TCEQ DOCKET NUMBER 2012-0204-IWD

APPLICATION BY EAST TEXAS ELECTRIC COOPERATIVE, INC. FOR TPDES PERMIT NO. WQ0004949000	**§ § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

I. Introduction

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to Hearing Requests (Response) on the application by East Texas Electric Cooperative, Inc. (ETEC) for a new Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0004949000. Grady Miller, Linda Miller, Pam Harrell, Penny Tinkle, Edward Miller, Kristy Miller, John Miller, Jacob Webley, and Adrianna Miller submitted contested case hearing (CCH) requests.

Attached for Commission consideration are the following:

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

II. Description Of The Facility

ETEC applied to the TCEQ for a new wastewater discharge permit, Permit No. WQ0004949000, to authorize the discharge of cooling tower blowdown comingeled with previously monitored effelunts (low voume waste sources and metal cleaing wastes) steam condensate and process area storm water from its Woodville Renewable Power Project, a biomass-fired electric power generating facility, at a daily average flow not to exceed 0.24 million gallons per day (MGD) via Outfall 001. The source water for

use in the firewater reserve, boiler, and the cooling tower will be obtained from the City of Woodville Publicly Owned Treatment Works (CW-POTW) or from an on-site groundwater supply well. The water from the CW-POTW will be reclaimed water and will be used in the cooling tower when available. Groundwater will be used for boiler makeup water, service water, and as backup water for the CW-POTW.

The plant site is located west of U.S. Highway 287, at the intersection of County Road 1020 and County Road 1030, approximately one mile south of the City of Woodville, Tyler County, Texas.

The discharge route is via pipeline to Turkey Creek, thence to Village Creek in Segment No. 0608 of the Neches River Basin. The unclassified receiving waters have high aquatic life use for Turkey Creek. The designated uses for Segment No. 0608 are contact recreation, high aquatic life uses, and public water supply.

In accordance with 30 Texas Administrative Code (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 I 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. A Tier 2 review has preliminarily determined that no lowering of water quality by more than a de minimis extent is expected in Turkey Creek, which has been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

III. Procedural Background

The application for a new permit was received on December 23, 2010 and declared administratively complete on February 25, 2011. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in English on March 10, 2011 in the *Tyler County Booster* and the *Beaumont Enterprise*. The alternative language NORI was published in Spanish on March 18, 2011 in the *El Perico*. The ED completed the technical review of the application on July 9, 2011 and prepared a draft permit. The Notice of Application and Preliminary Decision for a Water Quality TPDES Permit (NAPD) was published in English on September 8, 2011 in the *Tyler County Booster* and the *Beaumont Enterprise*. The alternative language NAPD was published on September 16, 2011 in the *El Perico*. The public comment period ended on October 17, 2011. The ED's Response to Comments (RTC) was filed on December 21, 2011. The ED's final decision letter and the RTC were mailed on December 22, 2011. The Hearing Request period ended on January 23, 2012.

This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801 (76th Legislature, 1999).

IV. Evaluation of Hearing Requests

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings. For those applications declared administratively complete on or after September 1, 1999, it established new procedures for providing public notice and public comment, and for the Commission's consideration of hearing

requests. This application was declared administratively complete on February 25, 2011, and therefore, is subject to the HB 801 requirements. The Commission implemented HB 801 by adopting procedural rules in Title 30 of the Texas Administrative Code (30 TAC) chapters 30, 59, and 55. The regulations governing requests for CCH are found at 30 TAC, Chapter 55.

A. Response to Requests

> "The Executive Director, the public interest counsel, and applicant may submit written responses to [hearing] requests . . . ." 30 TAC §55.209(d).
>
> Responses to hearing requests must specifically address:
>
> (1) whether the requestor is an affected person;
> (2) whether issues raised in the hearing request are disputed;
> (3) whether the dispute involves questions of fact or law;
> (4) whether the issues were raised during the public comment period;
> (5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment; and
> (6) a maximum expected duration for the contested case hearing.

30 TAC §55.209(e).

B. Hearing Request Requirements

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

> A request for a contested case hearing by an affected person must be in writing, must be filed with the chief clerk within the time provided . . . and may not be based on an issue that was raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment. 30 TAC §55.201(c).

A hearing request must substantially comply with the following:

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

30 TAC §55.201(d).

C. Requirement that Requestor be an "Affected Person"

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

(a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.
(b) Governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.
(c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
    (1) whether the interest claimed is one protected by the law under which the application will be considered;

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

30 TAC § 55.203.

D. Referral to the State Office of Administrative Hearings

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

V. Analysis of the Hearing Request

A. Whether the Requestors Complied With 30 TAC §§ 55.201(c) and (d).

Edward Miller, Kristy Miller, John Miller, Jacob Webley, Adrianna Miller, Grady Miller, Linda Miller, Pam Harrell and Penny Tinkle filed timely, written CCH requests during the public comment period. Each individual request provided the requestor's name, address, telephone number, and requested a CCH. Grady Miller identified a person justiciable interest affected by the application. Edward Miller, Linda Miller,

Kristy Miller, John Miller, Jacob Webley, Adrianna Miller, Pam Harrell and Penny Tinkle did not identify a personal justiciable interest affected by the application.

The ED recommends that the Commission find that Grady Miller's Hearing Request substantially complies with the requirements of 30 TAC § 55.201(c) and (d), and that the Hearing Requests of Linda Miller, Edward Miller, Kristy Miller, John Miller, Jacob Webley, Adrianna Miller, Pam Harrell and Penny Tinkle do not substantially comply with the requirements of 30 TAC § 55.201(c) and (d).

B. Whether the Requestors Meet the Requirements of an Affected Person

1. *Edward Miller.*

Edward Miller filed a timely, written CCH request during the public comment period. According to his street address, Mr. Miller lives approximately 70 miles from the proposed facility. In his Hearing Request, Mr. Miller indicates that his property borders the ETEC site; however, he is not listed on the adjacent landowner map. Mr. Miller raises issues of adverse effects on livestock, adverse affects on his business, nuisance odor, and water quality. Because Mr. Miller lives approximately 70 miles from the proposed facility and does not indicate where his property is in relation to the ETEC facility, he did not demonstrate a personal justiciable interest in this permit application. If Mr. Miller provides additional information regarding the specific location or address of his property that he claims borders the proposed facility, the Executive Director may reconsider his position.

The Executive Director recommends that the Commission find that ***Edward Miller is not an affected person.***

2. *Kristy Miller, John Miller, Jacob Webley, and Adrianna Miller.*

Kristy Miller, John Miller, Jacob Webley, and Adrianna Miller (Kristy Miller family) all filed the same written, timely filed CCH request, during the public comment period. The Kristy Miller family hearing request raises issues regarding the source of water for the ETEC facility, and stated that the facility would impact their way of life. According to the GIS map (Attachment D), the Kristy Miller family lives within approximately half a mile of the facility, however they do not live along the discharge route and did not identify a personal justiciable interest not in common to the general public sufficient to gain standing in their own right.

The Executive Director recommends that the Commission find that ***Kristy Miller, John Miller, Jacob Webley, and Adrianna Miller are not affected persons.***

3. *Grady Miller.*

Grady Miller filed a timely, written CCH request during the public comment period. The hearing request submitted by Grady Miller indicates that he lives adjacent to the proposed facility. Additionally, the adjacent landowners map that was filed with the ETEC application indicates that Grady Miller owns property directly adjacent to the proposed facility.

Grady Miller's hearing requests raises issues regarding the impact of air emissions from the ETEC facility on his health, his livestock, his way of life, property use and enjoyment, business, air quality, environmental quality, noise, nuisance odor,

increased large vehicle and other traffic, light pollution, depletion of natural springs, and the impact of toxins on water quality. Some of these interests are protected by the law under which the application is being considered, and there is a reasonable relationship between some the interests claimed and the activity regulated due to the close proximity of Grady Miller's property to the proposed facility. Specifically, because Grady Miller's property is directly adjacent to the proposed facility, a discharge from the facility has the potential to harm his livestock in a way not in common to the general public. Accordingly, Grady Miller has an interest that is not common to members of the general public.

The Executive Director recommends that the Commission find that *Grady Miller in an affected person.*

4. Linda Miller.

Linda Miller filed a timely, written CCH request during the public comment period. Linda Miller's hearing request was a joint request with Grady Miller, and indicates that both Linda and Grady Miller live on property adjacent to the proposed facility. The adjacent landowners map that was filed with the ETEC application, however, indicates that only Grady Miller owns property directly adjacent to the proposed facility.

If the TPDES permit is issued, the wastewater from the ETEC facility would be discharged into a pipe, then discharged to Turkey Creek, more than 1.5 miles from where Linda Miller lives. Therefore, there is not a reasonable relationship between the interests claimed and the activity regulated due to the distance between where Linda

Miller lives and the outfall. Accordingly, Linda Miller does not have an interest in the application that is not common to members of the general public.

The Executive Director recommends that the Commission find that *Linda Miller is not an affected person.*

5. Pam Harrell.

Pam Harrell filed a timely, written CCH request during the public comment period. The hearing request submitted by Pam Harrell indicates that she is located within half a mile of the facility and raised issues regarding nuisance odor, negative impact on her family business, negative impact on her livestock and water quality.

If the TPDES permit is issued, the wastewater from the ETEC facility would be discharged into a pipe, then discharged to Turkey Creek, more than 1.5 miles from where Pam Harrell lives. Therefore, there is not a reasonable relationship between the interests claimed and the activity regulated due to the distance between Pam Harrell's house and the outfall. Accordingly, Pam Harrell does not have an interest in the application that is not common to members of the general public.

The Executive Director recommends that the Commission find that *Pam Harrell is not an affected person.*

6. Penny Tinkle.

Penny Tinkle filed timely, written CCH requests during the public comment period. The hearing request submitted by Penny Tinkle indicates that she is located within half a mile of the facility and raised issues regarding nuisance odor, negative impact on her family business, negative impact on her livestock and water quality.

If the TPDES permit is issued, the wastewater from the ETEC facility would be discharged into a pipe, then discharged to Turkey Creek, more than 1.5 miles from where Penny Tinkle lives. Therefore, there is not a reasonable relationship between the interests claimed and the activity regulated due to the distance between Pam Harrell's house and the outfall. Accordingly, Penny Tinkle does not have an interest in the application that is not common to members of the general public.

The Executive Director recommends that the Commission find that *Penny Tinkle is not an affected person.*

C. Whether Issues Raised Are Referable to State Office of Administrative Hearings (SOAH) for a Contested Case Hearing.

In addition to recommending to the Commission those persons who qualify as affected persons, the ED analyzes the issues raised in accordance with the regulatory criteria. All of the issues discussed below were raised during the comment period. None of the listed issues were withdrawn. All identified issues in the response are considered disputed, unless otherwise noted.

1. Whether the ETEC facility would generate nuisance odors?

This issue was raised and addressed in the ED's Response to Public Comment, Comments 4 and 10. The issue involves a question of fact, however, it is not relevant and material to the decision on this application.

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

2. Whether the emissions from ETEC facility would have a negative

impact on the health of the surrounding community?

This issue was raised and addressed in the ED's Response to Public Comment, Comments 2 and 9. The issue involves a question of fact, however, it is not relevant and material to the decision on this application.

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

3. **Whether a discharge from the ETEC facility would have a negative impact on livestock?**

This issue was raised and addressed in the ED's Response to Public Comment, Comment 9. The issue involves a question of fact and it is relevant and material to the decision on this application.

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

4. **Whether the discharge the ETEC facility would have a negative impact on the quality of public and livestock water supply?**

This issue was raised and addressed in the ED's Response to Public Comment, Comments 3 and 9. The issue involves a question of fact, however, it is not relevant and material to the decision on this application.

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

5. **Whether toxic wastewater stored on the ETEC property would have a**

negative impact on the surrounding environment?

This issue was raised and addressed in the ED's Response to Public Comment, Comments 3 and 8. The issue involves a question of fact, however, it is not relevant and material to the decision on this application.

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

6. **Whether the ETEC facility would generate excess noise?**

This issue was raised and addressed in the ED's Response to Public Comment, Comment 5. Excessive noise is a a question of fact, but it is not relevant and material to the decision on this application.

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

7. **Whether the ETEC facility would have a negative impact on air quality?**

This issue was raised and addressed in the ED's Response to Public Comment, Comments 4 and 10. This issue is a question of fact, however, it is not relevant and material to the decision on this application.

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

8. **Whether the ETEC facility would negatively affect the use and enjoyment of property?**

This issue was raised and addressed in the ED's Response to Public Comment, Comments 2, 3, 6, and 8. This issue is a question of fact, however, it is not relevant and material to the decision on this application.

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

9. **Whether ETEC facility would reduce surrounding landowners' property values?**

This issue was raised and addressed in the ED's Response to Public Comment, Comment 2. This issue is a question of fact, however, it is not relevant and material to the decision on this application.

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

10. **Whether the ETEC proposed operations would have a negative impact on the surrounding landowners' businesses?**

This issue was raised and addressed in the ED's Response to Public Comment, Comments 2 and 9. This issue is a question of fact, however, it is not relevant and material to the decision on this application.

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

11. **Whether the proposed ETEC operations would cause an increase in large vehicle and other traffic?**

This issue was raised and addressed in the ED's Response to Public Comment, Comment 2. This issue is a question of fact, however, it is not relevant and material to the decision on this application.

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

12. Whether the ETEC facility would produce excessive light pollution?

This issue was raised and addressed in the ED's Response to Public Comment, Comments 2 and 8. This issue is a question of fact, however, it is not relevant and material to the decision on this application.

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

13. Whether the ETEC facility will reduce the natural beauty of the surrounding area.

This issue was raised and addressed in the ED's Response to Public Comment, Comments 2, 3, and 8. This is a question of fact, however, it is not relevant and material to the decision on this application.

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

14. **Whether the proposed ETEC facility would have a negative impact on the wildlife that inhabits the surrounding area?**

This issue was raised and addressed in the ED's Response to Public Comment, Comments 3, 6, and 8. This is a question of fact, however, it is not relevant and material to the decision on this application.

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

15. **Whether the water used by the ETEC could deplete surrounding natural springs and cause land shifts?**

This issue was raised and addressed in the ED's Response to Public Comment, Comment 1. This is a question of fact, however, it is not relevant and material to the decision on this application.

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

16. **Whether the use of groundwater by the ETEC facility would have a negative impact on the quantity of water available to surrounding landowners?**

This issue was raised and addressed in the ED's Response to Public Comment, Comments 1 and 2. This is a question of fact, however, it is not relevant and material to the decision on this application.

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

VI. Duration of the Contested Case Hearing

If the Commission determines that this matter should be sent to SOAH for a Contested Case Hearing, the ED recommends that the duration between preliminary hearing and the presentation of a proposal for decision before the Commission be nine months.

VII. Executive Director's Recommendation

The ED recommends the following actions by the Commission:

1. The ED recommends that the Commission find Edward Miller, Kristy Miller, John Miller, Jacob Webley, Adrianna Miller, Linda Miller, Pam Harrell and Penny Tinkle are not affected persons and deny their hearing requests.
2. The ED recommends that the Commission find Grady Miller is an affected person and grant his hearing request.
3. If referred to SOAH, first refer the matter to Alternative Dispute Resolution for a reasonable period.
4. If referred to SOAH, refer issue No. 3, as identified by the ED.
5. If referred to SOAH, do not refer any other issues.
6. If referred to SOAH, the duration of the hearing should be six months.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2012 the original and seven true and correct copies of the "Executive Director's Response to Hearing Request" relating to the application for the East Texas Electric Cooperative, Inc., for a new TPDES Permit No. WQ0004949000 were filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, or by deposit in the U.S. Mail.

Kathy J. Humphreys, Staff Attorney
Environmental Law Division
State Bar No. 24006911

ATTACHMENT A

TPDES PERMIT NO. WQ0004949000
[For TCEQ office use only -
EPA I.D. No. TX0132918]

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

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

East Texas Electric Cooperative, Inc.

whose mailing address is

P. O. Box 631623
Nacogdoches, Texas 75963

is authorized to treat and discharge wastes from Woodville Renewable Power Project, a biomass-fired electric power generating facility (SIC 4911)

located west of U.S. Highway 287, at the intersection of County Road 1020 and County Road 1030, approximately one mile south of the City of Woodville, Tyler County, Texas

via pipeline to Turkey Creek; thence to Village Creek in Segment No. 0608 of the Neches 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 August 1, 2016.

ISSUED DATE:

_____
For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS — Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge cooling tower blowdown commingled with previously monitored effluents (low volume waste sources and metal cleaning wastes), steam condensate and process area storm water subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.24 million gallons per day (MGD). The daily maximum flow shall not exceed 1.60 MGD.

Effluent Characteristics	Discharge Limitations					Minimum Self-Monitoring Requirements	
	Daily Average		Daily Maximum		Single Grab	Report Daily Average and Daily Maximum	
	lbs/day	(mg/L)	lbs/day	(mg/L)	mg/L	Measurement Frequency	Sample Type
Flow (MGD)	(Report)		(Report)		N/A	Continuous (*1)	Record
Carbonaceous Biochemical Oxygen Demand (5-day)	20	10	42.2	21.1	21.1	1/week	Grab
Ammonia Nitrogen	6.0	3	12.6	6.3	6.3	1/week	Grab
Temperature (degrees F) (*2)	N/A		(90)		N/A	Continuous	Record
Free Available Chlorine (*3)	0.033	0.2	0.083	0.5	0.5	1/week	Grab
Total Dissolved Solids	N/A	Report	N/A	Report	N/A	1/week	Grab
E. coli (CFU or MPN/100 ml)	(126)		(394)		(394)	1/week	Grab

(*1) The use of pump curve data, pump operating time periods, and recording in a log book is acceptable.
(*2) See Other Requirements, Provision No. 5.
(*3) Sample shall be representative of period of chlorination.

2. The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored 1/week, by grab sample.

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

4. Effluent monitoring samples shall be taken at the following location: At Outfall 001, prior to discharge to Turkey Creek.

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge low volume waste sources (*1) 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 (*2)	Estimate
Total Suspended Solids	30	100	100	1/week (*2)	Grab
Oil and Grease	15	20	20	1/week (*2)	Grab

(*1) See Other Requirements, Provision No. 7.
(*2) When discharge occurs.

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

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

4. Effluent monitoring samples shall be taken at the following location: At Outfall 101, prior to commingling with other wastestream.

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to metal cleaning wastes (*1) 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 (*2)	Record
Total Suspended Solids	30	100	100	1/week (*2)	Grab
Oil and Grease	15	20	20	1/week (*2)	Grab
Total Copper	1.0	1.0	1.0	1/week (*2)	Grab
Total Iron	1.0	1.0	1.0	1/week (*2)	Grab

(*1) See Other Requirements, Provision No. 8.
(*2) When discharge occurs.

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

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

4. Effluent monitoring samples shall be taken at the following location: At Outfall 201, prior to commingling with any other wastewaters.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

As required by Title 30 Texas Administrative Code (TAC) Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC §§305.121 - 305.129 (relating to Permit Characteristics and Conditions) as promulgated under the Texas Water Code (TWC) §§5.103 and 5.105, and the Texas Health and Safety Code (THSC) §§361.017 and 361.024(a), establish the characteristics and standards for waste discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) Part 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit. All definitions in Texas Water Code §26.001 and 30 TAC Chapter 305 shall apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

1. Flow Measurements

   a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder, and limited to major domestic wastewater discharge facilities with a one million gallons per day or greater permitted flow.

   b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

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

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

   e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.

   f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

   a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.

      i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

      ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.

   b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.

   c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

   d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day.

      The "daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that day.

   e. Bacteria concentration (Fecal coliform, E. coli, or Enterococci) – the number of colonies of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the 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 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.

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 10, 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 10 and the Enforcement Division (MC 224):

POLLUTANT	MAL (mg/L)
Total Copper	0.010
Total Iron	-------

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

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

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

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

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

2. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluids.

3. There shall be no discharge of water contaminated with transformer oil from the transformer fire protection drain.

4. There shall be no discharge of domestic wastewater generated at this facility with this permit. The permittee is authorized to discharge reclaimed domestic water from the City of Woodville Publicly Owned Treatment Works utilized at the facility via Outfall 001 of the facility. The permittee shall obtain the appropriate domestic wastewater treatment authorization. All domestic wastewater shall be routed to on-site domestic wastewater treatment facility for proper treatment and disposal.

5. Daily average temperature is defined as the flow weighted average temperature (FWAT) and shall be computed and recorded on a daily basis. FWAT shall be computed at equal intervals not greater than two hours. The method of calculating FWAT is as follows:

$$\text{FWAT} = \frac{\text{SUMMATION (INSTANTANEOUS FLOW X INSTANTANEOUS TEMPERATURE}}{\text{SUMMATION (INSTANTANEOUS FLOW)}}$$

"Daily average temperature shall be the arithmetic average of all FWAT's calculated during the calendar month."

"Daily maximum temperature shall be the highest FWAT calculated during the calendar month."

For continuous temperature measurements taken in accordance with Page 2 of this permit, the reporting requirements in MONITORING AND REPORTING REQUIREMENT, Item 7 may be omitted if the continuously recorded temperature does not exceed the Daily Maximum temperature for more than 30 minutes for any single exceedance and not more than a total of 7 hours and 26 minutes in any 31 days period.

6. The term "free available chlorine" shall mean the value obtained using the amperometric titration method for free available chlorine described in "Standard Method for the Examination of Water and Wastewater."

   Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available chlorine or total residual chlorine at any one time unless the permittee can demonstrate to the permitting Agency that the units in a particular location cannot operate at or below the limitations specified in this permit.

7. The "term low volume waste" means, any wastewater from, but not limited to: wet scrubber air pollution control systems, ion exchanger water treatment system, water treatment (reverse osmosis regeneration and filter backwash), evaporator and boiler blowdown, laboratory and sampling streams, floor drainage, cooling tower basin cleaning wastes, oil/water separator supernatant from floor and equipment drains, contact storm water from operating areas such as the steam turbine generator, condenser and condenser pumps and combustion turbines, and blowdown from re-circulating house service water systems. Sanitary and air conditioning wastes are not included.

8. The term "metal cleaning waste" means any wastewater resulting from cleaning [with or without chemical cleaning compounds] any metal process equipment including, but not limited to, boiler tube cleaning, boiler fireside cleaning, and air preheater cleaning.

9. All wastewater retention ponds shall be operated in such a manner as to maintain free board of two feet.

10. Reporting requirements according to 30 TAC Sections 319.1-319.11 and any additional effluent reporting requirements contained in the permit are suspended from the effective date of the permit until plant startup or discharge, whichever occurs first, from the facility described by this permit. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 12) and the Applications Review and Processing Team (MC-148) of the Water Quality Division at least forty-five (45) days prior to plant startup or anticipated discharge, whichever occurs first and prior to completion of each additional phase on Notification of Completion Form 20007.

11. The mixing zone is defined as 300 feet downsteam and 100 feet upstream from the point of discharge. Chronic toxic criteria apply at the edge of the mixing zone.

12. The 126 priority pollutants (Appendix A of Part 423) contained in chemical added for cooling tower maintenance, except chromium and zinc, shall be limited in the discharge to "no detectable amount." If chromium and zinc are chemicals used for cooling tower maintenance, then chromium shall be limited to 0.2 mg/l maximum at anytime and total zinc shall be limited to 1.0 mg/l maximum at anytime through Outfall 001. If chromium and zinc are chemicals used for cooling tower maintenance, then total chromium or total zinc parameters shall be monitored weekly by grab sample at Outfall 001. The results shall be reported on the Discharge Monitoring Reports.

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

    Table 1: Analysis is required for all pollutants. Wastewater shall be sampled and analyzed for those parameters listed in Table 1 for a minimum of four (4) separate sampling events which are a minimum of one (1) week apart.

ATTACHMENT 1

TABLE 1

Outfall No.: 001 ☐C ☐G	**Effluent Concentration (mg/l)**					
Pollutants	**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

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

DESCRIPTION OF APPLICATION

Applicant:	East Texas Electric Cooperative, Inc.; Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004949000, (TX0132918).
Regulated Activity:	Industrial Wastewater Permit.
Type of Application:	New Permit.
Request:	New Permit.
Authority:	Federal Clean Water Act §402; Texas Water Code §26.027; 30 Texas Administrative Code (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 August 1, 2016 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 new permit.

PROJECT DESCRIPTION AND LOCATION

The applicant proposes to operate Woodville Renewable Power Project, a biomass-fired electric power generating facility.

The Woodville Renewable Power Project will consist of a boiler, steam generator, air quality emissions control equipment, cooling tower, water treatment system, fuel storage, handling and delivery, and ash storage and handling.

The source water for use in the firewater reserve, boiler, and the cooling tower will be from the City of Woodville Publicly Owned Treatment Works (CW POTW) or from an on-site groundwater supply well. The water from the CW POTW will be reclaimed water and will be used for the cooling tower when available. Groundwater will be used for boiler makeup, service water, and as a backup for the CW POTW. The well water will be capable of supplying water for all plant water, except potable water, when water from the CW POTW is not available.

The applicant shall seek authorization to discharge storm water from detention pond (woodpile, dust suppression runoff and non-contact runoff) under the TPDES Multi-Sector General Permit. An on-site 2.5 million gallon capacity storm water pond will collect the storm water.

The proposed facility will generate wastewater primarily from cooling tower blowdown. Other contributing wastewater sources will include steam condensate, low volume wastes, and process area storm water. The facility will generate approximately 0.24 million gallons per day (MGD) from the above sources. The treated wastewater will be discharged via pipeline to Turkey Creek; thence to Village Creek in Segment No. 0608 of the Neches River Basin.

The plant site is located west of U.S. Highway 287, at the intersection of County Road 1020 and County Road 1030, approximately one mile south of the City of Woodville, Tyler County, Texas.

The effluent is discharged via pipeline to Turkey Creek; thence to Village Creek in Segment No. 0608 of the Neches River Basin. The unclassified receiving waters have high aquatic life use for Turkey Creek. The designated uses for Segment No. 0608 are contact recreation, high aquatic life uses, and public water supply. 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. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Turkey Creek, which has been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Segment No. 0608 is currently listed on the State's inventory of impaired and threatened waters (the 2008 Clean Water Act Section 303(d) list). The listing is for pH from FM 418 to Lake Kimble Dam (AU 0608_02). The effluent limitation for pH at Outfall 001 is established in accordance with 30 TAC § 307.10, Appendix A – Site-specific Uses and Criteria for Classified Segments. In addition, Turkey Creek is currently listed on the 2008 Clean Water Act Section 303(d) list. The listing is for bacteria in the lower 25 miles of the segment (AU 0608F_01). The applicant is proposing to use reclaimed water from the CW POTW, therefore, effluent limitations for *E. coli* as bacteria indicator is established in the draft permit. Based on the effluent limitations included in the draft permit, this discharge is not expected to cause further impairment of Segment No. 0608.

SUMMARY OF EFFLUENT DATA

Self-reporting data is not available because the facility has not been constructed.

PROPOSED PERMIT CONDITIONS

The draft permit authorizes a discharge of cooling tower blowdown, low volume wastewater, process area storm water, steam condensate, and metal cleaning wastewater at a daily average flow not to exceed 0.24 million gallons per day via Outfall 001.

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

Outfall Number	Pollutant	Daily Average	Daily Maximum
001	Flow	0.24 MGD	1.60 MGD
	Carbonaceous Biochemical Oxygen Demand (5-day)	10 mg/l	21.1 mg/l
		20 lbs/day	42.2 lbs/day

Outfall Number	Pollutant	Daily Average	Daily Maximum
001 continued	Ammonia Nitrogen	3.0 mg/l	6.3 mg/l
		6.0 lbs/day	12.6 lbs/day
	Temperature (degrees F)	N/A	(90)
	Free Available Chlorine	0.2 mg/l	0.5 mg/l
		0.033 lb/day	0.083 lb/day
	Total Dissolved Solids	Report, mg/l	Report, mg/l
	E. coli (CFU or MPN/100 ml)	(126)	(394)
	pH, standard units (SU)	(6.0 minimum)	(8.5 maximum)
101	Flow (MGD)	(Report)	(Report)
	Total Suspended Solids	30 mg/l	100 mg/l
	Oil and Grease	15 mg/l	20 mg/l
	pH, standard units (SU)	(6.0 minimum)	(9.0 maximum)
201	Flow (MGD)	(Report)	(Report)
	Total Copper	1.0 mg/l	1.0 mg/l
	Total Iron	1.0 mg/l	1.0 mg/l
	Total Suspended Solids	30 mg/l	100 mg/l
	Oil and Grease	15 mg/l	20 mg/l
	pH, standard units (SU)	(6.0 minimum)	(9.0 maximum)

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

The discharge of cooling tower blowdown, low volume wastewater, process area storm water, condensate, and metal cleaning wastewater via Outfall 001 from a biomass-fired electric power generating facility, is not subject to effluent limitation guidelines at 40 CFR Chapter 423 which establishes standards for Steam Electric Power Plants, but the guidelines are applied based on BPJ.

Using BPJ, effluent limitations established for free available chlorine (FAC) at Outfall 001 are in accordance with New Source Performance Standards for cooling tower blowdown, 40 CFR § 423.15(j)(1). Mass limits were derived since the discharge will be continuous when the plant is in operation. Effluent limitations for total suspended solids and oil and grease for low volume wastes sources at Outfall 101 are in accordance with 40 CFR § 423.15(c). Effluent limitations for total copper and total iron, total suspended solids and oil and grease for metal cleaning wastes sources at Outfall 201 are in accordance with 40 CFR § 423.15(d). The limits for low volume waste sources and metal cleaning wastes are expressed in concentration only due to the intermittent and flow variability of the waste streams. Effluent limitations for pH and *E. coli* at Outfall 001 are based on segment criteria in accordance with 30 TAC § 307.10, Appendix A – Site-specific Uses and Criteria for Classified Segments. Effluent limitations for pH at internal Outfalls 101 and 201 are in accordance with 40 CFR, § 423.15(a).

Effluent limitations for carbonaceous biochemical oxygen demand (5-day) and ammonia nitrogen at Outfall 001 are consistent with water quality modeling recommendations (TCEQ Interoffice memorandum dated April 27, 2011).

Outfall	Parameter	Daily Average		Daily Maximum	
001	Carbonaceous Biochemical Oxygen Demand (5-day)	10 mg/l	20 lbs/day	21.1 mg/l	42.2 lbs/day
	Ammonia Nitrogen	3.0 mg/l	6.0 lbs/day	6.3 mg/l	12.6 lbs/day

Temperature effluent limits and monitoring requirements at Outfall 001 are based on BPJ. The daily maximum for effluent temperature limit of 90°F is the segment criterion. Effluent monitoring and reporting requirements established in the draft permit for total dissolved solids are based on Standard Implementation Team recommendation in a memorandum dated March 7, 2011.

Water quality-based effluent limitations for the protection of aquatic life are presented at Appendix A. Aquatic life criteria established in Tables 1 and 3 of 30 TAC Chapter 307 are incorporated into the menu as well as recommendations by the Water Quality Assessment Section memorandum dated June 27, 2011. 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. No data was submitted with the application, therefore, Other Requirement No. 13 has been added to the draft permit.

SUMMARY OF CHANGES FROM APPLICATION

N/A - New Permit.

SUMMARY OF CHANGES FROM EXISTING PERMIT

N/A - New permit

BASIS FOR PROPOSED DRAFT PERMIT

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

1. Application received on December 23, 2010 and additional information submitted with letters dated January 11, 2011 and February 18, 2011.
2. Existing permits: N/A – New Permit.
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 Part 423 – NSPS applied based on BPJ. A new source determination was performed based on BPJ, and the discharge of treated wastewater via Outfall 001 is a new source as defined at 40 CFR §122.2.
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

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.

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

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

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

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

John O. Onyenobi

John O. Onyenobi, P.E., NSPE

July 06, 2011

Date

Appendix A
Calculated Water Quality-Based Effluent Limits

TEXTOX MENU #3 - PERENNIAL STREAM OR RIVER

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
Procedures to Implement the Texas Surface Water Quality Standards, Texas Commission on Environmental Quality, January 2003

PERMITTEE INFORMATION

Permittee Name:	East Texas Electric Cooperative, Inc.
TPDES Permit No.:	WQ0004949000
Outfall No.:	001
Prepared by:	Onyenobi, John
Date	April 25, 2011

DISCHARGE INFORMATION

Receiving Waterbody:	Turkey Creek
Segment No.:	0608
TSS (mg/L):	6
pH (Standard Units):	5.9
Hardness (mg/L as $CaCO_3$):	12
Chloride (mg/L):	15
Effluent Flow for Aquatic Life (MGD):	0.24
Critical Low Flow [7Q2] (cfs):	2.44
Chronic Effluent % for Aquatic Life:	13.21
Acute Effluent % for Aquatic Life:	37.84
Effluent Flow for Human Health (MGD):	0.24
Harmonic Mean Flow (cfs):	4.32
Human Health Effluent %:	7.92
Public Water Supply Use?:	**yes**

CALCULATE TOTAL/DISSOLVED RATIO:

Stream/River Metal	*Intercept (b)*	*Slope (m)*	*Partitioning Coefficient (Kpo)*	*Dissolved Fraction (Cd/Ct)*		*Water Effects Ratio (WER)*	
Aluminum	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Arsenic	5.68	-0.73	129404.56	0.56		1.00	Assumed
Cadmium	6.6	-1.13	525640.82	0.24		1.00	Assumed
Chromium (Total)	6.52	-0.93	625632.55	0.21		1.00	Assumed
Chromium (+3)	6.52	-0.93	625632.55	0.21		1.00	Assumed
Chromium (+6)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	6.02	-0.74	278078.92	0.37		1.00	Assumed
Lead	6.45	-0.8	672169.81	0.20		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	5.69	-0.57	176381.81	0.49		1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	6.38	-1.03	378882.21	0.31		1.00	Assumed
Zinc	6.1	-0.7	359165.10	0.32		1.00	Assumed

AQUATIC LIFE
CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS

Parameter	*Acute Standard (ug/L)*	*Chronic Standard (ug/L)*	*WLAa*	*WLAc*	*LTAa*	*LTAc*	*Daily Avg. (ug/L)*	*Daily Max. (ug/L)*
Aldrin	3.000	N/A	7.93	N/A	4.54	N/A	6.68	14.13
Aluminum	991.000	N/A	2618.95	N/A	1500.66	N/A	2205.96	4667.04
Arsenic	360.000	190.000	1690.06	2555.35	968.41	1967.62	1423.56	3011.74
Cadmium	2.999	0.195	32.92	6.14	18.86	4.72	6.94	14.69
Carbaryl	2.000	N/A	5.29	N/A	3.03	N/A	4.45	9.42
Chlordane	2.400	0.004	6.34	0.03	3.63	0.03	0.04	0.08
Chlorpyrifos	0.083	0.041	0.22	0.31	0.13	0.24	0.18	0.39
Chromium (+3)	96.653	31.353	1214.25	1128.42	695.76	868.88	1022.77	2163.83
Chromium (+6)	15.700	10.600	41.49	80.25	23.77	61.79	34.95	73.94
Copper	2.499	2.007	17.63	40.54	10.10	31.22	14.85	31.41
Cyanide	45.780	10.690	120.98	80.93	69.32	62.32	91.61	193.81
4,4'-DDT	1.100	0.001	2.91	0.01	1.67	0.01	0.01	0.02
Dementon	N/A	0.100	N/A	0.76	N/A	0.58	0.86	1.81
Dicofol	59.300	19.800	156.71	149.90	89.80	115.43	132.00	279.27
Dieldrin	2.500	0.002	6.61	0.01	3.79	0.01	0.02	0.03
Diuron	210.000	70.000	554.97	529.96	318.00	408.07	467.46	988.98
Endosulfan I (alpha)	0.220	0.056	0.58	0.42	0.33	0.33	0.48	1.02
Endosulfan II (beta)	0.220	0.056	0.58	0.42	0.33	0.33	0.48	1.02
Endosulfan sulfate	0.220	0.056	0.58	0.42	0.33	0.33	0.48	1.02
Endrin	0.180	0.002	0.48	0.02	0.27	0.01	0.02	0.04
Guthion	N/A	0.010	N/A	0.08	N/A	0.06	0.09	0.18
Heptachlor	0.520	0.004	1.37	0.03	0.79	0.02	0.03	0.07
Hexachlorocyclohexane (Lindane)	2.000	0.080	5.29	0.61	3.03	0.47	0.69	1.45
Lead	4.882	0.169	64.94	6.46	37.21	4.97	7.31	15.47
Malathion	N/A	0.010	N/A	0.08	N/A	0.06	0.09	0.18
Mercury	2.400	1.300	6.34	9.84	3.63	7.58	5.34	11.30
Methoxychlor	N/A	0.030	N/A	0.23	N/A	0.17	0.26	0.54
Mirex	N/A	0.001	N/A	0.01	N/A	0.01	0.01	0.02
Nickel	235.434	26.147	1280.64	407.45	733.81	313.74	461.19	975.72
Parathion (ethyl)	0.065	0.013	0.17	0.10	0.10	0.08	0.11	0.24
Pentachlorophenol	3.003	1.896	7.94	14.35	4.55	11.05	6.68	14.14
Phenanthrene	30.000	30.000	79.28	227.13	45.43	174.89	66.78	141.28
Polychlorinated Biphenyls (PCBs)	2.000	0.014	5.29	0.11	3.03	0.08	0.12	0.25
Selenium	20.000	5.000	52.85	37.85	30.29	29.15	42.85	90.65
Silver, (free ion)	0.800	N/A	12.73	N/A	7.29	N/A	10.72	22.68
Toxaphene	0.7800	0.0002	2.06	0.00	1.18	0.00	0.00	0.00
Tributlytin (TBT)	0.130	0.024	0.34	0.18	0.20	0.14	0.21	0.44
2,4,5 Trichlorophenol	136.000	64.000	359.41	484.54	205.94	373.09	302.74	640.48
Zinc	18.984	17.336	158.29	414.08	90.70	318.84	133.33	282.07

HUMAN HEALTH
CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS

Parameter	*Water and FW Fish (ug/L)*	*FW Fish Only (ug/L)*	*WLAh*	*LTAh*	*Daily Avg. (ug/L)*	*Daily Max. (ug/L)*
Acrylonitrile	1.28	10.9	16.17	15.04	22.11	46.77
Aldrin	0.00408	0.00426	0.05	0.05	0.07	0.15
Arsenic	50	N/A	1122.15	1043.60	1534.09	3245.59
Barium	2000	N/A	25267.52	23498.79	34543.23	73081.25
Benzene	5	106	63.17	58.75	86.36	182.70
Benzidine	0.00106	0.00347	0.01	0.01	0.02	0.04
Benzo(a)anthracene	0.099	0.81	1.25	1.16	1.71	3.62
Benzo(a)pyrene	0.099	0.81	1.25	1.16	1.71	3.62
Bis(chloromethyl)ether	0.00462	0.0193	0.06	0.05	0.08	0.17
Cadmium	5	N/A	262.39	244.03	358.72	758.92
Carbon Tetrachloride	3.76	8.4	47.50	44.18	64.94	137.39
Chlordane	0.021	0.0213	0.27	0.25	0.36	0.77
Chlorobenzene	776	1380	9803.80	9117.53	13402.77	28355.52
Chloroform	100	1292	1263.38	1174.94	1727.16	3654.06
Chromiumd	100	3320	6005.83	5585.42	8210.57	17370.66
Chrysene	0.417	8.1	5.27	4.90	7.20	15.24
Cresols	3313	13116	41855.65	38925.75	57220.85	121059.1
Cyanide	200	N/A	2526.75	2349.88	3454.32	7308.12
4,4'-DDD	0.0103	0.01	0.13	0.12	0.18	0.38
4,4'-DDE	0.0073	0.007	0.09	0.09	0.13	0.27
4,4'-DDT	0.0073	0.007	0.09	0.09	0.13	0.27
2,4'-D	70	N/A	884.36	822.46	1209.01	2557.84
Danitol	0.709	0.721	8.96	8.33	12.25	25.91
Dibromochloromethane	9.2	71.6	116.23	108.09	158.90	336.17
1,2-Dibromoethane	0.014	0.335	0.18	0.16	0.24	0.51
1,3-Dichloropropene (1,3- Dichloropropylene)	22.8	161	288.05	267.89	393.79	833.13
Dieldrin	0.00171	0.002	0.02	0.02	0.03	0.06
p-Dichlorobenzene	75	N/A	947.53	881.20	1295.37	2740.55
1,2-Dichloroethane	5	73.9	63.17	58.75	86.36	182.70
1,1-Dichloroethylene	1.63	5.84	20.59	19.15	28.15	59.56
Dicofol	0.215	0.217	2.72	2.53	3.71	7.86
Dioxins/Furans (TCDD Equivalents)	1.34E-07	1.40E-07	1.69E-06	1.57E-06	2.31E-06	4.90E-06
Endrin	1.27	1.34	16.04	14.92	21.93	46.41
Fluoride	4000	N/A	50535.04	46997.59	69086.45	146162.5
Heptachlor	0.0026	0.00265	0.03	0.03	0.04	0.10
Heptachlor Epoxide	0.159	1.1	2.01	1.87	2.75	5.81
Hexachlorobenzene	0.0194	0.0198	0.25	0.23	0.34	0.71
Hexachlorobutadiene	2.99	3.6	37.77	35.13	51.64	109.26
Hexachlorocyclohexane (alpha)	0.163	0.413	2.06	1.92	2.82	5.96
Hexachlorocyclohexane (beta)	0.57	1.45	7.20	6.70	9.84	20.83
Hexachlorocyclohexane (gamma) (Lindane)	0.2	2	2.53	2.35	3.45	7.31
Hexachloroethane	84.2	278	1063.76	989.30	1454.27	3076.72
Hexachlorophene	0.0531	0.053	0.67	0.62	0.92	1.94
Lead	4.98	25.3	316.66	294.49	432.90	915.87
Mercury	0.0122	0.0122	0.15	0.14	0.21	0.45
Methoxyclor	2.21	2.22	27.92	25.97	38.17	80.75
Methyl Ethyl Ketone	5.29E+04	9.94E+06	6.68E+05	6.22E+05	9.14E+05	1.93E+06
Nitrate-Nitrogen (as Total Nitrogen)	10000	N/A	126337.60	117494.0	172716.1	365406.2
Nitrobenzene	37.3	233	471.24	438.25	644.23	1362.97
N-Nitrosodiethylamine	0.0382	7.68	0.48	0.45	0.66	1.40
N-Nitroso-di-n-Butylamine	1.84	13.5	23.25	21.62	31.78	67.23

PCB's (Polychlorinated Biphenyls)	0.0013	0.0013	0.02	0.02	0.02	0.05
Pentachlorobenzene	6.1	6.68	77.07	71.67	105.36	222.90
Pentachlorophenol	1	135	12.63	11.75	17.27	36.54
Pyridine	88.1	13333	1113.03	1035.12	1521.63	3219.23
Selenium	50	N/A	631.69	587.47	863.58	1827.03
1,2,4,5-Tetrachlorobenzene	0.241	0.243	3.04	2.83	4.16	8.81
Tetrachloroethylene	5	323	63.17	58.75	86.36	182.70
Toxaphene	0.005	0.014	0.06	0.06	0.09	0.18
2,4,5-TP (Silvex)	47	50.3	593.79	552.22	811.77	1717.41
2,4,5-Trichlorophenol	953	1069	12039.97	11197.18	16459.85	34823.21
Trichloroethylene	5	612	63.17	58.75	86.36	182.70
1,1,1-Trichloroethane	200	12586	2526.75	2349.88	3454.32	7308.12
TTHM (Sum of Total Trihalomethanes)	100	N/A	1263.38	1174.94	1727.16	3654.06
Vinyl Chloride	2	415	25.27	23.50	34.54	73.08

CALCULATE 70% AND 85% OF DAILY AVERAGE EFFLUENT LIMITATIONS

Parameter	*70%*	*85%*
Aquatic Life		
Aldrin	4.675	5.676
Aluminum	1544.175	1875.069
Arsenic	996.490	1210.023
Cadmium	4.861	5.903
Carbaryl	3.116	3.784
Chlordane	0.026	0.031
Chlorpyrifos	0.129	0.157
Chromium (+3)	715.942	869.358
Chromium (+6)	24.464	29.706
Copper	10.393	12.620
Cyanide	64.126	77.867
4,4'-DDT	0.006	0.007
Dementon	0.600	0.728
Dicofol	92.401	112.201
Dieldrin	0.011	0.014
Diuron	327.222	397.341
Endosulfan (alpha)	0.336	0.408
Endosulfan (beta)	0.336	0.408
Endosulfan sulfate	0.336	0.408
Endrin	0.014	0.017
Guthion	0.060	0.073
Heptachlor	0.023	0.028
Hexachlorocyclohexane (Lindane)	0.480	0.583
Lead	5.117	6.214
Malathion	0.060	0.073
Mercury	3.740	4.541
Methoxychlor	0.180	0.219
Mirex	0.006	0.007
Nickel	322.834	392.013
Parathion (ethyl)	0.078	0.095
Pentachlrophenol	4.679	5.681
Phenanthrene	46.746	56.763
Polychlorinated Biphenyls (PCBs)	0.084	0.102
Selenium	29.993	36.420
Silver, (free ion)	7.505	9.113
Toxaphene	0.001	0.001
Tributlytin (TBT)	0.144	0.175
2,4,5 Trichlorophenol	211.915	257.325
Zinc	93.329	113.328

Human Health		
Acrylonitrile	15.475	18.792
Aldrin	0.049	0.060
Arsenic	1073.862	1303.975
Barium	24180.26	29361.74
Benzene	60.451	73.404
Benzidine	0.013	0.016
Benzo(a)anthracene	1.197	1.453
Benzo(a)pyrene	1.197	1.453
Bis(chloromethyl)ether	0.056	0.068
Cadmium	251.103	304.910
Carbon Tetrachloride	45.459	55.200
Chlordane	0.254	0.308
Chlorobenzene	9381.940	11392.36
Chloroform	1209.013	1468.087
Chromiumd	5747.400	6978.986
Chrysene	5.042	6.122
Cresols	40054.60	48637.73
Cyanide	2418.026	2936.174
4,4'-DDD	0.125	0.151
4,4'-DDE	0.088	0.107
4,4'-DDT	0.088	0.107
2,4'-D	846.309	1027.661
Danitol	8.572	10.409
Dibromochloromethane	111.229	135.064
1,2-Dibromoethane	0.169	0.206
1,3-Dichloropropene (1,3- Dichloropropylene)	275.655	334.724
Dieldrin	0.021	0.025
p-Dichlorobenzene	906.760	1101.065
1,2-Dichloroethane	60.451	73.404
1,1-Dichloroethylene	19.707	23.930
Dicofol	2.599	3.156
Dioxins/Furans (TCDD Equivalents)	1.62E-06	1.97E-06
Endrin	15.354	18.645
Fluoride	48360.52	58723.49
Heptachlor	0.031	0.038
Heptachlor Epoxide	1.922	2.334
Hexachlorobenzene	0.235	0.285
Hexachlorobutadiene	36.149	43.896
Hexachlorocyclohexane (alpha)	1.971	2.393
Hexachlorocyclohexane (beta)	6.891	8.368
Hexachlorocyclohexane (gamma) (Lindane)	2.418	2.936
Hexachloroethane	1017.989	1236.129
Hexachlorophene	0.642	0.780
Lead	303.032	367.968
Mercury	0.147	0.179
Methoxyclor	26.719	32.445
Methyl Ethyl Ketone	6.40E+05	7.77E+05
Nitrate-Nitrogen (as Total Nitrogen)	120901.3	146808.7
Nitrobenzene	450.962	547.596
N-Nitrosodiethylamine	0.462	0.561
N-Nitroso-di-n-Butylamine	22.246	27.013
PCB's (Polychlorinated Biphenyls)	0.016	0.019
Pentachlorobenzene	73.750	89.553
Pentachlorophenol	12.090	14.681

Pyridine	1065.140	1293.385
Selenium	604.506	734.044
1,2,4,5-Tetrachlorobenzene	2.914	3.538
Tetrachloroethylene	60.451	73.404
Toxaphene	0.060	0.073
2,4,5-TP (Silvex)	568.236	690.001
2,4,5-Trichlorophenol	11521.89	13990.87
Trichloroethylene	60.451	73.404
1,1,1-Trichloroethane	2418.026	2936.174
TTHM (Sum of Total Trihalomethanes)	1209.013	1468.087
Vinyl Chloride	24.180	29.362

CMP THRESHOLD REVIEW SHEET

INDUSTRIAL WASTEWATER DISCHARGE PERMITS

PERMITTEE:	East Texas Electric Cooperative, Inc.
TPDES PERMIT NUMBER:	WQ0004949000
CLASSIFIED SEGMENT:	
NAME:	Village Creek
NUMBER:	0608
COUNTY:	Tyler

SECTION A

No 1. This is a new permit application which would authorize the discharge of a wastewater subject to EPA Categorical Effluent Standards (40 CFR Parts 400-471) into a priority segment (see Appendix B).

No 2. This is an amendment permit application which would authorize an increase in the mass loading of pollutants from the discharge of a wastewater subject to EPA Categorical Effluent Standards (40 CFR Parts 400-471) into a priority segment (see Appendix B).

No 3. This is an amendment permit application which would change the point of discharge of a wastewater subject to EPA Categorical Effluent Standards (40 CFR Parts 400-471) into a priority segment (see Appendix B).

IF "YES" TO ANY OF THE ABOVE THEN THE PERMIT ACTION IS CONSIDERED ABOVE THRESHOLD, COMPLETE SECTION B.

IF NO TO ALL OF THE ABOVE, THEN THE PERMIT ACTION IS CONSIDERED BELOW THRESHOLD, STOP HERE.

John O. Onyenobi, P.E., NSPE
PERMIT WRITER

April 25, 2011
DATE

SECTION B

X 1. The IOM from standards states that "no significant degradation of high quality receiving waters is anticipated" (if receiving water has a designated high quality aquatic life use).

X 2. The IOM from standards states that "no loss of designated uses is anticipated."

X 3. The draft permit complies with all applicable provisions of 30 TAC 307, 309, and 319.

John O. Onyenobi, P.E., NSPE
PERMIT WRITER

April 25, 2011
DATE

30 TAC §281
APPENDIX B

TIDAL SEGMENTS DESIGNATED AS TCEQ PRIORITY WATERBODIES
COASTAL MANAGEMENT PROGRAM

Segment Number	Name
2412	Sabine Lake
2411	Sabine Pass
2423	East Bay
2439	Lower Galveston Bay
0801	Trinity River Tidal
1113	Armand Bayou Tidal
2431	Moses Lake
2424	West Bay
2432	Chocolate Bay
2433	Bastrop Bay/Oyster Lake
2434	Christmas Bay
2435	Drum Bay
2442	Cedar Lakes
2441	East Matagorda Bay
2451	Matagorda Bay/Powderhorn Lake
2452	Tres Palacios Bay/Turtle Bay
2456	Carancahua Bay
2455	Keller Bay
2461	Espiritu Santo Bay
2462	San Antonio Bay/Hynes Bay/Guadalupe Bay
1801	Guadalupe River Tidal
2463	Mesquite Bay/Carlos Bay/Ayres Bay
2473	St. Charles Bay
2471	Aransas Bay
2472	Copano Bay/Port Bay/Mission Bay
2483	Redfish Bay
2482	Nueces Bay
2492	Baffin Bay/Alazan Bay/Cayo Del Grullo/Laguna Salada
2491	Laguna Madre
2493	South Bay

INDUSTRIAL EPA REVIEW CHECKLIST

Permittee Name: East Texas Electric Cooperative, Inc.

Permittee Number: WQ0004949000

PLEASE CHECK ALL THE APPLICABLE BELOW:

Draft permit authorizes:

Yes	No	
☐	X	discharge to territorial seas (within 3 miles of the coastline) of the United States?
☐	X	discharge or sewage sludge management may affect another state or the Republic of Mexico? For sewage sludge management, "may affect" means, accepts sewage sludge from another state or Mexico. For discharge, it means a discharge within 3 miles of a boundary with a another state or Mexico.
☐	X	discharge of uncontaminated cooling tower blowdown with a permitted daily average flow >500 MGD?
☐	X	discharge from a designated major facility?
☐	X	discharge from a categorical industry as listed in 40 CFR Part 122, Appendix A? (see Attachment A)
☐	X	discharge from source other than categorical industry with a permitted daily average flow >0.5 MGD, except for facilities that discharge non-process wastewater? Non-process wastewater is water that (during manufacturing or processing) does not come into direct contact with, or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.
☐	X	minor facility discharge to critical concern species watersheds (see WQ Standards review)
☐	X	(Prior to a final TMDL) discharge from a new or expanding facility to a 303(d) listed segment which has the potential to discharge any pollutant which is causing or contributing to the impairment of the segment?
☐	X	(After a final TMDL) discharge from a new or expanding discharge to a 303(d) listed segment where the TMDL does not allocate the loadings described in the draft permit?
☐	X	(After a final TMDL) a permit with effluent limits which allow loadings in excess of those prescribed by the TMDL for the segment?
☐	X	(After a final TMDL) permit allows a 3 year compliance schedule for limits based on the TMDL allocations?

If any column is marked "YES", EPA must receive a of the full permit package.
If no column is marked "YES", EPA does not need to review the draft permit.

John O. Onyenobi, P.E., NSPE — **April 25, 2011**

Permit Writer's Name — **Date**

ATTACHMENT A

PRIMARY INDUSTRIAL CATEGORIES

Adhesives and sealants	N/A
Aluminum forming	**Part 467**
Auto and other laundries	N/A
Battery and manufacturing	**Part 461**
Coal mining	**Part 434**
Coil coating	**Part 465**
Copper forming	**Part 468**
Electrical and electronic components	**Part 469**
Electroplating	**Part 413**
Explosives manufacturing	**Part 457**
Foundries	N/A
Gum and wood chemicals	**Part 454**
Inorganic chemicals manufacturing	**Part 415**
Iron and steel manufacturing	**Part 420**
Leather tanning and finishing	**Part 425**
Mechanical products manufacturing	N/A
Nonferrous metals manufacturing	**Part 421**
Ore mining	**Part 440**
Organic chemicals manufacturing	**Part 414**
Paint and ink formulation	**Part 446**
Pesticides	**Part 455**
Petroleum refining	**Part 419**
Pharmaceutical preparation	**Part 439**
Photographic equipment and supplies	**Part 459**
Plastics processing	**Part 463**
Plastic and synthetic material manufacturing	**Part 414**
Porcelain enameling	**Part 466**
Printing and publishing	N/A
Pulp and paper mills	**Part 430**
Rubber processing	**Part 428**
Soap and detergent manufacturing	**Part 417**
Steam electric power plants	**Part 423**
Textile mills	**Part 410**
Timber products processing	**Part 429**

ATTACHMENT B

TCEQ INTRA-AGENCY TRANSMITTAL MEMO

DATE: 12/21/2011

TO: FINAL DOCUMENTS TEAM LEADER
OFFICE OF THE CHIEF CLERK
BUILDING F, MC-105

FROM: KATHY J. HUMPHREYS
ENVIRONMENTAL LAW DIVISION
BUILDING A, MC-173

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2011 DEC 21 PM 4:27
CHIEF CLERKS OFFICE

Attached: Executive Director's Response to Comments

Application Information
Program Area (Air, Water or Waste): Water
Permit No. WQ0004949000 Name: East Texas Electric Cooperative, Inc. Docket/CID Item # (if known):

OCC Action Required *(check applicable boxes)*
Date stamp and return copy to above-noted ELD Staff Attorney and:

FOR ALL PROGRAM AREAS: *(required only when changes needed to official agency mailing list)*

☐ **Update** the mailing list in your file with the attached contact names and addresses
Include corrected or additional names and addresses for mailing list

FOR WASTE & WATER:

X Send Response to Comments Letter which solicits hearing requests and requests for reconsideration to the mailing list in your files
For Waste and Water this would occur in all circumstances when comments have been received for 801 applications
Or

☐ Send Response to Comments Letter and Motion to Overturn Letter which solicits motions to overturn to the mailing list in your files
For Waste and Water this may occur when all comments have been withdrawn for 801 applications or when comments are received for applications that will not be set for agenda.

FOR AIR (NSR only):

☐ Send RTC with response to comments letter which solicits contested case hearing requests and requests for reconsideration to the mailing list in your files
For Air NSR applications this would occur only when there are pending contested case hearing requests (except no-increase renewals)

☐ Set for commission agenda and send RTC with agenda setting letter
This would occur when there are pending contested case hearing requests on a no-increase renewal and technical review is complete.

☐ Hold until a commission agenda date is requested and then send RTC with the Agenda Setting Letter
For Air applications this would occur when there are pending hearing requests on a no-increase renewal; but technical review is NOT complete. If this box is checked, ED staff must call the OCC Agenda Team Leader to arrange a specific agenda date.

☐ Place RTC in File - no further action required by OCC
For Air NSR applications this would occur when the matter is uncontested but comments were received, APD will send a copy with MTO letter

☐ Other Instructions: _____

TPDES PERMIT NO. WQ0004949000

APPLICATION BY EAST TEXAS ELECTRIC COOPERATIVE, INC. FOR A NEW TPDES PERMIT NO. WQ0004949000	§ § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

2011 DEC 21 PM 4:27
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this Response to Public Comment on East Texas Electric Cooperative, Inc.'s (ETEC) application for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004949000 and the ED's preliminary decision. As required by Title 30, §55.156 of the Texas Administrative Code (TAC), before a permit is issued, the ED prepares a response to all timely, relevant, and material, or significant comments. The Office of the Chief Clerk timely received comment letters from Kristy Miller (and family), R. A. and Karen Greaff, Billy and Penny Tinkle, Pam Harrell, Grady and Linda Miller, and Edward and Tammy Miller. This response addresses all such timely public comments received, whether or not withdrawn. For more information about this permit application or the wastewater permitting process, please call the TCEQ Office of Public Education Program at 1-800-687-4040. General information about the TCEQ can be found on the TCEQ web site at www.tceq.texas.gov

I. BACKGROUND

A. Description of the Facility

ETEC has applied to the TCEQ for a new wastewater discharge permit to authorize the discharge of cooling tower blowdown, low volume waste sources, metal cleaning wastes, steam condensate and process area storm water from its Woodville

Renewable Power Project, a biomass-fired electric power generating facility, at a daily average flow not to exceed 0.24 million gallons per day (MGD) via Outfall 001. The source water for use in the firewater reserve, boiler, and the cooling tower will be obtained from the City of Woodville Publicly Owned Treatment Works (CW-POTW) or from an on-site groundwater supply well. The water from the CW-POTW will be reclaimed water and will be used in the cooling tower when available. Groundwater will be used for boiler makeup water, service water, and as backup water for the CW-POTW.

The plant site is located west of U.S. Highway 287, at the intersection of County Road 1020 and County Road 1030, approximately one mile south of the City of Woodville, Tyler County, Texas.

ETEC will discharge the effluent via pipeline to Turkey Creek, thence to Village Creek in Segment No. 0608 of the Neches River Basin. The unclassified receiving waters have high aquatic life use for Turkey Creek. The designated uses for Segment No. 0608 are contact recreation, high aquatic life uses, and public water supply.

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. A Tier 2 review has preliminarily determined that no lowering of water quality by more than a de minimis extent is expected in Turkey Creek, which has been identified as having high aquatic life uses. Existing uses will be maintained and

protected. The preliminary determination can be reexamined and may be modified if new information is received.

B. Procedural Background

The TCEQ received the application on December 23, 2010, and declared it administratively complete on February 25, 2011. The *Notice of Receipt and Intent to Obtain a Water Quality Permit* (NORI) was published in English on March 10, 2011 in the *Tyler County Booster* and in Spanish on March 18, 2011 in the *El Perico*. The ED completed the technical review of the application on July 9, 2011 and prepared a draft permit. The *Notice of Application and Preliminary Decision for a Water Quality TPDES Permit* (NAPD) was published in English on September 8, 2011 in the *Beaumont Enterprise* and in Spanish on September 16, 2011 in the *El Perico*. The public comment period ended on October 17, 2011. This application was administratively complete on or after September 1, 1999. Therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

C. Access to Rules, Laws, and Records

- Secretary of State web site for all Texas administrative rules: www.sos.state.tx.us
- TCEQ rules in Title 30 of the TAC: www.sos.state.tx.us/tac/ (select "View the current *Texas Administrative Code*" on the right, then "Title 30 Environmental Quality")
- Texas statutes: http://www.statutes.legis.state.tx.us/
- TCEQ web site: www.tceq.state.tx.us (for downloadable rules in Adobe PDF format, select "Rules," then "Download TCEQ Rules")
- Federal rules in title 40 of the Code of Federal Regulations: http://www.epa.gov/lawsregs/search/40cfr.html
- Federal environmental laws: http://www.epa.gov/lawsregs/laws/index.html

Commission records for this facility are available for viewing and copying at TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, First Floor (Office of the

Chief Clerk). The application for this facility has been available for viewing and copying at the Allan Shivers Library and Museum, 302 North Charlton Street, Woodville, Texas since publication of the NORI, and the draft permit and the Statement of Basis/Technical Summary and ED's Preliminary Decision have been available for viewing and copying at the same location since publication of the NAPD.

If you would like to file a complaint about the facility concerning its compliance with provisions of its permit or with TCEQ rules, you may contact the TCEQ at 1-888-777-3186 or you may contact the TCEQ Region 10 Office at 1-409-898-3838.

Citizen complaints may also be filed by sending an e-mail to complaint@tceq.texas.gov or online at the TCEQ website (select "Reporting," then "Make an Environmental Complaint"). If the facility is found to be out of compliance, it may be subject to an enforcement action.

II. COMMENTS AND RESPONSES

COMMENT 1:

Kristy Miller expressed concern that ETEC will get its water from Seneca Water Supply and Woodville. According to Ms. Miller her family gets its water from Seneca Water Supply and they cannot survive without water.

RESPONSE 1:

In the wastewater permitting process, the TCEQ is tasked by the Legislature with protecting the quality of water in the state. The evaluation of water availability is not a factor in determining whether an applicant has met all of the statutory and regulatory criteria applicable to the wastewater permit, and hence was not evaluated in the ED's review of this application.

According to the application, however, the source water for use in the firewater reserve, boiler, and the cooling tower will be from the City of Woodville Publicly Owned Treatment Works (CW POTW) or from an on-site groundwater supply well. The water from the CW POTW will be reclaimed water and will be used for the cooling tower when available. Groundwater will be used for boiler makeup, service water, and as a backup for the CW POTW. The well water will be capable of supplying water for all plant water, except potable water, when water from the CW POTW is not available.

COMMENT 2:

Kristy Miller expressed concern about the facility being built near her home. Ms. Miller stated that she is neither in a financial position to sell her home and buy property somewhere else, nor wishes to move. Ms. Miller stated that she wants to live in a stable home where she has fond memories of the past. Ms. Miller requested that the Commission deny the water/sewer permit for the ETEC chemical plant proposed to be located down the road from her home.

Similarly, Grady and Linda Miller, Billy and Penny Tinkle, Edward and Tammy Miller, and Pam Harrell expressed concern that discharges from the ETEC facility will destroy their way of life, and have an adverse affect on their family business.

RESPONSE 2:

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

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

ETEC applied for an authorization to discharge wastewaters from a biomass-fired electric power generating facility. Authorization to discharge wastewaters from a chemical plant was neither requested in the permit application nor was included in the draft permit.

COMMENT 3:

Mr. R. A. Greaff and Ms. Karen Greaff asked if the wastewater discharges will be protective of the Turkey Creek.

Similarly, Grady and Linda Miller, Billy and Penny Tinkle, Edward and Tammy Miller, and Pam Harrell expressed concern that discharges from the ETEC facility will destroy the water.

RESPONSE 3:

The ED has determined that the discharges from the facility will be protective of water in the state, including Turkey Creek because: (a) the draft permit includes water quality-based effluent limitations for parameters of concern at the proposed facility to protect the quality of the receiving waters, (b) the draft permit includes technology-based limitations provided by the United States Environmental Protection Agency (EPA) for steam electric power plants in Title 40 Code of Federal Regulations (CFR) Part 423, and (c) the ED has performed Tier I and Tier II antidegradation reviews in

accordance with the rules provided in 30 TAC §307.5 and the "*Procedures to Implement the Texas Surface Water Quality Standards*," January 2003 (Implementation Procedures) for the Texas Surface Water Quality Standards (TSWQS).

The Tier I antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. The Tier II review has preliminarily determined that no lowering of water quality by more than a de minimis extent is expected in Turkey Creek.

Additionally, Other Requirement No. 13 in the draft permit requires ETEC to analyze discharges via Outfall 001 for certain analytes within 90 days of permit issuance or initial discharge, and provide the analytical results to the TCEQ. Based on a technical review of the submitted analytical results, an amendment may be initiated by TCEQ staff to include additional effluent limitations or monitoring requirements in ETEC's permit.

COMMENT 4:

Mr. R. A. Greaff and Ms. Karen Greaff asked if the one-acre disposal site will have any odor.

RESPONSE 4:

The request for the land application of domestic wastewaters in the permit application has been withdrawn. Other Requirement No. 4 in the draft permit explicitly prohibits the discharge of domestic wastewaters and requires ETEC to obtain appropriate domestic wastewater treatment authorization. Since land application is not authorized, odors from land disposal are not an issue in the draft permit.

COMMENT 5:

Mr. R. A. Greaff and Ms. Karen Greaff asked if the operations at the facility will make any noise.

RESPONSE 5:

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

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

COMMENT 6:

Mr. R. A. Greaff and Ms. Karen Greaff asked if seepage or run-off from the proposed facility will impact the one-acre pond on their property that is stocked with fish.

RESPONSE 6:

Potential for seepage was not evaluated because the draft discharge permit does not authorize the land disposal of any wastewaters. As specified in *Response 4,* ETEC withdrew its request for the land application of wastewater. ETEC intends to obtain authorization for the disposal of domestic wastewater under the On-Site Sewage Facilities (OSSF) program.

As provided in the *Statement of Basis/Technical Summary and Executive Director's Preliminary Decision*, ETEC intends to seek authorization to discharge storm water from the detention pond (woodpile, dust suppression runoff and non-contact runoff) under the *TPDES Multi-Sector Industrial General Permit (MSGP) for Storm Water - TXR050000*. The MSGP establishes the terms and conditions for the disposal of storm water to ensure compliance with the rules and regulations to protect the waters in the state. Retention ponds that are authorized under the MSGP must be lined to prevent seepage. Additional information regarding the MSGP can be found at: http://www.tceq.texas.gov/permitting/stormwater/TXR05whattodo.html.

The draft permit authorizes the discharge of cooling tower blow down, low volume waste sources, metal cleaning wastes, steam condensate and process area storm water via Outfall 001. The discharge route for Outfall 001 is via pipeline to Turkey Creek, then to Village Creek. Discharges of waste streams at locations other than Outfall 001 are not authorized in the draft permit. Any discharges not authorized by the permit will be considered violations of the conditions in the draft permit.. The first page of the draft permit explicitly states that:

> 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.

COMMENT 7:

Mr. R. A. Greaff and Ms. Karen Greaff asked if the facility will affect well water on their property.

RESPONSE 7:

Potential for impact on well waters offsite was not evaluated because, as specified in *Response 4*, ETEC no longer seeks authorization for land application, therefore the draft permit does not authorize the land application of wastewater. Since land disposal was not authorized in the draft permit, operations at the proposed facility are not expected to impact offsite wells.

COMMENT 8:

Mr. R. A. Greaff and Ms. Karen Greaff asked if the facility will have an effect on its surrounding environment.

RESPONSE 8:

The Executive Director has made a preliminary decision that this permit, if issued, meets all applicable statutory and regulatory requirements of the Federal Clean Water Act; Texas Water Code; the Commission rules and policies; and EPA rules .

The draft permit was developed in accordance with 30 TAC Chapter 307 and the Implementation Procedures and will be protective of aquatic life in the receiving stream when ETEC operates and maintains the facility in compliance with the draft permit. 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. A Tier 2 review has preliminarily determined that no lowering of water quality by more than a de minimis extent is expected in Turkey Creek, which has been identified as

having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

Should these conditions or other potential violations of the TPDES draft permit be observed at the facility, observers are encouraged to report an environmental complaint by calling toll-free, 1-888-777-3186 or calling the TCEQ Region 10 (Beaumont) Office at (409) 898-3838.

Based on the compliant, the regional investigators will investigate the conditions at the facility. If the regional investigator documents a violation of TCEQ regulations or conditions included in the TPDES permit, appropriate action will be taken.

COMMENT 9:

Grady and Linda Miller, Billy and Penny Tinkle, Edward and Tammy Miller, and Pam Harrell expressed concern that the ETEC operations will have an adverse affect on their livestock.

RESPONSE 9:

A guidance document provided by the Texas Agricultural Extension Service entitled *Water Quality: Its Relationship to Livestock* (Doc. No. L2374) states that the most common water quality problems affecting livestock production are high mineral concentrations (excess salinity), high nitrogen, bacterial contamination, blue-green algae (heavy growths), and petroleum, pesticide, and fertilizer spills.

The constituents of concern mentioned in Doc. No. L2374 are generally not associated with the waste streams proposed for discharge from this facility. Therefore, discharges authorized in the draft permit are not expected to adversely impact livestock.

The draft permit was developed in accordance with the TSWQS. These standards are designed to maintain the quality of water in the state and to be protective of human and environment. 30 TAC §307.4(d) states 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 Implementation Procedures ensures compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater which: (a) results in instream aquatic toxicity; (b) causes a violation of an applicable narrative or numerical state water quality standards; (c) results in the endangerment of a drinking water supply; or (d) results in aquatic bioaccumulation that threatens human health.

As part of the permit application process, the ED determines the uses of the receiving waters and establishes effluent limitations that are protective of those uses. The Tier I antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. The Tier II review has preliminarily determined that no lowering of water quality by more than a de minimis extent is expected in Turkey Creek.

COMMENT 10:

Grady and Linda Miller, Billy and Penny Tinkle, Edward and Tammy Miller, and Pam Harrell expressed concern that granting the permit will allow odor in the air.

RESPONSE 10:

Evaluation of odor is not a factor in determining whether an applicant has met all of the statutory and regulatory criteria applicable to an industrial wastewater permit.

To ensure that air emissions are minimized, ETEC's facility will be required to apply for and obtain a separate air quality permit from the TCEQ.

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

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENTS

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

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

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

Robert Martinez, Director
Environmental Law Division

By Kathy J Humphreys

Kathy Humphreys, Staff Attorney
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Environmental Law Division
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Austin, Texas 78711-3087
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CERTIFICATE OF SERVICE

I certify that on December 21, 2011 the "Executive Director's Response to Public Comment" for Permit No. WQ0004949000 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.

Kathy Humphreys, Staff Attorney
State Bar of Texas No. 24006911
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Fax: (512) 239-0606

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2011 DEC 21 PM 4:27
CHIEF CLERKS OFFICE

ATTACHMENT C

Compliance History Report

Customer/Respondent/Owner-Operator:	CN602932527 East Texas Electric Cooperative, Inc.			
Regulated Entity:	RN105878797	WOODVILLE RENEWABLE POWER PROJECT	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	AIR NEW SOURCE PERMITS		PERMIT	91823
	WASTEWATER		PERMIT	WQ0004949000
	WASTEWATER		EPA ID	TX0132918
Location:	INTX OF CR 1020 AND CR 1030 W OF US HWY 287 ABOUT 1 MI S OF WOODVILLE			
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	March 05, 2012			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 05, 2009 to March 05, 2012			

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

Name: Staff Name Phone: 239 - 1000

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? NO

2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO

3. If **YES**, who is the current owner/operator? N/A

4. If **YES**, who was/were the prior owner(s)/operator(s)? N/A

5. If **YES**, when did the change(s) in owner or operator occur? N/A

6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

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

N/A

C. Chronic excessive emissions events.

N/A

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

N/A

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

N/A

F. Environmental audits.

N/A

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

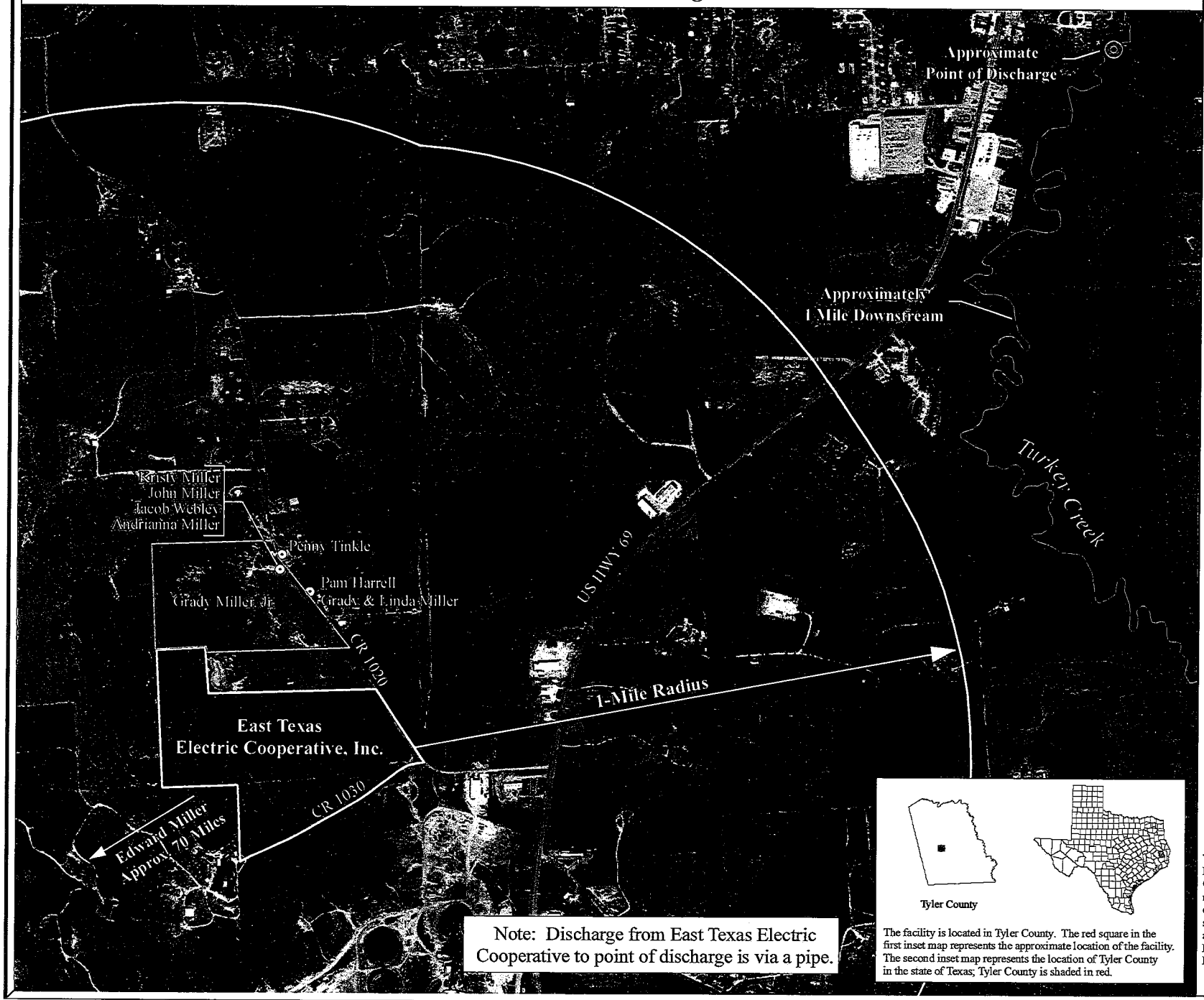
J. Early compliance.

N/A

Sites Outside of Texas

ATTACHMENT D

East Texas Electric Cooperative, Inc.
TPDES Permit No. WQ000494000
Map Requested by TCEQ Office of Legal Services for Commissioners' Agenda



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

Protecting Texas by Reducing and Preventing Pollution

TCEQ

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

March 5, 2012

0 0.05 0.1 0.2 0.3 Miles

Projection: Texas Statewide Mapping System (TSMS)
Scale 1:16,004

Legend

- ○ Facility
- ⊙ Requestor's Property
- ⊙ Discharge Point

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 facility. This is labeled "East Texas Electric Cooperative, Inc.".
(2) Circle and arrow depicting 1-mile radius. This is labeled "1-Mile Radius".
(3) Approximate locations for the requestors which are labeled with their names.
(4) Approximate location of discharge point. This is labeled "Approximate Point of Discharge".

N

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 Resource Division at (512) 239-0800.

M McDonough CRF-364355

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Docket No. 2012-0204-IWD; Permit No. WQ0004949000

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