

TCEQ DOCKET NO. 2014-1673-IWD

APPLICATION BY	§	BEFORE THE
THE UNITED STATES	§	TEXAS COMMISSION
DEPARTMENT OF THE	§	ON
NAVY FOR TPDES PERMIT	§	ENVIRONMENTAL QUALITY
NO. WQ0002335000	§	

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUEST

I. Introduction

The Executive Director of the Texas Commission on Environmental Quality (the TCEQ or Commission) files this Response to Hearing Request (Response) on the application of the United States Department of the Navy (Navy) for a renewal Texas Pollutant Discharge Elimination System Permit (TPDES) No. WQ0002335000. The Office of the Chief Clerk (OCC) received a hearing request from Mr. Tim Fegette.

Attached for Commission consideration are the following:

Attachment A – GIS Map

Attachment B– Compliance History

Attachment C – Technical Summary and Proposed Permit

Attachment D– Executive Director's Response to Public Comment

II. Description of the Facility

The Navy has applied to the TCEQ for a renewal to its existing TPDES permit No. WQ0002335000 which would authorize intermittent and variable flow discharge of treated and other groundwater from the site remediation activities at the Naval Weapons Industrial Reserve Plant. This plant formerly manufactured solid-propellant rocket motors. The manufacturing operations ceased in 1995. Wastewater discharge is related to the treatment of contaminated groundwater per the requirements of TCEQ Post Closure Order No. 30056.

The plant site is located at 1701 Bluebonnet Parkway, just west of State Highway 317, bounded on the south by Farm-to-Market Road 2671 and on the north by the St. Louis Southwestern Railway, southwest of the City of McGregor, Coryell County, Texas.

The proposed permit authorizes the discharge of treated wastewater from Area M and other groundwater on an intermittent and variable flow basis via Outfall 001. Final effluent limitations are established in the proposed permit as follows:

<u>Outfall</u>	<u>Parameter</u>	<u>Daily Average</u>	<u>Daily Maximum</u>
001	Flow	Report, MGD	Report, MGD
	Biochemical Oxygen Demand (5-day)	N/A	Report, mg/L Report, lbs/day
	Total Organic Carbon	50 mg/L	100 mg/L
	Nitrate (as N)	N/A	Report, mg/L Report, lbs/day
	Perchlorate	0.006 mg/L	0.013 mg/L
	Dissolved Oxygen	0.03 lbs/day N/A	0.05 lbs/day Report, mg/L(min)
	1,1-Dichloroethylene	N/A	Report, mg/L Report, lbs/day
	Trichloroethylene	N/A	Report, mg/L Report, lbs/day
	1,1,1-Trichloroethane	N/A	Report, mg/L Report, lbs/day
	Vinyl Chloride	N/A	Report, mg/L Report, lbs/day
	pH	Between 6.0 and 9.0 standard units.	

The proposed permit continues the existing permit monitoring requirement for flow. In place of flow limitations, mass-based effluent limitations are included in the permit for perchlorate. Mass-based and concentration-based limitations will provide the same level of protection as restricting the flow and include concentration-based perchlorate limitations, but allow greater flexibility in managing effluent during rainfall events. The design flow of 400 gallons per minute is used to calculate mass-based effluent limitations for perchlorate.

The effluent is discharged via Outfall 001 to an unnamed tributary of Station Creek, then to Station Creek, then to the Leon River Below Proctor Lake in Segment No. 1221 of the Brazos River Basin. The unclassified receiving waters have minimal aquatic

life use for the unnamed tributary of Station Creek and intermediate aquatic life use for Station Creek. The designated uses for Segment No. 1221 are high aquatic life use, primary contact recreation, and public water supply. The effluent limits in the proposed permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions.

III. Procedural Background

The application was received on September 9, 2013, and declared administratively complete on October 23, 2013. The Notice of Receipt of Application and Intent to Obtain Permit (NORI) was published on November 14, 2013 in the *McGregor Mirror*, McClennan County, Texas. The NORI was also published on November 27, 2013 in *The Gatesville Messenger*, Coryell County, Texas. The Executive Director completed the technical review of the application on January 3, 2014, and prepared a proposed draft permit. The Notice of Application and Preliminary Decision (NAPD) was published on March 26, 2014 in *The Gatesville Messenger*, in Coryell County, Texas. The NAPD was also published on March 27, 2014 in the *McGregor Mirror*, McClennan County, Texas. To fulfill the alternative language notice requirement, the Navy published a Combined NORI/NAPD on August 20, 2014 in *The Tiempo* (Spanish), in McLennan County, Texas and Coryell County, Texas.

The public comment period for this application closed on September 19, 2014. The Executive Director's Response to Public Comment (RTC) was filed on October 02, 2014. The Executive Director's Final Decision Letter was mailed on October 06, 2014 and the period for filing a Request for Reconsideration or Contested Case Hearing ended on November 5, 2014. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

IV. Evaluation Process for Hearing Requests

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings. For those applications declared administratively complete on or after September 1, 1999, it established new procedures for providing public notice and public comment, and for the Commission's consideration of hearing requests. The Commission implemented House Bill 801 by adopting procedural rules in 30 Texas Administrative Code (30 TAC) Chapters 39, 50, and 55. The application was declared administratively complete on June 1, 2013; therefore it is subject to the procedural requirement of HB 801.

A. Response to Request

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to a hearing request. 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

- a) whether the requestor is an affected person;
- b) whether issues raised in the hearing request are disputed;
- c) whether the dispute involves questions of fact or of law;
- d) whether the issues were raised during the public comment period;
- e) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;
- f) whether the issues are relevant and material to the decision on the application; and
- g) a maximum expected duration for the contested case hearing.

30 TAC § 55.209(e).

B. Hearing Request Requirements

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

A request for a contested case hearing by an affected person must be in writing, must be filed with the chief clerk within the time provided...and

may not be based on an issue that was raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment.

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

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

30 TAC § 55.201(d).

C. "Affected Person" Status

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected person." Section 55.203 sets out who may be considered an affected person.

- a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.
- b) Except as provided by 30 TAC § 55.103, government entities, including local governments and public agencies, with authority under state law over issues raised by the application,
- c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
 - 1) whether the interest claimed is one protected by the law under which the application will be considered;
 - 2) distance restrictions or other limitations imposed by law on the affected interest;
 - 3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
 - 4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
 - 5) likely impact of the regulated activity on the use of the impacted natural resource by the person; and
 - 6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 50.203.

A group or association may also request a contested case hearing. In order for a group or association to request a contested case hearing, the group or association must show that it meets the following requirements:

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

30 TAC § 55.205(a). In addition the Executive Director, Public Interest Counsel, or the Applicant may request that a group or association provide an explanation of how the group or association meets the above requirements. 30 TAC § 55.205(b).

D. Referral to the State Office of Administrative Hearings (SOAH)

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

E. Permit Applications Where There is No Right to a Contested Case Hearing

A permit renewal or amendment is not subject to a contested case hearing when:

- a) the applicant is not applying to:
 - i. increase significantly the quantity of waste authorized to be discharged; or
 - ii. change materially the pattern or place of discharge;
- b) the activity to be authorized by the renewal or amended permit will maintain or improve the quality of waste authorized to be discharged;
- c) any required opportunity for public meeting has been given;

- d) consultation and response to all timely received and significant public comment has been given; and
 - e) the applicant's compliance history for the previous five years raises no issues regarding the applicant's ability to comply with a material term of the permit.
- 30 TAC § 55.201(i)(5).

V. Analysis of the Request

A. Analysis of the Hearing Request

The Executive Director has analyzed the hearing request to determine whether it complies with Commission rules, who qualifies as an affected person, what issues may be referred for a contested hearing, and what is the appropriate length of the hearing.

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

a. Tim Fegette

The public comment period for this permit application ended on September 19, 2014. The period for timely filing a request for a contested case hearing on this permit application ended November 05, 2014. Mr. Fegette filed his written request for a contested case hearing on November 15, 2013 with the TCEQ's Chief Clerk. The hearing request provided the requestor's name and post office box mailing address. However, the hearing request failed to provide: 1) a physical address and phone number for the requestor 2) identify a personal justiciable interest, and 3) a list of relevant and material disputed issues of fact that were raised during the public comment period.

*The Executive Director recommends that the Commission find that **Tim Fegette's** hearing request **does not substantially comply** with the requirements of 30 TAC §55.201 (c) and (d).*

2. The Requestor Has no Right to a Contested Case Hearing on this Renewal Application

This is an application for the renewal of a wastewater discharge permit and the Commission must determine whether there is a right to a contested case hearing (CCH). The CCH request in this case should be denied under TWC, Chapter 26.028(d) and 30 TAC §55.201 (i)(5), because there is no right to a contested case hearing for this permit renewal.

Mr. Tim Fegette failed to effectively state a personal, justiciable interest in the application. The hearing request indicated that Mr. Fegette is located south of the plant on Station Creek, but failed to provide a physical address or location of his property in respect to the facility. However, the adjacent landowner map submitted by the Navy identifies the location of his property within one mile downstream of the discharge point. The GIS Map, provided as **Attachment A**, indicates the location of the facility, the outfall and 1 mile downstream of the discharge point.

Nevertheless, according to the TCEQ rules, 30 TAC § 55.201(i)(5), there is no right to a contested case hearing for applications that seek to renew or amend a permit under Texas Water Code, Chapter 26, if: (1) the applicant is not applying to increase significantly the quantity of waste authorized to be discharged or change materially the pattern or place of discharge, (2) the activity to be authorized by the renewal or amended permit will maintain or improve the quality of waste authorized to be discharged, (3) any required opportunity for public meeting has been given, (4) Consultation and response to all timely received and significant public comment was done, and (5) the Applicant's compliance history for the previous five years raises no issues regarding the Applicant's ability to comply with a material term of the permit.

This application submitted by the Navy seeks to renew TDPES Permit Co. WQ0002332000. The permit was most recently issued in 2009. This permit renewal would renew the existing permit that authorizes intermittent and variable flow discharge of treated and other groundwater from site remediation activities. There will be no change in effluent limitations. Because dry weather caused a no-discharge condition during the period of the permit renewal application preparation process, no samples were collected for this permit renewal. However, Other Requirement No. 12 has been added calling for sampling to be conducted within 60 days of the initial discharge

and the results submitted within 90 days of the initial discharge to the TCEQ Industrial Permits Team staff.

During the application process there were no requests for a public meeting. The ED received only one comment during the public comment period and responded to all timely received relevant and material, or significant public comments in the Response to Comments filed on October 2, 2014. **See Attachment D.**

The compliance history for the Navy raises no issues concerning the ability of the Navy to comply with the terms of the proposed permit. The Navy has a classification of "Satisfactory" and a numerical rating of 1.26, and the regulated site has a classification of "High" and a numerical rating of 0.00. **See Attachment B.** There is no previous order, judgment, or pending enforcement action against the Navy. Therefore, the compliance history raises no issues regarding the Navy's ability to comply with a material term of the permit.

The ED recommends that the Commission find that the permit renewal application meets all the conditions of TWC §26.028(d) and 30 TAC §55.21(i)(5), and that there is no right to a contested case hearing on this permit renewal application. Accordingly, the hearing request filed by Tim Fegette should be denied.

VI. Executive Director's Recommendation

The ED recommends the following actions by the Commission:

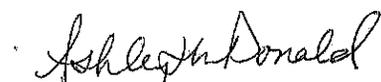
1. Find that there is no right to a contested case hearing under TWC §26.028(d) and 30 TAC §55.201(i)(5); and
2. Deny the contested case hearing request.

Respectfully submitted,

Texas Commission on Environmental Quality

Richard A. Hyde, P.E.
Executive Director

Robert Martinez, Director
Environmental Law Division



Ashley S. McDonald, Staff Attorney
Environmental Law Division

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REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on February 9, 2015, the original and seven copies of the "Executive Director's Response to Hearing Request" for the United States Department of the Navy WQ0002335000, were filed with the TCEQ's Office of the Chief Clerk and a complete copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.



Ashley S. McDonald, Staff Attorney
Environmental Law Division
State Bar No. 24086775

MAILING LIST
UNITED STATES DEPARTMENT OF THE NAVY
DOCKET NO. 2014-1673-IWD; PERMIT NO.
WQ0002335000

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REQUESTER:

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P.O. Box 84
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INTERESTED PERSONS:

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Temple, Texas 76501-7659

David B. Hall
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Mr. J. Tom Ray
215 Mary Avenue, Suite 311
Waco, Texas 76701-2253

ATTACHMENT A

U.S. Department of the Navy WQ0002335000
 Map Requested by TCEQ Office of Legal Services for Commissioners' Agenda

Map Requested by TCEQ Office of Legal Services
 for Commissioners' Agenda



Protecting Texas by
 Reducing and
 Preventing Pollution

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

Date: 1/27/2015

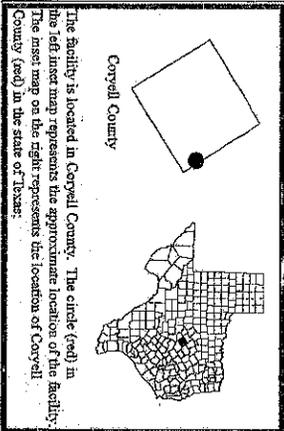


- ▲ Outfall
- 1 Mile
- Downstream Discharge
- 1 Radial Mile From Outfall
- Watercourse
- Requestor
- Tim Fegette

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor. The background imagery of this map is from the current Environmental Systems Research Institute (ESRI) map service, as of the date of this map.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

CRT 442333



Coryell County

The facility is located in Coryell County. The circle (red) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Coryell County (red) in the state of Texas.



ATTACHMENT B

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN600621155, RN102181617, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600621155, US Department of the Navy **Classification:** SATISFACTORY **Rating:** 1.26

Regulated Entity: RN102181617, NAVAL WEAPONS IND RESERVE PLANT **Classification:** HIGH **Rating:** 0.00

Complexity Points: 7 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 1751 PLANT RD CORYELL, TX, CORYELL COUNTY

TCEQ Region: REGION 09 - WACO

ID Number(s):
AIR NEW SOURCE PERMITS REGISTRATION 45225 **AIR NEW SOURCE PERMITS ACCOUNT NUMBER** 945225R
WASTEWATER PERMIT WQ0002335000 **WASTEWATER EPA ID** TX0034321

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

Date Compliance History Report Prepared: November 21, 2013

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

Component Period Selected: September 01, 2008 to October 31, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Charles Faulds **Phone:** (512) 239-4649

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:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

Item 1	September 18, 2008	(712586)
Item 2	October 17, 2008	(712587)
Item 3	November 20, 2008	(728804)
Item 4	December 12, 2008	(728805)
Item 5	January 20, 2009	(751946)
Item 6	February 20, 2009	(751943)
Item 7	March 19, 2009	(751944)

Item 8	April 14, 2009	(751945)
Item 9	May 20, 2009	(769705)
Item 10	June 23, 2009	(926426)
Item 11	July 20, 2009	(926427)
Item 12	August 19, 2009	(926428)
Item 13	October 20, 2009	(926430)
Item 14	November 23, 2009	(926431)
Item 15	December 28, 2009	(926429)
Item 16	January 21, 2010	(926433)
Item 17	February 16, 2010	(808631)
Item 18	May 24, 2010	(832332)
Item 19	June 18, 2010	(846716)
Item 20	July 14, 2010	(861245)
Item 21	July 31, 2010	(874412)
Item 22	August 19, 2010	(867381)
Item 23	October 13, 2010	(881995)
Item 24	November 15, 2010	(888473)
Item 25	January 18, 2011	(902763)
Item 26	February 14, 2011	(909597)
Item 27	March 18, 2011	(916819)
Item 28	April 20, 2011	(926425)
Item 29	May 18, 2011	(938532)
Item 30	June 16, 2011	(945901)
Item 31	July 12, 2011	(953157)
Item 32	August 10, 2011	(959804)
Item 33	September 16, 2011	(965840)
Item 34	October 18, 2011	(971885)
Item 35	November 14, 2011	(978049)
Item 36	December 15, 2011	(984820)
Item 37	January 06, 2012	(991110)
Item 38	February 17, 2012	(998475)
Item 39	March 15, 2012	(1004005)
Item 40	April 17, 2012	(1010566)
Item 41	May 18, 2012	(1016947)
Item 42	June 18, 2012	(1024702)
Item 43	July 20, 2012	(1032068)
Item 44	August 17, 2012	(1038492)
Item 45	September 19, 2012	(1047298)
Item 46	October 22, 2012	(1063084)
Item 47	November 05, 2012	(1063085)
Item 48	January 07, 2013	(1080055)
Item 49	January 11, 2013	(1080056)
Item 50	February 14, 2013	(1080054)
Item 51	March 13, 2013	(1089819)
Item 52	April 18, 2013	(1096216)
Item 53	May 14, 2013	(1107158)
Item 54	June 18, 2013	(1110809)
Item 55	June 19, 2013	(1087872)
Item 56	July 15, 2013	(1117693)
Item 57	August 13, 2013	(1125483)
Item 58	September 12, 2013	(1130051)

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.

N/A

F. Environmental audits:

N/A

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

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

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

J. Early compliance:
N/A

Sites Outside of Texas:
N/A

ATTACHMENT C

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0002335000

DESCRIPTION OF APPLICATION

Applicant: United States Department of the Navy; Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002335000 (TX0034321).

Regulated Activity: Industrial Wastewater Permit.

Type of Application: Renewal.

Request: Renewal without Changes.

Authority: Federal Clean Water Act §402; Texas Water Code §26.027; 30 Texas Administrative Code (TAC) Chapter 305, Subchapters C-F, Chapters 307 and 319; Commission Policies; and Environmental Protection Agency (EPA) Guidelines.

EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. It is proposed the permit be issued to expire on March 1, 2019, in accordance with 30 TAC §305.71, Basin Permitting.

REASON FOR PROJECT PROPOSED

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of its existing permit.

PROJECT DESCRIPTION AND LOCATION

The applicant operates the Naval Weapons Industrial Reserve Plant (NWIRP) McGregor.

The wastewater system consists of a groundwater recovery and treatment system. This plant formerly manufactured solid-propellant rocket motors. The manufacturing operations ceased in 1995. Wastewater discharge is related to the treatment of contaminated groundwater per the requirements of TCEQ Post Closure Order No. 30056.

The plant site is located at 1701 Bluebonnet Parkway, just west of State Highway 317, bounded on the south by Farm-to-Market Road 2671 and on the north by the St. Louis Southwestern Railway, southwest of the City of McGregor, Coryell, Texas.

The effluent is discharged to an unnamed tributary of Station Creek; thence to Station Creek; thence to the Leon River Below Proctor Lake in Segment No. 1221 of the Brazos River Basin. The unclassified receiving waters have minimal aquatic life use for the unnamed tributary of Station Creek and intermediate aquatic life use for Station Creek. The designated uses for Segment No. 1221 are high aquatic life use, primary contact recreation, and public water supply. The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions.

The discharge from this permit is not expected to have an effect on any federal endangered or threatened aquatic or aquatic-dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0002335000

on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Segment No. 1221 is currently listed on the State's inventory of impaired and threatened waters, the 2012 303(d) list. The listings are for bacteria in a portion of Leon River from the confluence with Lake Belton upstream to the confluence with unnamed tributary (AU 1221_01), from the confluence with Stillhouse Creek upstream to the confluence with Plum Creek (AU 1221_03), from the confluence with Plum Creek upstream to the confluence with Pecan Creek (AU 1221_04), from the confluence with Pecan Creek upstream to the confluence with South Leon Creek (AU 1221_05) and from the confluence with South Leon Creek upstream to the confluence with Walnut Creek (AU 1221_06). The discharge will not further contribute to the bacteria impairment because the discharge is recovered groundwater; therefore, no significant bacteria contribution is anticipated in the receiving waters as a result of this discharge.

SUMMARY OF EFFLUENT DATA

The following is a quantitative description of the discharge described in the Monthly Effluent Report data for the period from September 1, 2008 through August 31, 2013. The "Average of Daily Avg" values presented in the following table are the average of all daily average values for the reporting period for each parameter. The "Maximum of Daily Max" values presented in the following table are the individual maximum values for the reporting period for each parameter:

Flow

Outfall	Frequency	Average of Daily Avg, MGD	Maximum of Daily Max, MGD
001	Intermittent	0.162*	0.8586*

*when discharging

Effluent Characteristics

Outfall	Parameter	Average of Daily Avg	Maximum of Daily Max
001	Biochemical Oxygen Demand, 5-day (BOD ₅) (mg/L)	NA	7.5
	BOD ₅ (lbs/day)	NA	13.4
	Total Organic Carbon (mg/L)	3.89	15.4
	Nitrate Nitrogen (mg/L)	NA	0.061
	Nitrate Nitrogen (lbs/day)	NA	0.1366
	Dissolved Oxygen (mg/L)	1.54 (min of min)	NA
	Perchlorate (mg/L)	0.002286	0.0263
	Perchlorate (lbs/day)	0.004438	0.063
	1,1,1-Trichloroethane (mg/L)	NA	<0.010
	1,1-Dichloroethylene(mg/L)	NA	<0.010

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Outfall	Parameter	Average of Daily Avg	Maximum of Daily Max
	Trichloroethylene(mg/L)	NA	<0.010
	Vinyl Chloride(mg/L)	NA	<0.010
	pH (S. U.)	6.68 min	8.85 max

A review of the Monthly Effluent Report also revealed a total of eight permit exceedances for Perchlorate. The Daily Average concentration of 0.006 mg/L was exceeded three times, and the Daily Average Mass limitation of 0.03 lbs/day was exceeded once. Similarly, the Daily Maximum concentration of 0.013 mg/L was exceeded three times, and the Daily Maximum limitation of 0.05 lbs/day was exceeded once. No Perchlorate limits have been reported as exceeded after March 2010; therefore no changes have been made to the draft permit based upon these violations.

DRAFT PERMIT CONDITIONS

The draft permit authorizes the discharge of treated groundwater from area M and other groundwater on an intermittent and variable flow basis via Outfall 001.

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

<u>Outfall</u>	<u>Parameter</u>	<u>Daily Average</u>	<u>Daily Maximum</u>
001	Flow	Report MGD	Report MGD
	Biochemical Oxygen Demand (5-day)	N/A	Report mg/L Report lbs/day
	Total Organic Carbon	50 mg/L	100 mg/L
	Nitrate (as N)	N/A	Report mg/L Report lbs/day
	Perchlorate	0.006 mg/L 0.03 lbs/day	0.013 mg/L 0.05 lbs/day
	Dissolved Oxygen	N/A	Report mg/L(min)
	1,1-Dichloroethylene	N/A	Report mg/L Report lbs/day
	Trichloroethylene	N/A	Report mg/L Report lbs/day
	1,1,1-Trichloroethane	N/A	Report mg/L Report lbs/day
	Vinyl Chloride	N/A	Report mg/L Report lbs/day
	pH	Between 6.0 and 9.0 standard units.	

The draft permit continues the existing permit monitoring requirement for flow. In place of flow limitations, mass-based effluent limitations are included in the permit for perchlorate. Mass-based and concentration-based limitations will provide the same level of protection as restricting the flow and include concentration-based perchlorate limitations, but allow greater flexibility in managing effluent during rainfall events. The design flow of 400 gallons per minute is used to calculate mass-based effluent limitations for perchlorate.

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Calculations of water quality-based effluent limitations for the protection of aquatic life and human health are presented in Appendix A. Aquatic life criteria established in Table 1 and human health criteria established in Table 2 of 30 TAC Chapter 307 are incorporated into the calculations, as are recommendations in the Water Quality Assessment Team memorandum dated November 5, 2013. TCEQ practice for determining significant potential is to compare the reported analytical data from the facility against percentages of the calculated daily average water quality-based effluent limitation. Permit limitations are required when analytical data reported in the application exceeds 85 percent of the calculated daily average water quality-based effluent limitation. Monitoring and reporting is required when analytical data reported in the application exceeds 70 percent of the calculated daily average water quality-based effluent limitation. Existing effluent limits are still adequate and are continued in the draft permit. Because dry weather caused a no-discharge condition during the period of the permit renewal application preparation process, no samples were collected for this permit renewal. Accordingly, Other Requirement No. 12 has been added calling for this sampling to be conducted and the results submitted to the TCEQ.

Biomonitoring requirements are not included in the draft permit.

SUMMARY OF CHANGES FROM APPLICATION

No changes were made from the application.

SUMMARY OF CHANGES FROM EXISTING PERMIT

The following changes have been made to the draft permit:

1. The description of the facility location has been updated to include the zip code.
2. Various minor editorial changes have been made for clarity.
3. Because dry weather caused a no-discharge condition during the period of the permit renewal application preparation process, no samples were collected for this permit renewal. Accordingly, Other Requirement No. 12 has been added calling for this sampling to be conducted and the results submitted to the TCEQ.
4. A typographical error in Other Requirement No. 5.b. was corrected to clarify that Pond #8 has a synthetic liner and not the modular tank.

BASIS FOR DRAFT PERMIT

The following items were considered in developing the draft permit:

1. Application received September 9, 2013.
2. Existing permits: TPDES Permit No. WQ0002335000 issued December 18, 2009.
3. TCEQ Rules.
4. Texas Surface Water Quality Standards -- 30 TAC §§307.1-307.10, effective July 22, 2010, as approved by EPA Region 6.
5. 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 approved by EPA.
6. *Procedures to Implement the Texas Surface Water Quality Standards (IP)*, Texas Commission on Environmental Quality, June 2010, as approved by EPA Region 6.

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7. *Procedures to Implement the Texas Surface Water Quality Standards*, Texas Commission on Environmental Quality, January 2003, for portions of the 2010 IP not approved by EPA.
8. Memos from the Water Quality Standards Implementation Team and the Water Quality Assessment Team of the Water Quality Assessment Section of the TCEQ.
9. "Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits," TCEQ Document No. 98-001.000-OWR-WQ, May 1998.
10. EPA Effluent Guidelines: N/A.
11. Consistency with the Coastal Management Plan: N/A.

PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the Chief Clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for reviewing 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, the Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment and is not a contested case proceeding. After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application or the draft permit raised during the public comment period. The Chief Clerk then mails the Executive Director's response to comments 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 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.

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For additional information about this application contact Charles Faulds, P.E. at (512) 239-4649.

Charles Faulds

January 3, 2014

Charles Faulds, P.E.

Date

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Appendix A
Calculated Water Quality-Based Effluent Limits

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

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

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

Table 2, 2010 Texas Surface Water Quality Standards for Human Health (except Mercury)

Table 3, 2000 Texas Surface Water Quality Standards for Human Health (Mercury)

"Procedures to Implement the Texas Surface Water Quality Standards," Texas Commission on Environmental Quality, June 2010

PERMIT INFORMATION

Permittee Name:	United States Department of the Navy
TPDES Permit No.:	WQ0002335000
Outfall No.:	001
Prepared by:	Charles Faldut
Date:	11/25/13

DISCHARGE INFORMATION

Intermittent Receiving Waterbody:	unnamed tributary of Station Creek
Perennial Stream/River within 3 Miles:	Station Creek
Segment No.:	177
TSS (mg/L):	13
pH (Standard Units):	7.6
Hardness (mg/L as CaCO ₃):	160
Chloride (mg/L):	81
Effluent Flow for Aquatic Life (MGD):	0.1589
Critical Low Flow [7Q2] (cfs) for intermittent:	0
Critical Low Flow [7Q2] (cfs) for perennial:	0.1
Percent Effluent for Mixing Zone:	71.09
Percent Effluent for Zone of Initial Dilution:	100
Effluent Flow for Human Health (MGD):	0.1307
Harmonic Mean Flow (cfs) for perennial:	0.2
Percent Effluent for Human Health:	50.276
Public Water Supply Use?:	no

CALCULATE DISSOLVED FRACTION (AND ENTER WATER EFFECT RATIO IF APPLICABLE):

<i>Stream/River Metal</i>	<i>intercept (b)</i>	<i>Slope (m)</i>	<i>Partition Coefficient (Kp)</i>	<i>Dissolved Fraction (Cd/Ct)</i>		<i>Water Effect Ratio (WER)</i>
Aluminum	N/A	N/A	N/A	1.00	Assumed	1 Assumed
Arsenic	5.68	-0.73	83134	0.52		1 Assumed
Cadmium	6.60	-1.13	264988	0.26		1 Assumed
Chromium (Total)	6.52	-0.93	356044	0.20		1 Assumed
Chromium (+3)	6.52	-0.93	356044	0.20		1 Assumed
Chromium (+6)	N/A	N/A	N/A	1.00	Assumed	1 Assumed
Copper	6.02	-0.74	177569	0.34		1 Assumed
Lead	6.45	-0.80	413890	0.18		1 Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1 Assumed
Nickel	5.69	-0.57	124855	0.42		1 Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1 Assumed
Silver	6.38	-1.03	202939	0.31		1 Assumed
Zinc	6.10	-0.70	234976	0.28		1 Assumed

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CONVERT TISSUE-BASED CRITERIA TO WATER COLUMN CRITERIA:

Parameter	Water and	Fish Only	BCF (l/kg)	Water and	Fish Only
	Fish Criterion (ug/kg)	Criterion (ug/kg)		Fish Criterion (ug/L)	Criterion (ug/L)
4,4'-DDD	166	166	53600	0.0031	0.0031
4,4'-DDE	214	214	53600	0.004	0.004
4,4'-DDT	209	209	53600	0.0039	0.0039
Dioxins/Furans	0.0004	0.0004	5000	8.00E-08	8.00E-08
Polychlorinated Biphenyls (PCBs)	19.9	19.9	31200	6.40E-04	6.40E-04

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	FW Acute	FW Chronic	WLA _a	WLA _c	LTA _a	LTA _c	Daily Avg. (ug/L)	Daily Max. (ug/L)
	Criterion (ug/L)	Criterion (ug/L)						
Aldrin	3	N/A	3.00	N/A	1.72	N/A	2.53	5.35
Aluminum	991	N/A	991	N/A	568	N/A	835	1766
Arsenic	340	150	650	403	372	311	457	967
Cadmium	13	0.341	53	1.87	30.3	1.44	2.12	4.49
Carbaryl	2	N/A	2.00	N/A	1.15	N/A	1.68	3.56
Chlordane	2.4	0.004	2.40	0.006	1.38	0.004	0.006	0.013
Chlorpyrifos	0.083	0.041	0.083	0.058	0.048	0.044	0.065	0.138
Chromium (+3)	837	108	4116	753	2358	580	852	1803
Chromium (+6)	15.7	10.6	15.7	14.9	9.00	11.4	13.2	27.9
Copper	22.1	14.1	65.3	58.7	37.4	45.2	55.0	116.3
Cyanide	45.8	10.7	45.8	15.0	26.2	11.5	17.0	36.0
4,4'-DDT	1.1	0.001	1.10	0.001	0.630	0.001	0.002	0.003
Demeton	N/A	0.1	N/A	0.141	N/A	0.108	0.159	0.337
Diazinon	0.17	0.17	0.170	0.239	0.097	0.184	0.143	0.303
Dicofol	59.3	19.8	59.3	27.8	34.0	21.4	31.5	66.7
Dieldrin	0.24	0.002	0.240	0.003	0.138	0.002	0.003	0.007
Diuron	210	70	210	98	120	75	111	235
Endosulfan I (alpha)	0.22	0.056	0.220	0.079	0.126	0.061	0.089	0.189
Endosulfan II (beta)	0.22	0.056	0.220	0.079	0.126	0.061	0.089	0.189
Endosulfan sulfate	0.22	0.056	0.220	0.079	0.126	0.061	0.089	0.189
Endrin	0.086	0.002	0.086	0.003	0.049	0.002	0.003	0.007
Guthion	N/A	0.01	N/A	0.014	N/A	0.011	0.016	0.034
Heptachlor	0.52	0.004	0.520	0.006	0.298	0.004	0.006	0.013
Hexachlorocyclohexane (Lindane)	1.126	0.08	1.13	0.113	0.645	0.087	0.127	0.269
Lead	107	4.182	595	32.6	341	25.1	36.9	78.2
Malathion	N/A	0.01	N/A	0.014	N/A	0.011	0.016	0.034
Mercury	2.4	1.3	2.40	1.82	1.38	1.40	2.02	4.27
Methoxychlor	N/A	0.03	N/A	0.042	N/A	0.032	0.048	0.101
Mirex	N/A	0.001	N/A	0.001	N/A	0.001	0.002	0.003
Nickel	696	77.4	1653	258	947	198	292	618
Nonylphenol	28	6.6	28.0	9.28	16.0	7.14	10.50	22.23
Parathion (ethyl)	0.065	0.013	0.065	0.018	0.037	0.014	0.021	0.044
Pentachlorophenol	15.9	12.2	15.9	17.2	9.13	13.24	13.42	28.4
Phenanthrene	30	30	30.0	42.2	17.2	32.4	25.2	53.4
Polychlorinated Biphenyls (PCBs)	2	0.014	2.00	0.020	1.15	0.015	0.022	0.047
Selenium	20	5	20.0	7.034	11.5	5.41	7.96	16.84
Silver (free ion)	0.8	N/A	7.55	N/A	4.32	N/A	6.36	13.46
Toxaphene	0.78	0.0002	0.780	0.0003	0.447	0.0002	0.0003	0.001
Tributyltin (TBT)	0.13	0.024	0.130	0.034	0.074	0.026	0.038	0.081
2,4,5 Trichlorophenol	136	64	136	90.0	77.9	69.3	101	215
Zinc	174	175	625	887	358	683	526	1114

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HUMAN HEALTH

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Parameter	Water and		WLAh	LTAh	Daily Avg. (ug/L)	Daily Max. (ug/L)
	Fish Criterion (ug/L)	Fish Only Criterion (ug/L)				
Acrylonitrile	0.8	3.8	7.55	7.02	10.3	21.8
Aldrin	0.0009	0.001	0.002	0.002	0.003	0.006
Anthracene	5569	N/A	N/A	N/A	N/A	N/A
Antimony	6	1071	2130	1981	2912	6161
Arsenic	10	N/A	N/A	N/A	N/A	N/A
Barium	2000	N/A	N/A	N/A	N/A	N/A
Benzene	5	513	1020	948	1394	2951
Benzidine	0.0008	0.002	0.004	0.004	0.005	0.012
Benzo(a)anthracene	0.068	0.33	0.656	0.610	0.897	1.89
Benzo(a)pyrene	0.068	0.33	0.656	0.610	0.897	1.89
Bis(chloromethyl)ether	0.0024	0.44	0.875	0.814	1.196	2.531
Bis(2-chloroethyl)ether	0.3	5.27	10.4	9.74	14.33	30.3
Bis(2-ethylhexyl)phthalate	6	41	81.5	75.8	111	235
Bromodichloromethane	10.2	322	640	595	875	1852
Bromoform	69.1	2175	4326	4023	5914	12512
Cadmium	5	N/A	N/A	N/A	N/A	N/A
Carbon Tetrachloride	4.1	29	57.6	53.6	78.8	166
Chlordane	0.008	0.0081	0.016	0.015	0.022	0.047
Chlorobenzene	100	5201	10344	9620	14142	29920
Chlorodibromomethane (Dibromochloromethane)	7.6	239	475	442	649	1374
Chloroform	70	7143	14207	13212	19423	41092
Chromium (+6)	62	502	998	928	1365	2887
Chrysene	68.1	327	650	604	889	1881
Cresols	736	1981	3940	3664	5386	11396
Cyanide	200	N/A	N/A	N/A	N/A	N/A
4,4'-DDD	0.0031	0.0031	0.006	0.006	0.008	0.018
4,4'-DDE	0.004	0.004	0.008	0.007	0.011	0.023
4,4'-DDT	0.0039	0.0039	0.008	0.007	0.011	0.022
2,4'-D	70	N/A	N/A	N/A	N/A	N/A
Danitol	5.39	5.44	10.82	10.06	14.79	31.29
1,2-Dibromoethane	0.16	2.13	4.23	3.94	5.79	12.25
m-Dichlorobenzene	473	1445	2874	2672	3929	8312
o-Dichlorobenzene	600	4336	8624	8020	11790	24944
p-Dichlorobenzene	75	N/A	N/A	N/A	N/A	N/A
3,3'-Dichlorobenzidine	0.32	0.44	0.875	0.814	1.196	2.531
1,2-Dichloroethane	5	553	1099	1022	1503	3181
1,1'-Dichloroethylene	7	23916	47569	44239	65031	137584
Dichloromethane	5	5926	11786	10961	16113	34091
1,2-Dichloropropane	5	226	449	418	614	1300
1,3-Dichloropropene (1,3-Dichloropropylene)	3.4	211	419	390	573	1213
Dicofol	0.076	0.076	0.151	0.141	0.207	0.437
Dieldrin	0.0005	0.0005	0.001	0.001	0.001	0.003
2,4-Dimethylphenol	257	571	1135	1056	1552	3284
Di-n-Butyl Phthalate	1318	3010	5986	5567	8184	17315
Dioxins/Furans (TCDD Equivalents)	8.00E-08	8.00E-08	0.000	1.48E-07	2.18E-07	4.60E-07
Endrin	0.2	0.2	0.398	0.370	0.544	1.15
Ethylbenzene	700	7143	14207	13212	19423	41092
Fluoride	4000	N/A	N/A	N/A	N/A	N/A
Heptachlor	0.0015	0.0015	0.003	0.003	0.004	0.009

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HUMAN HEALTH

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	Water and		WLAh	LTAh	Daily Avg. (ug/L)	Daily Max. (ug/L)
	Fish Criterion (ug/L)	Fish Only Criterion (ug/L)				
Heptachlor Epoxide	0.00074	0.00075	0.001	0.001	0.002	0.004
Hexachlorobenzene	0.0044	0.0045	0.009	0.008	0.012	0.026
Hexachlorobutadiene	6.5	274	544	506	745	1576
Hexachlorocyclohexane (alpha)	0.05	0.093	0.185	0.172	0.253	0.535
Hexachlorocyclohexane (beta)	0.17	0.33	0.656	0.610	0.897	1.898
Hexachlorocyclohexane (gamma) (Lindane)	0.2	6.2	12.3	11.4	16.8	35.6
Hexachlorocyclopentadiene	50	N/A	N/A	N/A	N/A	N/A
Hexachloroethane	27	62	123	114	168	356
Hexachlorophene	0.008	0.008	0.016	0.015	0.022	0.046
Lead	1.15	3.83	42.3	39.3	57.8	122
Mercury	0.0122	0.0122	0.024	0.023	0.033	0.070
Methoxychlor	0.33	0.33	0.656	0.610	0.897	1.898
Methyl Ethyl Ketone	13932	1500000	2983520	2.77E+06	4.08E+06	8.63E+06
Nickel	332	1140	5381	5004	7357	15565
Nitrate-Nitrogen (as Total Nitrogen)	10000	N/A	N/A	N/A	N/A	N/A
Nitrobenzene	11	463	920	856	1258	2663
N-Nitrosodietylamine	0.0037	2.1	4.17	3.88	5.71	12.08
N-Nitroso-di-n-Butylamine	0.119	4.2	8.35	7.76	11.4	24.1
Pentachlorobenzene	1	1	1.98	1.85	2.71	5.75
Pentachlorophenol	1	57	113	105	154	327
Polychlorinated Biphenyls (PCBs)	6.40E-04	6.40E-04	0.001	0.001	0.002	0.004
Pyridine	23	2014	4005	3725	5476	11586
Selenium	50	N/A	N/A	N/A	N/A	N/A
1,2,4,5-Tetrachlorobenzene	0.65	0.71	1.41	1.31	1.93	4.08
1,1,2,2-Tetrachloroethane	3.2	76	151	140	206	437
Tetrachloroethylene	5	49	97.4	90.6	133	281
Thallium	0.75	1.5	2.98	2.77	4.07	8.62
Toluene	1000	N/A	N/A	N/A	N/A	N/A
Toxaphene	0.0053	0.0053	0.011	0.010	0.014	0.030
2,4,5-TP (Silvex)	7.3	7.6	15.1	14.0	20.6	43.7
1,1,1-Trichloroethane	200	956663	1902815	1769618	2601339	5503512
1,1,2-Trichloroethane	5	295	586	545	802	1697
Trichloroethylene	5	649	1290	1200	1764	3733
2,4,5-Trichlorophenol	1194	2435	4843	4504	6621	14008
TTHM (Sum of Total Trifhalomethanes)	80	N/A	N/A	N/A	N/A	N/A
Vinyl Chloride	0.25	24	47.7	44.3	65.2	138

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

Aquatic Life

Parameter	70%	85%
Aldrin	1.77	2.15
Aluminum	584	710
Arsenic	320	388
Cadmium	1.48	1.80
Carbaryl	1.18	1.43
Chlordane	0.004	0.005
Chlorpyrifos	0.046	0.055
Chromium (+3)	596	724
Chromium (+6)	9.25	11.2
Copper	38.5	46.7

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0002335000

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

Aquatic Life

Parameter	70%	85%
Cyanide	11.9	14.4
4,4'-DDT	0.0011	0.0014
Demeton	0.111	0.135
Diazinon	0.100	0.122
Dicofol	22.0	26.7
Dieldrin	0.002	0.003
Diuron	78.0	94.7
Endosulfan (alpha)	0.062	0.076
Endosulfan (beta)	0.062	0.076
Endosulfan sulfate	0.062	0.076
Endrin	0.002	0.003
Guthion	0.011	0.014
Heptachlor	0.004	0.005
Hexachlorocyclohexane (Lindane)	0.089	0.108
Lead	25.8	31.4
Malathion	0.011	0.014
Mercury	1.415	1.718
Methoxychlor	0.033	0.041
Mirex	0.0011	0.0014
Nickel	204	248
Nonylphenol	7.35	8.93
Parathion (ethyl)	0.014	0.018
Pentachlorophenol	9.40	11.4
Phenanthrene	17.68	21.4
Polychlorinated Biphenyls (PCBs)	0.016	0.019
Selenium	5.57	6.76
Silver (free ion)	4.45	5.40
Toxaphene	0.0002	0.0003
Tributyltin (TBT)	0.027	0.032
2,4,5 Trichlorophenol	71.3	86.6
Zinc	368	447

Human Health

Parameter	70%	85%
Acrylonitrile	7.23	8.78
Aldrin	0.0019	0.0023
Anthracene	N/A	N/A
Antimony	2038	2475
Arsenic	N/A	N/A
Barium	N/A	N/A
Benzene	976	1185
Benzidine	0.004	0.005
Benzo(a)anthracene	0.628	0.763
Benzo(a)pyrene	0.628	0.763
Bis(chloromethyl)ether	0.838	1.017
Bis(2-chloroethyl)ether	10.0	12.1
Bis(2-ethylhexyl)phthalate	78.0	94.7
Bromodichloromethane	612	744
Bromoform	4139	5027
Cadmium	N/A	N/A
Carbon Tetrachloride	55	67
Chlordane	0.015	0.019

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0002335000

Human Health

Parameter	70%	85%
Chlorobenzene	9899	12021
Chlorodibromomethane (Dibromochloromethane)	454	552
Chloroform	13596	16509
Chromium (+6)	955	1160
Chrysene	622	755
Cresols	3770	4578
Cyanide	N/A	N/A
4,4'-DDD	0.006	0.007
4,4'-DDE	0.008	0.009
4,4'-DDT	0.007	0.009
2,4'-D	N/A	N/A
Dantol	10.3	12.5
1,2-Dibromoethane	4.05	4.92
m-Dichlorobenzene	2750	3339
o-Dichlorobenzene	8253	10021
p-Dichlorobenzene	N/A	N/A
3,3'-Dichlorobenzidine	0.838	1.017
1,2-Dichloroethane	1052	1278
1,1-Dichloroethylene	45522	55277
Dichloromethane	11279	13696
1,2-Dichloropropane	430	522
1,3-Dichloropropene (1,3- Dichloropropylene)	401	487
Dicofol	0.145	0.176
Dieldrin	0.0010	0.0012
2,4-Dimethylphenol	1086	1319
Di-n-Butyl Phthalate	5729	6957
Dioxins/Furans (TCDD Equivalents)	1.52E-07	1.85E-07
Endrin	0.381	0.462
Ethylbenzene	13596	16509
Fluoride	N/A	N/A
Heptachlor	0.0029	0.0035
Heptachlor Epoxide	0.001	0.002
Hexachlorobenzene	0.009	0.010
Hexachlorobutadiene	521	633
Hexachlorocyclohexane (alpha)	0.177	0.215
Hexachlorocyclohexane (beta)	0.628	0.763
Hexachlorocyclohexane (gamma) (Lindane)	11.8	14.3
Hexachlorocyclopentadiene	N/A	N/A
Hexachloroethane	118	143
Hexachlorophene	0.015	0.018
Lead	40.4	49.1
Mercury	0.023	0.028
Methoxychlor	0.628	0.763
Methyl Ethyl Ketone	2.86E+06	3.47E+06
Nickel	5150	6253
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A
Nitrobenzene	881	1070
N-Nitrosodimethylamine	3.99	4.85
N-Nitroso-di-n-Butylamine	7.99	9.70
Pentachlorobenzene	1.90	2.31
Pentachlorophenol	108	131
Polychlorinated Biphenyls (PCBs)	1.22E-03	1.48E-03
Pyridine	3833	4654

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
 EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
 TPDES Permit No. WQ0002335000

Human Health		
<i>Parameter</i>	<i>70%</i>	<i>85%</i>
Selenium	N/A	N/A
1,2,4,5-Tetrachlorobenzene	1.35	1.64
1,1,2,2-Tetrachloroethane	144	175
Tetrachloroethylene	93	113
Thallium	2.85	3.46
Toluene	N/A	N/A
Toxaphene	0.010	0.012
2,4,5-TP (Silvex)	14.4	17.5
1,1,1-Trichloroethane	1820937	2211138
1,1,2-Trichloroethane	561	681
Trichloroethylene	1235	1500
2,4,5-Trichlorophenol	4634	5628
TTHM (Sum of Total Trihalomethanes)	N/A	N/A
Vinyl Chloride	45.6	55.4



TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY

P.O. Box 13087
Austin, Texas 78711-3087

TPDES PERMIT NO. WQ0002335000
[For TCEQ office use only -
EPA I.D. No. TX0034321]

This is a renewal of TPDES
Permit No. WQ0002335000
issued on December 18, 2009.

PERMIT TO DISCHARGE WASTES

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

United States Department of the Navy

whose mailing address is

P.O. Box 30, Building 135
Jacksonville, Florida, 32212-0030

is authorized to treat and discharge wastes from the Naval Weapons Industrial Reserve Plant
McGregor (SIC 3764)

located at 1701 Bluebonnet Parkway, just west of State Highway 317, bounded on the south by
Farm-to-Market Road 2671 and on the north by the St. Louis Southwestern Railway, southwest of
the City of McGregor, Coryell County, Texas 76657

to an unnamed tributary of Station Creek, thence to Station Creek, thence to Leon River Below
Proctor Lake in Segment No. 1221 of the Brazos River Basin

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

This permit shall expire at midnight on March 1, 2019.

ISSUED DATE: ..

For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the date of permit issuance and lasting through the date of permit expiration, the permittee is authorized to discharge treated groundwater from Area M and other groundwater (*1) subject to the following effluent limitations:

Volume: Intermittent and flow variable.

Effluent Characteristics	Discharge Limitations		Minimum Self-Monitoring Requirements	
	Daily Average lbs/day	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency Sample Type
Flow	Report, MGD	Report, MGD	N/A	Continuous (*2) 1/month (*2)
Biochemical Oxygen Demand (5-day)	N/A	N/A	N/A	Record Composite
Total Organic Carbon	N/A	50	150	1/week (*2)
Nitrate	N/A	N/A	N/A	1/month (*2)
Perchlorate (*3)	0.03	0.006	0.018	1/week (*2)
Dissolved Oxygen (*4)	N/A	N/A	N/A	1/week (*2)
1,2-Dichloroethylene	N/A	N/A	N/A	1/month (*2)
Trichloroethylene	N/A	N/A	N/A	1/month (*2)
1,1,1-Trichloroethane	N/A	N/A	N/A	1/month (*2)
Vinyl Chloride	N/A	N/A	N/A	1/month (*2)

- (*1) See Other Requirement No. 3.
- (*2) When discharging.
- (*3) See Other Requirement No. 2.
- (*4) Minimum dissolved oxygen concentration

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 (*2) by grab sample.

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

4. Effluent monitoring samples shall be taken at the following location: At Outfall 001, at the point where all discharges from various holding ponds and/or treatment units culminate, and prior to entering the unnamed tributary of Station Creek.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

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

1. Flow Measurements

- a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder, and limited to major domestic wastewater discharge facilities with a one million gallons per day or greater permitted flow.
- b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.
- c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.
- d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.
- e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.
- f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

- a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.
 - i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.
 - ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.
- b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.
- c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

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

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

- e. Bacteria concentration (Fecal coliform, *E. coli*, or Enterococci) - the number of colonies of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the n th root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of bacteria equaling zero, a substitute value of one shall be made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
- f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as $(\text{Flow, MGD} \times \text{Concentration, mg/L} \times 8.34)$.
- 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(c).
- 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 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 or shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date to the Regional Office and the Enforcement Division (MC 224).

7. Noncompliance Notification

- a. In accordance with 30 TAC §305.125(9) any noncompliance that may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
 - b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:
 - i. unauthorized discharges as defined in Permit Condition 2(g).
 - ii. any unanticipated bypass that exceeds any effluent limitation in the permit.
 - iii. violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.
 - c. In addition to the above, any effluent violation that deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
 - d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.
8. In accordance with the procedures described in 30 TAC §§35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.

9. Changes in Discharges of Toxic Substances

All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Office, orally or by facsimile transmission within 24 hours, and both the Regional Office and the Enforcement Division (MC 224) in writing within five (5) working days, after becoming aware of or having reason to believe:

- a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III

(excluding Total Phenols) that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- i. one hundred micrograms per liter (100 µg/L);
- ii. two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
- iii. five (5) times the maximum concentration value reported for that pollutant in the permit application; or
- iv. the level established by the TCEQ.

b. That any activity has occurred or will occur that would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- i. five hundred micrograms per liter (500 µg/L);
- ii. one milligram per liter (1 mg/L) for antimony;
- iii. ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
- iv. the level established by the TCEQ.

10. Signatories to Reports

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

11. All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Executive Director of the following:

- a. any new introduction of pollutants into the POTW from an indirect discharger that would be subject to CWA §301 or §306 if it were directly discharging those pollutants;
- b. any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and
- c. for the purpose of this paragraph, adequate notice shall include information on:
 - i. the quality and quantity of effluent introduced into the POTW; and
 - ii. any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

PERMIT CONDITIONS

1. General

- a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.
- b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:
 - i. violation of any terms or conditions of this permit;
 - ii. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
 - iii. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

- c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending, or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

2. Compliance

- a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
- b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.
- c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.
- e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.
- f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§305.62 and 305.66 and TWC §7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.
- h. In accordance with 30 TAC §305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility that does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.
- i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §§7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA §402, or any requirement imposed in a pretreatment program approved under the CWA §§402(a)(3) or 402(b)(8).

3. Inspections and Entry

- a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC Chapter 361.
- b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit, or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or

there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC §7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment 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; or
 - 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 Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.
4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.
5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.
6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under TWC §7.302(b)(6).
7. Documentation

For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for information required for TPDES permit applications, effluent data, including effluent data in permits, draft permits and permit applications, and other information specified as not confidential in 30 TAC §1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice. If the Commission or Executive Director agrees with the designation of confidentiality, the TCEQ will not provide the information for public inspection unless required by the Texas Attorney General or a court pursuant to an open records request. If the Executive Director does not agree with the designation of confidentiality, the person submitting the information will be notified.

8. Facilities that generate domestic wastewater shall comply with the following provisions; domestic wastewater treatment facilities at permitted industrial sites are excluded.
- a. Whenever flow measurements for any domestic sewage treatment facility reach 75% of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility that reaches 75% of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 149) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.
 - b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission, and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.
 - c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.
9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.
11. Facilities that generate industrial solid waste as defined in 30 TAC §335.1 shall comply with these provisions:
- a. Any solid waste, as defined in 30 TAC §335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.

- c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC §335.8(b)(1), to the Corrective Action Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.
- d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC §335.5.
- e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.
- f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:
 - i. volume of waste and date(s) generated from treatment process;
 - ii. volume of waste disposed of on-site or shipped off-site;
 - iii. date(s) of disposal;
 - iv. identity of hauler or transporter;
 - v. location of disposal site; and
 - vi. method of final disposal.

The above records shall be maintained on a monthly basis. The records shall be retained at the facility site, or shall be readily available for review by authorized representatives of the TCEQ for at least five years.

12. For industrial facilities to which the requirements of 30 TAC Chapter 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with THSC Code Chapter 361.

TCEQ Revision 08/2008

OTHER REQUIREMENTS

- Violations of daily maximum limitations for the following pollutants shall be reported orally or by facsimile to TCEQ Region 9 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 9 and the Enforcement Division (MC 224):

<u>Pollutant</u>	<u>Minimum Analytical Limit (MAL) (mg/L)</u>
Perchlorate	None established, See Other Requirement No. 2

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

<u>Pollutant</u>	<u>MAL (mg/L)</u>
1,1-Dichloroethylene	0.010
1,1,1-Trichloroethane	0.010
Trichloroethylene	0.010
Vinyl Chloride	0.010

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.

- PERCHLORATE ANALYSIS**

Laboratory test methods used for perchlorate analysis shall be conducted to attempt to determine quantifiable concentrations of perchlorate at or below 0.004 mg/L. Analytical results which show non-detect levels at or below 0.004 mg/L are deemed compliant with the effluent limitations at Outfall 001 (and shall be interpreted as a value of zero for compliance purposes). Analytical results which are non-detect, but the test procedure was not sensitive enough to quantify results at or below 0.004 mg/L, are also deemed compliant with the effluent limitations for perchlorate at Outfall 001 (and shall be interpreted as a value of zero for compliance purposes), subject to the

- a. Notification shall be reported orally to TCEQ Region 9, within 24 hours from the time the permittee becomes aware of the analytical results, followed by a written report within five days; and
- b. Current state of the art laboratory protocol has identified the interfering ions that in the past have caused samples to be diluted. Laboratories used by the Navy are required to use Standard Operating Procedures that serve to eliminate the interfering ion problem. If after due diligence, interference occurs which adversely affects process control, the Navy upon request shall deliver the raw analytical data to TCEQ; and
- c. Duplicate samples have been collected (using appropriate preservation techniques) which are made available to TCEQ for analysis, or upon instruction from TCEQ are sent to the permittee's laboratory for additional analysis.

3. AUTHORIZED DISCHARGES

- a. The permittee is authorized to discharge groundwater from Area M and "other groundwater" via Outfall 001. "Other groundwater" is groundwater from monitoring well development, purging, and sampling activities conducted on and in the vicinity of the original 9,700 acre Naval Weapons Industrial Reserve Plant facility contaminated with perchlorate and volatile organic compounds.
- b. This permit does not authorize the discharge of groundwater contaminated with parameters other than perchlorate and volatile organic compounds.
- c. This permit does not authorize the discharge of domestic sewage to surface waters. All domestic sewage shall be routed to the City of McGregor publicly owned treatment works or other TCEQ approved facility for treatment and final disposal.

4. MIXING ZONE DEFINITION

There is no mixing zone established for this discharge to an intermittent stream. Acute toxic criteria apply at the point of discharge.

5. PONDS

- a. All wastewater retention ponds must be operated in such a manner as to maintain a minimum freeboard of 18 inches. During the following conditions the 18-inch freeboard requirement is not applicable, based on field conditions: greater than normal rainfall conditions, process upset conditions where the treatment system(s) are prevented from direct discharge via Outfall 001, or during any conditions where the seepage may occur (from the trench system) in the event the freeboard is not utilized. Pond freeboard must return to the 18-inch requirement as soon as practical. It is the responsibility of the permittee to demonstrate conditions that resulted in a freeboard of less than 18 inches. All ponds must be operated to prevent rainfall runoff into the ponds.

- b. The following ponds are authorized for operation under this permit:

<u>Pond #</u>	<u>Name</u>	<u>Capacity</u>	<u>Function</u>	<u>Liner</u>
1	North Lined Lagoon	283,000 gallons	Retention	Synthetic
2	South Lined Lagoon	278,000 gallons	Retention	Synthetic
3	Lagoon A	9,850,000 gallons	Retention	None
4	Soil Cell A	1,223,000 gallons	Retention	None
5	Soil Cell B	1,037,000 gallons	Retention	None
6	Soil Cell C	1,680,000 gallons	Retention	None
7	Lagoon B	536,000 gallons	Retention	None
8	Lined Treatment Cell Modular Tanks	617,000 gallons Variable	Retention Temporary Storage	Synthetic

Additional ponds may be constructed upgradient of the trench collection system. The permittee must notify the TCEQ Wastewater Permitting Section (MC-148) and Region 9 Office a minimum of one week prior to the new pond being utilized. Notification must be made in writing identifying the capacity, function, and liner type (if applicable) of any new proposed pond. Provision No. 11.b. on Page 12 of this permit is not intended to prohibit re-infiltration of groundwater for subsequent treatment in the in-situ anaerobic bioremediation trench system.

6. The permittee shall maintain maps on-site which delineate Area M. Additionally, the permittee shall maintain maps which identify the locations of all groundwater wells from where "other groundwater" is collected, treated, and discharged via Outfall 001.
7. TCEQ staff may reopen and initiate an amendment of this permit requiring more stringent effluent limitations and/or monitoring requirements based on future data generated from operation of the wastewater treatment systems, new information related to the treatment of perchlorate, or future data collected in the downstream receiving waters which indicate perchlorate concentrations which exceed acceptable levels.
8. A fluidized bed bioreactor is utilized as ex-situ biological treatment of perchlorate at this site. The fluidized bed system consists of pumps and a single reactor capable of groundwater flows of 0 - 400 gallons per minute (gpm). The system is capable of recycle flows of 0 - 550 gpm. The system has provisions for carbon source addition, nutrient addition, and pH control. Flow must be continuously recorded at the influent of the system. Effluent from the fluidized bed system may be routed directly to Outfall 001 and sampled in accordance with effluent limitations of the permit (Page 2) or through the storage system in accordance with Other Requirements No. 9. Process sampling data must be retained on-site for a minimum of three years, made available for review by TCEQ personnel upon request, and submitted with all TPDES permit applications.
9. Any groundwater contained in surface impoundments (with the exception of the continuous flow mode through Soil Cells A, B, and C) or modutanks must be sampled (grab sample) and analyzed for perchlorate prior to being routed to Outfall 001. Results of analysis must confirm that the effluent quality is sufficient to comply with the daily maximum perchlorate limitation of 0.013 mg/L, and in addition, not cause an exceedance of the daily average perchlorate limitation of 0.006 mg/L, due to mass balance, solely by batch discharge. The exceptions of perchlorate detection levels outlined in Other Requirement No. 2 do not apply to this monitoring scenario (i.e. an effluent sample which indicates non-detect at a detection level of 0.016 mg/L is not acceptable for discharge). Should the results of analysis indicate concentrations greater than 0.013 mg/L, the routing of groundwater from that specific impoundment/modular tank directly to Outfall 001 is not authorized. Groundwater contained in impoundments/modular tanks with concentrations

greater than 0.013 mg/L may be routed for additional treatment or held for testing at a later time. The requirement to demonstrate compliance with perchlorate limitations prior to routing groundwater to Outfall 001 is not applicable to groundwater which is routed through the fluidized bed bioreactor system and discharged directly to Outfall 001. Groundwater solely treated in the in-situ bioremediation trench system is not authorized for direct discharge to Outfall 001, and must be routed to any available storage system for testing and demonstration of compliance with perchlorate limitations (or routed for further treatment in the fluidized bed reactor treatment system) prior to being routed to Outfall 001.

10. This permit does not authorize the discharge from the in-situ bioremediation trench system to surface waters at any discernable point from the trench system.
11. Effluent testing on Page 2 of this permit for Outfall 001 is required at the established monitoring frequencies, regardless of any previous effluent testing at the fluidized bed reactor treatment system, impoundments, or modular tanks.
12. Wastewater discharged via Outfall 001 must be sampled and analyzed as directed below for those parameters listed in Tables 1, 2, and 3 of Attachment A of this permit. Analytical testing for Outfall 001 must be completed within 60 days of initial discharge. Results of the analytical testing must be submitted within 90 days of initial discharge to the TCEQ Industrials Permits Team (MC-148). Based on a technical review of the submitted analytical results, an amendment may be initiated by TCEQ staff to include additional effluent limitations, monitoring requirements, or both.

Table 1: Analysis is required for all pollutants. Wastewater must be sampled and analyzed for those parameters listed in Table 1 for a minimum of one sampling event.

Table 2: Analysis is required for those pollutants in Table 2 that are used at the facility that could in any way contribute to contamination in the Outfall 001 discharge. Sampling and analysis must be conducted for a minimum of one sampling event.

Table 3: For all pollutants listed, the permittee shall indicate whether each pollutant is believed to be present or absent in the discharge. Sampling and analysis must be conducted for each pollutant believed present, for a minimum of one sampling event.

The permittee shall report the flow at Outfall 001 in million gallons per day (MGD) in the attachment. The permittee shall indicate on each table whether the samples are composite (C) or grab (G) by checking the appropriate box.

ATTACHMENT D

TCEQ INTRA-AGENCY TRANSMITTAL MEMO

DATE: October 2 2014

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

FROM: ASHLEY MCDONALD
ENVIRONMENTAL LAW DIVISION
BUILDING A, MC-173

Attached: Executive Director's Response to Comments

Application Information

Program Area (Air, Water or Waste): **Water**

Permit No. **WQ0002335000**

Name: **U.S. DEPARTMENT OF THE NAVY**

Docket/CID Item # (if known): _____

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2014 OCT -2 PM 2:39
CHIEF CLERKS OFFICE

OCC Action Required (check applicable boxes)

Date stamp and return copy to above-noted ELD Staff Attorney and:

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

Update the mailing list in your file with the attached contact names and addresses

Include corrected or additional names and addresses for mailing list

FOR WASTE & WATER:

Send Response to Comments Letter which solicits hearing requests and requests for reconsideration to the mailing list in your files

For Waste and Water this would occur in all circumstances when comments have been received for 801 applications

Or

Send Response to Comments Letter and Motion to Overturn Letter which solicits motions to overturn to the mailing list in your files

For Waste and Water this may occur when all comments have been withdrawn for 801 applications or when comments are received for applications that will not be set for agenda.

FOR AIR (NSR only):

Send RTC with response to comments letter which solicits contested case hearing requests and requests for reconsideration to the mailing list in your files

For Air NSR applications this would occur only when there are pending contested case hearing requests (except no-increase renewals)

Set for commission agenda and send RTC with agenda setting letter

This would occur when there are pending contested case hearing requests on a no-increase renewal and technical review is complete.

Hold until a commission agenda date is requested and then send RTC with the Agenda Setting Letter

For Air applications this would occur when there are pending hearing requests on a no-increase renewal; but technical review is NOT complete. If this box is checked, ED staff must call the OCC Agenda Team Leader to arrange a specific agenda date.

Place RTC in File - no further action required by OCC

For Air NSR applications this would occur when the matter is uncontested but comments were received, APD will send a copy with MTO letter

Other Instructions: _____

TCEQ PERMIT NO. WQ0002335000

**APPLICATION BY
U.S. DEPARTMENT OF THE
NAVY FOR TPDES PERMIT
NO. WQ0002335000**

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§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

CHIEF CLERK'S OFFICE

2011 OCT -2 PM 2:39

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the application by the United States Department of the Navy (Applicant), for a renewal to Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0002335000 and on the Executive Director's preliminary decision. As required by 30 Texas Administrative Code (TAC) Section 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk received a timely comment letter from Tim Fegette. This response addresses all such public comments received, whether or not withdrawn. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.gov.

I. BACKGROUND

A. DESCRIPTION OF FACILITY

The Applicant operates the Naval Weapons Industrial Reserve Plant (NWIRP) McGregor, and has applied to the TCEQ for a renewal of its existing permit. The wastewater system consists of a groundwater recovery and treatment system. This plant formerly manufactured solid-propellant rocket motors. The manufacturing operations

ceased in 1995. Wastewater discharge is related to the treatment of contaminated groundwater per the requirements of TCEQ Post Closure Order No. 30056.

The draft permit authorizes the discharge of treated groundwater from Area M and other groundwater on an intermittent and flow variable basis via Outfall 001. Final effluent limitations are established in the draft permit as follows:

<u>Outfall</u>	<u>Parameter</u>	<u>Daily Average</u>	<u>Daily Maximum</u>
001	Flow	Report, MGD	Report, MGD
	Biochemical Oxygen Demand (5-day)	N/A	Report, mg/L Report, lbs/day
	Total Organic Carbon	50 mg/L	100 mg/L
	Nitrate (as N)	N/A	Report, mg/L Report, lbs/day
	Perchlorate	0.006 mg/L 0.03 lbs/day	0.013 mg/L 0.05 lbs/day
	Dissolved Oxygen	N/A	Report, mg/L(min)
	1,1-Dichloroethylene	N/A	Report, mg/L Report, lbs/day
	Trichloroethylene	N/A	Report, mg/L Report, lbs/day
	1,1,1-Trichloroethane	N/A	Report, mg/L Report, lbs/day
	Vinyl Chloride	N/A	Report, mg/L Report, lbs/day
	pH	Between 6.0 and 9.0 standard units.	

The draft permit continues the existing permit monitoring requirement for flow. In place of flow limitations, mass-based effluent limitations are included in the permit for perchlorate. Mass-based and concentration-based limitations will provide the same level of protection as restricting the flow and include concentration-based perchlorate limitations, but allow greater flexibility in managing effluent during rainfall events. The design flow of 400 gallons per minute is used to calculate mass-based effluent limitations for perchlorate.

The effluent is discharged via Outfall 001 to an unnamed tributary of Station Creek, then to Station Creek, then to the Leon River Below Proctor Lake in Segment No. 1221 of the Brazos River Basin. The unclassified receiving waters have minimal aquatic life use for the unnamed tributary of Station Creek and intermediate aquatic life use for

Station Creek. The designated uses for Segment No. 1221 are high aquatic life use, primary contact recreation, and public water supply. The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions.

The plant site is located at 1701 Bluebonnet Parkway, just west of State Highway 317, bounded on the south by Farm-to-Market Road 2671 and on the north by the St. Louis Southwestern Railway, southwest of the City of McGregor, Coryell County, Texas.

B. PROCEDURAL BACKGROUND

The application was received on September 9, 2013, and declared administratively complete on October 23, 2013. The Notice of Receipt of Application and Intent to Obtain Permit (NORI) was published on November 14, 2013 in the *McGregor Mirror*, McClennan County, Texas. The NORI was also published on November 27, 2013 in *The Gatesville Messenger*, Coryell County, Texas. The Executive Director completed the technical review of the application on January 3, 2014, and prepared a draft permit. The Notice of Application and Preliminary Decision (NAPD) was published on March 26, 2014 in *The Gatesville Messenger*, in Coryell County, Texas. The NAPD was also published on March 27, 2014 in the *McGregor Mirror*, McClennan County, Texas. The Combined NORI/NAPD was published on August 20, 2014 in *The Tiempo* (Spanish), in McLennan County, Texas and Coryell County, Texas. The public comment period for this application closed on September 19, 2014. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

C. ACCESS TO RULES, LAWS, AND RECORDS

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

- to access the Secretary of State website: www.sos.state.tx.us;
- for TCEQ rules in Title 30 of the Texas Administrative Code: www.sos.state.tx.us/tac/ (select "TAC Viewer" on the right, then "Title 30 Environmental Quality");

- for Texas statutes: www.statutes.legis.state.tx.us;
- to access the TCEQ website: www.tceq.texas.gov/ (for downloadable rules in Adobe PDF format, select "Rules" then "Download TCEQ Rules");
- for Federal rules in Title 40 of the Code of Federal Regulations: www.gpoaccess.gov/cfr/index.html; and
- for Federal environmental laws: www.epa.gov/epahome/laws.htm.

The permit application, Executive Director's preliminary decision, and proposed permit are available for viewing and copying at the Gatesville Public Library, 111 North 8th Street, Gatesville, Texas 76528.

II. COMMENTS AND RESPONSES

COMMENT 1:

Tim Fegette requested a contested case hearing. The commenter indicated that he lives south of the plant on Station Creek.

RESPONSE 1:

The cover letter transmitting this Response provides a deadline before which requests for a contested case hearing must be filed. Any request for a contested case hearing already received by the TCEQ's Office of the Chief Clerk and any other requests for a contested case hearing that are timely filed with the TCEQ's Office of the Chief Clerk, including the request listed above, will be processed separately and in accordance with the requirements of 30 TAC, Chapter 55, Subchapter F.

A hearing request must meet several requirements pursuant to 30 TAC § 55.201(d). The requester must give their name, address, daytime telephone number, and, where possible, fax number. The requester must identify a personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity

in a matter not common to members of the general public. The requester must state that they request a contested case hearing. Finally, the request must list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request.

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENTS

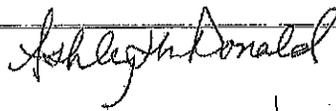
No changes were made to the draft permit in response to comments.

Respectfully submitted,

Texas Commission on Environmental Quality

Richard A. Hyde, P.E.
Executive Director

Robert Martinez, Director
Environmental Law Division



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REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY