.91
1,1-Dichloroethylene	5.84	6.93	6.44	94.72	200.40
Dicofol	0.217	0.26	0.24	3.52	7.45
Dioxins/Furans (TCDD Equivalents)	1.40E-07	1.66E-07	1.54E-07	2.27E-06	4.80E-06
Endrin	1.34	1.59	1.48	21.73	45.98
Fluoride	N/A	N/A	N/A	N/A	N/A
Heptachlor	0.00265	0.00	0.00	0.04	0.09
Heptachlor Epoxide	1.1	1.31	1.21	17.84	37.75
Hexachlorobenzene	0.0198	0.02	0.02	0.32	0.68
Hexachlorobutadiene	3.6	4.27	3.97	58.39	123.54
Hexachlorocyclohexane (alpha)	0.413	0.49	0.46	6.70	14.17
Hexachlorocyclohexane (beta)	1.45	1.72	1.60	23.52	49.76
Hexachlorocyclohexane (gamma) (Lindane)	2	2.37	2.21	32.44	68.63
Hexachloroethane	278	329.83	306.74	4509.10	9539.67
Hexachlorophene	0.053	0.06	0.06	0.86	1.82
Lead	25.3	114.62	106.59	1566.92	3315.04
Mercury	0.0122	0.01	0.01	0.20	0.42
Methoxycylor	2.22	2.63	2.45	36.01	76.18
Methyl Ethyl Ketone	9.94E+06	1.18E+07	1.10E+07	1.61E+08	3.41E+08
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A	N/A	N/A	N/A
Nitrobenzene	233	276.44	257.09	3779.21	7995.48
N-Nitrosodiethylamine	7.68	9.11	8.47	124.57	263.54
N-Nitroso-di-n-Butylamine	13.5	16.02	14.90	218.97	463.26
PCB's (Polychlorinated Biphenyls)	0.0013	0.00	0.00	0.02	0.04
Pentachlorobenzene	6.68	7.93	7.37	108.35	229.23
Pentachlorophenol	135	160.17	148.96	2189.67	4632.57

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Pyridine	1.333E+04	15818.78	14711.47	216258.60	457526.69
Selenium	N/A	N/A	N/A	N/A	N/A
1,2,4,5-Tetrachlorobenzene	0.243	0.29	0.27	3.94	8.34
Tetrachloroethylene	323	383.22	356.39	5239.00	11083.86
Toxaphene	0.014	0.02	0.02	0.23	0.48
2,4,5-TP (Silvex)	50.3	59.68	55.50	815.86	1726.06
2,4,5-Trichlorophenol	1069	1268.30	1179.52	17338.97	36683.12
Trichloroethylene	612	726.10	675.27	9926.52	21001.00
1,1,1-Trichloroethane	1.259E+04	14932.51	13887.24	204142.41	431893.12
TTHM (Sum of Total Trihalomethanes)	N/A	N/A	N/A	N/A	N/A
Vinyl Chloride	415	492.37	457.91	6731.22	14240.87

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**CALCULATE 70% AND 85% OF DAILY AVERAGE EFFLUENT LIMITATIONS**

<i>Parameter</i>	<i>70%</i>	<i>85%</i>
Aquatic Life		
Aldrin	1.769	2.148
Aluminum	584.310	709.520
Arsenic	222.597	270.296
Cadmium	7.584	9.210
Carbaryl	1.179	1.432
Chlordane	0.003	0.004
Chlorpyrifos	0.032	0.039
Chromium (+3)	1164.139	1413.598
Chromium (+6)	8.399	10.198
Copper	39.235	47.642
Cyanide	8.470	10.285
4,4'-DDT	0.001	0.001
Dementon	0.079	0.096
Dicofol	15.688	19.050
Dieldrin	0.002	0.002
Diuron	55.463	67.348
Endosulfan (alpha)	0.044	0.054
Endosulfan (beta)	0.044	0.054
Endosulfan sulfate	0.044	0.054
Endrin	0.002	0.002
Guthion	0.008	0.010
Heptachlor	0.003	0.004
Hexachlorocyclohexane (Lindane)	0.063	0.077
Lead	20.920	25.403
Malathion	0.008	0.010
Mercury	1.030	1.251
Methoxychlor	0.024	0.029
Mirex	0.001	0.001
Nickel	362.923	440.693
Parathion (ethyl)	0.010	0.013
Pentachlorophenol	5.547	6.735
Phenanthrene	17.689	21.479
Polychlorinated Biphenyls (PCBs)	0.011	0.013
Selenium	3.962	4.811
Silver, (free ion)	3.049	3.702
Toxaphene	0.000	0.000
Tributyltin (TBT)	0.019	0.023
2,4,5 Trichlorophenol	50.709	61.575
Zinc	298.457	362.412

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Human Health		
Acrylonitrile	123.757	150.276
Aldrin	0.048	0.059
Arsenic	N/A	N/A
Barium	N/A	N/A
Benzene	1203.509	1461.404
Benzidine	0.039	0.048
Benzo(a)anthracene	9.197	11.167
Benzo(a)pyrene	9.197	11.167
Bis(chloromethyl)ether	0.219	0.266
Cadmium	N/A	N/A
Carbon Tetrachloride	95.372	115.809
Chlordane	0.242	0.294
Chlorobenzene	15668.327	19025.826
Chloroform	14669.187	17812.585
Chromiumd	162514.082	197338.528
Chrysene	91.966	111.673
Cresols	148917.23	180828.06
Cyanide	N/A	N/A
4,4'-DDD	0.114	0.138
4,4'-DDE	0.079	0.097
4,4'-DDT	0.079	0.097
2,4'-D	N/A	N/A
Danitol	8.186	9.940
Dibromochloromethane	812.936	987.137
1,2-Dibromoethane	3.804	4.619
1,3-Dichloropropene (1,3- Dichloropropylene)	1827.971	2219.680
Dieldrin	0.023	0.028
p-Dichlorobenzene	N/A	N/A
1,2-Dichloroethane	839.050	1018.847
1,1-Dichloroethylene	66.307	80.515
Dicofol	2.464	2.992
Dioxins/Furans (TCDD Equivalents)	1.59E-06	1.93E-06
Endrin	15.214	18.474
Fluoride	N/A	N/A
Heptachlor	0.030	0.037
Heptachlor Epoxide	12.489	15.166
Hexachlorobenzene	0.225	0.273
Hexachlorobutadiene	40.874	49.633
Hexachlorocyclohexane (alpha)	4.689	5.694
Hexachlorocyclohexane (beta)	16.463	19.991
Hexachlorocyclohexane (gamma) (Lindane)	22.708	27.574
Hexachloroethane	3156.373	3832.739
Hexachlorophene	0.602	0.731
Lead	1096.841	1331.878
Mercury	0.139	0.168
Methoxychlor	25.206	30.607
Methyl Ethyl Ketone	1.13E+08	1.37E+08
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A
Nitrobenzene	2645.449	3212.331
N-Nitrosodiethylamine	87.198	105.883
N-Nitroso-di-n-Butylamine	153.277	186.122
PCB's (Polychlorinated Biphenyls)	0.015	0.018
Pentachlorobenzene	75.844	92.096
Pentachlorophenol	1532.771	1861.222
Pyridine	151381.017	183819.807
Selenium	N/A	N/A
1,2,4,5-Tetrachlorobenzene	2.759	3.350

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Tetrachloroethylene	3667.297	4453.146
Toxaphene	0.159	0.193
2,4,5-TP (Silvex)	571.099	693.478
2,4,5-Trichlorophenol	12137.276	14738.121
Trichloroethylene	6948.562	8437.540
1,1,1-Trichloroethane	142899.684	173521.045
TTHM (Sum of Total Trihalomethanes)	N/A	N/A
Vinyl Chloride	4711.852	5721.535