TPDES PERMIT NO. WQ0004857000
[For TCEQ office use only -
EPA I.D. No. TX0131644]

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

This amendment supersedes and replaces TPDES Permit No. WQ0004857000, issued July 24, 2009.

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

Waste Control Specialists LLC and Andrews County

whose mailing address is

P.O. Box 1129
Andrews, Texas 79714

is authorized to treat and discharge wastes from the Byproduct Material Disposal Facility, a facility that receives, pretreats, and disposes of byproduct material, a type of radioactive waste as defined in 30 TAC §336.1105(4) and the Texas Health & Safety Code § 401.003(3)(B) (cited as the Texas Radiation Control Act), via a landfill operated under the authority of Radioactive Material License No. R05807, (SIC 4953)

located at 9998 State Highway 176 West, approximately 1.25 miles north of the intersection of State Highway 176 with the Texas and New Mexico state line, Andrews County, Texas 79714

via Outfalls 004 and 005 to an unnamed ditch in the State of Texas; thence to an unnamed ditch in the State of New Mexico; thence to Monument Draw in the State of New Mexico; thence to Monument Draw in the State of Texas; thence to Upper Pecos River in Segment No. 2311 of the Rio Grande 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 September 1, 2018.

ISSUED DATE:

For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 005

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge previously monitored effluents (PMEs; from internal Outfall 103), non-contact industrial stormwater (*1), and stormwater associated with construction activities (*2) at the Byproduct Material Disposal Facility (BMDF) subject to the following effluent limitations:

   The daily average dry weather (*3) flow of effluent shall not exceed 0.44 million gallons per day (MGD).

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average	Daily Maximum	Single Grab	Report Daily Average and Daily Maximum	
	mg/L	mg/L	mg/L	Measurement Frequency	Sample Type
Flow (MGD)	(Report)	(Report)	N/A	1/day (*4)	Estimate
Oil and Grease	N/A	15	15	1/week (*4)	Grab
Chemical Oxygen Demand (COD)	N/A	200	200	1/week (*4)	Grab
Aluminum, total (*5)	Report	Report	N/A	2/month (*4)	Grab

(*1) See Other Requirement No. 6.
(*2) See Other Requirement No. 7 and Stormwater Associated With Construction Activities section on Page No. 22.
(*3) See Other Requirement No. 8.
(*4) When discharge occurs during normal business hours. Normal business hours are between the hours of 7:30 a.m. and 5:00 p.m., excluding holidays.
(*5) This report requirement expires July 31, 2018. See Other Requirement No. 16.

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day (*4) 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(s): At Outfall 005, at the drainage ditch exiting the west side of the facility near the north facility boundary.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 103

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge landfill wastewaters only from the Byproduct Material Disposal Unit, BMDU (*1), associated with the disposal of Fernald waste canisters only in the BMDU, at the Byproduct Material Disposal Facility (BMDF) subject to the following effluent limitations (*2):

The daily average flow of effluent shall not exceed 0.44 million gallons per day (MGD).

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average	Daily Maximum	Single Grab	Report Daily Average and Daily Maximum	
	mg/L	mg/L	mg/L	Measurement Frequency	Sample Type
Flow (MGD)	(Report)	(Report)	N/A	1/day (*3)	Record
Oil and Grease	N/A	15	15	1/week (*3)	Grab
Biochemical Oxygen Demand, 5-day (BOD_5)	42	220	220	1/month (*3)	Grab
Total Suspended Solids (TSS)	27	88	88	1/month (*3)	Grab
Ammonia Nitrogen (NH_3-N)	3.7	10	10	1/month (*3)	Grab
Dissolved Oxygen (DO), minimum	N/A	2.0 minimum	N/A	1/day (*3)	Grab
α-Terpineol	0.019	0.042	0.042	1/month (*3)	Grab
Aniline	0.015	0.024	0.024	1/month (*3)	Grab
Benzoic acid	0.073	0.119	0.119	1/month (*3)	Grab
Naphthalene	0.022	0.059	0.059	1/month (*3)	Grab
p-Cresol	0.015	0.024	0.024	1/month (*3)	Grab
Phenol	0.029	0.048	0.048	1/month (*3)	Grab
Pyridine	0.025	0.072	0.072	1/month (*3)	Grab
Arsenic, total	0.508	1.07	1.07	1/month (*3)	Grab
Chromium, total	0.46	1.1	1.1	1/month (*3)	Grab
Zinc, total	0.296	0.535	0.535	1/month (*3)	Grab
Combined Radium 226 and 228	N/A	5 pCi/l	5 pCi/l	1/month (*3)	Grab
Gross alpha-particle activity (*4)	N/A	15 pCi/l	15 pCi/l	1/month (*3)	Grab
Gross Beta/photon emitters (*5)	N/A	Report pCi/l	Report pCi/l	1/month (*3)	Grab
Uranium, total	N/A	30 µg/l	30 µg/l	1/month (*3)	Grab

(*1) See Other Requirement No. 5.
(*2) See Other Requirement Nos. 5, 12 and 13.
(*3) When discharge occurs.
(*4) Excluding Uranium and Radon.
(*5) Report all values equal to or greater than 50 pCi/l.

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day (*3) 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(s): At Outfall 103, at the contact water tank dike.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 004

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge non-contact industrial stormwater (*1), and stormwater associated with construction activities (*2) at the BMDF subject to the following effluent limitations:

   Volume: Intermittent and flow variable.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average	Daily Maximum	Single Grab	Report Daily Average and Daily Maximum	
	mg/L	mg/L	mg/L	Measurement Frequency	Sample Type
Flow (MGD)	(Report)	(Report)	N/A	1/day (*3)	Estimate
Oil and Grease	N/A	15	15	1/week (*3)	Grab
Chemical Oxygen Demand	N/A	200	200	1/week (*3)	Grab

(*1) See Other Requirement No. 6.
(*2) See Other Requirement No. 7 and Stormwater Associated With Construction Activities section on Page No. 17.
(*3) When discharge occurs during normal business hours. Normal business hours are between the hours of 7:30 a.m. and 5:00 p.m., excluding holidays.

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day (*3) 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(s): At Outfall 004, at the drainage ditch exiting the west side of the facility near the south facility boundary.

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 TWC §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 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; TWC 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 Texas Commission on Environmental Quality (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 TWC §§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.

OTHER REQUIREMENTS

1. Violations of daily maximum limitations for the following pollutants shall be reported orally or by facsimile to TCEQ Region 7 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 7 and the Enforcement Division (MC 224).

   Test methods utilized shall be sensitive enough to demonstrate compliance with the permit effluent limitations. Permit compliance and 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 below.

POLLUTANT	MAL, ug/L	POLLUTANT	MAL, ug/L
α -Terpineol	15	Zinc, total	5
Aluminum, total	30	Gross alpha particle activity	3 pCi/L
Aniline	10	(in picoCuries per liter pCi/l)	3 pCi/L
Benzoic acid	10	Gross Beta/photon emitters	1 pCi/L
Naphthalene	10	Radium 226	1 pCi/L
p-Cresol	10	Radium 228	1 ug/L
Phenol	10	Uranium, total (in micrograms per liter,	
Pyridine	20	ug/l)	5.0 mg/L
Arsenic, total	10	Oil & Grease (O&G) [EPA Method 1664	
Chromium, total	10	HEM, MQL of 5.0 mg/l]	

   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. This provision supersedes and replaces Provision 1, Paragraph 1 of Monitoring and Reporting Requirements found on Page 4 of this permit.

   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 location(s) specified on the reporting form or the instruction sheet, by the 25th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be reported on the approved TPDES self-report form, Discharge Monitoring Report (DMR) Form EPA No. 3320-1, signed and certified as required by Monitoring and Reporting Requirements No. 10.

3. Stormwater Pollution Prevention Measures- The following requirements apply to Outfall 004 and to those areas within the facility that contribute stormwater runoff to Outfall 005:

Pollution Prevention Plan - The permittee shall prepare and implement a pollution prevention plan that identifies potential sources of pollution that may reasonably be expected to affect the quality of stormwater and describes practices to reduce the pollutants in discharges from the facility. The plan shall be implemented as a provision of this permit. The plan shall be maintained on site or at the adjacent WCS facility authorized by TPDES Permit No. WQ0004038000 and be made readily available for inspection by authorized staff of the TCEQ or the Environmental Protection Agency (EPA). The TCEQ may notify the permittee that the plan does not meet one or more of the minimum requirements of this permit. Upon notification the permittee shall amend the plan and submit a written description of the changes required to meet requirements of the permit within 30 days of notification. The plan shall be amended whenever there is a change in design, construction, operation, or maintenance at the facility that has a significant potential to contribute additional pollutants to discharges of stormwater or if the plan proves to be ineffective in eliminating or minimizing pollutants in discharges of stormwater.

The plan shall include, at a minimum:

A. Pollution Prevention Team -

The plan shall identify specific individuals as members of a stormwater Pollution Prevention Team. The team shall be responsible for development and implementation of the stormwater pollution prevention plan. The plan shall clearly identify the responsibilities of each team member. Employee training programs shall be developed to inform employees of spill response, good housekeeping procedures, pollution reduction measures, and operation and maintenance of stormwater structural controls. Employee training shall be documented as part of the plan.

B. Identification of Pollutant Sources -

The plan shall provide a description of potential sources or pollutants to stormwater runoff. A site map shall be developed that delineates drainage areas that contribute to stormwater discharges. Stormwater structural controls (dikes, berms, and stormwater treatment units, for example) and areas of industrial activity that have potential to affect stormwater quality shall also be depicted on the map. An inventory of materials handled at the facility that are exposed to rainfall or stormwater runoff shall be developed. Materials handling, loading, and storage areas shall be identified on the site map.

C. Pollution Reduction Measures and Controls -

A list of spills and leaks of toxic and hazardous wastes shall be monitored as a part of the plan. Spill clean-up procedures shall be developed and implemented. Actions taken following each event to remove wastes and actions taken to prevent similar, future events, shall be described and documented as a part of the plan. Good housekeeping practices shall be developed and documented as a part of the plan in order to reduce the contribution of pollutants in stormwater runoff through maintaining work areas in a clean and orderly manner. A schedule of routine maintenance inspections shall be developed and implemented to identify potential problems with stormwater control devices (dikes, berms, and stormwater treatment units...) and facility equipment (valves, tanks...). Inspections shall be conducted at a minimum frequency of once per month. The dates of inspections, names of personnel conducting the inspections, and the results of inspections shall be documented as a part of the plan.

4. There is no mixing zone defined for these discharges to an intermittent stream. Acute toxic criteria apply at the points of discharge via Outfalls 004 and 005.

5. Landfill wastewater means all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, contaminated groundwater, and wastewater from recovery pumping wells. Landfill wastewater includes leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contact industrial stormwater, wash water (from washing the surfaces of trucks, equipment, containers, and other items that have come in direct contact with waste at the BMDF and that have not been adequately decontaminated), and personnel decontamination water. Landfill wastewater does not include non-contact industrial stormwater or stormwater associated solely with construction activities.

   Only landfill wastewater removed from the BMDU during the disposal operations described in Other Requirement Nos. 12 and 13 may be directly discharged via Outfall 103. Landfill wastewater shall not be discharged from the BMDF via Outfall 004. Landfill wastewater shall not be discharged from the BMDF via Outfall 005 unless it has first been discharged from Outfall 103 in accordance with the effluent limitations of TPDES Permit No. WQ0004857000.

6. Stormwater Associated with Industrial Activities – Stormwater that contacts areas of the BMDF in which facility operations have commenced. These areas include, but are not limited to, waste shipping, receiving and staging areas, the BMDU, wastewater management units, and similar areas where stormwater can contact industrial pollutants related to facility operations. Stormwater associated with industrial activities includes both contact and non-contact industrial stormwater as defined below. Stormwater that contacts areas of the BMDF that are undeveloped or in which construction activities only are conducted is not industrial stormwater.

   a. Contact industrial stormwater means stormwater that comes in direct contact with landfill wastes, landfill wastewater, or surface areas that have come in direct contact with landfill wastes or wastewaters and have not been adequately decontaminated. Some specific areas of the BMDF that may produce contact industrial stormwater include the open face of the active landfill with exposed waste or waste containers (no cover added), trucks, equipment or machinery that have been in direct contact with waste and have not been adequately decontaminated, and waste dumping areas. All industrial stormwater that is collected within a landfill cell that has received waste shall be managed as contact industrial stormwater unless cover has been placed over all waste and waste containers in the cell. Contact industrial stormwater is landfill wastewater. Contact industrial stormwater is restricted from discharge via Outfall 004, and shall only be discharged via Outfall 005 if it has first been discharged via internal Outfall 103 in accordance with the requirements for discharge of landfill wastewater.

   b. Non-contact industrial stormwater means industrial stormwater that does not come in direct contact with landfill wastes, landfill wastewater, or surface areas that have come in direct contact with landfill wastes or wastewaters and have not been adequately decontaminated. Non-contact industrial stormwater includes stormwater that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill. Non-contact industrial stormwater shall be discharged from the BMDF via Outfalls 004 and 005 only.

7. Stormwater Associated with Construction Activities – Stormwater runoff from an area where there is either a large construction activity or a small construction activity, as defined in the section entitled *Stormwater Associated with Construction Activities* on Page No. 22. Stormwater discharges associated with construction activities performed by Waste Control Specialists LLC may be authorized by this Permit as described in the section entitled *Stormwater Associated with Construction Activities* or in accordance with TPDES General Permit TXR150000.

a. When construction activities are conducted in areas of the BMDF where industrial operations have commenced and stormwater may contact industrial pollutants (e.g., stormwater accumulated within any portion of the BMDU after disposal operations have commenced), the commingled stormwater discharges are also subject to the requirements provided in Other Requirement No. 6. Commingled non-contact industrial stormwater and stormwater discharges associated with construction activities shall be discharged from the BMDF via Outfalls 004 and 005 only.

b. Stormwater discharges associated solely with construction activities may be, but are not required to be, discharged from the BMDF via Outfalls 004 and 005.

8. DRY WEATHER FLOW CLAUSE

The permittee shall continuously record flow at Outfall 005 via a flow meter or via summation of the recorded flows at Outfall 103. Compliance with the flow limitations established at Outfall 005 on page 2 of this permit will be based upon days in which there is dry weather flow only. For the purpose of this permit, dry weather flow is defined as days in which the total flow at Outfall 005 consists of any of the following sources: previously monitored effluents from internal Outfall 103, and non-contact industrial stormwater or stormwater associated with construction activities resulting from rainfall less than 0.1 inches in a 24-hour period. The permittee shall install a permanent rain gage at the plant site or utilize an existing rain gage at the permitee's adjacent facility (authorized via TPDES Permit No. WQ0004038000) and keep daily records of rainfall and the resulting flow at Outfall 005. Flow at Outfall 005 during days when the rainfall exceeds 0.1 inches during any 24-hour period shall not be used in calculating the daily average or daily maximum flows to be submitted on the monthly effluent reports forms.

9. The permittee is authorized to reuse non-contact industrial stormwater and stormwater associated with construction activities for dust suppression, make up water for waste stabilization, onsite recycling and reuse activities. The permittee is authorized to reuse landfill wastewater, including contact industrial stormwater, as a dust suppressant within the active landfill cells only. Provided all applicable TPDES limits of this permit (specifically, Outfall 103, Effluent Limitations and Monitoring Requirements) are met allowing release of the effluent for discharge, the permittee is authorized to reuse contact water from the two BMDF 500,000 gallon storage tanks for general use. This general use includes dust suppression, waste stabilization, soil conditioning, onsite recycling, reuse or other similar uses throughout the WCS facilities complex. Such use of landfill contact wastewaters is prohibited at any place outside of the BMDU if bulk waste or any waste other than the original Fernald waste containers is disposed of in the BMDF. Landfill wastewater, including contact industrial stormwater, may not be reused in any area or manner that may cause the unauthorized discharge of wastewater or endanger human health or the environment.

10. The permittee is hereby placed on notice that this permit may be reviewed by the TCEQ after the completion of any new intensive water quality survey on Segment No. 2311 of the Rio Grande Basin and any subsequent updating of the water quality model for Segment No. 2311, in order to determine if the limitations and conditions contained herein are consistent with any such revised model. The permit may be amended pursuant to 30 TAC Sections 305.62, as a result of such review.

11. Reporting requirements pursuant to 30 TAC Sections 319.1-319.12 and any additional effluent reporting requirements contained in the permit are suspended from the effective date of the permit until plant start-up or discharge, whichever comes first, from the facility described by this permit. The permittee shall provide written notice to the TCEQ's Applications Review and Processing Team (MC 148) of the Water Quality Division, and the Regional Office, 45 days prior to plant start-up or anticipated discharge via either Outfall 004 or Outfall 005 (i.e., internal Outfall 103).

Monitoring results shall be provided at the intervals specified in the permit. For pollutants which are monitored annually, effluent reports shall be submitted in September of each year. For pollutants which are monitored twice per year, the first effluent report shall be submitted six months after the date of plant start-up or discharge, whichever comes first, and subsequent reports every six months thereafter. For pollutants which are monitored four times per year, the first effluent report shall be submitted three months after the date of plant start-up or discharge, whichever comes first, and subsequent reports every three months thereafter.

12. The operation whereby untreated landfill wastewater removed from the Byproduct Material Disposal Unit (BMDU) is discharged via Outfall 103 from the two 500,000 gallon storage tanks located within the boundary of the Byproduct Material Disposal Facility (BMDF) shall be specifically authorized by a minor amendment to the current, originally issued RML No. R05807 dated May 29, 2008 for only the disposal operations as defined in Other Requirement No. 13. Such authorization shall be restricted to the conditions that the wastewater meets the effluent limitations of TPDES Permit No. WQ0004857000 for Outfall 103, and that the only wastes that have been disposed in the BMDU, considering all cells containing waste, are the Fernald waste canisters.

13. The design and operation of Outfall 103, which is an onsite outfall located within the boundary of the BMDF, shall be specifically authorized by RML No. R05807. Such authorization shall have considered the design, operational, and environmental impact aspects of the disposal operations at the BMDF, and shall be based upon the anticipated uncontaminated characteristics of the stormwater removed from the BMDU and stored in the two 500,000 gallon tanks not requiring treatment prior to discharge at Outfall 103. The BMDU operation shall be limited to the receipt and disposal of byproduct material contained in the sealed Fernald waste canisters, wherein this limitation, and the required design and operation of Outfall 103 shall also be incorporated into RML No. R05807 by a minor amendment to this current, originally issued license dated May 29, 2008.

14. Table 1 shall be completed with the analytical results for Outfall 005 and sent to the TCEQ, Wastewater Permitting Section (MC 148), within 90 days (and no longer than 30-days from receipt of the analytical results from the applicable laboratory) following permit issuance or 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. Test methods utilized to determine compliance with the permit monitoring or reporting requirements and limitations shall be according to EPA methodology and sensitive enough to detect the parameters listed below at the minimum analytical level (MAL).

Table 1: For Outfall 005 (when discharge commences), 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.

TABLE 1

Outfall No.:	□C □G	**Table 1: Effluent Concentration (µg/L)**					**MAL (µg/L)**
Pollutants		**Samp. 1**	**Samp. 2**	**Samp. 3**	**Samp. 4**	**Average**	
Hexavalent Chromium							10

15. Table 2 shall be completed with the analytical results for Outfall 004 for those parameters listed in Table 2 for a minimum of four (4) separate sampling events which are a minimum of one (1) week apart. The analytical results shall be sent to the TCEQ, Wastewater Permitting Section (MC 148), within 90 days (and no longer than 30-days from receipt of the analytical results from the applicable laboratories) following permit issuance or 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. Test methods utilized to determine compliance with the permit monitoring and reporting requirements or limitations shall be according to EPA methodology and sensitive enough to detect the parameters at the minimum analytical level (MAL).

TABLE 2

Outfall No.:	Average Values (mg/L)		Maximum Values (mg/L)			
Pollutants	Grab Samples Taken During First 30 min.	Flow Weighted Composite Samples	Grab Samples Taken During First 30 min.	Flow Weighted Composite Samples	No. of Storm Events Sampled	MAL mg/L
VOLATILE COMPOUNDS						
Hexavalent Chromium						0.010

16. The permittee shall proceed with the "Work Plan for an Evaluation of Aluminum in Stormwater Discharges." The purpose of this work plan is to outline an approach for collecting samples of stormwater alone to demonstrate that aluminum levels in stormwater are directly responsible for aluminum levels in discharges at WCS.

    The permittee shall proceed with the "Work Plan for an Aluminum Partitioning Study." The purpose of this work plan is to outline an approach for determining the site specific ratio of dissolved aluminum to total aluminum for Outfall 005 discharges. This study will also demonstrate that any proposed aluminum effluent limits will not cause "instream" effects in the normally dry receiving ditch by determining the No Observed Effects Concentration (NOEC).

    The results of the work plans shall be submitted to the Water Quality Standards Team (MC-150) of the TCEQ Water Quality Division. Once the results of the work plans are completed by the permittee, a permitting action is required to evaluate the appropriateness of a site-specific partition coefficient for aluminum and any required effluent limitation or reporting requirement.

STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES

Waste Control Specialists LLC and Andrews County (permittee) must either 1) develop a Stormwater Pollution Prevention Plan (SWP3), and follow the other conditions of this permit, to authorize stormwater discharges from each construction activity performed by the permittee, that results in a land disturbance of one (1) or more acres, or 2) Apply under TPDES general permit TXR150000 for authorization to discharge stormwater runoff from construction activities. If the permittee opts to discharge stormwater via this permit, only discharges of stormwater runoff from construction activities that are located at the facility authorized under this TPDES permit, and where Waste Control Specialists LLC is the construction site operator, are eligible for authorization under this permit. Discharges of Stormwater Associated with Construction Activities, include but are not limited to, concrete batch plants, rock crushers, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas.

1. Construction Stormwater Discharges

   The permittee shall develop and implement a stormwater pollution prevention plan (SWP3). The SWP3 must be maintained onsite and made readily available for review by the TCEQ upon request. The SWP3 must, at a minimum, include the following:

   a. a site or project description, which includes the following information:
      1) a description of the nature of the construction activity;
      2) a list of potential pollutants and their sources;
      3) a description of the intended schedule or sequence of activities that will disturb soils for major portions of the site;
      4) the total number of acres of the entire property and the total number of acres where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas.
      5) data describing the soil or the quality of any discharge from the site;
      6) a map showing the general location of the site (e.g., a portion of a city or county map);
      7) a detailed site map (or maps) indicating the following:
         (a) drainage patterns and approximate slopes anticipated after major grading activities;
         (b) areas where soil disturbance will occur;
         (c) locations of all major erosion and sediment controls and natural buffers, either planned or in place;
         (d) locations where temporary or permanent stabilization practices are expected to be used;
         (e) locations of construction support activities, including off-site activities, including material, waste, borrow, fill, or equipment storage areas;
         (f) surface waters (including wetlands) either at, adjacent, or in close proximity to the site;
         (g) locations where stormwater discharges from the site directly to a surface water body or a municipal separate storm sewer system; and
         (h) vehicle wash areas.
      8) the location and description of support activities such as the concrete plant, gravel washing facilities, and other activities providing support to the construction site;
      9) the name of receiving waters at or near the site(s) that may be disturbed or that may receive discharges from disturbed areas of the project(s);

b. A description of the Best Management Practices (BMPs) that will be used to minimize pollution in runoff. The description must identify the general timing or sequence for implementation. At a minimum, the description must include the following components:

1) General Requirements

(a) Erosion and sediment controls must be designed to retain sediment on-site to the extent practicable with consideration for local topography, soil type, and rainfall.

(b) Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications.

(c) Controls must be developed to minimize the offsite transport of litter, construction debris, and construction materials.

2) Erosion Control and Stabilization Practices

The SWP3 must include a description of temporary and permanent erosion control and stabilization practices for the site(s), including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where it is possible.

(a) Erosion control and stabilization practices may include but are not limited to: establishment of temporary or permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation, slope texturing, temporary velocity dissipation devices, flow diversion mechanisms, and other similar measures.

(b) The following records must be maintained and either attached to or referenced in the SWP3:

(i) the dates when major grading activities occur;

(ii) the dates when construction activities temporarily or permanently cease on a portion of the site; and

(iii) the dates when stabilization measures are initiated.

(c) Erosion control and stabilization measures must be initiated immediately in portions of the site(s) where construction activities have temporarily ceased. Stabilization measures that provide a protective cover must be initiated immediately in portions of the site(s) where construction activities have permanently ceased. Except as provided in (c)(i) through (c)(iii) below, these measures must be completed no more than 14 days after the construction activity in that portion of the site(s) has temporarily or permanently ceased:

(i) Where the immediate initiation of stabilization measures after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.

(ii) In arid areas, semi-arid areas, or drought-stricken areas where the immediate initiation of stabilization measures after construction activity has temporarily or permanently ceased or is precluded by arid conditions, erosion control and stabilization measures must be initiated as soon as practicable. Where vegetative controls are not feasible due to arid conditions, the permittee shall immediately install, and within 14 calendar days of a temporary or permanent cessation of work in any portion of the site(s) complete, non-vegetative erosion controls. If non-vegetative controls are not feasible, the permittee shall install temporary sediment controls as required in Paragraph (c)(iii) below.

(iii) In areas where temporary stabilization measures are infeasible, the permittee may alternatively utilize temporary perimeter controls. The permittee must document in the SWP3 the reason why stabilization measures are not feasible, and must demonstrate that the

perimeter controls will retain sediment on site(s) to the extent practicable. The permittee must continue to inspect the BMPs for unstabilized sites.

3) Sediment Control Practices

The SWP3 must include a description of any sediment control practices used to remove eroded soils from stormwater runoff, including the general timing or sequence for implementation of controls.

(a) Sedimentation Basin(s)

(i) A sedimentation basin is required, where feasible, for a common drainage location that serves an area with ten (10) or more acres disturbed at one time. A sedimentation basin may be temporary or permanent, and must provide sufficient storage to contain a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained. When calculating the volume of runoff from a 2-year, 24-hour storm event, it is not required to include the flows from offsite areas and flow from onsite areas that are either undisturbed or have already undergone permanent stabilization, if these flows are diverted around both the disturbed areas of the site(s) and the sediment basin. Capacity calculations shall be included in the SWP3.

(ii) Where rainfall data is not available or a calculation cannot be performed, the sedimentation basin must provide at least 3,600 cubic feet of storage per acre drained until final stabilization of the site(s).

(iii) If a sedimentation basin is not feasible, then the permittee shall provide equivalent control measures until final stabilization of the site(s). In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area, public safety, precipitation patterns, site geometry, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater, and other similar considerations. The permittee shall document the reason that the sediment basins are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins.

(b) Perimeter Controls - At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site(s) conditions.

(c) Controls for Sites With Drainage Areas Less than Ten Acres:

(i) Sediment traps and sediment basins may be used to control solids in stormwater runoff for drainage locations serving less than ten (10) acres. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site(s) conditions.

(ii) Alternatively, a sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained may be utilized. Where rainfall data is not available or a calculation cannot be performed, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained may be provided. If a calculation is performed, then the calculation shall be included in the SWP3.

c. Description of Permanent Stormwater Controls

A description of any measures that will be installed during the construction process to control pollutants in stormwater discharges that may occur after construction operations have been completed must be included in the SWP3.

d. Other Required Controls and BMPs

1) The permittee shall minimize, to the extent practicable, the off-site vehicle tracking of sediments and the generation of dust. The SWP3 must include a description of controls utilized to accomplish this requirement.

2) The SWP3 must include a description of construction and waste materials expected to be stored on-site and a description of controls to minimize pollutants from these materials.

3) The SWP3 must include a description of potential pollutant sources from areas other than construction (such as stormwater discharges from dedicated gravel washing facilities and dedicated concrete batch plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

4) The permittee shall place velocity dissipation devices at discharge locations and along the length of any outfall channel (such as runoff conveyance) to provide a non-erosive flow velocity from the structure to a water course, so that the natural physical and biological characteristics and functions are maintained and protected.

5) The permittee shall design and utilize appropriate controls to minimize the offsite transport of suspended sediments and other pollutants if it is necessary to pump or channel standing water from the site(s).

e. Maintenance Requirements

1) All protective measures identified in the SWP3 must be maintained in effective operating condition. If, through inspections or other means, the permittee determines that BMPs are not operating effectively, then the permittee shall perform maintenance as necessary to maintain the continued effectiveness of stormwater controls, and prior to the next rain event if feasible. If maintenance prior to the next anticipated storm event is impracticable, the reason shall be documented in the SWP3 and maintenance must be scheduled and accomplished as soon as practicable. Erosion and sediment controls that have been intentionally disabled, run-over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery.

2) If periodic inspections or other information indicates a control has been used incorrectly, is performing inadequately, or is damaged, then the permittee shall replace or modify the control as soon as practicable after making the discovery.

3) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%. For perimeter controls such as silt fences, berms, etc., the trapped sediment must be removed before it reaches 50% of the above-ground height.

4) If sediment escapes the site(s), accumulations must be removed at a frequency that minimizes offsite impacts, and prior to the next rain event, if feasible.

f. Inspections of Controls

1) Personnel provided by the permittee must inspect disturbed areas of the construction site(s) that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. Personnel conducting these inspections must be knowledgeable of this permit, familiar with the construction site(s), and knowledgeable of the SWP3 for the site(s). Sediment and erosion control measures identified in the SWP3 must be inspected to ensure that they are operating correctly. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking. Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

2) Where sites have been finally or temporarily stabilized or where runoff is unlikely due to winter conditions (e.g., site(s) is covered with snow, ice, or frozen ground exists), inspections must be conducted at least once every month. During periods of drought, inspections must be conducted at least once every month and within 24 hours after the end of a storm event of 0.5 inches or greater.

3) As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, then the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection.

4) The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of "dry" season and beginning of "wet" season).

5) In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.

6) The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed within seven (7) calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable.

7) The permittee shall prepare, and retain as part of the SWP3 a report summarizing the scope of the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include: The locations of discharges of sediment or other pollutants from the site(s); locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.

8) Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

9) The names and qualifications of personnel making the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.

g. Erosion and Sediment Control Requirements

The permittee shall ensure that the discharge, achieves, at a minimum, the following effluent limitations representing the degree of effluent reduction attainable by application of the best practicable control technology currently available (BPT).

1) Erosion and sediment controls - Design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed, and maintained to:

(a) Control stormwater volume and velocity within the site(s) to minimize soil erosion;

(b) Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and streambank erosion;

(c) Minimize the amount of soil exposed during construction activity;

(d) Minimize the disturbance of steep slopes;

(e) Minimize sediment discharges from the site(s). The design, installation, and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site(s);

(f) If earth disturbance activities are located in close proximity to a surface water, provide and maintain appropriate natural buffers if feasible and as necessary, around surface waters, depending on site-specific topography, sensitivity, and proximity to water bodies. Direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration unless unfeasible; and

(g) Minimize soil compaction and, unless infeasible, preserve topsoil.

(h) TCEQ does not consider stormwater control features (e.g., stormwater conveyance channels, storm drain inlets, sediment basins) to constitute "surface waters" for the purposes of triggering the buffer requirement in item (f) above. Also, areas that the permittee does not own or that are otherwise outside their operational control may be considered areas of undisturbed natural buffer for purposes of compliance with this requirement.

2) Soil stabilization - Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site(s), or temporarily ceased on any portion of the site(s) and will not resume for a period exceeding 14 calendar days. Temporary stabilization must be completed within 14 days after initiation of soil stabilization measures, and final stabilization must be achieved prior to termination of permit coverage. In arid, semi-arid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative non-vegetative stabilization measures must be employed as soon as practicable.

3) Dewatering - Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited, unless managed by appropriate controls.

4) Pollution prevention measures - Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:

(a) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

(b) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site(s) to precipitation and to stormwater; and

(c) Minimize the discharge of pollutants from spills and leaks, and implement chemical spill and leak prevention and response procedures.

5) Prohibited discharges - The following discharges are prohibited:

(a) Wastewater from wash out of concrete trucks, unless managed by an appropriate control;

(b) Wastewater from wash out and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

(c) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

(d) Soaps or solvents used in vehicle and equipment washing.

6) Surface outlets - When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

2. Concrete Batch Plant Discharges

The permittee shall develop and implement a SWP3. The SWP3 must be maintained onsite and made readily available for review by the TCEQ upon request. The SWP3 may be a separate document for the Concrete Batch Plant or may be combined with the SWP3 developed for construction activities described above in item 8. The SWP3 must at a minimum include the following:

a. Description of Potential Pollutant Sources - The SWP3 must provide a description of potential sources (activities and materials) that may reasonably be expected to affect the quality of stormwater discharges associated with the concrete batch plant. The SWP3 must describe practices that that will be used to reduce the pollutants in these discharges to assure compliance with this permit, including the protection of water quality, and must ensure the implementation of these practices. The following must be developed, at a minimum, in support of developing this description:

1) Drainage Area Site Map – The site map must include the following information:

(a) the location of all outfalls for stormwater discharges associated with the concrete batch plant authorized under this permit;

(b) a depiction of the drainage area and the direction of flow to the outfall(s) and an identification of the types of pollutants that are likely to be present in the stormwater discharges from each area of the facility that generates stormwater discharges with a reasonable potential for containing significant amounts of pollutants, including sediments (for example, toxicity of the chemical, and the quantity of chemicals uses, produced, or discharged);

(c) structural controls (for example, ponds, vegetated buffers, and constructed stormwater pollution controls) used within the drainage area(s);

(d) the locations of the following areas associated with the concrete batch plant that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes; liquid storage tanks; material processing and storage areas; and loading and unloading areas; and

(e) any bag house or other dust control device(s); recycle/sedimentation pond, clarifier or other device used for the treatment of facility wastewater (including the areas that drain to the treatment device); areas with significant materials; and areas where major spills or leaks have occurred.

2) Inventory of Exposed Materials – A list of materials handled at the concrete batch plant that may be exposed to stormwater and that have a potential to affect the quality of stormwater discharges associated with the concrete batch plant.

3) Spills and Leaks - A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and that drain to stormwater outfalls associated with the concrete batch plant must be developed, maintained, and updated as needed.

4) Sampling Data - A summary of existing stormwater discharge sampling data must be maintained as part of the SWP3.

b. Pollution Prevention Measures and Controls - The SWP3 must include a description of management controls to regulate pollutants identified in the SWP3's "Description of Potential Pollutant Sources" in item 9.a above, and a schedule for implementation of the measures and controls. This must include, at a minimum:

1) Good Housekeeping Measures - Good housekeeping measures must be developed and implemented in the area(s) associated with the concrete batch plant.

   (a) The permittee shall prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), settled dust, or other significant materials from paved portions of the site that are exposed to stormwater. Measures used to minimize the presence of these materials may include regular sweeping or other equivalent practices. The SWP3 must indicate the frequency of sweeping or other practices. These practices must be conducted at a frequency that is determined based on consideration of the amount of industrial activity occurring in the area and frequency of precipitation, and shall occur at least once per week when cement, fly ash, and kiln dust or aggregate is being handled or otherwise processed in the area.

   (b) The permittee shall prevent the exposure of fine granular solids, such as cement, fly ash and kiln dust to stormwater. Where practicable, these materials must be stored in enclosed silos, hoppers or buildings, or other structure, to prevent exposure to precipitation or runoff.

2) Inventory Measures – A preventive maintenance program must include routine inspection and maintenance of stormwater management controls (including oil/water separators, catch basins, drip pans, berms, dikes, and other similar controls), as well as inspecting and testing facility equipment and systems to discover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and measures to ensure appropriate maintenance and performance of facility equipment and systems.

3) Spill Prevention and Response Procedures - Areas where potential spills that can contribute pollutants to stormwater runoff, and the drainage areas from these locations, must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for cleaning up spills must be identified in the SWP3 and made available to the appropriate personnel.

4) Inspections – The permittee shall identify qualified facility personnel (for example, a person or persons with knowledge of this permit, the concrete batch plant, and the SWP3 related to the concrete batch plant for the site) to inspect designated equipment and areas of the facility specified in the SWP3. The inspection frequency must be specified in the SWP3 based upon a consideration of the level of concrete production at the facility, but must be a minimum of once per month while the facility is in operation. The inspection must take place while the facility is in operation and must, at a minimum, include all areas that are exposed to stormwater at the site, including material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, truck wash down and equipment cleaning areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections must be maintained and be made readily available for inspection upon request.

5) Employee Training - An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3, or personnel otherwise responsible for stormwater pollution prevention, with the provisions of the SWP3. The frequency of training must be documented in the SWP3, and at a minimum, must consist of one training prior to the initiation of operation of the concrete batch plant.

6) Record Keeping and Internal Reporting Procedures - A description of spills and similar incidents, plus additional information that is obtained regarding the quality and quantity of stormwater discharges, must be included in the SWP3. Inspection and maintenance activities must be documented and records of those inspection and maintenance activities must be incorporated in the SWP3.

7) Sediment and Erosion Control – The SWP3 must identify areas that have a high potential for soil erosion and identify structural or vegetative control measures or BMP to reduce or limit erosion.

8) Management of Runoff - The SWP3 must contain a narrative consideration for reducing the volume of runoff from concrete batch plants by diverting runoff or otherwise managing runoff, including use of infiltration, detention ponds, retention ponds, or reusing of runoff.

48-HOUR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

The provisions of this Section apply to Outfall 005 for whole effluent toxicity testing (biomonitoring).

1. Scope, Frequency and Methodology

   a. The permittee shall test the effluent for toxicity in accordance with the provisions below. Such testing will determine if an appropriately dilute effluent sample adversely affects the survival of the test organisms.

   b. The permittee shall conduct the following toxicity tests utilizing the test organisms, procedures, and quality assurance requirements specified in this section of the permit and in accordance with "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition" (EPA-821-R-02-012), or the most recent update:

      1) Acute static renewal 48-hour definitive toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*). A minimum of five replicates with eight organisms per replicate shall be used in the control and in each dilution. This test shall be conducted once per quarter.

      2) Acute static renewal 48-hour definitive toxicity test using the fathead minnow (*Pimephales promelas*). A minimum of five replicates with eight organisms per replicate shall be used in the control and in each dilution. This test shall be conducted once per quarter.

      The permittee must perform and submit a valid test for each test species during the required reporting period. A minimum of five replicates with eight organisms per replicate shall be used in the control and each dilution. A repeat test shall include the control and all effluent dilutions and use the appropriate number of organisms and replicates, as specified above. An invalid test is herein defined as any test failing to satisfy the test acceptability criteria, procedures, and quality assurance requirements specified in the test methods and permit.

   c. The permittee shall use five effluent dilution concentrations and a control in each toxicity test. These additional effluent concentrations are 32%, 42%, 56%, 75%, and 100% effluent. The critical dilution, defined as 100% effluent, is the effluent concentration representative of the proportion of effluent in the receiving water during critical low flow or critical mixing conditions.

   d. This permit may be amended to require a Whole Effluent Toxicity (WET) limit, a Chemical Specific (CS) limit, a Best Management Practice (BMP) or other appropriate actions to address toxicity. The permittee may be required to conduct a Toxicity Reduction Evaluation (TRE) after multiple toxic events.

2. Required Toxicity Testing Conditions

   a. Test Acceptance - The permittee shall repeat any toxicity test, including the control and all effluent dilutions, which fails to meet any of the following criteria:

      1) a control mean survival of 90% or greater;

      2) a Coefficient of Variation percent (CV%) of 40 or less for both the control and critical dilution. However, if significant lethality is demonstrated, a CV% greater than 40 shall not invalidate the test. The CV% requirement does not apply when significant lethality occurs.

b. Statistical Interpretation

1) For the water flea and fathead minnow tests, the statistical analyses used to determine if there is a significant difference between the control and an effluent dilution shall be in accordance with the manual referenced above, or its most recent update.

2) The permittee is responsible for reviewing test concentration-response relationships to ensure that calculated test-results are interpreted and reported correctly. The EPA manual, "Method Guidance and Recommendation for Whole Effluent Toxicity (WET) Testing (40 CFR Part 136)" (EPA 821-B-00-004) provides guidance on determining the validity of test results.

3) If significant lethality is demonstrated (that is, there is a statistically significant difference in survival at the critical dilution when compared to the control), the conditions of test acceptability are met, and the survival of the test organisms are equal to or greater than 90% in the critical dilution and all dilutions below that, then the permittee shall report a survival No Observed Effect Concentration (NOEC) of not less than the critical dilution for the reporting requirements.

4) The NOEC is defined as the greatest effluent dilution at which no significant lethality is demonstrated. The Lowest Observed Effect Concentration (LOEC) is defined as the lowest effluent dilution at which a significant lethality is demonstrated. Significant lethality is herein defined as a statistically significant difference at the 95% confidence level between the survival of the test organism(s) in a specified effluent dilution compared to the survival of the test organism(s) in the control (0% effluent).

5) The use of NOECs and LOECs assumes either a monotonic (continuous) concentration-response relationship or a threshold model of the concentration-response relationship. For any test result that demonstrates a non-monotonic (non-continuous) response, the NOEC should be determined based on the guidance manual referenced in Item 2 above.

6) Pursuant to the responsibility assigned to the permittee in Part 2.b.2), test results that demonstrate a non-monotonic (non-continuous) concentration-response relationship may be submitted, prior to the due date, for technical review. The above-referenced guidance manual will be used when making a determination of test acceptability.

7) Staff will review test results for consistency with rules, procedures, and permit requirements.

c. Dilution Water

1) Dilution water used in the toxicity tests shall be the receiving water collected at a point upstream of the discharge as close as possible to the discharge point, but unaffected by the discharge.

Where the toxicity tests are conducted on effluent discharges to receiving waters that are classified as intermittent streams, or where the toxicity tests are conducted on effluent discharges where no receiving water is available due to zero flow conditions, the permittee shall; (a) substitute a synthetic dilution water that has a pH, hardness, and alkalinity similar to that of the closest downstream perennial water unaffected by the discharge, or (b) utilize the closest downstream perennial water unaffected by the discharge.

2) Where the receiving water proves unsatisfactory as a result of pre-existing instream toxicity (i.e. fails to fulfill the test acceptance criteria of item 2.a.), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

a) a synthetic lab water control was performed (in addition to the receiving water control) which fulfilled the test acceptance requirements of item 2.a;

b) the test indicating receiving water toxicity was carried out to completion;

c) the permittee submitted all test results indicating receiving water toxicity with the reports and information required in Part 3 of this Section.

3) The synthetic dilution water shall consist of standard, moderately hard, reconstituted water. Upon approval, the permittee may substitute other appropriate dilution water with chemical and physical characteristics similar to that of the receiving water.

d. Samples and Composites

1) The permittee shall collect a minimum of two composite samples from Outfall 005. The second composite sample will be used for the renewal of the dilution concentrations for each toxicity test.

2) The permittee shall collect the composite samples such that the samples are representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance discharged on an intermittent basis.

3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the first composite sample. The holding time for the subsequent composite sample shall not exceed 72 hours. Samples shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.

If Outfall 005 ceases discharging during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent samples, the minimum number of effluent portions, and the sample holding time, are waived during that sampling period. However, the permittee must have collected an effluent composite sample volume sufficient to complete the required toxicity tests with daily renewal of the effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report.

3. Reporting

All reports, tables, plans, summaries, and related correspondence required in any Part of this Section shall be submitted to the attention of the Standards Implementation Team (MC 150) of the Water Quality Division.

a. The permittee shall prepare a full report of the results of all tests conducted in accordance with the manual referenced above, or the most recent update, for every valid and invalid toxicity test initiated whether carried to completion or not.

b. The permittee shall routinely report the results of each biomonitoring test on the Table 1 forms provided with this permit.

1) Annual biomonitoring test results are due on or before January 20th for biomonitoring conducted during the previous 12 month period.

2) Semiannual biomonitoring test results are due on or before July 20th and January 20th for biomonitoring conducted during the previous 6 month period.

3) Quarterly biomonitoring test results are due on or before April 20th, July 20th, October 20th, and January 20th, for biomonitoring conducted during the previous calendar quarter.

4) Monthly biomonitoring test results are due on or before the 20th day of the month following sampling.

c. Enter the following codes for the appropriate parameters for valid tests only:

1) For the water flea, Parameter TEM3D, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

2) For the water flea, Parameter TOM3D, report the NOEC for survival.

3) For the water flea, Parameter TXM3D, report the LOEC for survival.

4) For the fathead minnow, Parameter TEM6C, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

5) For the fathead minnow, Parameter TOM6C, report the NOEC for survival.

6) For the fathead minnow, Parameter TXM6C, report the LOEC for survival.

d. Enter the following codes for retests only:

1) For retest number 1, Parameter 22415, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

2) For retest number 2, Parameter 22416, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

4. Persistent Toxicity

The requirements of this Part apply only when a toxicity test demonstrates significant lethality. Significant lethality is defined as a statistically significant difference, at the 95% confidence level, between the survival of the test organism at the critical dilution when compared to the survival of the test organism in the control.

a. The permittee shall conduct a total of two additional tests (retests) for any species that demonstrates significant lethality. The two retests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two retests in lieu of routine toxicity testing. All reports shall be submitted within 20 days of test completion. Test completion is defined as the last day of the test.

b. If one or both of the two retests specified in item 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5.

c. The provisions of item 4.a. are suspended upon completion of the two retests and submittal of the TRE Action Plan and Schedule defined in Part 5 of this Section.

5. Toxicity Reduction Evaluation

a. Within 45 days of the last test day of the retest that demonstrates significant lethality, the permittee shall submit a General Outline for initiating a TRE. The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.

b. Within 90 days of the retest that demonstrates significant lethality, the permittee shall submit a TRE Action Plan and Schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical analysis to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE Action Plan shall lead to the successful elimination of significant lethality for both test species defined in item 1.b. As a minimum, the TRE Action Plan shall include the following:

1) Specific Activities - The TRE Action Plan shall specify the approach the permittee intends to utilize in conducting the TRE, including toxicity characterizations, identifications, confirmations, source evaluations, treatability studies, and alternative approaches. When conducting characterization analyses, the permittee shall perform multiple characterizations and follow the procedures specified in the document entitled, "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA/600/6-91/003), or alternate procedures. The permittee shall perform multiple identifications and follow the methods specified in the documents entitled, "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081). All characterization, identification, and confirmation tests shall be conducted in an orderly and logical progression;

2) Sampling Plan - The TRE Action Plan should describe sampling locations, methods, holding times, chain of custody, and preservation techniques. The effluent sample volume collected for all tests shall be adequate to perform the toxicity characterization/ identification/ confirmation procedures, and chemical-specific analyses when the toxicity tests show significant lethality. Where the permittee has identified or suspects specific pollutant(s) and source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and suspected pollutant(s) and source(s) of effluent toxicity;

3) Quality Assurance Plan - The TRE Action Plan should address record keeping and data evaluation, calibration and standardization, baseline tests, system blanks, controls, duplicates, spikes, toxicity persistence in the samples, randomization, reference toxicant control charts, as well as mechanisms to detect artifactual toxicity; and

4) Project Organization - The TRE Action Plan should describe the project staff, project manager, consulting engineering services (where applicable), consulting analytical and toxicological services, etc.

c. Within 30 days of submittal of the TRE Action Plan and Schedule, the permittee shall implement the TRE with due diligence.

d. The permittee shall submit quarterly TRE Activities Reports concerning the progress of the TRE. The quarterly reports are due on or before April 20th, July 20th, October 20th, and January 20th. The report shall detail information regarding the TRE activities including:

1) results and interpretation of any chemical-specific analyses for the identified and suspected pollutant(s) performed during the quarter;

2) results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;

3) any data and substantiating documentation which identifies the pollutant(s) and source(s) of effluent toxicity;

4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;

5) any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant lethality at the critical dilution; and

6) any changes to the initial TRE Plan and Schedule that are believed necessary as a result of the TRE findings.

Copies of the TRE Activities Report shall also be submitted to the U.S. EPA Region 6 office.

e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species; testing for the less sensitive species shall continue at the frequency specified in Part 1.b.

f. If the effluent ceases to effect significant lethality (herein as defined below) the permittee may end the TRE. A "cessation of lethality" is defined as no significant lethality for a period of 12 consecutive months with at least monthly testing. At the end of the 12 months, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b. The permittee may only apply the "cessation of lethality" provision once. This provision accommodates situations where operational errors and upsets, spills, or sampling errors triggered the TRE, in contrast to a situation where a single toxicant or group of toxicants cause lethality. This provision does not apply as a result of corrective actions taken by the permittee. "Corrective actions" are herein defined as proactive efforts which eliminate or reduce effluent toxicity. These include, but are not limited to, source reduction or elimination, improved housekeeping, changes in chemical usage, and modifications of influent streams and effluent treatment.

The permittee may only apply this cessation of lethality provision once. If the effluent again demonstrates significant lethality to the same species, the permit will be amended to add a WET limit with a compliance period, if appropriate. However, prior to the effective date of the WET limit, the permittee may apply for a permit amendment removing and replacing the WET limit with an alternate toxicity control measure by identifying and confirming the toxicant and an appropriate control measure.

g. The permittee shall complete the TRE and submit a Final Report on the TRE Activities no later than 28 months from the last test day of the retest that confirmed significant lethal effects at the critical dilution. The permittee may petition the Executive Director (in writing) for an extension of the 28-month limit. However, to warrant an extension the permittee must have demonstrated due diligence in their pursuit of the TIE/TRE and must prove that circumstances beyond their control stalled the TIE/TRE. The report shall provide information pertaining to the specific control mechanism(s) selected that will, when implemented, result in reduction of effluent toxicity to no significant lethality at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism(s). A copy of the TRE Final Report shall also be submitted to the U.S. EPA Region 6 office.

h. Based upon the results of the TRE and proposed corrective actions, this permit may be amended to modify the biomonitoring requirements, where necessary, to require a compliance schedule for implementation of corrective actions, to specify a WET limit, to specify a BMP, and/or to specify CS limits.

TABLE 1 (SHEET 1 OF 2)
WATER FLEA SURVIVAL

Dates and Times Composites Collected — Date Time / Date Time

No. 1 FROM: _____ TO: _____

No. 2 FROM: _____ TO: _____

Test initiated: _____am/pm _____date

Dilution water used: _____ Receiving water _____ Synthetic Dilution water

PERCENT SURVIVAL

Time	Rep	Percent effluent (%)					
		0%	32%	42%	56%	75%	100%
24h	A						
	B						
	C						
	D						
	E						
48h	A						
	B						
	C						
	D						
	E						
Mean at test end							
CV%*							

*Coefficient of variation = standard deviation x 100/mean.

Dunnett's Procedure or Steel's Many-One Rank Test as appropriate:

Is the mean survival at 48 hours significantly less (p = 0.05) than the control survival?

CRITICAL DILUTION (100%): _____ YES _____ NO

Enter percent effluent corresponding to the NOEC below:

1) NOEC survival = _____% effluent
2) LOEC survival = _____% effluent

TABLE 1 (SHEET 2 OF 2)
FATHEAD MINNOW SURVIVAL

			Date	Time		Date	Time
Dates and Times Composites Collected	No. 1	FROM:	_____		TO:	_____	
	No. 2	FROM:	_____		TO:	_____	

Test initiated: _____am/pm _____date
Dilution water used: _____ Receiving water _____ Synthetic Dilution water

PERCENT SURVIVAL

Time	Rep	Percent effluent (%)					
		0%	32%	42%	56%	75%	100%
24h	A						
	B						
	C						
	D						
	E						
48h	A						
	B						
	C						
	D						
	E						
Mean at test end							
CV%*							

*Coefficient of variation = standard deviation x 100/mean.

Dunnett's Procedure or Steel's Many-One Rank Test as appropriate:

Is the mean survival at 48 hours significantly less than the control survival?

CRITICAL DILUTION (100%): _____ YES _____ NO

Enter percent effluent corresponding to the NOEC below:

1) NOEC survival = _____% effluent
2) LOEC survival = _____% effluent

24-HOUR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

The provisions of this section apply to Outfall 005 for whole effluent toxicity (WET) testing.

1. Scope, Frequency and Methodology

   a. The permittee shall test the effluent for lethality in accordance with the provisions in this Section. Such testing will determine compliance with the Surface Water Quality Standard, 30 TAC §307.6(e)(2)(B), of greater than 50% survival of the appropriate test organisms in 100% effluent for a 24-hour period.

   b. The toxicity tests specified shall be conducted once per six months. The permittee shall conduct the following toxicity tests utilizing the test organisms, procedures, and quality assurance requirements specified in this section of the permit and in accordance with "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition" (EPA-821-R-02-012), or the most recent update:

      1) Acute 24-hour static toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*). A minimum of five replicates with eight organisms per replicate shall be used in the control and in each dilution.

      2) Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*). A minimum of five replicates with eight organisms per replicate shall be used in the control and in each dilution.

      A valid test result must be submitted for each reporting period. The permittee must report, and then repeat, an invalid test during the same reporting period. The repeat test shall include the control and the 100% effluent dilution and use the appropriate number of organisms and replicates, as specified above. An invalid test is herein defined as any test failing to satisfy the test acceptability criteria, procedures, and quality assurance requirements specified in the test methods and permit.

   c. In addition to an appropriate control, a 100% effluent concentration shall be used in the toxicity tests. Except as discussed in item 2.b., the control and dilution water shall consist of a standard, synthetic, moderately hard, reconstituted water.

   d. This permit may be amended to require a WET limit, a Best Management Practice (BMP), Chemical-Specific (CS) limits, or other appropriate actions to address toxicity. The permittee may be required to conduct a Toxicity Reduction Evaluation (TRE) after multiple toxic events.

   e. If the dilution series specified in the 48-Hour Acute Biomonitoring Requirements includes a 100% effluent concentration, the results from those tests may fulfill the requirements of this Section; any tests performed in the proper time interval may be substituted. Compliance will be evaluated as specified in item a. The 50% survival in 100% effluent for a 24-hour period standard applies to all tests utilizing a 100% effluent dilution, regardless of whether the results are submitted to comply with the minimum testing frequency defined in item b.

2. Required Toxicity Testing Conditions

   a. Test Acceptance - The permittee shall repeat any toxicity test, including the control, if the control fails to meet a mean survival equal to or greater than 90%.

   b. Dilution Water - In accordance with item 1.c., the control and dilution water shall normally consist of standard, synthetic, moderately hard, reconstituted water. If the permittee utilizes the results of a 48-hour acute test to satisfy the requirements in item 1.e., the permittee may use the receiving water or dilution water that meets the requirements of item 2.a as the control and dilution water.

c. Samples and Composites

1) The permittee shall collect one composite sample from Outfall 005.

2) The permittee shall collect the composite samples such that the samples are representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance discharged on an intermittent basis.

3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the composite sample. Samples shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.

4) If Outfall 005 ceases discharging during the collection of the effluent composite sample, the requirements for the minimum number of effluent portions are waived. However, the permittee must have collected a composite sample volume sufficient for completion of the required test. The abbreviated sample collection, duration, and methodology must be documented in the full report.

3. Reporting

All reports, tables, plans, summaries, and related correspondence required in any Part of this Section shall be submitted to the attention of the Standards Implementation Team (MC 150) of the Water Quality Division.

a. The permittee shall prepare a full report of the results of all tests conducted pursuant in accordance with the manual referenced above, or the most recent update, for every valid and invalid toxicity test initiated.

b. The permittee shall routinely report the results of each biomonitoring test on the Table 2 forms provided with this permit.

1) Semiannual biomonitoring test results are due on or before January 20th and July 20th for biomonitoring conducted during the previous 6 month period.

2) Quarterly biomonitoring test results are due on or before January 20th, April 20th, July 20th, and October 20th, for biomonitoring conducted during the previous calendar quarter.

c. Enter the following codes for the appropriate parameters for valid tests only:

1) For the water flea, Parameter TIE3D, enter a "0" if the mean survival at 24-hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter a "1."

2) For the fathead minnow, Parameter TIE6C, enter a "0" if the mean survival at 24-hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter a "1."

d. Enter the following codes for retests only:

1) For retest number 1, Parameter 22415, enter a "0" if the mean survival at 24-hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter a "1."

2) For retest number 2, Parameter 22416, enter a "0" if the mean survival at 24-hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter a "1."

4. Persistent Mortality

The requirements of this Part apply when a toxicity test demonstrates significant lethality, here defined as a mean mortality of 50% or greater to organisms exposed to the 100% effluent concentration after 24-hours.

a. The permittee shall conduct 2 additional tests (retests) for each species that demonstrates significant lethality. The two retests shall be conducted once per week for 2 weeks. Five effluent dilution concentrations in addition to an appropriate control shall be used in the retests. These additional effluent concentrations are 6%, 13%, 25%, 50% and 100% effluent. The first retest shall be conducted within 15 days of the laboratory determination of significant lethality. All test results shall be submitted within 20 days of test completion of the second retest. Test completion is defined as the 24th hour.

b. If one or both of the two retests specified in item 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5 of this Section.

5. Toxicity Reduction Evaluation

a. Within 45 days of the retest that demonstrates significant lethality, the permittee shall submit a General Outline for initiating a TRE. The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.

b. Within 90 days of the retest that demonstrates significant lethality, the permittee shall submit a TRE Action Plan and Schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical analysis to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE Action Plan shall lead to the successful elimination of significant lethality for both test species defined in item 1.b. As a minimum, the TRE Action Plan shall include the following:

1) Specific Activities - The TRE Action Plan shall specify the approach the permittee intends to utilize in conducting the TRE, including toxicity characterizations, identifications, confirmations, source evaluations, treatability studies, and alternative approaches. When conducting characterization analyses, the permittee shall perform multiple characterizations and follow the procedures specified in the document entitled, "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA/600/6-91/003), or alternate procedures. The permittee shall perform multiple identifications and follow the methods specified in the documents entitled, "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081). All characterization, identification, and confirmation tests shall be conducted in an orderly and logical progression;

2) Sampling Plan - The TRE Action Plan should describe sampling locations, methods, holding times, chain of custody, and preservation techniques. The effluent sample volume collected for all tests shall be adequate to perform the toxicity characterization/ identification/ confirmation procedures, and chemical-specific analyses when the toxicity tests show significant lethality. Where the permittee has identified or suspects specific pollutant(s) and source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and suspected pollutant(s) and/or source(s) of effluent toxicity;

3) Quality Assurance Plan - The TRE Action Plan should address record keeping and data evaluation, calibration and standardization, baseline tests, system blanks, controls, duplicates, spikes, toxicity persistence in the samples, randomization, reference toxicant control charts, as well as mechanisms to detect artifactual toxicity; and

4) Project Organization - The TRE Action Plan should describe the project staff, project manager, consulting engineering services (where applicable), consulting analytical and toxicological services, etc.

c. Within 30 days of submittal of the TRE Action Plan and Schedule, the permittee shall implement the TRE with due diligence.

d. The permittee shall submit quarterly TRE Activities Reports concerning the progress of the TRE. The quarterly TRE Activities Reports are due on or before April 20th, July 20th, October 20th, and January 20th. The report shall detail information regarding the TRE activities including:

1) results and interpretation of any chemical-specific analyses for the identified and suspected pollutant(s) performed during the quarter;

2) results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;

3) any data and substantiating documentation which identifies the pollutant(s) and source(s) of effluent toxicity;

4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;

5) any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to eliminate significant lethality; and

6) any changes to the initial TRE Plan and Schedule that are believed necessary as a result of the TRE findings.

Copies of the TRE Activities Report shall also be submitted to the U.S. EPA Region 6 office.

e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species; testing for the less sensitive species shall continue at the frequency specified in Part 1.b.

f. If the effluent ceases to effect significant lethality (herein as defined below) the permittee may end the TRE. A "cessation of lethality" is defined as no significant lethality for a period of 12 consecutive weeks with at least weekly testing. At the end of the 12 weeks, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b. The permittee may only apply the "cessation of lethality" provision once.

This provision accommodate situations where operational errors and upsets, spills, or sampling errors triggered the TRE, in contrast to a situation where a single toxicant or group of toxicants cause lethality. This provision does not apply as a result of corrective actions taken by the permittee. "Corrective actions" are herein defined as proactive efforts which eliminate or reduce effluent toxicity. These include, but are not limited to, source reduction or elimination, improved housekeeping, changes in chemical usage, and modifications of influent streams and/or effluent treatment.

The permittee may only apply this cessation of lethality provision once. If the effluent again demonstrates significant lethality to the same species, the permit will be amended to add a WET limit with a compliance period, if appropriate.

However, prior to the effective date of the WET limit, the permittee may apply for a permit amendment removing and replacing the WET limit with an alternate toxicity control measure by identifying and confirming the toxicant and/or an appropriate control measure.

g. The permittee shall complete the TRE and submit a Final Report on the TRE Activities no later than 18 months from the last test day of the retest that demonstrates significant lethality. The permittee may petition the Executive Director (in writing) for an extension of the 18-month limit. However, to warrant an extension the permittee must have demonstrated due diligence in their pursuit of the TIE/TRE and must prove that circumstances beyond their control stalled the TIE/TRE. The report shall specify the control mechanism(s) that will, when implemented, reduce effluent toxicity as specified in item 5.g. The report will also specify a corrective action schedule for implementing the selected control mechanism(s). A copy of the TRE Final Report shall also be submitted to the U.S. EPA Region 6 office.

h. Within 3 years of the last day of the test confirming toxicity, the permittee shall comply with 30 TAC 307.6.(e)(2)(B), which requires greater than 50% survival of the test organism in 100% effluent at the end of 24-hours. The permittee may petition the Executive Director (in writing) for an extension of the 3-year limit. However, to warrant an extension the permittee must have demonstrated due diligence in their pursuit of the TIE/TRE and must prove that circumstances beyond their control stalled the TIE/TRE.

The requirement to comply with 30 TAC 307.6.(e)(2)(B) may be exempted upon proof that toxicity is caused by an excess, imbalance, or deficiency of dissolved salts. This exemption excludes instances where individually toxic components (e.g. metals) form a salt compound. Following the exemption, the permit may be amended to include an ion-adjustment protocol, alternate species testing, or single species testing.

i. Based upon the results of the TRE and proposed corrective actions, this permit may be amended to modify the biomonitoring requirements where necessary, to require a compliance schedule for implementation of corrective actions, to specify a WET limit, to specify a BMP, and to specify a CS limit.

TABLE 2 (SHEET 1 OF 2)

WATER FLEA SURVIVAL

GENERAL INFORMATION

	Time (am/pm)	Date
Composite Sample Collected		
Test Initiated		

PERCENT SURVIVAL

Time	Rep	Percent effluent (%)					
		0%	6%	13%	25%	50%	100%
24h	A						
	B						
	C						
	D						
	E						
	MEAN						

Enter percent effluent corresponding to the LC50 below:

24 hour LC50 = _____% effluent

TABLE 2 (SHEET 2 OF 2)

FATHEAD MINNOW SURVIVAL

GENERAL INFORMATION

	Time (am/pm)	Date
Composite Sample Collected		
Test Initiated		

PERCENT SURVIVAL

Time	Rep	Percent effluent (%)					
		0%	6%	13%	25%	50%	100%
24h	A						
	B						
	C						
	D						
	E						
	MEAN						

Enter percent effluent corresponding to the LC50 below:

24 hour LC50 = _____% effluent

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004857000 (TX0131644) to discharge to water in the state.

Issuing Office: Texas Commission on Environmental Quality (TCEQ)
P.O. Box 13087
Austin, Texas 78711-3087

Applicant: Waste Control Specialists LLC and Andrews County
P. O. Box 1129
Andrews, Texas 79714

Prepared By: Melinda Luxemburg, P.E.
Wastewater Permitting Section
Water Quality Division
(512) 239-4541

Date: January 2, 2013

Permit Action: Major Amendment with Renewal; TPDES Permit No. WQ0004857000

I. 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 September 1, 2018 in accordance with 30 Texas Administrative Code (TAC) §305.71, Basin Permitting.

II. APPLICANT ACTIVITY

The applicant operates the Byproduct Material Disposal Facility (BMDF), a facility that receives, pretreats, and disposes of byproduct material, a type of radioactive waste as defined in 30 TAC §336.1105(4) and the Texas Health & Safety Code § 401.003(3)(B) (cited as the Texas Radiation Control Act), in a landfill operated under the authority of Radioactive Material License (RML) No. R05807. One definition of byproduct material is process waste from the mining and recovery of naturally occuring uranium, and contains uranium, radium, radon, and some other nuclides in the uranium-thorium decay chains. Currently, the only authorized byproduct material disposed of in the Byproduct Material Disposal Unit (BMDU) is sealed Fernald waste canisters.

III. DISCHARGE LOCATION

The plant site is located at 9998 State Highway 176 West, approximately 1.25 miles north of the intersection of State Highway 176 with the Texas and New Mexico state line, Andrews County, Texas 79714. The effluent is discharged via Outfalls 004 and 005 to an unnamed ditch in the State of Texas; thence to an unnamed ditch in the State of New Mexico; thence to Monument Draw in the State of New Mexico; thence to Monument Draw in the State of Texas; thence to Upper Pecos River in Segment No. 2311 of the Rio Grande Basin.

IV. RECEIVING STREAM USES

The unclassified receiving waters have minimal aquatic life use for the unnamed ditch in the State of Texas. The designated uses for Segment No. 2311 are high aquatic life use and primary contact recreation.

V. STREAM STANDARDS

The general criteria and numerical criteria which make up the stream standards are provided in the Texas Administrative Code, 30 TAC §§307.1 - 307.10, effective July 22, 2010.

VI. DISCHARGE DESCRIPTION

The following is a quantitative description of the discharge described in the Monthly Effluent Report data for the period October 2009 through August 2012. The "Average of Daily Avg." values presented in the following table are the average of all daily average values for the reporting period for each parameter. The "Maximum of Daily Max." values presented in the following table are the individual maximum values for the reporting period for each parameter.

Outfall	Parameter	Average of Daily Averages milligrams per liter, mg/l	Maximum of Daily mg/l
005	Flow, dry weather (MGD)	(0.1654 MGD)	(3.2 MGD)
	Oil and Grease	N/A	<15
	Chemical Oxygen Demand (COD)	N/A	217
	pH (standard units)	(6.87 minimum)	(9.85 maximum)
103	Flow (MGD)	(0.08254 MGD)	(0.264 MGD)
	Oil and Grease	N/A	<15
	Biochemical Oxygen Demand, 5-day (BOD_5)	<22	<220
	Total Suspended Solids (TSS)	<11.9	<88
	Ammonia Nitrogen (NH_3-N)	<0.8036	<10
	α-Terpineol	<0.0145	<0.042
	Aniline	<0.0125	<0.024
	Benzoic Acid	<0.0465	<0.119
	Naphthalene	<0.0115	<0.059
	p-Cresol	<0.0125	<0.024
	Phenol	<0.0195	<0.048
	Pyridine	<0.0175	<0.072
	Total Arsenic	<0.266	<1.11
	Total Chromium	<0.235	<1.10
	Total Zinc	<0.0668	<0.535
	Combined Radium 226 and 228	N/A	<5 pCi/l
	Gross alpha-particle activity (excluding uranium and radon)	N/A	<15 pCi/l
	Gross Beta/photon emitters	N/A	<50 pCi/l
	Uranium, Total	N/A	<30 µg/l
	Dissolved Oxygen (DO) (note: collected at Outfall 005)	(6.58 mg/l minimum)	N/A
	pH (standard units)	(6.9 minimum)	(7.95 maximum)
004	Flow (MGD)	(0.2218 MGD)	(1.557 MGD)
	Oil and Grease	N/A	<6.02
	Chemical Oxygen Demand (COD)	N/A	88.7
	pH (standard units)	(6.47 minimum)	(10.47 maximum)

Based on the reviewed data, the following permit exceedences occurred at Outfall 005.

Outfall 005 Parameter	Date	Reported Violation, mg/l	Permit Limit, mg/l
COD	July 2012	217 (max)	200 (max)
pH, standard units (su)	September 2011	(9.85 max)	(9.0 max)

The two effluent limitation exceedances at Outfall 005, noted above, do not require any additional changes to the draft permit.

There were no permit exceedences at Outfall 103 during the review period.

Based on the reviewed data, the following permit exceedences occurred at Outfall 004.

Outfall 004 Parameter	Date	Reported Violation, mg/l	Permit Limit, mg/l
pH, standard units (su)	September 2011	(10.47 max)	(9.0 max)

The one effluent limitation exceedance at Outfall 004, noted above, does not require any additional changes to the draft permit.

VII. PROPOSED EFFLUENT LIMITATIONS

The draft permit authorizes the discharge of previously monitored effluents (PMEs; from internal Outfall 103), non-contact industrial stormwater, and stormwater associated with construction activities at the BMDF at a daily average dry weather flow not to exceed 0.44 MGD via Outfall 005; landfill wastewaters (i.e., landfill leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contact industrial stormwater, washwater [from washing the surfaces of trucks, equipment, containers, and other items that have come in direct contact with wastes at the BMDF and that have not been adequately decontaminated], and personnel decontamination water) only from the BMDU, associated with the disposal of Fernald waste canisters only in the BMDU, at the BMDF, at a daily average flow not to exceed 0.44 MGD via internal Outfall 103; and non-contact industrial stormwater and stormwater associated with construction activities at the BMDF on an intermittent and flow variable basis via Outfall 004.

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

Outfall	Parameter	Daily Average mg/l	Daily Maximum mg/l
005	Flow, dry weather (MGD)	(0.44 MGD)	(Report MGD)
	Oil and Grease	N/A	15
	Chemical Oxygen Demand (COD)	N/A	200
	Aluminum, Total	Report	Report
	pH (standard units)	(6.0 minimum)	(9.0 maximum)
103	Flow (MGD)	(0.44 MGD)	(Report MGD)
	Oil and Grease	N/A	15
	Biochemical Oxygen Demand, 5-day (BOD_5)	42	220

Outfall	Parameter	Daily Average mg/l	Daily Maximum mg/l
103	Total Suspended Solids (TSS)	27	88
	Ammonia Nitrogen (NH_3-N)	3.7	10
	Dissolved Oxygen (DO), minimum	N/A	(2.0 mg/l minimum)
	α-Terpineol	0.019	0.042
	Aniline	0.015	0.024
	Benzoic Acid	0.073	0.119
	Naphthalene	0.022	0.059
	p-Cresol	0.015	0.024
	Phenol	0.029	0.048
	Pyridine	0.025	0.072
	Total Arsenic	0.508	1.07
	Total Chromium	0.46	1.1
	Total Zinc	0.296	0.535
	Combined Radium 226 and 228	N/A	5 pCi/l
	Gross alpha-particle activity (excluding uranium and radon)	N/A	15 pCi/l
	Gross Beta/photon emitters	N/A	Report pCi/l
	Uranium, Total	N/A	30 µg/l
	pH (standard units)	(6.0 minimum)	(9.0 maximum)
004	Flow (MGD)	(Report MGD)	(Report MGD)
	Oil and Grease	N/A	15
	Chemical Oxygen Demand (COD)	N/A	200
	pH (standard units)	(6.0 minimum)	(9.0 maximum)

The discharge via Outfalls 004 and 005, and internal Outfall 103, are primarily stormwater driven and are intermittent and flow variable; therefore, the constituents to be discharged are more appropriately monitored through concentration limitations. A high flow volume combined with a low concentration can exceed a mass limit, therefore intermittent and variable flows are better characterized through concentration limitations, which are continued from the existing permit.

VIII. SUMMARY OF CHANGES FROM APPLICATION

The applicant requested a major amendment with renewal of the existing permit and after review of the application the following more protective requirements were added to the draft permit.

1. Added a daily average and daily maximum report requirement for total aluminum at Outfall 005 that self-expires July 31, 2018. The applicant contends the aluminum concentrations in the stormwater driven discharge are attributable to naturally occurring aluminum present in the site soils. The total aluminum report requirement is linked to dual aluminum work plans proposed by the applicant.

2. Added slightly more protective daily average and daily maximum water quality-based effluent limitations of 0.508 mg/l total arsenic and 1.07 mg/l total arsenic, respectively, at Outfall 103 due to the freshwater aquatic life criteria in Table 1 of the 2010 TSWQS (30 TAC §307.6(c)). The effluent data shows the permittee is compliant with these newly calculated effluent limitations. Therefore, the permit does not authorize a compliance period.

IX. SUMMARY OF CHANGES FROM EXISTING PERMIT

The applicant requested the following changes in their amendment request that the Executive Director has recommended granting.

1. *The applicant requested removal of Other Requirement No. 16.* The inclusion of *Other Requirement No. 16* in the existing permit was based on an agreement between WCS and the State of New Mexico to address New Mexico surface water quality standards codified in the *Standards for Interstate and Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code* as amended through August 1, 2007. The applicant contends that various parameters in *Other Requirement No. 16* where calculated incorrectly, such as using inappropriate hardness values, and that this new information allows removal of this requirement from the permit. Also, the outfall (Outfall 002) for this requirement is prior to the crossing of the unnamed ditch into the State of New Mexico, approximately one-mile downstream of the discharge points (Outfalls 004 and 005), and that any discharge into New Mexico is predominately stormwater. The applicant states that at the direction of the New Mexico Environmental Department (NMED) they will seek an authorization from NMED to discharge into New Mexico in place of the existing *Other Requirement No. 16.*

   According to 40 Code of Federal Regulations (CFR) §122.44(l)(2)(i)(B)(1) in the case of effluent limitations "...a permit may not be renewed, reissued, or modified...to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit (unless)...Information is available that was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance." Based on the above information, *Other Requirement No. 16* has been removed from the draft permit.

2. *The applicant requested pursuit of a site-specific aluminum partitioning coefficient.* The applicant has submitted a "Work Plan for an Evaluation of Aluminum in Storm Water Discharges" and a "Work Plan for an Aluminum Partitioning Coefficient Study." Both work plans have been reviewed and approved for the applicant to proceed with the two aluminum studies proposed to be conducted simultaneously, per an E-mail dated November 9, 2012, from the Water Quality Standards Implementation Team. Therefore, the following new *Other Requirement No. 16* addressing the performance, results and permitting action required to apply the resulting site-specific aluminum partitioning coefficient, has been added to the draft permit.

   16. The permittee shall proceed with the "Work Plan for an Evaluation of Aluminum in Storm Water Discharges." The purpose of this work plan is to outline an approach for collecting samples of stormwater alone to demonstrate that aluminum levels in stormwater are directly responsible for aluminum levels in discharges at WCS.

       The permittee shall proceed with the "Work Plan for an Aluminum Partitioning Study." The purpose of this work plan is to outline an approach for determining the site specific ratio of dissolved aluminum to total aluminum for Outfall 005 discharges. This study will also demonstrate that any proposed aluminum effluent limits will not cause "instream" effects in the normally dry receiving ditch by determining the No Observed Effects Concentration (NOEC).

       The results of the work plans shall be submitted to the Water Quality Standards Team (MC-150) of the TCEQ Water Quality Division. Once the results of the work plans are completed by the permittee, a permitting action is required to evaluate the appropriateness of a site-specific

partition coefficient for aluminum and any required effluent limitation or reporting requirement.

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

1. The Definitions and Standard Permit Conditions, Other Requirements, and Biomonitoring sections of the draft permit have been updated, based on current TCEQ policy.

2. The permit name has changed from "Waste Control Specialists LLC" to "Waste Control Specialists LLC and Andrews County." Andrews County is the owner of the land and facilities. However, Waste Control Specialists LLC (WCS) has a long-term lease agreement to operate the facilities and is responsible for all environmental permitting and regulatory compliance. The lease expires on August 31, 2035.

3. The existing Other Requirement Nos. 14 and 15, have been updated to only include sampling for hexavalent chromium, as the submitted effluent data was not tested to the appropriate minimum analytical level (MAL), based on current TCEQ policy.

4. The *Stormwater Associated with Construction Activities* section of the existing permit has been updated to coincide with the recently reissued Construction General Stormwater Permit (TXR150000) issued March 5, 2013. The existing eligible discharges included concrete batch plants, which has also been included in the draft permit.

X. DRAFT PERMIT RATIONALE

The following section sets forth the statutory and regulatory requirements considered in preparing the draft permit. Also set forth are any calculations or other necessary explanations of the derivation of specific effluent limitations and conditions, including a citation to the applicable effluent limitation guidelines and water quality standards.

A. REASON FOR PERMIT ISSUANCE

The applicant has applied to the TCEQ to remove *Other Requirement No. 16*, which was included in the existing permit based on an agreement between WCS and the State of New Mexico to address New Mexico surface water quality standards, and in-turn apply for a New Mexico groundwater discharge permit.

The current permit authorizes the discharge of previously monitored effluents (PMEs; from internal Outfall 103), non-contact industrial stormwater, and stormwater associated with construction activities at the BMDF at a daily average dry weather flow not to exceed 0.44 MGD via Outfall 005; landfill wastewaters (i.e., landfill leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contact industrial stormwater, washwater [from washing the surfaces of trucks, equipment, containers, and other items that have come in direct contact with waste at the BMDF and that have not been adequately decontaminated], and personnel decontamination water) only from the BMDU, associated with the disposal of Fernald waste canisters only in the BMDU, at the BMDF at a daily average flow not to exceed 0.44 MGD via internal Outfall 103; and non-contact industrial stormwater and stormwater associated with construction activities at the BMDF on an intermittent and flow variable basis via Outfall 004.

B. WATER QUALITY SUMMARY

The discharge route is via Outfalls 004 and 005 to an unnamed ditch in the State of Texas; thence to an unnamed ditch in the State of New Mexico; thence to Monument Draw in the State of New Mexico; thence to Monument Draw in the State of Texas; thence to Upper Pecos River, in Segment No. 2311 of the Rio Grande Basin. The unclassified receiving waters have minimal aquatic life use for the unnamed ditch in the State of Texas. The designated uses for Segment No. 2311 are high aquatic life use and primary contact recreation. Effluent limitations and conditions established in the draft permit are in compliance with state water quality standards and the applicable water quality management plan. The effluent limits in the draft permit will maintain and protect the existing instream uses. Additional discussion of the water quality aspects of the draft permit will be found at Section X.D. of this fact sheet.

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

Six endangered aquatic species of critical concern, as identified in Appendix A of the United States Fish and Wildlife Service's biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System, have been identified in Segment No. 2311 in several water bodies located in Culberson, Jeff Davis, Pecos, and Reeves Counties. However, the discharge associated with this permit action does not involve these water bodies and is not expected to impact any endangered species. This determination is subject to reevaluation due to any updates or amendments to the biological opinion.

Segment No. 2311 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 depressed dissolved oxygen (DO) from US 80 (Business 20) to Farm-to-Market Road 1776 (AU 2311_05) and from Farm-to-Market Road 1776 to United States Highway 67 (AU 2311_06). This discharge is greater than 100 stream miles from the Upper Pecos River and will not contribute to the DO impairment. A Waste Load Evaluation (WLE) has not been prepared for Segment No. 2311.

C. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

1. GENERAL COMMENTS

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 judgement (BPJ) in the absence of guidelines.

The draft permit authorizes the discharge of PMEs (via internal Outfall 103), non-contact industrial stormwater, and stormwater associated with construction activities at the BMDF at a

daily average dry weather flow not to exceed 0.44 MGD via Outfall 005; landfill wastewaters (i.e., landfill leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contact industrial stormwater, washwater [from washing the surfaces of trucks, equipment, containers, and other items that have come in direct contact with wastes at the BMDF and that have not been adequately decontaminated], and personnel decontamination water) only from the BMDU, associated with the disposal of Fernald waste canisters only in the BMDU, at the BMDF at a daily average flow not to exceed 0.44 MGD via internal Outfall 103; and non-contact industrial stormwater and stormwater associated with construction activities at the BMDF on an intermittent and flow variable basis via Outfall 004.

The guidelines at 40 CFR Part 445 - Landfills Point Source Category consist of Subpart A – RCRA (Resource Conservation and Recovery Act) Subtitle C Hazardous Waste Landfill and Subpart B – RCRA Subtitle D Non-Hazardous Waste Landfill. Byproduct material is not a solid waste as defined under 40 CFR Part 261, which contains definitions applicable to the RCRA Subtitle C regulations. Specifically, 40 CFR §261.2(a)(1) states: "A solid waste is any discarded material that is not excluded by §261.4(a) or that is not excluded by variance granted under §§260.30 and 260.31." Byproduct material is excluded as a solid waste in 40 CFR §261.4(a)(4).

Byproduct material is also not listed in 40 CFR Part 261 (Identification and Listing of Hazardous Wastes) as a hazardous waste. The definition of hazardous waste is provided in 40 CFR §261.3(a), which begins "A solid waste, as defined in §261.2, is a hazardous waste if..." To paraphrase §261.3, a hazardous waste must first be a solid waste. Since byproduct material is excluded from the definition of a solid waste, it cannot be a hazardous waste.

Additionally, 40 CFR §445.20 states that Subpart B (RCRA Subtitle D Non-Hazardous Waste Landfill) applies only to discharges of wastewater from landfills subject to the provisions of 40 CFR Part 258 (Criteria for Municipal Solid Waste Landfills) and 40 CFR Part 257 (Criteria for Classification of Solid Waste Disposal Facilities and Practices). Again, byproduct material is excluded as a solid waste.

The BMDU is not specifically subject to federal effluent guidelines at 40 CFR Part 445 – Landfills Point Source Category. A new source determination was performed and the discharge of wastewater from this facility is not a new source as defined at 40 CFR § 122.2.

The wastewater generated consists of landfill wastewaters (i.e., landfill leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contact industrial stormwater, and wash water [from washing the surfaces of trucks, equipment, containers, and other items that have come in direct contact with waste at the BMDF and that have not been adequately decontaminated], and personnel decontamination water) associated with the disposal of Fernald waste canisters only in the BMDU, non-contact industrial stormwater, and stormwater associated with construction activities at the BMDF. Any sanitary sewage will either be transfered to holding tanks at Waste Control Specialists (WCS) adjacent facility prior to transport off site for treatment and final disposal or directly transported off site.

The BMDF site is approximately a 36-acre parcel of land, enclosed by a security fence, adjacent to the WCS site currently permitted under TPDES Permit No. WQ0004038000, which adresses the wastewaters associated with the Resource Conservation and Recovery Act (RCRA) landfill and RCRA treatment and storage units under Hazardous Waste Permit (HW-50358), and the storage and treatment of low level radioactive waste originally issued under radioactive materials license (RML) No. L04971 and renumbered to RML No. R04971.

The BMDF may eventually include a Wastewater Treatment Facility (WWTF) although the construction of a WWTF is not required for emplacement of Fernald waste canisters in the BMDU. Any future Wastewater Treatment Plant (WWTP) operation, including the design and performance of the various unit operations for specific radionuclide removal, reagents utilized for radionuclide removal, radionuclide content of treatment residuals containing radionuclides, and the routing and handling of treated effluent from the WWTP operation will be specifically authorized by a major amendment to the currently issued RML No. R05807, dated May 29, 2008, prior to construction of the WWTP. Any discharges of wastewater from the WWTP may require the prior installation of the WWTP within the boundary of the BMDF, and the operational ability to treat wastewater in the WWTP to meet the permitted effluent limitations prior to discharge.

Any future WWTF will be located within the 36-acre site and will consist of contact water tanks and associated units for the accumulation of industrial wastewaters along with the Wastewater Treatment Plant (WWTP) that will be housed in the WWTP building. The WWTF system currently consists of two 500,000-gallon contact water holding tanks (BPT-1 and BPT-2) and the associated secondary containment structure, four contact water transfer pumps (BPT-P1 through BPT-P4) and aboveground piping located within the secondary containment structure.

Any future WWTF system may also include a double-walled aboveground transfer line from the contact water tank secondary containment structure to the WWTP, and inline filter units, transfer trucks and pumps for the transfer of contact water from the landfill to the WWTF. The initial treatment train may be composed of four treatment stages operated in series: a physical-chemical precipitation and clarification stage, a pressure filtration stage, a granular activated carbon (GAC) adsorption stage, and a potential, future nitrogen removal stage. Other site features may include a Gate House, an Inspection Station, an Incoming Container Storage Area, a Container Decontamination Building, and an Outgoing Container Staging Area.

The BMDF is currently licensed under RML No. R05807, which authorizes the receipt of byproduct material as defined in 30 TAC §336.1105(4) and Section 401.003(3)(B) of the Texas Health & Safety Code (cited as the Texas Radiation Control Act), from other persons; and authorizes the disposal of byproduct material in the form of dry, discrete solid objects and containerized bulk byproduct material by shallow land burial (i.e., landfill known as the Byproduct Material Disposal Unit). The applicant also obtained approval of its application for RML No. R04100 that would authorize the construction and operation of the Compact (Vermont-Texas) Low Level Waste (LLW) near-surface disposal facility, and the Federal (mostly Department of Energy, DOE) LLW near-surface disposal facility, which are separate and apart from the BMDF and have an associated Texas Land Application Permit No. WQ0004948000.

The existing permit was previously evaluated by the Radioactive Materials Division (RMD) and effluent limitations were included in the existing permit based on recommendations from the RMD. In accordance with the recommendations from the RMD, technology-based effluent limitations for combined radium 226 and 228 (5 pCi/l daily maximum per 30 TAC §336.1133 and the EPA Safe Drinking Water Act, SDWA), gross alpha-particle activity (15 pCi/l daily maximum excluding uranium and radon per 30 TAC §336.1133 and the EPA SDWA), gross beta/photon emitters (Report pCi/l daily maximum $\geq$ 50 pCi/l per RMD recommended screening value), and total uranium (30 µg/l daily maximum per EPA SDWA), have been included at internal Outfall 103.

Also, based on BPJ, the maximum contaminant levels for naturally occurring radionuclides guidelines at 30 TAC §290.108 were reviewed for combined radium 226 and 228 (5 pCi/l daily maximum), gross alpha-particle activity (15 pCi/l daily maximum excluding uranium and radon), and uranium (30 µg/l daily maximum) and were comparable to the recommendations from the RMD. Therefore, the existing effluent limitations and monitoring requirements for radioactive constituents have been continued in the draft permit.

2. CACULATIONS

Although the BMDU is not specifically subject to federal effluent guidelines at 40 CFR Part 445, the effluent limit guidelines have been applied in the existing permit based on BPJ. Technology-based effluent limitations at 40 CFR Part 445 Subpart A for RCRA Subtitle C Hazardous Waste Landfills have been applied at internal Outfall 103.

The technology-based effluent limitations established in the draft permit are as follows:

Outfall	Parameter	Daily Average, mg/l	Daily Maximum, mg/l
005	Flow, dry weather (MGD)	(0.44 MGD)	(Report MGD)
	Oil and Grease	N/A	15
	Chemical Oxygen Demand (COD)	N/A	200
	pH (standard units)	(6.0 minimum)	(9.0 maximum)
103	Flow (MGD)	(0.44 MGD)	(Report MGD)
	Oil and Grease	N/A	15
	BOD_5	--	220
	Ammonia Nitrogen (NH_3-N)	--	10
	Total Suspended Solids (TSS)	27	88
	α-Terpineol	0.019	0.042
	Aniline	0.015	0.024
	Benzoic Acid	0.073	0.119
	Naphthalene	0.022	0.059
	p-Cresol	0.015	0.024
	Phenol	0.029	0.048
	Pyridine	0.025	0.072
	Total Chromium	0.46	1.1
	Total Zinc	0.296	0.535
	Combined Radium 226 and 228	N/A	5 pCi/l
	Gross alpha-particle activity (excluding uranium and radon)	N/A	15 pCi/l
	Gross Beta/photon emitters	N/A	Report pCi/l
	Uranium, Total	N/A	30 µg/l
	pH (standard units)	(6.0 minimum)	(9.0 maximum)
004	Flow (MGD)	(Report MGD)	(Report MGD)
	Oil and Grease	N/A	15
	Chemical Oxygen Demand (COD)	N/A	200
	pH (standard units)	(6.0 minimum)	(9.0 maximum)

D. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS

1. GENERAL COMMENTS

The Texas Surface Water Quality Standards found at 30 TAC Chapter 307 state that "surface waters will not be toxic to man from ingestion of water, consumption of aquatic organisms, or contact with the skin, or to terrestrial or aquatic life." The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards)* (IPs) is designed to insure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to insure that no source will be allowed to discharge any wastewater that: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation that threatens human health. **Calculated water quality-based effluent limits can be found in Appendix A of this *Fact Sheet and Executive Director's Preliminary Decision* (fact sheet).**

TPDES permits contain technology-based effluent limits reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based effluent limitations and conditions are included. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other toxicity databases to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

2. AQUATIC LIFE CRITERIA

a. SCREENING

Water quality-based effluent limitations are calculated from freshwater aquatic life criteria found in Table 1 of the Texas Surface Water Quality Standards (30 TAC Chapter 307).

Discharge is to an unnamed ditch (intermittent stream) greater than three miles upstream of perennial waters. Therefore, there is no mixing zone or zone of initial dilution (ZID) for this discharge directly to an intermittent stream and acute freshwater criteria apply at the end of pipe. Chronic freshwater criteria do not apply to discharges to intermittent streams where there is no perennial waterbody within three miles downstream from the point of discharge. The following critical effluent percentage is being used to calculate the water quality-based effluent limits in Appendix A of this Technical Summary:

Acute Effluent %: 100%

Wasteload allocations (WLAs) are calculated using the above estimated effluent percentage, criteria outlined in the Texas Surface Water Quality Standards, and partitioning coefficients for metals (when appropriate and designated in the implementation procedures). The WLA is the end-of-pipe effluent concentration that can be discharged when after mixing in the receiving stream, the instream numerical criteria will not be exceeded. From the WLA, a long term average (LTA) is calculated using a log normal probability distribution, a given coefficient of variation (0.6), and a 90th percentile confidence level. The LTA is the long-term average effluent concentration for which the WLA will never be exceeded using a selected percentile confidence level. The LTA is used to calculate a daily average and daily maximum effluent limitation for the protection of aquatic life using the same statistical considerations with the 99th percentile confidence level and a standard number of monthly effluent samples collected (12).

Assumptions used in deriving the effluent limitations include segment values for hardness, chlorides, pH and total suspended solids (TSS) according to the segment-specific values contained in the TCEQ IPs guidance document. The segment values are 2203 mg/l $CaCO_3$ for hardness, 4030 mg/l Chlorides, 7.6 standard units for pH, and 6.0 mg/l for TSS. For additional details on the calculation of water quality-based effluent limitations, refer to the TCEQ guidance document. TCEQ practice for determining significant potential is to compare the reported analytical data 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% of the calculated daily average water quality-based effluent limitation. Monitoring and reporting is required when analytical data reported in the application exceeds 70% of the calculated daily average water quality-based effluent limitation.

b. SCREENING

Analytical data reported in the application was screened against calculated water quality-based effluent limitations for the protection of aquatic life. Reported analytical data does not exceed 70% of the calculated daily average water quality-based effluent limitation for aquatic life protection, except for total aluminum. The applicant has submitted a "Work Plan for an Evaluation of Aluminum in Storm Water Discharges" and a "Work Plan for an Aluminum Partitioning Coefficient Study." In addition, a daily average and daily maximum report requirement for total aluminum is included at Outfall 005, which self-expires July 31, 2018.

In accordance with an electronic mail dated November 9, 2012, from the Water Quality Standards Implementation Team, both work plans have been reviewed and approved for the applicant to proceed with the two aluminum studies proposed to be conducted simultaneously. The applicant contends the aluminum concentrations in the stormwater driven discharge are attributable to naturally occurring aluminum present in the site soils. The total aluminum report requirement is linked to these dual aluminum work plans proposed by the applicant.

The results of the work plans shall be submitted to the Water Quality Standards Team (MC-150) of the TCEQ Water Quality Division. Once the results of the work plans are completed by the permittee, a permitting action is required to evaluate the appropriateness of a site-specific partition coefficient for aluminum and any required effluent limitation or reporting requirement.

The existing water quality-based daily average and daily maximum total arsenic effluent limitations have been replaced by slightly more protective water quality-based effluent limitations due to the freshwater aquatic life criteria in Table 1 of the 2010 TSWQS (30 TAC §307.6(c)). The following more protective water quality-based effluent limitation for total arsenic replaces the existing water quality-based effluent limitation in the draft permit.

Outfall	Parameter	Daily Average, mg/l	Daily Maximum, mg/l
005	Total Aluminum	Report	Report
103 (existing)	Total Arsenic	0.527	1.11
103 (proposed)	Total Arsenic	0.508	1.07

c. DISSOLVED OXYGEN

i. DISCUSSION

Only internal Outfall 103, which discharges via Outfall 005, is expected to contain significant concentrations of oxygen demanding substances. In accordance with the interoffice memorandum dated August 31, 2011, from the Water Quality Assessment Team of the Water Quality Assessment Section to the Industrial Permits Team (Modeling Memo), an analysis of the discharge was conducted using a default QUAL-TX model for an effluent flow of 0.44 MGD. No headwater flow was used in the model. Coefficients and kinetics used in the model are standardized default values.

ii. PERMIT ACTION

Based on model results, the existing daily average effluent limits of 42 mg/l BOD_5 and 3.7 mg/l NH_3-N at Outfall 103, modeled with a 2 mg/l dissolved oxygen (DO), are predicted to be adequate to ensure that the dissolved oxygen level will be maintained above the criterion established by the Standards Implementation Team for the unnamed ditch (2 mg/l DO). The results of this evaluation can be reexamined upon receipt of information that conflicts with the model assumptions.

Outfall	Parameter	Daily Average mg/l	Daily Maximum mg/l
103	BOD_5	42	--
	NH_3-N	3.7	--
	DO (minimum)	--	2.0 min

3. AQUATIC ORGANISM TOXICITY CRITERIA (48-HOUR ACUTE)

a. SCREENING

The existing permit includes 48-hour acute freshwater biomonitoring requirements at Outfall 005. A review of the whole effluent toxicity testing database for Outfall 005 indicates that in the past five years the permittee has performed eight 48-hour acute tests, with no demonstrations of significant toxicity (i.e., zero failures) by both species. The following is the lethal and sublethal biomonitoring history:

48-Hour Acute Biomonitoring History - Outfall 005				
Species	Test Number Last 5 years	Date(s) Failed $_L$	Result % NOEC	Endpoint
Ceriodaphnia dubia or *Daphnia pulex* (water flea)	4	N/A		
Pimephales promelas (fathead minnow)	4	N/A		

A reasonable potential (RP) determination was performed in accordance with 40 CFR §122.44(d)(1)(ii) to determine whether the discharge will reasonably be expected to cause or contribute to an exceedance of a state water quality standard or criterion within that standard. Each test species is evaluated separately.

The RP determination is based on representative data from the previous five years of WET testing. The following table identifies the thresholds for the number of test failures required to necessitate that a WET limit be placed in the permit or the consideration of additional Best Professional Judgment (BPJ) factors, such as the duration and magnitude of the failures.

WET Reasonable Potential Determination Thresholds
More than 3 failures in the past five years = WET limit
3 failures with 2 or 3 occurring in the past 3 years = WET limit
1 to 3 failures in the past five yea8rs but 1 or less in last 3 years = BPJ
0 failures = No limit

With zero failures by both test species, a determination of no RP was made. If RP is not demonstrated, WET limits are not required and the test species are eligible for the testing frequency reduction. All of the test results were used for this determination.

b. PERMIT ACTION

TCEQ has determined that there may be pollutants present in the effluent that may have the potential to cause toxic conditions in the receiving stream. Whole effluent biomonitoring is the most direct measure of potential toxicity, which incorporates the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity. The biomonitoring procedures stipulated as a condition of this permit are as follows:

i. Acute static renewal 48-hour definitive toxicity tests using the water flea (Ceriodaphnia dubia or Daphnia pulex). The frequency of the testing is once per six months.

ii. Acute static renewal 48-hour definitive toxicity tests using the fathead minnow (Pimephales promelas). The frequency of the testing is once per year.

Toxicity tests shall be performed in accordance with protocols described in the latest revision of the *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fourth Edition*, EPA/600/4-90/027F.

The stipulated test species are appropriate to measure the toxicity of the effluent consistent with the requirements of the state water quality standards. The biomonitoring frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge.

This permit may be reopened to require effluent limits, additional testing, or other appropriate actions to address toxicity if biomonitoring data show actual or potential ambient toxicity to be the result of the permittee's discharge to the receiving stream or water body.

c. DILUTION SERIES

The draft permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests. These additional effluent concentrations are 32%, 42%, 56%, 75%, and 100%. The low-flow effluent concentration (critical dilution) is defined as 100% effluent.

All the dilution series outlined above was calculated using a 0.75 factor applied to the critical dilution. The critical dilution is the estimated effluent dilution at the edge of the aquatic life mixing zone, which is calculated in section X.D.2.a. of this fact sheet.

4. AQUATIC ORGANISM TOXICITY CRITERIA (24-HOUR ACUTE)

a. SCREENING

The existing permit includes 24-hour acute freshwater biomonitoring requirements at Outfall 005. A review of the whole effluent toxicity testing database for Outfall 005 indicates that in the past five years the permittee has performed four 24-hour acute tests, with no demonstrations of significant mortality by both species. The following is the biomonitoring history:

24-Hour Acute Biomonitoring History - Outfall 005				
Species	Test Number Last 5 years	Date(s) Failed $_L$	Result % NOEC	Endpoint
Ceriodaphnia dubia or *Daphnia pulex* (water flea)	2	N/A		
Pimephales promelas (fathead minnow)	2	N/A		

As discussed previously, a reasonable potential (RP) determination was performed in accordance with 40 CFR §122.44(d)(1)(ii) and a determination of no RP was made. Minimum 24-hour acute marine biomonitoring requirements are proposed in the draft permit as outlined below.

b. PERMIT ACTION

24-hour 100% acute biomonitoring tests are required at Outfall 005, at a frequency of once per six months for both test species for the life of the permit. The biomonitoring procedures stipulated as a condition of this permit are as follows:

i. Acute 24-hour static toxicity tests using the water flea (Daphnia pulex). A minimum of five (5) replicates with eight (8) organisms per replicate shall be used for this test.

ii. Acute 24-hour static toxicity tests using the fathead minnow (Pimephales promelas). A minimum of five (5) replicates with eight (8) organisms per replicate shall be used for this test.

5. AQUATIC ORGANISM BIOACCUMULATION CRITERIA

a. SCREENING

The discharge point is located at a distance greater than three miles upstream of perennial waters. Human health screening is not applicable because of the distance between the discharge point and perennial waters that support fisheries.

b. PERMIT ACTION

None.

6. DRINKING WATER SUPPLY PROTECTION

a. SCREENING

Water Quality Segment No. 2311, which receives the discharges from this facility, is not designated as a public water supply. Screening reported analytical data against water quality-based effluent limitations calculated for the protection of a drinking water supply is not applicable.

b. PERMIT ACTION

None.

XI. PRETREATMENT REQUIREMENTS

This facility is not defined as a publicly owned treatment works (POTW). Pretreatment requirements are not proposed in the draft permit.

XII. VARIANCE REQUESTS

No variance requests have been received.

XIII. PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the Chief Clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for review and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The Chief Clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application, and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

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

The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application. This notice sets a deadline for public comment.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment, and is not a contested case proceeding.

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

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

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

For additional information about this application contact Melinda Luxemburg, P.E. at (512) 239-4541

XIV. ADMINISTRATIVE RECORD

The following section is a list of the fact sheet citations to applicable statutory or regulatory provisions and appropriate supporting references.

A. PERMIT(S)

TCEQ Permit No. WQ0004857000 issued on July 24, 2009.

B. APPLICATION

TPDES wastewater permit application received July 27, 2011 and additional information received August 10, 2011, July 3, 2012, July 11, 2012 and August 23, 2012.

C. 40 CFR CITATION(S)

40 CFR §§ 122
40 CFR §§ 261
40 CFR §§ 257
40 CFR §§ 258

40 CFR §§ 445 (Subpart A)
40 CFR §§ 445 (Subpart B)

D. LETTERS/MEMORANDA/RECORDS OF COMMUNICATION

TCEQ Interoffice Memorandum dated August 31, 2011, from Tom Y. Harrigan of the Water Quality Assessment Team to Industrial Permits Team, Wastewater Permitting Section (Modeling Memo).
TCEQ Interoffice Memorandum dated August 30, 2011, from Laurie Fleet of the Water Quality Assessment Team to the Industrial Permits Team, Wastewater Permitting Section (TEXTOX Memo).

TCEQ Interoffice Memorandum dated September 1, 2011, from Michael B. Pfeil of the Standards Implementation Team, Water Quality Assessment Section to the Industrial Permits Team, Wastewater Permitting Section (Biomonitoring Memo).

E-mail dated November 9, 2012, from Michael B. Pfeil of the Standards Implementation Team, Water Quality Assessment Section to Melinda Luxemburg of the Industrial Permits Team, Wastewater Permitting Section (WCS aluminum studies).

TCEQ Interoffice Memorandum dated August 22, 2011, from Lili Murphy thru John Trevino of the Water Quality Standards Implementation Team to Industrial Permits, Wastewater Permitting Section (Standards Memo).

E. MISCELLANEOUS

Federal Clean Water Act, Section, 301, 302, 306, 307, 308, 318, 402 and 405; Texas Water Code, Chapters 5, 7, 25, 26, 27, 28 and 50; 30 TAC, Chapters 39, 50, 55, 281, 305, 319, 320, and 335; Texas Health and Safety Code, Chapter 361; Commission policies; and EPA guidelines.

The State of Texas 2010 Integrated Report – Texas 303(d) List (Category 5), Texas Commission on Environmental Quality, November 2011.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, effective July 22, 2012, as approved by EPA.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, effective August 17, 2000, and Appendix E, effective February 27, 2002, for portions of the 2010 Standards not yet approved by EPA.

Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, (EPA-821-R-02-012).

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

Procedures to Implement the Texas Surface Water Quality Standards, Appendix D, Texas Commission on Environmental Quality, June 2010 draft.

Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits,@ TCEQ Document No. 98-001.000-OWR-WQ, May 1998.

APPENDIX A

TEXTOX MENU #1 – INTERMITTENT STREAMS

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

Table 1, 2010 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life

"Procedures to Implement the Texas Surface Water Quality Standards (TSWQS)," TCEQ, January 2003.
"Procedures to Implement the TSWQS," Appendix D, TCEQ, June 2010.

PERMITTEE INFORMATION:

Permittee Name:	Waste Control Specialists LLC and Andrews County
TPDES Permit No.	WQ0004857000
Outfall No:	005
Prepared By:	Melinda Luxemburg, P.E.
Date:	January 11, 2013

DISCHARGE INFORMATION:

Immediate Receiving Waterbody:	Unnamed ditch in Texas
Segment No:	2311
TSS:	6.0
pH (Standard Units):	7.6
Hardness (mg/l as $CaCO_3$):	2203
Chloride (mg/l):	4030
Effluent Flow for Aquatic Life (MGD)	0.43 (<10 MGD)
Critical Low Flow [7Q2] (cfs):	0.0
Acute Effluent % for Aquatic Life:	100

CALCULATE TOTAL/DISSOLVED RATIO (dissolved fraction & enter water effect ratio if applicable):

Stream/River Metal	Intercept (b)	Slope (m)	Partition Coefficient (Kpo)	Dissolved Fraction (Cd/Ct)		Water Effects Ratio (WER)	
Aluminum	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Arsenic	5.68	-0.73	129404.56	0.56		1	Assumed
Cadmium	6.60	-1.13	522640.82	0.24		1	Assumed
Chromium (Total)	6.52	-0.93	625632.55	0.21		1	Assumed
Chromium (+3)	6.52	-0.93	625632.55	0.21		1	Assumed
Chromium (+6)	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Copper	6.02	-0.74	278078.92	0.37		1	Assumed
Lead	6.45	-0.80	672169.81	0.20		1	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Nickel	5.69	-0.57	176381.81	0.49		1	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Silver	6.38	-1.03	378882.21	0.31		1	Assumed
Zinc	6.10	-0.70	359165.10	0.32		1	Assumed

AQUATIC LIFE (TEXTOX MENU #1)

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS

Parameter	Acute Standard (ug/L)	WLAa	LTAa	Daily Average (ug/L)	Daily Maximum (ug/L)
Aldrin	3.0	3.000	1.719	2.527	5.346
Aluminum	991	991.000	567.843	834.729	1765.992
Arsenic	340	639.514	346.083	508.742	1076.32
Cadmium	171.747	713.410	408.784	600.742	1271.32
Carbaryl	2.0	2.000	1.146	1.685	3.564
Chlordane	2.4	2.400	1.375	2.022	4.277
Chlorpyrifos	0.083	0.083	0.048	0.070	0.148
Chromium (+3)	7171.722	34092.901	19535.232	28716.791	60754.6
Chromium (+6)	15.7	15.700	8.996	13.224	27.978
Copper	261.656	698.224	400.082	588.121	1244.26
Cyanide (free)	45.8	45.800	26.243	38.578	81.617
4,4'-DDT	1.1	1.100	0.630	0.927	1.960
Dementon	N/A	0.000	N/A	N/A	N/A
Diazinon	0.17	0.17	0.097	0.143	0.303
Dicofol	59.3	59.300	33.979	49.949	105.674
Dieldrin	0.24	0.24	0.138	0.202	0.428
Diuron	210	210.000	120.330	176.885	374.226
Endosulfan I (alpha)	0.22	0.220	0.126	0.185	0.392
Endosulfan II (beta)	0.22	0.220	0.126	0.185	0.392
Endosulfan sulfate	0.22	0.220	0.126	0.185	0.392
Endrin	0.086	0.086	0.049	0.072	0.153
Guthion	N/A	N/A	N/A	N/A	N/A
Heptachlor	0.52	0.520	0.298	0.438	0.927
Hexachlorocyclohexane (Lindane)	1.126	1.126	0.645	0.948	2.01
Lead	1424.22	7168.14	4107.34	6037.80	12773.8
Malathion	N/A	0.000	N/A	N/A	N/A
Mercury	2.4	2.400	1.375	2.022	4.277
Methoxychlor	N/A	N/A	N/A	N/A	N/A
Mirex	N/A	N/A	N/A	N/A	N/A
Nickel	6407.00	13187.47	7556.42	11107.94	23500.5
Nonylphenol	28	28	16.0	23.6	49.9
Parathion (ethyl)	0.065	0.065	0.037	0.055	0.116
Pentachlorophenol	15.942	15.942	9.135	13.429	28.410
Phenanthrene	30	30.000	17.190	25.269	53.461
Polychlorinated Biphenyls (PCBs)	2.0	2.000	1.146	1.685	3.564
Selenium	20	20.000	11.460	16.846	35.641
Silver, (free ion)	0.8	29.158	16.708	24.560	51.960
Toxaphene	0.78	0.780	0.447	0.657	1.390
Tributlytin (TBT)	0.13	0.130	0.074	0.110	0.232
2,4,5 Trichlorophenol	136	136.000	77.928	114.554	242.356
Zinc	1609.872	5079.131	2910.342	4278.202	9051.16

CALCULATE 70% AND 85% OF DAILY AVERAGE EFFLUENT LIMITATIONS

Parameter	70%	85%
Aquatic Life		
Aldrin	1.769	2.148
Aluminum	584.310	709.520
Arsenic	356.120	432.431
Cadmium	420.639	510.776
Carbaryl	1.179	1.432
Chlordane	1.415	1.718
Chlorpyrifos	0.049	0.059
Chromium (+3)	20101.7588	24409.27
Chromium (+6)	9.257	11.241
Copper	411.685	499.903
Cyanide (free)	27.004	32.791
4,4'-DDT	0.649	0.788
Dementon	N/A	N/A
Diazinon	0.100	0.122
Dicofol	34.964	42.457
Dieldrin	0.142	0.172
Diuron	123.820	150.352
Endosulfan I (alpha)	0.130	0.158
Endosulfan II (beta)	0.130	0.158
Endosulfan sulfate	0.130	0.158
Endrin	0.051	0.062
Guthion	N/A	N/A
Heptachlor	0.307	0.372
Hexachlorocyclohexane (Lindane)	0.664	0.806
Lead	4226.46	5132.13
Malathion	N/A	N/A
Mercury	1.415	1.718
Methoxychlor	N/A	N/A
Mirex	N/A	N/A
Nickel	7775.56	9441.75
Nonylphenol	16.5	20.0
Parathion (ethyl)	0.038	0.047
Pentachlrophenol	9.4001	11.414
Phenanthrene	17.689	21.479
Polychlorinated Biphenyls (PCBs)	1.179	1.432
Selenium	11.792	14.319
Silver, (free ion)	17.192	20.876
Toxaphene	0.460	0.558
Tributlytin (TBT)	0.077	0.093
2,4,5 Trichlorophenol	80.188	97.371
Zinc	2994.742	3636.473

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Compliance History Report

PUBLISHED Compliance History Report for CN600688998, RN101702439, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600688998, Andrews County **Classification:** SATISFACTORY **Rating:** 1.16

Regulated Entity: RN101702439, WASTE CONTROL SPECIALISTS **Classification:** SATISFACTORY **Rating:** 1.28

Complexity Points: 40 **Repeat Violator:** NO

CH Group: 11 - Waste Management (Excluding Landfills)

Location: 9998 W STATE HIGHWAY 176 ANDREWS, TX 79714-9100, ANDREWS COUNTY

TCEQ Region: REGION 07 - MIDLAND

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000075788
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD988088464
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50358
POLLUTION PREVENTION PLANNING ID NUMBER P04197
WASTEWATER PERMIT WQ0004038000
WASTEWATER PERMIT WQ0004948000
WASTEWATER EPA ID TX0131644
AIR NEW SOURCE PERMITS ACCOUNT NUMBER AB0164V
AIR NEW SOURCE PERMITS PERMIT 72653
AIR NEW SOURCE PERMITS REGISTRATION 90344
AIR NEW SOURCE PERMITS REGISTRATION 86252
RADIOACTIVE WASTE DISPOSAL LICENSE R05807
RADIOACTIVE WASTE DISPOSAL ID NUMBER RDR001
AIR EMISSIONS INVENTORY ACCOUNT NUMBER AB0164V
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 50397
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 50358
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50397
POLLUTION PREVENTION PLANNING ID NUMBER P08489
WASTEWATER EPA ID TX0117005
WASTEWATER PERMIT WQ0004857000
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 73836
AIR NEW SOURCE PERMITS AFS NUM 4800300044
AIR NEW SOURCE PERMITS REGISTRATION 42916
AIR NEW SOURCE PERMITS REGISTRATION 86421
AIR NEW SOURCE PERMITS REGISTRATION 106888
RADIOACTIVE WASTE DISPOSAL LICENSE R04100
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 50358
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0020013

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: January 21, 2014

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

Component Period Selected: July 27, 2006 to July 26, 2011

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Melinda Luxemburg **Phone:** (512) 239-4541

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3) If **YES** for #2, who is the current owner/operator? N/A
4) If **YES** for #2, 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 09/22/2008 ADMINORDER 2006-0796-MLM-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 331, SubChapter A 331.6
30 TAC Chapter 336, SubChapter C 336.203
Description: Waste Control Specialists, LLC has injected radioactive wastes without authorization into or above a formation, located within one-quarter mile of the well that serves as an underground source of drinking water, and disposed of radioactive material without having a radioactive material disposal license.
Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.4(2)
30 TAC Chapter 335, SubChapter A 335.4(3)
Description: Waste Control Specialists, LLC by causing, suffering, allowing, or permitting the collection, handling, storage, processing, or disposal of industrial solid waste in a manner as to cause the creation and maintenance of a nuisance or the endangerment of the public health and welfare.

2 Effective Date: 07/02/2011 ADMINORDER 2010-1632-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Other Requirements No. 16 PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

Item 1	August 21, 2006	(528154)
Item 2	September 20, 2006	(528155)
Item 3	October 20, 2006	(528156)
Item 4	November 20, 2006	(551662)
Item 5	December 20, 2006	(551663)
Item 6	January 18, 2007	(551664)
Item 7	February 26, 2007	(588768)
Item 8	March 15, 2007	(541224)
Item 9	March 19, 2007	(588769)
Item 10	April 23, 2007	(588770)
Item 11	May 21, 2007	(588771)
Item 12	June 22, 2007	(588772)
Item 13	July 20, 2007	(588773)
Item 14	August 20, 2007	(605589)
Item 15	September 20, 2007	(605590)
Item 16	October 19, 2007	(605591)
Item 17	November 20, 2007	(630468)
Item 18	December 20, 2007	(630469)
Item 19	January 10, 2008	(630470)
Item 20	January 16, 2008	(614777)
Item 21	February 18, 2008	(677040)
Item 22	March 20, 2008	(677041)
Item 23	April 18, 2008	(677042)
Item 24	May 20, 2008	(695670)
Item 25	June 20, 2008	(695671)
Item 26	July 18, 2008	(695672)
Item 27	August 20, 2008	(717219)
Item 28	September 19, 2008	(717220)
Item 29	October 20, 2008	(717221)
Item 30	October 21, 2008	(706007)
Item 31	November 20, 2008	(732584)
Item 32	December 19, 2008	(732585)
Item 33	January 20, 2009	(732586)

Item 34	February 19, 2009	(755874)
Item 35	February 25, 2009	(735989)
Item 36	March 16, 2009	(755875)
Item 37	May 15, 2009	(772866)
Item 38	June 11, 2009	(772867)
Item 39	June 16, 2009	(747827)
Item 40	July 24, 2009	(818760)
Item 41	September 17, 2009	(818762)
Item 42	October 20, 2009	(818763)
Item 43	November 19, 2009	(818764)
Item 44	November 23, 2009	(822214)
Item 45	December 15, 2009	(818765)
Item 46	December 21, 2009	(822215)
Item 47	January 18, 2010	(818766)
Item 48	January 20, 2010	(822216)
Item 49	February 19, 2010	(818759)
Item 50	March 19, 2010	(835818)
Item 51	April 14, 2010	(835819)
Item 52	April 15, 2010	(837145)
Item 53	May 20, 2010	(835820)
Item 54	May 21, 2010	(837146)
Item 55	June 16, 2010	(847792)
Item 56	July 20, 2010	(862195)
Item 57	July 23, 2010	(869253)
Item 58	August 20, 2010	(868793)
Item 59	September 20, 2010	(875667)
Item 60	September 24, 2010	(876142)
Item 61	October 19, 2010	(883218)
Item 62	November 16, 2010	(889632)
Item 63	December 20, 2010	(897998)
Item 64	December 23, 2010	(898500)
Item 65	January 20, 2011	(903898)
Item 66	January 21, 2011	(904347)
Item 67	February 17, 2011	(910788)
Item 68	March 16, 2011	(895691)
Item 69	March 18, 2011	(918046)
Item 70	March 25, 2011	(918522)
Item 71	April 18, 2011	(930174)
Item 72	May 16, 2011	(939753)
Item 73	June 15, 2011	(947170)
Item 74	June 20, 2011	(947628)
Item 75	July 11, 2011	(954420)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 07/31/2010 (869254) CN600688998
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

2 Date: 09/30/2010 (883738) CN600688998
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

Notice of Intent Date: 03/25/2010 (798473)
No DOV Associated

Published *Compliance History Report for CN600688998, RN101702439, Rating Year 2013 which includes Compliance History (CH) components from July 27, 2006, through July 26, 2011.*

Notice of Intent Date: 01/27/2011 (906519)
Disclosure Date: 03/21/2011
Viol. Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.46(a)
5A THSC Chapter 341, SubChapter A 341.035
Description: Failed to submit plans and specifications for the public water system to the Executive Director for review and approval prior to construction of the system. In addition, it was discovered during the audit that portions of the potable water supply system designed to serve the proposed low-level radioactive waste disposal facility were constructed, and it is uncertain whether the company ensured that they submitted the plans to TCEQ staff for review.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
Description: Failed to have a licensed water works operator operating the public water system.
Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
Description: Failed to maintain internal operating and maintenance records.

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:
N/A

I. Participation in a voluntary pollution reduction program:
N/A

J. Early compliance:
N/A

Sites Outside of Texas:
N/A

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600688998	Andrews County	Classification: AVERAGE	Rating: 2.84
Regulated Entity:	RN101702439	WASTE CONTROL SPECIALISTS	Classification: AVERAGE	Site Rating: 2.03

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXR000075788
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	50397
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD988088484
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	50358
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50358
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50397
POLLUTION PREVENTION PLANNING	ID NUMBER	P04197
WASTEWATER	PERMIT	WQ0004038000
WASTEWATER	EPA ID	TX0117005
WASTEWATER	PERMIT	WQ0004946000
WASTEWATER	PERMIT	WQ0004857000
WASTEWATER	EPA ID	TX0131644
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	73836
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	AB0164V
AIR NEW SOURCE PERMITS	AFS NUM	4800300044
AIR NEW SOURCE PERMITS	PERMIT	72653
AIR NEW SOURCE PERMITS	REGISTRATION	42916
AIR NEW SOURCE PERMITS	REGISTRATION	90344
AIR NEW SOURCE PERMITS	REGISTRATION	86421
AIR NEW SOURCE PERMITS	REGISTRATION	86252
STORMWATER	PERMIT	TXR15OZ62
RADIOACTIVE WASTE DISPOSAL	LICENSE	R05807
RADIOACTIVE WASTE DISPOSAL	LICENSE	R04100
RADIOACTIVE WASTE DISPOSAL	ID NUMBER	RDR001
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	50358
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	AB0164V
RADIOACTIVE WASTE STORAGE & PROCESSING	LICENSE	R04971
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0020013

Location: 9998 W STATE HIGHWAY 176, ANDREWS, TX, 79714

TCEQ Region: REGION 07 - MIDLAND

Date Compliance History Prepared: August 13, 2012

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

Compliance Period: April 20, 2006 to August 13, 2012

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

Name: Melinda Luxemburg Phone: 4541

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If **YES**, who is the current owner/operator? N/A
4. If **YES**, who was/were the prior owner(s)/operator(s)? N/A
5. 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.

Effective Date: 09/22/2008 ADMINORDER 2006-0796-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter A 331.6
30 TAC Chapter 336, SubChapter C 336.203

Description: Waste Control Specialists, LLC has injected radioactive wastes without authorization into or above a formation, located within one-quarter mile of the well that serves as an underground source of drinking water, and disposed of radioactive material without having a radioactive material disposal license.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4(2)
30 TAC Chapter 335, SubChapter A 335.4(3)

Description: Waste Control Specialists, LLC by causing, suffering, allowing, or permitting the collection, handling, storage, processing, or disposal of industrial solid waste in a manner as to cause the creation and maintenance of a nuisance or the endangerment of the public health and welfare.

Effective Date: 07/02/2011 ADMINORDER 2010-1632-IWD-E

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Other Requirements No. 16 PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 02/21/2012 (1000253)
2 03/12/2012 (1005244)
3 03/12/2012 (1005758)
4 04/17/2012 (1011821)
5 04/17/2012 (1012308)
6 05/16/2012 (1018180)
7 05/16/2012 (1018715)
8 06/20/2012 (1025921)
9 06/22/2012 (1026441)
10 06/09/2006 (481729)
11 04/24/2006 (505909)
12 05/23/2006 (505910)
13 06/26/2006 (505911)
14 07/20/2006 (528153)
15 08/21/2006 (528154)
16 09/20/2006 (528155)
17 10/20/2006 (528156)
18 03/15/2007 (541224)
19 11/20/2006 (551662)
20 12/20/2006 (551663)
21 01/18/2007 (551664)
22 02/26/2007 (588768)
23 03/19/2007 (588769)
24 04/23/2007 (588770)
25 05/21/2007 (588771)
26 06/22/2007 (588772)

27	07/20/2007	(588773)
28	08/20/2007	(605589)
29	09/20/2007	(605590)
30	10/19/2007	(605591)
31	01/16/2008	(614777)
32	11/20/2007	(630468)
33	12/20/2007	(630469)
34	01/10/2008	(630470)
35	02/18/2008	(677040)
36	03/20/2008	(677041)
37	04/18/2008	(677042)
38	05/20/2008	(695670)
39	06/20/2008	(695671)
40	07/18/2008	(695672)
41	10/21/2008	(706007)
42	08/20/2008	(717219)
43	09/19/2008	(717220)
44	10/20/2008	(717221)
45	11/20/2008	(732584)
46	12/19/2008	(732585)
47	01/20/2009	(732586)
48	02/25/2009	(735989)
49	03/19/2009	(737892)
50	06/16/2009	(747827)
51	02/19/2009	(755874)
52	03/16/2009	(755875)
53	04/20/2009	(755876)
54	08/12/2009	(765132)
55	05/15/2009	(772866)
56	06/11/2009	(772867)
57	02/04/2010	(786857)
58	02/19/2010	(818759)
59	07/24/2009	(818760)
60	08/20/2009	(818761)
61	09/17/2009	(818762)
62	10/20/2009	(818763)
63	11/19/2009	(818764)
64	12/15/2009	(818765)
65	01/18/2010	(818766)
66	11/23/2009	(822214)
67	12/21/2009	(822215)
68	01/20/2010	(822216)
69	03/19/2010	(835818)
70	04/14/2010	(835819)
71	05/20/2010	(835820)
72	04/15/2010	(837145)
73	05/21/2010	(837146)
74	07/16/2010	(841749)

75	02/24/2010	(845455)
76	07/16/2010	(845456)
77	06/16/2010	(847792)
78	06/16/2010	(848182)
79	09/23/2010	(849652)
80	08/31/2010	(857646)
81	08/31/2010	(857734)
82	07/20/2010	(862195)
83	07/23/2010	(862673)
84	08/20/2010	(868793)
85	07/23/2010	(869253)
86	08/24/2010	(869254)
87	09/20/2010	(875667)
88	09/24/2010	(876142)
89	10/19/2010	(883218)
90	10/27/2010	(883738)
91	11/16/2010	(889632)
92	11/16/2010	(890094)
93	03/16/2011	(895691)
94	12/20/2010	(897998)
95	12/23/2010	(898500)
96	01/20/2011	(903898)
97	01/21/2011	(904347)
98	02/17/2011	(910788)
99	02/17/2011	(911226)
100	03/18/2011	(918046)
101	03/25/2011	(918522)
102	04/18/2011	(930174)
103	04/18/2011	(931772)
104	05/16/2011	(939753)
105	05/16/2011	(940266)
106	06/15/2011	(947170)
107	06/20/2011	(947628)
108	07/11/2011	(954420)
109	07/11/2011	(954894)
110	08/16/2011	(961004)
111	08/16/2011	(961475)
112	09/16/2011	(967098)
113	09/16/2011	(967625)
114	01/06/2012	(968780)
115	01/11/2012	(968781)
116	10/17/2011	(973063)
117	10/25/2011	(973548)
118	11/16/2011	(979192)
119	11/16/2011	(979676)
120	12/19/2011	(986035)
121	12/19/2011	(986529)
122	01/20/2012	(992386)

123 01/20/2012 (992908)

124 05/03/2012 (996553)

125 02/16/2012 (999699)

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

Date: 03/31/2009 (755876) CN600688998

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2009 (818761) CN600688998

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2010 (845455) CN600688998

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 02/04/2010 (786857) CN600688998

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Permittee exceeded Oil & Grease daily maximum parameter (15 mg/L) from Outfall 002 on July 22, 2009 (33 mg/L). They also exceeded the pH maximum (9.0 S.U.) on March 20, 2009 from Outfall 003 (9.45 S.U.).

Date: 02/28/2010 (845456) CN600688998

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2010 (862673) CN600688998

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/13/2010 (857646)

Self Report? NO Classification: Moderate

Citation: 5C THSC Chapter 389, SubChapter F 401.011(c)
Condition 23.B and 36 PERMIT

Description: Failed to comply with License R04971, Conditions 23.B and 36 by exceeding the licensed storage time of 365 days. Specifically, in accordance with License Condition 23.B, all waste (with the exception of the low-level mixed waste generated at the Safety Light Superfund Site) placed into interim storage shall be transferred to an authorized recipient within 365 days of the initial date of receipt

Date: 07/31/2010 (869254) CN600688998

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2010 (883738) CN600688998

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2011 (973063) CN600688998

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2011 (973548) CN600688998

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 01/11/2012 (968781) CN600688998
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Permittee exceeded the pH maximum (9.0 S.U.) permit limitation for Outfalls 004 and 005 on September 15, 2011 (10.47 S.U and 9.85 S.U., respectively).
Date: 01/31/2012 (1000253) CN600688998
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2012 (1026441) CN600688998
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 03/25/2010 (798473)
No DOV Associated

Notice of Intent Date: 01/27/2011 (905519)
No DOV Associated

G. Type of environmental management systems (EMSs).

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A