Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 9, 2015

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105) P.O. Box 13087
Austin, Texas 78711-3087

Re: **DeCordova Power Company, LLC and Luminant Generation Company, LLC; TPDES Permit No. WQ0001481000 TCEQ Docket No. 2015-0019-IWD.**

Dear Ms. Bohac,

Enclosed please find the original and seven (7) copies of the Executive Director's Response to Request for Hearing in the above-entitled matter.

Sincerely,

Michael T. Parr II, *Staff Attorney*
Environmental Law Division
State Bar No. 24062936

cc: Mailing List

Enclosure

TCEQ DOCKET NUMBER 2015-0019-IWD

APPLICATION BY DECORDOVA POWER CO., LLC AND LUMINANT GENERATION CO., LLC FOR TPDES PERMIT NO. WQ0001481000	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

I. Introduction

The Executive Director (ED) of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Hearing Requests (Response) on the application by DeCordova Power Company, LLC and Luminant Generation Company, LLC (Applicant) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001481000. Bill Miller, Bradley W. Reynolds, Brad Reynolds, Cathy Weeks, Charles Peoples, Daniel Meyers, Douglas Rood, Edward Ferrero Jr., Edwin Seilheimer, Fred Doyle, Grant Mackie, James Veale, Jan Seifert, Jerry Wackerhagen, Jim Boots, Larry Boyd, Patricia Waddell, Rene Poe, Rev. IceMaur Simpson, Stan Williams, William Rhodes, Hon. Darrell Cockerham, Hood County Judge, on behalf of the Hood County Commissioners' Court (HCCC), and Ken Ramirez, on behalf of the Lake Granbury Coalition (LGC), all submitted written requests for contested case hearings (CCH).

Attached for Commission consideration are the following:

Attachment A – Fact Sheet & Draft Permit
Attachment B - ED's Response to Comments (RTC)
Attachment C - Compliance Histories
Attachment D - ED's GIS Maps

II. Description of the Facility

The Applicant operates the DeCordova Steam Electric Station (facility) located at 4950 Power Plant Ct in Granbury, Texas on the southwest shore of Lake Granbury along C. R. 312, approximately seven miles southeast of the intersection of U.S. Highway 377 and S.H. 144 in the City of Granbury, Hood County, Texas. The Applicant applied to the TCEQ for a renewal of TPDES Permit No. WQ0001481000. The proposed permit authorizes the same discharge as the existing permit, which consists of once-through cooling water and previously monitored effluent (low volume wastes, stormwater runoff from yard drains and the diked oil storage area, and metal cleaning wastes) at a daily average flow not to exceed 1,041,480,000 gallons per day.

If the Commission issues the renewal, the discharge route for the effluent is directly to Lake Granbury in Segment No. 1205 of the Brazos River Basin. The designated uses for Segment No. 1205 are high aquatic life use, primary contact recreation, and public water supply.

III. Procedural Background

The TCEQ received the TPDES renewal application on November 5, 2013, and declared it Administratively Complete on November 27, 2013. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) on December 14, 2013, in the *Hood County News*. The ED completed the technical review of the application on January 8, 2014, and prepared a draft permit, which if approved, would establish the conditions under which the facility must operate. The Applicant published the Notice of Application and Preliminary Decision for a Water Quality Permit (NAPD) on March 29, 2014, in the *Hood County News*. The Applicant published the Notice of

Public Meeting on June 7, 2014 in the *Hood County News*. On July 8, 2014, the TCEQ held a public Meeting in the City of Granbury, Texas. This application's comment period closed at the end of the public meeting on July 8, 2014. Because the application was administratively complete on or after September 1, 1999, it is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999 (HB 801).

IV. Evaluation Process for Contested Case Hearing Requests

HB 801 established statutory procedures for public participation in certain environmental permitting proceedings. For those applications declared administratively complete on or after September 1, 1999, HB 801 established new procedures for providing public notice and public comment, and for the Commission's consideration of Contested Case Hearing requests (CCH). The ED declared this application administratively complete on November 27, 2013; therefore, this application is subject to HB 801 requirements. The Commission implemented HB 801 by adopting procedural rules in Title 30 of the Texas Administrative Code (30 TAC) Chapters 39, 50, and 55. The regulations governing CCH requests are found at 30 TAC Chapter 55.

A. Legal Authority to Respond to Hearing Requests

"The Executive Director, the public interest counsel, and applicant may submit written responses to [hearing] requests . . . ."[1] Responses to hearing requests must specifically address:

(1) whether the requestor is an affected person;
(2) whether issues raised in the hearing request are disputed;
(3) whether the dispute involves questions of fact or law;
(4) whether the issues were raised during the public comment period;

[1] 30 TAC § 55.209(d).

(5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;

(6) whether the issues are relevant and material to the decision on the application; and

(7) a maximum expected duration for the contested case hearing.[2]

B. Contested Case Hearing Requests

In order for the Commission to consider a CCH request, the Commission must first determine whether the request complies with the TCEQ rules by providing instructions requesting that the commission reconsider the ED's decision or hold a CCH, and that it was filed no later than 30 days after the chief clerk mailed (or otherwise transmits) the ED's decision and Response to Comments.[3]

"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."[4]

C. Contested Case Hearing Request Requirements

A contested case hearing request must substantially comply with the following:

(1) give the name, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;

(2) identify the person's justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be

[2] 30 TAC § 55.209(e).
[3] 30 TAC § 55.201(a).
[4] 30 TAC § 55.201(c).

adversely affected by the proposed facility or activity in a manner not common to members of the general public;

(3) request a contested case hearing

(4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request.
To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the executive director's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law or policy; and

(5) provide any other information specified in the public notice of application[5]

D. Requestor must be an Affected Person

In order to grant a request for a CCH, the commission must determine that a requestor is an "affected person." Concerning "affected person" status, the TCEQ rules declare that:

(a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest

(b) Governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons

(c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:

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

[5] 30 TAC §55.201(d).
[6] 30 TAC § 55.203.

E. Additional Requirements if Requestor is a group or Association

(a) A group or association may request a contested case hearing only if the group or association meets all of the following requirements:

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

(b) The executive director, the public interest counsel, or the applicant may request that a group or association provide an explanation of how the group or association meets the requirements of subsection (a) of this section. The request and reply shall be filed according to the procedure in section 55.209 of this title (relating to Processing Requests for Reconsideration and Contested Case Hearing).[7]

F. Must be entitled to request a Contested Case Hearing

Under sections (§§) 26.028(d)(1)-(4) of the Texas Water Code (TWC) and 55.201(i)(5)(A)-(E) of 30 TAC, there is no right to a CCH 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.[8]

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

"When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be

[7] 30 TAC § 55.205.
[8] TEX. WATER CODE § 26.028(d); 30 TAC § 55.201(i)(5).

referred to SOAH for a hearing."[9] "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."[10]

V. Analysis of the Hearing Requests

A. Whether the Requestors are affected persons

1. Bill Miller, Bradley W. Reynolds, Brad Reynolds, Cathy Weeks, Charles Peoples, Daniel Meyers, Douglas Rood, Edward Ferrero Jr., Edwin Seilheimer, Fred Doyle, Grant Mackie, James Veale, Jan Seifert, Jerry Wackerhagen, Jim Boots, Larry Boyd, Patricia Waddell, Rene Poe, Rev. IceMaur Simpson, Stan Williams, and William Rhodes all submitted written requests for a CCH as individuals (the **Individuals**). All of the CCH requests submitted by the Individuals failed to effectively state a personal, justiciable interest in the Application. While the CCH requests of the Individuals provided their contact info and requested a CCH, according to the GIS map developed by the ED's staff, the addresses provided in the Individuals' CCH requests, place all of their properties a significant distance away from the facility. The distances of the Individuals' properties are significant either because they are upstream of the facility, not within a mile of the facility, or not downstream in close proximity of the facility or adjacent to the discharge route. Members of the public who reside within a close proximity to a TCEQ authorized site are more able to show that a reasonable relationship exists

[9] 30 TAC § 50.115(b).
[10] 30 TAC § 50.115(c).

between the personal interests sought to be protected and the subject of the controversy, or that a specific geographic/ causative nexus exists to satisfy the "fairly traceable" element of standing or affected person status. The distance between the facility and the Individuals' properties decreases the likelihood that the Individuals will be personally affected in a way not common to the public.

The ED recommends that the Commission find that the Individuals, named above, are not affected persons under 30 TAC § 55.203.

2. Ken Ramirez, on behalf of the Lake Granbury Coalition (**LGC**), submitted a request that failed to effectively state a personal, justiciable interest in the Application. Pursuant to 30 TAC § 55.205, for the Commission to grant the LGC's CCH request, the LGC must identify a member of the group or association that would otherwise have standing to request a hearing in their own right. Although the CCH request filed by the LGC requested a CCH, the request failed to include a brief written statement explaining in plain language the location and distance of its one identified member, the City of Granbury, that the LGC claims to represent, relative to the facility, discharge point or discharge route. According to the GIS map developed by the ED's staff, neither the Facility, nor the discharge route is within the city limits of Granbury.

The ED recommends that the Commission find that LGC is not entitled to Associational Status and is not an affected entity under 30 TAC § 55.205.

3. Hon. Darrell Cockerham, Hood County Judge, on behalf of the Hood County Commissioners' Court (**HCCC**), submitted a CCH request that failed to effectively state a personal, justiciable interest in the Application. Pursuant to 30 TAC § 55.205, for the Commission to grant the HCCC's request, the HCCC must

identify a member of the group or association that would otherwise have standing to request a hearing in their own right. The HCCC did not identify a member it claims to represent that would otherwise have standing to request a hearing in his or her own right, nor did the request include a brief written statement explaining in plain language the location and distance of any member the HCCC claims to represent, relative to the facility, discharge point or discharge route.

The ED recommends that the Commission find that the HCCC is not entitled to Associational Status and is not an affected entity under 30 TAC § 55.205.

B. Whether a right to a CCH exists under 30 TAC § 55.201(i)(5)

Because this is an application for a renewal of a wastewater discharge permit, the Commission must first determine whether a right to a CCH exists.

The TCEQ's rules do not provide a right to a CCH 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 accomplished. (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.

The Individuals named above, the LGC, and the HCCC all submitted written requests for a CCH. However, the Renewal Application submitted by the Applicant satisfies all of the conditions outlined in 30 TAC § 55.201(i)(5).

The Application seeks to renew TPDES permit no. WQ0002430000, and does not request authorization to either increase the quantity of its discharge, or to change the pattern or place of its discharge. Likewise, the Application does not request a change to any of the terms in the existing permit.

The public received an opportunity for a public meeting and the TCEQ conducted a public meeting in Granbury, Texas on July 8, 2014. Additionally, the ED received comments at the public meeting and filed responses to those comments received in accordance with the rules.

The ED responded to all timely received and significant public comments via the Response to Public Comments (RTC) filed on November 14, 2015.

The compliance history for both Applicants do not raise any issues concerning the ability of the Applicants to comply with the terms of the proposed permit. Both Applicants have a classification of "High" related to the company and the facility. *See* Attachment C.

The ED recommends finding that the permit renewal application meets all of the conditions in 30 TAC § 55.201(i)(5) and that there is no right to a CCH in this case, and therefore, recommends that the Commission deny all hearing requests under Texas Water Code § 26.028(d) and 30 TAC § 55.201(i)(5).

The ED recommends that the Commission find that no right to a contested case hearing exists under TWC § 26.028(d) and 30 TAC § 55.201(i)(5).

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 all Contested Case Hearing Requests.

3. The ED recommends not referring any issues because no right to a hearing exists for renewals pursuant to Texas Water Code § 26.028(d); 30 TAC § 55.201(i)(5).

Respectfully submitted,

Texas Commission on Environmental Quality

Richard A. Hyde, P.E., Executive Director

Robert Martinez, Environmental Law
Division Director

By_____

Michael T. Parr II, Staff Attorney
Environmental Law Division
State Bar No. 24062936
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Telephone No. 512-239-0611
Facsimile No. 512-239-0606

REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on March 9, 2015 the original and seven true and correct copies of the ED's Response to Hearing Request on the application by DeCordova Power Company, LLC and Luminant Generation Company, LLC (Applicant) for a renewal of TPDES permit no. WQ0001481000 were filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, or by deposit in the U.S. Mail.

Michael T. Parr II, Staff Attorney
Environmental Law Division
State Bar No. 24062936

MAILING LIST
DECORDOVA POWER COMPANY, LLC
AND LUMINANT GENERATION COMPANY, LLC
DOCKET NO. 2015-0019-IWD;
PERMIT NO. WQ0001481000

FOR THE APPLICANT:
Ryan Bayle, Water Resources Coordinator
Luminant Generation Company, LLC
1601 Bryan Street, 27-090 E
Dallas, Texas 75201-3401
Tel: (214) 875-8294
Fax: (214) 875-8699

Gary A. Spicer
Luminant Generation Company, LLC
1601 Bryan Street, 27-095 C
Dallas, Texas 75201-3401
Tel: (214) 875-8299
Fax: (214) 875-8699

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Michael Parr, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
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Merrit McKelvy, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division, MC-148
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Brian Christian, Director
Texas Commission on Environmental Quality
Environmental Assistance Division
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FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Vic Mcwherter, Public Interest Counsel
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
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Fax: (512) 239-6377

FOR ALTERNATIVE DISPUTE RESOLUTION
via electronic mail:

Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE CHIEF CLERK:
Bridget C. Bohac
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

REQUESTERS:

See attached list.

REQUESTER(S)

MR JIM BOOTS
2728 GREENBROOK CT
GRAPEVINE TX 76051-5600

LARRY EUGENE BOYD
749 TIN TOP ESTATES RD
WEATHERFORD TX 76087-6849

DARRELL COCKERHAM
100 E PEARL ST
GRANBURY TX 76048-2407

FRED DOYLE
2610 HARBORSIDE DR
GRANBURY TX 76048-2693

EDWARD PHILIP FERRERO, JR
2003 GREEN WING DR
GRANBURY TX 76049-5576

GRANT MACKIE
1503 BOCA BAY CT
GRANBURY TX 76048-4026

DR. BILL MILLER
MAKE A WAY MINISTRIES
204 TURNER CIR
GRANBURY TX 76048-2169

MR DANIEL MYERS
1009 CLIFF SWALLOW DR
GRANBURY TX 76048-2654

CHARLES J PEOPLES 2612
WATERS EDGE DR
GRANBURY TX 76048-2690

MRS RENE POE
4910 WALNUT PLACE CT
GRANBURY TX 76049-5198

KEN RAMIREZ
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GOLDTHWAITE TX 76844-3031

WILLIAM DAVID RHODES
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GRANBURY TX 76049-1555

MR DOUGLAS ROOD
513 HERITAGE TRL
GRANBURY TX 76048-5831

JAN SEIFERT
3530 ABES LANDING DR
GRANBURY TX 76049-1555

EDWIN J SEILHEIMER
1214 MALLARD WAY
GRANBURY TX 76048-2672

REV ICEMAUR SIMPSON
6203 WILL WALTERS RD
GRANBURY TX 76048-7545

JAMES VEALE
2217 WOOD DUCK LN
GRANBURY TX 76049-5574

JERRY WACKERHAGEN
1802 MAZATAN CT
GRANBURY TX 76048-6157

PATRICIA ANN WADDELL
415 GRANADA CALLE CT
GRANBURY TX 76049-1476

CATHY WEEKS
208 BAHAMA CT
GRANBURY TX 76048-2589

STAN E WILLIAMS
2104 WILLS WAY DR
GRANBURY TX 76049-8059

ATTACHMENT A

Request for Comments -- Draft Conditions
TCEQ – Water Quality Division
Phone: (512) 239-4671
Fax: (512) 239-4430
Mailing Address: TCEQ, Water Quality Division, P.O. Box 13087, Austin, TX 78711-3087

TO: Region: **4**
Submitted by: **Merrit McKelvy** E-Mail ID: **merrit.mckelvy** Phone: **(512) 239-4742**
Date Request Submitted:
Comments Deadline: **Within ten days**

Date Application Received by TCEQ in Austin: **November 5, 2013**

REGIONAL OFFICES: The entity below has submitted an application for the project referenced below in accordance with regulations of the TCEQ. Please return comments ASAP, but no later than the comments deadline which is 10 days from the submittal date. Permit disposition will proceed after comments are received or after the comments deadline has passed. If no comments are received within this time frame, we will assume you have no comments or objections to the project as proposed. Please return a complete copy of the form (both sides) with your comments.

PROJECT TYPE: **Renewal**
TEAM ASSIGNED: **Industrial**
TPDES/TLAP: **TPDES**
REGULATED ENTITY NO.: **RN100664812**
PERMIT NO.: **WQ0001481000**
COMPANY NAME: **DeCordova Power Company LLC**
CUSTOMER REFERENCE NO.: **CN603264433**
PLANT NAME: **DeCordova Steam Electric Station**
ADDRESS: **4950 Power Plant Court, Granbury Texas**
SEGMENT: **1205**
COUNTY: **Hood**
TECHNICAL CONTACT: **Mr.Gary Spicer**
PHONE: **214-875-8299**
MAJOR/MINOR: **MAJOR**
COMPLIANCE RATING: **CN (Decordova): HIGH (0.00); CN (Luminant): HIGH (0.06) RN: HIGH (0.00)**
SUMMARY OF APPLICATION REQUEST: **The applicant has requested a renewal of existing TPDES Permit No. WQ0001481000 without changes.**
PERMIT WRITER COMMENTS: **None.**

Request for Comments -- Draft Permit
RESPONSE

TO: **Permit Writer**
FROM: Region:
Copy of Application Received by your Office: ___ YES ___ NO Date Received: _____

COMPANY NAME: **DeCordova Power Company LLC**

PERMIT NO.: WQ0001481000

REGULATED ENTITY NO: RN100664812

Investigator's/Compliance Officer's Name (Please Print): _____

Phone: _____

Comments Deadline (from pg. 1):

Date of Last Site Visit: _____

COMMENTS ON CONDITIONS: (Please mark up draft special conditions with your comments. Please address applicability and enforceability. List any additional conditions below):

Compliance Determination Conditions: _____

_____

_____

_____

_____

Operational Limitations: _____

_____

_____

_____

_____

GENERAL COMMENTS: : _____

_____

_____

_____

CERTIFIED MAIL

U.S. Environmental Protection Agency
Region 6
Attention: Evelyn Rosborough (6WQ-CA)
1445 Ross Avenue
Dallas, Texas 75202

Re: TPDES Draft Permit No. WQ0001481000, EPA ID No. TX0046400
CN603264433, RN100664812

Dear Ms. Rosborough:

Enclosed are the draft permit and Fact Sheet and Executive Director's Preliminary Decision for the above-referenced permit as required under the TCEQ/EPA Memorandum of Agreement. Please review and provide any written comments, objections (general or interim), or recommendations with respect to the draft permit within forty-five days from receipt of this draft permit, to my attention.

If you need additional information or have any questions, please contact Mr. Merrit McKelvy of my staff by telephone at (512) 239-4742, by e-mail at merrit.mckelvy@tceq.texas.gov, by fax at (512) 239-4430, or, if by correspondence, include "MC 148" following the Permit Writer's name in the letterhead address. Thank you for your cooperation in this matter.

Sincerely,

G. Michael Lindner, Team Leader
Industrial Permits Team
Water Quality Division

GML/mm

Enclosures

Mr. Gary Spicer, Water Quality and Solid Waste Manager
Luminant Generation Company LLC
1601 Bryan Street 27-095C
Dallas, TX 75201

Re: DeCordova Power Company LLC and Luminant Generation Company LLC
Draft TPDES Permit No. WQ0001481000, EPA ID No. TX0046400
CN603264433, RN100664812

Dear Mr. Spicer:

Enclosed for your review and comment is a copy of a draft permit for the above-referenced operation. This draft is subject to further staff review and modification, however, we believe it generally includes the terms and conditions that are appropriate to your discharge. **Please read the entire draft carefully as there may be changes from the existing permit.** Also enclosed for your review and comment is a copy of the draft second notice, the Notice of Application and Preliminary Decision. Please provide comments if there are any inaccuracies or any information that is not consistent with your application. After the draft permit is filed with the Office of the Chief Clerk, you will receive instructions for publishing this notice in a newspaper and/or the notice will be published in the *Texas Register*.

Please read the enclosed "Draft Permit Form" and submit your comments prior to the deadline that is indicated by the form. If your comments are not received by the deadline, the draft permit will be transferred to the Chief Clerk's office and comments received after this date will not be considered. Please see the enclosed form for further details.

If you have comments or questions, please contact me prior to the "Draft Permit Form" deadline at (512) 239-4742, by e-mail at merrit.mckelvy@tceq.texas.gov, or, if by correspondence, include "MC 148" following my name in the letterhead address.

Sincerely,

Merrit McKelvy,
Wastewater Permitting Section
Water Quality Division

mm

Enclosure

cc: TCEQ Region 4

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR WATER QUALITY TPDES PERMIT RENEWAL FOR INDUSTRIAL WASTEWATER

TPDES PERMIT NO. WQ0001481000

APPLICATION AND PRELIMINARY DECISION. DeCordova Power Company LLC, and Luminant Generation Company LLC, 1601 Bryan Street 24-072, Dallas, TX 75201, which operate the DeCordova Steam Electric Station, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of TPDES Permit No. WQ0001481000, which authorizes the discharge of once-through cooling water and previously monitored effluent (low volume wastes, stormwater runoff from yard drains and the diked oil storage area, and metal cleaning wastes) at a daily average flow not to exceed 1,041,480,000 gallons per day. This application was received by the TCEQ on November 5, 2013.

The facility is located at 4950 Power Plant Court, Granbury Texas, on the southwest shore of Lake Granbury along County Road 312, approximately seven miles southeast of the intersection of U.S. Highway 377 and State Highway 144 in the City of Granbury, Hood County, Texas 76408. The effluent is discharged directly to Lake Granbury in Segment No. 1205 of the Brazos River Basin. The designated uses for Segment No. 1205 are high aquatic life use, primary contact recreation, and public water supply.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the Hood County Courts Building, County Clerk's Office, 1200 West Pearl Street, Granbury, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location refer to the application.
http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=32.403333&lng=-97.698611&zoom=13&type=r

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit written or oral comment or to ask questions about the application. Generally, the TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. **The response to comments, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments or who requested to be on a mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the executive director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name; address; phone number; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the propose facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are germane to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn. **TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.**

EXECUTIVE DIRECTOR ACTION. The executive director may issue final approval of the application unless a timely contested case hearing request or a timely request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the executive director will not issue final approval of the permit and will forward the application and requests to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be added to: (1) the permanent list for a specific applicant name and permit number; and (2) the mailing list for a specific county. If you wish to be placed on the permanent and the county mailing list, clearly specify which list(s) and send you request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.state.tx.us/about/comments.html within 30 days from the date of newspaper publication of this notice.

AGENCY CONTACTS AND INFORMATION. If you need more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information about the TCEQ can be found at our web site at www.TCEQ.state.tx.us.

Further information may also be obtained from DeCordova Power Company LLC Luminant Generation Company LLC Luminant Generation Company LLC at the address stated above or by calling Mr. Gary Spicer at 214-875-8299.

Issued:

Agenda Caption (save to I:/EVERYONEwq/caption/{"permit number" with no filename extension}:

AGENDA CAPTION FOR TPDES PERMIT NO. WQ0001481000

DeCordova Power Company LLC, and Luminant Generation Company LLC, which operate the DeCordova Steam Electric Station, has applied for a renewal of TPDES Permit No. WQ0001481000, which authorizes the discharge of once-through cooling water and previously monitored effluent (low volume wastes, stormwater runoff from yard drains and the diked oil storage area, and metal cleaning wastes) at a daily average flow not to exceed 1,041,480,000 gallons per day. The facility is located at 4950 Power Plant Court, Granbury Texas, on the southwest shore of Lake Granbury along County Road 312, approximately seven miles southeast of the intersection of U.S. Highway 377 and State Highway 144 in the City of Granbury, Hood County, Texas 76408.

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For draft Texas Pollutant Discharge Elimination System TPDES Permit No. WQ0001481000, EPA ID No. TX0046400 to discharge to water in the state.

Issuing Office:	Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087
Applicant:	DeCordova Power Company; and Luminant Generation Company LLC 1601 Bryan Street 24-072 Dallas, TX 75201
Prepared By:	Merrit McKelvy Wastewater Permitting Section Water Quality Division (512) 239-4742
Date:	September 17, 2014
Permit Action:	Renewal; TPDES Permit No. WQ0001481000

I. EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. It is proposed the permit be issued to expire on May 1, 2019 following the requirements of 30 Texas Administrative Code (TAC) §305.71.

II. APPLICANT ACTIVITY

The applicant currently operates DeCordova Steam Electric Station.

III. DISCHARGE LOCATION

As described in the application, the plant site is located at 4950 Power Plant Court, Granbury Texas, on the southwest shore of Lake Granbury along County Road 312, approximately seven miles southeast of the intersection of U.S. Highway 377 and State Highway 144 in the City of Granbury, Hood County, Texas. Discharge is directly to in Segment No. 1205 of the Brazos River.

IV. RECEIVING STREAM USES

The designated uses for Segment No. 1205 are high aquatic life use, primary contact recreation, and public water supply.

V. STREAM STANDARDS

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

VI. DISCHARGE DESCRIPTION

The following is a quantitative description of the discharge described in the Monthly Effluent Report data for the period December 2008 through December 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.

A. Flow (MGD)

Outfall	Frequency	Average of Daily Avg.	Maximum of Daily Max
001	Continuous	429.5	612
101	Intermittent	1.989	200
201	Intermittent	No Discharge	No Discharge

B. Temperature (degrees F)

Outfall	Daily Avg.	Daily Max
001	81.7	96

C. Effluent Characteristics

Outfall	Parameter	Average of Daily Avg	Maximum of Daily Max
001	Total Residual Chlorine	N/A	0.06 mg/L (15 lbs/day)
101	Total Suspended Solids	2.54 mg/L	37 mg/L
	Oil and Grease	<5 mg/L	<5 mg/L
	pH, standard units (s.u.)	6.0	9.1
201	Total Iron	No discharge	No discharge
	Total Copper	No discharge	No discharge
	pH, standard units (s.u.)	No discharge	No discharge

Summary of Effluent Limitation Exceedances

A pH excursion of 9.1 was reported in the month of December 2008. This event was isolated and does not indicate a continuing trend of non-compliance. No other effluent limitation exceedances were reported for the duration of the existing permit; therefore, no additional permit action has been deemed necessary in response to compliance at this time.

VII. DRAFT EFFLUENT LIMITATIONS

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

Outfall	Parameter	Daily Average	Daily Maximum
001	Flow	1,041.48 MGD	1041.48 MGD
	Temperature	105˚F	110˚F
	Total Residual Chlorine	N/A	145 lbs/day (0.2 mg/L)
101	Flow	Report MGD	Report MGD
	Total Suspended Solids	30	100

Outfall	Parameter	Daily Average	Daily Maximum
101	Oil and Grease	15	20
	pH, standard units (s.u.)	6.0	9.0
201	Flow	Report MGD	Report MGD
	Total Iron	1.0 mg/L	1.0 mg/L
	Total Copper	0.5 mg/L	1.0 mg/L
	pH, standard units (s.u.)	6.0	9.0

VIII. SUMMARY OF CHANGES FROM APPLICATION

No changes were made from the application.

See the next section for additional changes to the existing permit.

IX. SUMMARY OF CHANGES FROM EXISTING PERMIT

A. Other Requirements, No. 11 has been modified based on comments from Luminant Generation Company LLC, received January 30, 2014 via email correspondence. Other Requirements, No. 11 now includes specific 316(b) requirements for operation and maintenance of cooling water intake equipment. An existing provision that required an impingement mortality study has been removed from Other Requirements, No. 11, as the study was completed and submitted to the TCEQ in January of 2010.

B. Existing temperature limits have been continued in the draft permit. However, Other Requirement No. 13 has been added to the draft permit in accordance with the agreement reached by the TCEQ and the EPA in their April 29, 2014 and May 12, 2014 letters, respectively. Temperature limits may be revised at a future date.

X. DRAFT PERMIT RATIONALE

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

A. REASON FOR PERMIT ISSUANCE

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Permit No. WQ0001481000, which authorizes the discharge of once-through cooling water and previously monitored effluent (low volume wastes, stormwater runoff from yard drains and the diked oil storage area, and metal cleaning wastes) at a daily average flow not to exceed 1,041,480,000 gallons per day.

B. WATER QUALITY SUMMARY

The discharge route is directly to Segment No. 1205 of the Brazos River. The designated uses for Segment No. 1205 are high aquatic life use, primary contact recreation, and

public water supply. Effluent limitations and conditions established in the draft permit are in compliance with state water quality standards and the applicable water quality management plan. The effluent limits in the draft permit will maintain and protect the existing instream uses. Additional discussion of the water quality aspects of the draft permit are found at Section X.D. of this fact sheet.

The discharge from this permit is not expected to have an effect on any federal endangered or threatened aquatic or aquatic-dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the 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. 1205 is not currently listed on the State's inventory of impaired and threatened waters, Texas 2012 Clean Water Act Section 303(d) list.

C. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

1. GENERAL COMMENTS

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

The draft permit authorizes the discharge of once-through cooling water and previously monitored effluent (low volume wastes, stormwater runoff from yard drains and the diked oil storage area, and metal cleaning wastes) at a daily average flow not to exceed 1,041,480,000 gallons per day via Outfall 001.

The discharge of once-through cooling water, low volume wastes, and metal cleaning wastes via Outfall 001 from this facility is subject to federal effluent limitation guidelines at 40 CFR Part 423. A new source determination was performed and the discharge of once-through cooling water, low volume wastes, and metal cleaning wastes is not a new source as defined at 40 CFR §122.2. Therefore new source performance standards (NSPS) are not required for this discharge.

The discharge of stormwater runoff from yard drains and the diked oil storage area via Outfall 001 is not subject to federal effluent limitation guidelines and any technology-based effluent limitations are continued from the existing permit.

The wastewater system at this facility consists of once-through cooling water treated by temperature dissipation via the discharge canal prior to discharge via Outfall 001; low volume wastes and storm water runoff from yard drains and

diked oil storage areas treated by chemical neutralization and/or oil/water separation and discharged via Outfall 101; and metal cleaning wastes and low volume wastes are routed to the east evaporation pond and discharged via Outfall 201. From Outfall 201, these wastewaters are routed to the north yard drains prior to monitoring and discharge via internal Outfall 101 prior to final discharge via Outfall 001. All sewage shall be hauled by Gilbert Environmental Inc. (Registration No. 22634) to Michael Lee Gilbert Beneficial Land Use (BLU) site, Registration No. 710312, or by any appropriately authorized hauler to any appropriately authorized BLU site.

2. CALCULATIONS

See Appendix A of this fact sheet for calculations and further discussion of technology-based effluent limitations proposed in the draft permit.

Technology-based effluent limitations for flow, temperature, and total residual chlorine, and pH at Outfall 001; flow, total suspended solids, oil and grease, and pH at Outfall 101, and flow, total iron, total copper, and pH at Outfall 201 are continued from the existing permit.

The following technology-based effluent limitations are proposed in the draft permit:

Outfall	Parameter	Daily Average	Daily Maximum
001	Flow	1,041.48 MGD	1041.48 MGD
	Temperature	105˚F	110˚F
	Total Residual Chlorine	N/A	145 lbs/day (0.2 mg/L)
101	Flow	Report MGD	Report MGD
	Total Suspended Solids	30	100
	Oil and Grease	15	20
	pH, standard units (s.u.)	6.0	9.0
201	Flow	Report MGD	Report MGD
	Total Iron	1.0 mg/L	1.0 mg/L
	Total Copper	0.5 mg/L	1.0 mg/L
	pH, standard units (s.u.)	6.0	9.0

D. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS

1. GENERAL COMMENTS

The Texas Surface Water Quality Standards found at 30 TAC Chapter 307 state that "surface waters will not be toxic to man from ingestion of water, consumption of aquatic organisms, or contact with the skin, or to terrestrial or aquatic life." The methodology outlined in the TCEQ guidance document *Procedures to Implement the Texas Surface Water Quality Standards (IP)* is designed to ensure compliance with 30 TAC Chapter 307. Specifically, the

methodology is designed to insure that no source will be allowed to discharge any wastewater that: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation that threatens human health. **Calculated water quality-based effluent limits can be found in Appendix B of this fact sheet.**

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

2. AQUATIC LIFE CRITERIA

a. SCREENING

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

Acute freshwater criteria are applied at the edge of the zone of initial dilution (ZID) and chronic freshwater criteria are applied at the edge of the aquatic life mixing zone. The ZID for this discharge is defined as radius of 19.375 feet from the point where the discharge enters Lake Granbury. The aquatic life mixing zone for this discharge is defined as a radius of 77.5 feet from the point where the discharge enters Lake Granbury.

TCEQ uses the EPA horizontal jet plume model to estimate dilution at the edges of the ZID and aquatic life mixing zone for discharges greater than 10 MGD into lakes or reservoirs or discharges into sections of lakes or reservoirs that are less than 200 feet wide. General assumptions used in the horizontal jet plume model are: a non-buoyant discharge, a submersed pipe, and no cross flow. Based on this analysis, the following critical effluent percentages are calculated based on the permitted flow of 1,041.48 MGD:

Acute Effluent %	100%	Chronic Effluent %	100%

Wasteload allocations (WLAs) are calculated using the above estimated effluent percentages, criteria outlined in the Texas Surface Water Quality Standards, and partitioning coefficients for metals (when appropriate and designated in the implementation procedures). The WLA is the end-of-

pipe effluent concentration that can be discharged when, after mixing in the receiving stream, the instream numerical criteria will not be exceeded. From the WLA, a long-term average (LTA) is calculated using a lognormal probability distribution, a given coefficient of variation (0.6), and a 99th percentile confidence level. The lower of the two LTAs (acute and chronic) is used to calculate a daily average and daily maximum effluent limitation for the protection of aquatic life using the same statistical considerations with the 99th percentile confidence level and a standard number of monthly effluent samples collected (12). Assumptions used in deriving the effluent limitations include segment values for hardness, chloride, pH, and total suspended solids (TSS), according to the segment-specific values contained in the *IP*. The segment values are 230 mg/L $CaCO_3$ for hardness, 893 mg/L for chloride, 7.9 standard units for pH, and 4.0 mg/L for TSS. For additional details on the calculation of water quality-based effluent limitations, refer to the *IP*.

TCEQ practice for determining significant potential is to compare the reported analytical data against percentages of the calculated daily average water quality-based effluent limitation. Permit limitations are required when analytical data reported in the application exceeds 85 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.

b. PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations since the facility's primary unit is no longer in operation, and has not generated a sufficient volume of water for discharge from the heat dissipation canal. Additional provisions have been included in the draft permit to collect analytical data as discharge occurs. Upon the TCEQ's receipt of analytical data, the permit may be reopened to include additional effluent limitations and monitoring requirements based on a screening of the analytical data against the calculated water quality-based effluent limitations presented in Appendix B of this Fact Sheet.

3. AQUATIC ORGANISM TOXICITY CRITERIA (7-DAY CHRONIC)

a. SCREENING

The existing permit includes chronic freshwater biomonitoring requirements at Outfall 001. There have been no lethal or sublethal test failures reported in 3 tests performed in the last five years for the *Ceriodaphnia dubia* test species and no lethal or sublethal test failures reported in the three tests performed in the last five years for the *Pimephales promelas* test species. Analytical data submitted with the application does not indicate violation of any numerical water quality-based effluent limitation for aquatic life protection, therefore minimum chronic freshwater biomonitoring conditions required for EPA classified major facilities are proposed in the draft permit as outlined below.

b. PERMIT ACTION

The provisions of this section apply to Outfall 001.

Based on information contained in the permit application, the TCEQ has determined that there may be pollutants present in the effluent(s) that may have the potential to cause toxic conditions in the receiving stream.

Whole effluent biomonitoring is the most direct measure of potential toxicity, which incorporates the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity. The biomonitoring procedures stipulated as a condition of this permit are as follows:

i) Chronic static renewal 7-day survival and reproduction test using the water flea (*Ceriodaphnia dubia*). The frequency of the testing is once per six quarter.

ii) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*). The frequency of testing shall be once per quarter.

Toxicity tests shall be performed in accordance with protocols described in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition* (EPA-821-R-02-013) or the latest revision. The stipulated test species are appropriate to measure the toxicity of the effluent consistent with the requirements of the state water quality standards. The biomonitoring frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge.

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

c. DILUTION SERIES

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

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

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

a. SCREENING

The existing permit includes 24-hour acute freshwater biomonitoring language for Outfall 001. Minimum 24-hour acute freshwater biomonitoring requirements are continued from the existing permit, in the draft permit, as outlined below.

b. PERMIT ACTION

24-hour 100% acute biomonitoring tests are required at Outfall(s) 001 at a frequency of once per six months for the life of the permit.

The biomonitoring procedures stipulated as a condition of this permit are as follows:

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

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

Toxicity tests shall be performed in accordance with protocols described in *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, *Fifth Edition*, (EPA-821-R-02-012) or the latest revision.

5. AQUATIC ORGANISM BIOACCUMULATION CRITERIA

a. SCREENING

Water quality-based effluent limitations for the protection of human health are calculated using criteria for the consumption of fish tissue found in Table 2 of the Texas Surface Water Quality Standards (30 TAC Chapter 307). Fish tissue bioaccumulation criteria are applied at the edge of the human health mixing zone for discharges into lakes and reservoirs. The human health mixing zone for this discharge is defined as a 155-foot radius from the point where the discharge enters Lake Granbury. TCEQ uses the EPA horizontal jet plume model to estimate dilution at the edge of the human health mixing zone for discharges greater than 10 MGD into lakes or reservoirs or discharges into sections of lakes or reservoirs that are less than 200 feet wide. General assumptions used in the horizontal jet plume model are: a non-buoyant discharge, a submersed pipe, and no cross flow. Based on this analysis, the following critical effluent percentage is calculated based on an effluent flow greater than 100 MGD:

Human health Effluent %: 100%

Water quality-based effluent limitations for human health protection against the consumption of fish tissue are calculated using the same procedure as outlined for calculation of water quality-based effluent limitations for aquatic life protection. A 99th percentile confidence level in the long-term average calculation is used with only one long-term average value being calculated.

Significant potential is again determined by comparing reported analytical data against 70 percent and 85 percent of the calculated daily average water quality-based effluent limitation.

b. PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations since the facility's primary unit is no longer in operation, and has not generated a sufficient volume of water for discharge from the heat dissipation canal. Additional provisions have been included in the draft permit to collect analytical data as discharge occurs. Upon the TCEQ's receipt of analytical data, the permit may be reopened to include additional effluent limitations and monitoring requirements based on a screening of the analytical data against the calculated water quality-based effluent limitations presented in Appendix B of this Fact Sheet.

6. DRINKING WATER SUPPLY PROTECTION

a. SCREENING

Water Quality Segment No. 1205, which receives the discharge from this facility, is designated as a public water supply source. An identical screening procedure is used to calculate water quality-based effluent limitations and determine the need for effluent limitations or monitoring requirements as outlined in section X.D.5.a of this fact sheet. Criteria used in the calculation of water quality-based effluent limitations for the protection of a drinking water supply are outlined in Table 2 (Water and Fish) of the Texas Surface Water Quality Standards (30 TAC Chapter 307). These criteria are developed from either drinking water maximum contaminant level (MCL) criteria outlined in 30 TAC Chapter 290, or from the combined human health effects of exposure to consumption of fish tissue and ingestion of drinking water.

b. PERMIT ACTION

Criteria in the "Water and Fish" section of Table 2 do not distinguish if the criteria are based on drinking water standard or the combined effects of ingestion of drinking water and fish tissue. Effluent limitations or monitoring requirements to protect the drinking water supply (and other human health effects) were previously calculated and outlined in section X.D.5.b of this fact sheet.

XI. PRETREATMENT REQUIREMENTS

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

XII. VARIANCE REQUESTS

No variance requests have been received.

XIII. PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the Chief Clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for 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.

For additional information about this application contact Merrit McKelvy at (512) 239-4742.

XIV. ADMINISTRATIVE RECORD

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

A PERMIT(S)

TCEQ Permit No. WQ0001481000 issued on June 30, 2009.

B. APPLICATION

TPDES wastewater permit application received on November 5, 2013.

C. 40 CFR CITATION(S)

§ 122.44(i)(1)
§ 122.44 (l)
§ 423.12(b)(3)
§ 423.13(b)(1)
§ 423.13(b)(2)
§ 423.13(e)

D. LETTERS/MEMORANDA/RECORDS OF COMMUNICATION

E. MISCELLANEOUS

The State of Texas 2012 Integrated Report – Texas 303(d) List (Category 5), TCEQ, May 9, 2013.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective July 22, 2012, as approved by EPA Region 6.

Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10, TCEQ, effective August 17, 2000, and Appendix E, effective February 27, 2002, for portions of the 2010 Standards not yet approved by EPA Region 6.

Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition (EPA-821-R-02-013)

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

Procedures to Implement the Texas Surface Water Quality Standards, TCEQ, June 2010, as approved by EPA

Procedures to Implement the Texas Surface Water Quality Standards, TCEQ, January 2003, for portions of the 2010 IP not approved by EPA

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

TCEQ proposed development strategy for thermal evaluation procedures, Letter to Bill Honker, U.S. EPA, Water Quality Protection Division, April 29, 2014

TCEQ proposed development strategy for thermal evaluation procedures, Letter to L'Oreal Stepney, TCEQ, Office of Water, May 12, 2014

Appendix A
Calculated Technology-Based Effluent Limits

Effluent limitations for flow at Outfalls 001, 101, and 201 are continued from the existing permit and are based upon regulations in 40 CFR § 122.44(i)(1), which requires the volume of effluent discharged be monitored for each Outfall.

Effluent Limitations Guidelines (ELGs) in 40 CFR Part 423 were used in the development of effluent limitations in the draft permit, and are continued from the existing permit. These effluent limitations include total residual chlorine, total suspended solids, oil and grease, total iron, total copper, and pH. The following tables present the ELGs included on an outfall-by-outfall basis, and present any calculations used in the development of effluent limitations.

Outfall 001

Source: 40 CFR § 423.13(b)(1), Once-through cooling water discharges

Parameter	Daily Average ELG	Daily Maximum ELG	Daily Average Effluent Limit	Daily Maximum Effluent Limit
Total Residual Chlorine	N/A	0.20 mg/L	N/A	145 lbs/day

40 CFR § 423.13(b)(1) states "For any plant with a total rated electric generating capacity of 25 or more megawatts, the quantity of pollutants discharged in once-through cooling water from each discharge point shall not exceed the quantity determined by multiplying the flow of once-through cooling water from each discharge point times the concentration listed [above]."

Since 40 CFR §423.13(b)(2) prohibits chlorination periods over two hours, the following calculations were used to determine the allowable mass of Total Residual Chlorine to be discharged:

Permitted Flow (1,041.48 MGD) ÷ 24 hours = 43.395 MGD per hour
43.395 MGD per hour multiplied by 2 = 86.79 MGD per 2 hours

86.79 MGD/2 hours × 8.345 (conversion factor) × 0.2 mg/L (Total Residual Chlorine) = 144.85 lbs/day (Effluent Limitation).

Parameter	Daily Average ELG	Daily Maximum ELG	Daily Average Effluent Limit	Daily Maximum Effluent Limit
Temperature	N/A	N/A	105˚F	110˚F

Effluent limitations for Temperature are not included in 40 CFR Part 423. The existing effluent limitations for Temperature are continued in the draft permit in accordance with anti-backsliding regulations in 40 CFR §122.44(l).

Outfall 101

Source: 40 CFR §423.12(b)(3), Low volume waste sources

Parameter	Daily Average ELG	Daily Maximum ELG	Daily Average Effluent Limit	Daily Maximum Effluent Limit
Total Suspended Solids	30 mg/L	100 mg/L	30 mg/L	100 mg/L
Oil and Grease	15 mg/L	20 mg/L	15 mg/L	20 mg/L
pH (standard units)	6.0 minimum	9.0 maximum	6.0 minimum	9.0 maximum

The above effluent limitations are identical to the ELGs provided in 40 CFR § 423.12, and are not converted to mass units in accordance with 40 CFR §423.12(b)(11), which states, "At the permitting authority's discretion, the quantity of pollutant allowed to be discharged may be expressed as a concentration limitation instead of the mass based limitations specified in paragraphs (b)(3) through (b)(7) of this section. Concentration limitations shall be those concentrations specified in this section."

Outfall 201

Source: 40 CFR § 423.13(e)

Parameter	Daily Average ELG	Daily Maximum ELG	Daily Average Effluent Limit	Daily Maximum Effluent Limit
Total Iron	1.0	1.0	1.0	1.0
Total Copper	1.0	1.0	0.5	1.0
pH	6.0 minimum	9.0 maximum	6.0 minimum	6.0 minimum

The above effluent limitations are identical to the ELGs provided in 40 CFR § 423.13(e), with the exception of daily average total copper, which is a more stringent effluent limitation that is continued from the existing permit in accordance with anti-backsliding regulations in 40 CFR § 122.44(l). The effluent limitations are in concentration form in accordance with 40 CFR § 423.13(g), which states, "At the permitting authority's discretion, the quantity of pollutant allowed to be discharged may be expressed as a concentration limitation instead of the mass based limitations specified in paragraphs (b) through (e) of this section. Concentration limitations shall be those concentrations specified in this section."

Appendix B
Calculated Water Quality-Based Effluent Limits

TEXTOX MENU #4 - LAKE OR RESERVOIR

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:	Decordova Power Company LLC and Luminant Generation Company LLC
TPDES Permit No:	WQ0001481000
Outfall No:	001
Prepared by:	Merrit McKelvy
Date:	1/2/14

DISCHARGE INFORMATION

Receiving Waterbody:	Lake Granbury
Segment No.:	1205
TSS (mg/L):	4
pH (Standard Units):	7.9
Hardness (mg/L as $CaCO_3$):	230
Chloride (mg/L):	893
Effluent Flow for Aquatic Life (MGD):	>100
Percent Effluent for Mixing Zone:	100
Percent Effluent for Zone of Initial Dilution:	100
Effluent Flow for Human Health (MGD):	>100
Percent Effluent for Human Health:	100
Public Water Supply Use?:	**yes**

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

Lake Metal	*Intercept (b)*	*Slope (m)*	*Partition Coefficient (Kp)*	*Dissolved Fraction (Cd/Ct)*		*Water Effect Ratio (WER)*	
Aluminum	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Arsenic	5.68	-0.73	173978.75	0.59		1.00	Assumed
Cadmium	6.55	-0.92	991071.09	0.20		1.00	Assumed
Chromium (Total)	6.34	-0.27	1504679	0.14		1.00	Assumed
Chromium (+3)	6.34	-0.27	1504679	0.14		1.00	Assumed
Chromium (+6)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	6.45	-0.90	809367.96	0.24		1.00	Assumed
Lead	6.31	-0.53	979282.98	0.20		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	6.34	-0.76	762841.67	0.25		1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	6.38	-1.03	575278.59	0.30		1.00	Assumed
Zinc	6.52	-0.68	1290028.21	0.16		1.00	Assumed

CONVERT TISSUE-BASED CRITERIA TO WATER COLUMN CRITERIA:

Parameter	*Water and Fish Criterion (ug/kg)*	*Fish Only Criterion (ug/kg)*	*BCF*	*(l/kg)*	*Water and Fish Criterion (ug/L)*	*Fish Only Criterion (ug/L)*
4,4'-DDD	166.16	166.16		53600	0.0031	0.0031
4,4'-DDE	214.4	214.4		53600	0.004	0.004
4,4'-DDT	209.04	209.04		53600	0.0039	0.0039
Dioxins/Furans	0.0004	0.0004		5000	8.00E-08	8.00E-08
Mercury						
Polychlorinated Biphenyls (PCBs)	19.96	19.96		31200	6.40E-04	6.40E-04

AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*FW Acute Criterion (ug/L)*	*FW Chronic Criterion (ug/L)*	*WLAa*	*WLAc*	*LTAa*	*LTAc*	*Daily Avg. (ug/L)*	*Daily Max. (ug/L)*
Aldrin	3	N/A	3.00	N/A	0.96	N/A	1.41	2.99
Aluminum	991	N/A	991.00	N/A	317.12	N/A	466.17	986.24
Arsenic	340	150	576.61	254.39	184.52	155.18	228.11	482.60
Cadmium	19.275026	0.438487	95.69	2.18	30.62	1.33	1.95	4.13
Carbaryl	2	N/A	2.00	N/A	0.64	N/A	0.94	1.99
Chlordane	2.4	0.004	2.40	0.00	0.77	0.00	0.00	0.01
Chlorpyrifos	0.083	0.041	0.08	0.04	0.03	0.03	0.04	0.08
Chromium (+3)	1127.0669	146.6083	7910.56	1029.00	2531.38	627.69	922.71	1952.12
Chromium (+6)	15.7	10.6	15.70	10.60	5.02	6.47	7.39	15.62
Copper	31.12889	19.29251	131.91	81.75	42.21	49.87	62.05	131.27
Cyanide (free)	45.8	10.7	45.80	10.70	14.66	6.53	9.59	20.30
4,4'-DDT	1.1	0.001	1.10	0.00	0.35	0.00	0.00	0.00
Demeton	N/A	0.1	N/A	0.10	N/A	0.06	0.09	0.19
Diazinon	0.17	0.17	0.17	0.17	0.05	0.10	0.08	0.17
Dicofol	59.3	19.8	59.30	19.80	18.98	12.08	17.75	37.56
Dieldrin	0.24	0.002	0.24	0.00	0.08	0.00	0.00	0.00
Diuron	210	70	210.00	70.00	67.20	42.70	62.77	132.80
Endosulfan I (alpha)	0.22	0.056	0.22	0.06	0.07	0.03	0.05	0.11
Endosulfan II (beta)	0.22	0.056	0.22	0.06	0.07	0.03	0.05	0.11
Endosulfan sulfate	0.22	0.056	0.22	0.06	0.07	0.03	0.05	0.11
Endrin	0.086	0.002	0.09	0.00	0.03	0.00	0.00	0.00
Guthion	N/A	0.01	N/A	0.01	N/A	0.01	0.01	0.02
Heptachlor	0.52	0.004	0.52	0.00	0.17	0.00	0.00	0.01
Hexachlorocyclohexane (Lindane)	1.126	0.08	1.13	0.08	0.36	0.05	0.07	0.15
Lead	157.85152	6.151247	776.18	30.25	248.38	18.45	27.12	57.38
Malathion	N/A	0.01	N/A	0.01	N/A	0.01	0.01	0.02
Mercury	2.4	1.3	2.40	1.30	0.77	0.79	1.13	2.39
Methoxychlor	N/A	0.03	N/A	0.03	N/A	0.02	0.03	0.06
Mirex	N/A	0.001	N/A	0.00	N/A	0.00	0.00	0.00
Nickel	947.2974	105.2155	3837.85	426.27	1228.11	260.02	382.23	808.67
Nonylphenol	28	6.6	28.00	6.60	8.96	4.03	5.92	12.52
Parathion (ethyl)	0.065	0.013	0.07	0.01	0.02	0.01	0.01	0.02
Pentachlorophenol	21.553	16.535	21.55	16.54	6.90	10.09	10.14	21.45
Phenanthrene	30	30	30.00	30.00	9.60	18.30	14.11	29.86
Polychlorinated Biphenyls (PCBs)	2	0.014	2.00	0.01	0.64	0.01	0.01	0.03

AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*FW Acute Criterion (ug/L)*	*FW Chronic Criterion (ug/L)*	*WLAa*	*WLAc*	*LTAa*	*LTAc*	*Daily Avg. (ug/L)*	*Daily Max. (ug/L)*
Selenium	20	5	20.00	5.00	6.40	3.05	4.48	9.49
Silver	0.8	N/A	29.41	N/A	9.41	N/A	13.83	29.26
Toxaphene	0.78	0.0002	0.78	0.00	0.25	0.00	0.00	0.00
Tributyltin (TBT)	0.13	0.024	0.13	0.02	0.04	0.01	0.02	0.05
2,4,5 Trichlorophenol	136	64	136.00	64.00	43.52	39.04	57.39	121.41
Zinc	237.32701	239.2683	1461.96	1473.92	467.83	899.09	687.71	1454.94

HUMAN HEALTH

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*Water and Fish Criterion (ug/L)*	*Fish Only Criterion (ug/L)*	*WLAh*	*LTAh*	*Daily Avg. (ug/L)*	*Daily Max. (ug/L)*
Acrylonitrile	0.8	3.8	0.80	0.74	1.09	2.31
Aldrin	0.00094	0.001	0.00	0.00	0.00	0.00
Anthracene	5569	N/A	5569.00	5179.17	7613.38	16107.22
Antimony	6	1071	6.00	5.58	8.20	17.35
Arsenic	10	N/A	16.96	15.77	23.18	49.05
Barium	2000	N/A	2000.00	1860.00	2734.20	5784.60
Benzene	5	513	5.00	4.65	6.84	14.46
Benzidine	0.00086	0.002	0.00	0.00	0.00	0.00
Benzo(a)anthracene	0.068	0.33	0.07	0.06	0.09	0.20
Benzo(a)pyrene	0.068	0.33	0.07	0.06	0.09	0.20
Bis(chloromethyl)ether	0.0024	0.44	0.00	0.00	0.00	0.01
Bis(2-chloroethyl)ether	0.3	5.27	0.30	0.28	0.41	0.87
Bis(2-ethylhexyl)phthalate	6	41	6.00	5.58	8.20	17.35
Bromodichloromethane	10.2	322	10.20	9.49	13.94	29.50
Bromoform	69.1	2175	69.10	64.26	94.47	199.86
Cadmium	5	N/A	24.82	23.08	33.93	71.79
Carbon Tetrachloride	4.1	29	4.10	3.81	5.61	11.86
Chlordane	0.008	0.0081	0.01	0.01	0.01	0.02
Chlorobenzene	100	5201	100.00	93.00	136.71	289.23
Chlorodibromomethane (Dibromochloromethane)	7.6	239	7.60	7.07	10.39	21.98
Chloroform	70	7143	70.00	65.10	95.70	202.46
Chromium (+6)	62	502	62.00	57.66	84.76	179
Chrysene	68.13	327	68.13	63.36	93.14	197.05
Cresols	736	1981	736.00	684.48	1006.19	2128.73
Cyanide (free)	200	N/A	200.00	186.00	273.42	578.46
4,4'-DDD	0.0031	0.0031	0.00	0.00	0.00	0.01
4,4'-DDE	0.004	0.004	0.00	0.00	0.01	0.01
4,4'-DDT	0.0039	0.0039	0.00	0.00	0.01	0.01
2,4'-D	70	N/A	70.00	65.10	95.70	202.46
Danitol	5.39	5.44	5.39	5.01	7.37	15.59
1,2-Dibromoethane	0.16	2.13	0.16	0.15	0.22	0.46
m-Dichlorobenzene	473	1445	473.00	439.89	646.64	1368.06
o-Dichlorobenzene	600	4336	600.00	558.00	820.26	1735.38
p-Dichlorobenzene	75	N/A	75.00	69.75	102.53	216.92
3,3'-Dichlorobenzidine	0.32	0.44	0.32	0.30	0.44	0.93

HUMAN HEALTH

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*Water and Fish Criterion (ug/L)*	*Fish Only Criterion (ug/L)*	*WLAh*	*LTAh*	*Daily Avg. (ug/L)*	*Daily Max. (ug/L)*
1,2-Dichloroethane	5	553	5.00	4.65	6.84	14.46
1,1-Dichloroethylene	7	23916	7.00	6.51	9.57	20.25
Dichloromethane	5	5926	5.00	4.65	6.84	14.46
1,2-Dichloropropane	5	226	5.00	4.65	6.84	14.46
1,3-Dichloropropene (1,3- Dichloropropylene)	3.4	211	3.40	3.16	4.65	9.83
Dicofol	0.076	0.076	0.08	0.07	0.10	0.22
Dieldrin	0.0005	0.0005	0.00	0.00	0.00	0.00
2,4-Dimethylphenol	257	571	257.00	239.01	351.34	743.32
Di-n-Butyl Phthalate	1318	3010	1318.00	1225.74	1801.84	3812.05
Dioxins/Furans (TCDD Equivalents)	8.00E-08	8.00E-08	8.00E-08	7.44E-08	1.09E-07	2.31E-07
Endrin	0.2	0.2	0.20	0.19	0.27	0.58
Ethylbenzene	700	7143	700.00	651.00	956.97	2024.61
Fluoride	4000	N/A	4000.00	3720.00	5468.40	11569.20
Heptachlor	0.0015	0.0015	0.00	0.00	0.00	0.00
Heptachlor Epoxide	0.00074	0.00075	0.00	0.00	0.00	0.00
Hexachlorobenzene	0.0044	0.0045	0.00	0.00	0.01	0.01
Hexachlorobutadiene	6.5	274	6.50	6.05	8.89	18.80
Hexachlorocyclohexane (alpha)	0.05	0.093	0.05	0.05	0.07	0.14
Hexachlorocyclohexane (beta)	0.17	0.33	0.17	0.16	0.23	0.49
Hexachlorocyclohexane (gamma) (Lindane)	0.2	6.2	0.20	0.19	0.27	0.58
Hexachlorocyclopentadiene	50	N/A	50.00	46.50	68.36	144.62
Hexachloroethane	27	62	27.00	25.11	36.91	78.09
Hexachlorophene	0.008	0.008	0.01	0.01	0.01	0.02
Lead	1.15	3.83	5.65	5.26	7.73	16.36
Mercury	0.0122	0.0122	0.01	0.01	0.02	0.04
Methoxychlor	0.33	0.33	0.33	0.31	0.45	0.95
Methyl Ethyl Ketone	13932	1500000	1.39E+04	1.30E+04	1.90E+04	4.03E+04
Nickel	332	1140	1345.05	1250.90	1838.82	3890.30
Nitrate-Nitrogen (as Total Nitrogen)	10000	N/A	10000.00	9300.00	13671.00	28923.00
Nitrobenzene	11	463	11.00	10.23	15.04	31.82
N-Nitrosodiethylamine	0.0037	2.1	0.00	0.00	0.01	0.01
N-Nitroso-di-n-Butylamine	0.119	4.2	0.12	0.11	0.16	0.34
Pentachlorobenzene	1	1	1.00	0.93	1.37	2.89
Pentachlorophenol	1	57	1.00	0.93	1.37	2.89
Polychlorinated Biphenyls (PCBs)	6.40E-04	6.40E-04	0.00	0.00	0.00	0.00
Pyridine	23	2014	23.00	21.39	31.44	66.52
Selenium	50	N/A	50.00	46.50	68.36	144.62
1,2,4,5-Tetrachlorobenzene	0.65	0.71	0.65	0.60	0.89	1.88
1,1,2,2-Tetrachloroethane	3.2	76	3.20	2.98	4.37	9.26
Tetrachloroethylene	5	49	5.00	4.65	6.84	14.46
Thallium	0.75	1.5	0.75	0.70	1.03	2.17
Toluene	1000	N/A	1000.00	930.00	1367.10	2892.30
Toxaphene	0.0053	0.0053	0.01	0.00	0.01	0.02
2,4,5-TP (Silvex)	7.3	7.6	7.30	6.79	9.98	21.11
1,1,1-Trichloroethane	200	956663	200.00	186.00	273.42	578.46
1,1,2-Trichloroethane	5	295	5.00	4.65	6.84	14.46
Trichloroethylene	5	649	5.00	4.65	6.84	14.46

HUMAN HEALTH

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*Water and Fish Criterion (ug/L)*	*Fish Only Criterion (ug/L)*	*WLAh*	*LTAh*	*Daily Avg. (ug/L)*	*Daily Max. (ug/L)*
2,4,5-Trichlorophenol	1194	2435	1194.00	1110.42	1632.32	3453.41
TTHM (Sum of Total Trihalomethanes)	80	N/A	80.00	74.40	109.37	231.38
Vinyl Chloride	0.25	24	0.25	0.23	0.34	0.72

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

Aquatic Life

Parameter	*70%*	*85%*
Aldrin	0.988	1.200
Aluminum	326.316	396.241
Arsenic	159.676	193.893
Cadmium	1.366	1.659
Carbaryl	0.659	0.800
Chlordane	0.003	0.003
Chlorpyrifos	0.026	0.031
Chromium (+3)	645.89	784.30
Chromium (+6)	5.170	6.277
Copper	43.435	52.742
Cyanide (free)	6.716	8.155
4,4'-DDT	0.001	0.001
Demeton	0.063	0.076
Diazinon	0.056	0.068
Dicofol	12.428	15.091
Dieldrin	0.001	0.002
Diuron	43.938	53.354
Endosulfan (alpha)	0.035	0.043
Endosulfan (beta)	0.035	0.043
Endosulfan sulfate	0.035	0.043
Endrin	0.001	0.002
Guthion	0.006	0.008
Heptachlor	0.003	0.003
Hexachlorocyclohexane (Lindane)	0.050	0.061
Lead	18.985	23.054
Malathion	0.006	0.008
Mercury	0.790	0.960
Methoxychlor	0.019	0.023
Mirex	0.001	0.001
Nickel	267.563	324.898
Nonylphenol	4.143	5.030
Parathion (ethyl)	0.008	0.010
Pentachlorophenol	7.097	8.618
Phenanthrene	9.878	11.995
Polychlorinated Biphenyls (PCBs)	0.009	0.011
Selenium	3.138	3.811
Silver	9.683	11.758
Toxaphene	0.000	0.000
Tributyltin (TBT)	0.015	0.018

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

Aquatic Life

Parameter	*70%*	*85%*
2,4,5 Trichlorophenol	40.172	48.780
Zinc	481.395	584.551

Human Health

Parameter	*70%*	*85%*
Acrylonitrile	0.766	0.930
Aldrin	0.001	0.001
Anthracene	5329.36	6471.37
Antimony	5.742	6.972
Arsenic	16.229	19.707
Barium	1913.94	2324.00
Benzene	4.785	5.810
Benzidine	0.001	0.001
Benzo(a)anthracene	0.065	0.079
Benzo(a)pyrene	0.065	0.079
Bis(chloromethyl)ether	0.002	0.003
Bis(2-chloroethyl)ether	0.287	0.349
Bis(2-ethylhexyl)phthalate	5.742	6.972
Bromodichloromethane	9.761	11.853
Bromoform	66.127	80.297
Cadmium	23.753	28.843
Carbon Tetrachloride	3.924	4.764
Chlordane	0.008	0.009
Chlorobenzene	95.697	116.204
Chlorodibromomethane (Dibromochloromethane)	7.273	8.831
Chloroform	66.988	81.342
Chromium (+6)	59.33	72.05
Chrysene	65.198	79.169
Cresols	704	855
Cyanide (free)	191.394	232.407
4,4'-DDD	0.003	0.004
4,4'-DDE	0.004	0.005
4,4'-DDT	0.004	0.005
2,4'-D	66.988	81.342
Danitol	5.158	6.263
1,2-Dibromoethane	0.153	0.186
m-Dichlorobenzene	452.647	549.643
o-Dichlorobenzene	574.182	697.221
p-Dichlorobenzene	71.773	87.153
3,3'-Dichlorobenzidine	0.306	0.372
1,2-Dichloroethane	4.785	5.810
1,1-Dichloroethylene	6.699	8.134
Dichloromethane	4.785	5.810
1,2-Dichloropropane	4.785	5.810
1,3-Dichloropropene (1,3- Dichloropropylene)	3.254	3.951
Dicofol	0.073	0.088
Dieldrin	0.000	0.001

Human Health

Parameter	***70%***	***85%***
2,4-Dimethylphenol	245.941	298.643
Di-n-Butyl Phthalate	1261.28	1531.56
Dioxins/Furans (TCDD Equivalents)	7.66E-08	9.30E-08
Endrin	0.191	0.232
Ethylbenzene	669.879	813.425
Fluoride	3827.88	4648.14
Heptachlor	0.001	0.002
Heptachlor Epoxide	0.001	0.001
Hexachlorobenzene	0.004	0.005
Hexachlorobutadiene	6.220	7.553
Hexachlorocyclohexane (alpha)	0.048	0.058
Hexachlorocyclohexane (beta)	0.163	0.198
Hexachlorocyclohexane (gamma) (Lindane)	0.191	0.232
Hexachlorocyclopentadiene	47.85	58.10
Hexachloroethane	25.838	31.375
Hexachlorophene	0.008	0.009
Lead	5.411	6.571
Mercury	0.012	0.014
Methoxychlor	0.316	0.383
Methyl Ethyl Ketone	1.33E+04	1.62E+04
Nickel	1287.17	1563.00
Nitrate-Nitrogen (as Total Nitrogen)	9569.7	11620.3
Nitrobenzene	10.527	12.782
N-Nitrosodiethylamine	0.004	0.004
N-Nitroso-di-n-Butylamine	0.114	0.138
Pentachlorobenzene	0.957	1.162
Pentachlorophenol	0.957	1.162
Polychlorinated Biphenyls (PCBs)	0.001	0.001
Pyridine	22	27
Selenium	47.849	58.102
1,2,4,5-Tetrachlorobenzene	0.622	0.755
1,1,2,2-Tetrachloroethane	3.062	3.719
Tetrachloroethylene	4.785	5.810
Thallium	0.718	0.872
Toluene	956.97	1162.03
Toxaphene	0.005	0.006
2,4,5-TP (Silvex)	6.986	8.483
1,1,1-Trichloroethane	191	232
1,1,2-Trichloroethane	4.785	5.810
Trichloroethylene	4.785	5.810
2,4,5-Trichlorophenol	1142.62	1387.47
TTHM (Sum of Total Trihalomethanes)	76.558	92.963
Vinyl Chloride	0.239	0.291

Appendix C
Comparison of Technology-Based Effluent Limits and Water Quality-Based Effluent Limits

The following table is a summary of technology-based effluent limitations calculated/assessed in the draft permit (Technology-Based), calculated/ assessed water quality-based effluent limitations (Water Quality-Based), and effluent limitations in the existing permit (Existing Permit). Effluent limitations appearing in bold are the most stringent of the three and are included in the draft permit.

Outfall	*Parameter*	*Technology-Based*				*Water Quality-Based*				*Existing Permit*			
		Daily Avg		*Daily Max*		*Daily Avg*		*Daily Max*		*Daily Avg*		*Daily Max*	
		mg/L	*lbs/day*	*mg/L*	*lbs/day*	*mg/L*	*lbs/day*	*mg/L*	*lbs/day*	*mg/L*	*lbs/day*	*mg/L*	*lbs/day*
001	Flow	1,041.48 MGD		1,041.48 MGD						**1,041.48 MGD**		**1,041.48 MGD**	
	Temperature	105˚F		110˚F						**105˚F**		**110˚F**	
	Total Residual Chlorine			0.2	145							**0.2**	**145**
101	Flow	Report MGD		Report MGD						**Report MGD**		**Report MGD**	
	Total Suspended Solids	30			100					**30**		**100**	
	Oil and Grease	15			20					**15**		**20**	
	pH (Standard Units)	6.0 minimum		9.0						**6.0 minimum**		**9.0**	
201	Flow	Report MGD		Report MGD						**Report MGD**		**Report MGD**	
	Total Iron	1.0		1.0						**1.0**		**1.0**	
	Total Copper	0.5		1.0						**0.5**		**1.0**	
	pH (Standard Units)	6.0 minimum		9.0						**6.0 minimum**		**9.0**	

TPDES PERMIT NO. WQ0001481000
[For TCEQ office use only -
EPA I.D. No. TX0046400]

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

This is a renewal of TPDES Permit No. WQ0001481000, issued on June 30, 2009.

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

DeCordova Power Company LLC
Luminant Generation Company LLC

whose mailing address is

1601 Bryan Street 24-072
Dallas, TX 75201

are authorized to treat and discharge wastes from DeCordova Steam Electric Station (SIC 4911)

located at 4950 Power Plant Court, Granbury Texas, on the southwest shore of Lake Granbury along County Road 312, approximately seven miles southeast of the intersection of U.S. Highway 377 and State Highway 144 in the City of Granbury, Hood County, Texas 76408

directly to Lake Granbury in Segment No. 1205 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 May 1, 2019.

ISSUED DATE:

_____
For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon date of permit issuance and lasting through date of permit expiration, the permittee is authorized to discharge once-through cooling water (*1) and previously monitored effluent (low volume wastes, stormwater runoff from yard drains and the diked oil storage area, and metal cleaning wastes) subject to the following effluent limitations:

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average lbs/day	Daily Maximum lbs/day	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	1,041.48 MGD	1,041.48 MGD	N/A	Continuous	Record
Temperature	105˚F (*2)	110˚F (*2)	N/A	Continuous	Record
Total Residual Chlorine (*3)	N/A	145 (0.2 mg/L)	N/A	1/week	Grab (*4)

(*1) See Other Requirements, Item No. 2.
(*2) See Other Requirements, Item Nos. 4. and 13.
(*3) See Other Requirements, Item No. 5.
(*4) Samples shall be taken during periods of chlorination.

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

3. Effluent monitoring samples shall be taken at the following location: At Outfall 001, at the canal discharge weir prior to entering Lake Granbury.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 101

1. During the period beginning upon date of permit issuance and lasting through date of permit expiration, the permittee is authorized to discharge low volume wastes (*1), stormwater runoff from yard drains and the diked oil storage area, and previously monitored effluent (metal cleaning wastes and low volume wastes) subject to the following effluent limitations:

   Volume: Intermittent and flow variable.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	Report, MGD	Report, MGD	N/A	1/day (*2)	Estimate
Total Suspended Solids	30	100	100	1/week (*2)	Grab
Oil and Grease	15	20	20	1/week (*2)	Grab

   (*1) See Other Requirements, Item No. 6.
   (*2) When discharge occurs.

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/week (*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 101, where low volume wastes, stormwater runoff, and previously monitored effluent (metal cleaning wastes and low volume wastes) are discharged from the yard drain system and prior to commingling with once-through cooling water.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 201

1. During the period beginning upon date of permit issuance and lasting through date of permit expiration, the permittee is authorized to discharge metal cleaning wastes (*1) and low volume wastes (*2) subject to the following effluent limitations:

Volume: Intermittent and flow variable.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	Report, MGD	Report, MGD	N/A	1/day (*3)	Estimate
Total Iron	1.0	1.0	1.0	1/week (*3)	Grab
Total Copper	0.5	1.0	1.0	1/week (*3)	Grab

(*1) See Other Requirements, Item No. 7.
(*2) See Other Requirements, Item No. 6.
(*3) When discharge occurs.

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/week (*3) by grab sample.

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

4. Effluent monitoring samples shall be taken at the following location: At Outfall 201, where metal cleaning wastes and low volume wastes are discharged from the east retention pond and prior to mixing with any other wastewater.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

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

1. Flow Measurements

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

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

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

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

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

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

2. Concentration Measurements

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

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

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

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

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

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

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

e. Bacteria concentration (Fecal coliform, *E. coli*, or Enterococci) – the number of colonies of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the nth root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of bacteria equaling zero, a substitute value of one shall be made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as (Flow, MGD × Concentration, mg/L × 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 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 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, 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 or upgrading of the domestic wastewater treatment 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 or collection facilities. In the case of a domestic wastewater treatment facility that reaches 75% of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

      If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 149) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

   b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission, and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.

   c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.

10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.

11. Facilities that generate industrial solid waste as defined in 30 TAC §335.1 shall comply with these provisions:

   a. Any solid waste, as defined in 30 TAC §335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.

b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.

c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC §335.8(b)(1), to the Corrective Action Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC §335.5.

e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.

f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:

   i. volume of waste and date(s) generated from treatment process;
   ii. volume of waste disposed of on-site or shipped off-site;
   iii. date(s) of disposal;
   iv. identity of hauler or transporter;
   v. location of disposal site; and
   vi. method of final disposal.

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

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

OTHER REQUIREMENTS

1. Violations of daily maximum limitations for the following pollutants shall be reported orally or by facsimile to TCEQ Region 4, 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 4 and the Enforcement Division (MC 224):

POLLUTANT	MAL (mg/L)*
Copper (Total)	0.010

*MAL means "minimum analytical level."

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

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

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

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

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

2. The term "once-through cooling water" means water passed through the main cooling condensers in one or two passes for the purpose of removing waste heat.

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

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

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

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

5. The term *total residual chlorine* (or total residual oxidants for intake water with bromides) means the value obtained using any of the "chlorine-total residual methods in Table 1B in 40 CFR 136.3(a), or other methods approved by the permitting authority.

   Total residual chlorine may not be discharged from any single generating unit for more than two hours per day unless the discharger demonstrates to the permitting authority that discharge for more than two hours is required for macroinvertebrate control.

   Simultaneous multi-unit chlorination is permitted.

6. The term *low volume waste sources* means, taken collectively as if from one source, wastewater from all sources except those for which specific limitations are others established in this part. Low volume waste sources include, but are not limited to: wastewaters from wet scrubber air pollution control systems, ion exchange water treatment system, water treatment evaporator blowdown, laboratory and sampling streams, boiler blowdown, floor drains, cooling tower basin cleaning wastes, and recirculating house service water systems. Sanitary and air conditioning wastes are not included.

7. The term *metal cleaning waste* means any wastewater resulting from cleaning (with or without chemical compounds) and metal process equipment including, but not limited to, boiler tube cleaning, boiler fireside cleaning, and air pre-heater cleaning.

8. The permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§319.4-319.12. A monthly effluent report must be submitted each month by the 25th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month.

   This provision supersedes and replaces the first paragraph of Provision 1 Self-Reporting as defined on Pages 4 and 5 of this permit.

9. The mixing zone for Outfall 001 is defined as a volume within a radius of 77.5 feet from the point of discharge. Chronic toxic criteria apply at the edge of the mixing zone.

10. There shall be no discharge of domestic sewage. All sewage shall be hauled by Gilbert Environmental Inc. (Registration No. 22634) to Michael Lee Gilbert Beneficial Land Use (BLU) Site, Registration No. 710312, or any appropriately authorized hauler to any appropriately authorized BLU Site.

11. <u>COOLING WATER INTAKE STRUCTURE REQUIREMENTS: 316(b) of the Clean Water Act (CWA)</u>

    The permittee shall continue to operate and maintain the cooling water intake structure (CWIS) configuration consistent with the documents titled *40 CFR 122.21 Impacted by 316(b) of the Clean Water Act, Design and Engineering Calculations for 316(b) of the Clean Water Act,* and submitted as part of the permit application received November 4, 2008, in which is included a description of how the facility meets Best Technology Available (BTA) for minimizing Adverse Environmental Impact (AEI).

    Specifically, the permittee shall adhere to the following conditions related to the operation, maintenance, and monitoring of the CWIS during periods of operation:

    A. bar grates shall be inspected, and cleaned as needed but no less frequently than every three years;

B. screen condition shall be visually checked daily when the associated generating unit(s) is in operation;

C. the screens must initiate a cleaning cycle whenever the water level differential (before and after the screens) exceeds eight psi (pounds per square inch);

D. screens shall be in proper operating condition whenever the circulating water pumps are withdrawing water; if a screen must be taken out of service for maintenance the differential across the screens must maintain compliance with item c above;

E. screens shall be rotated through a cleaning cycle a minimum of once per week when the associated generating unit(s) is in operation;

F. water and impinged material resulting from the cleaning process shall enter a concrete trench from which water and material returns to the reservoir; if any material is removed it shall be properly disposed in accordance with TCEQ regulations;

G. routine preventive maintenance shall be conducted to ensure proper operating condition of the screen(s) on an as needed basis, but at a minimum of once each three months;

H. the intake bay shall be inspected for build-up of sediment periodically, and cleaned as necessary, but no less frequently than every five years; and

I. records (e.g., electronic logs, data acquisition system records, operating procedures, operator logs, etc.) documenting the operation and maintenance described above shall be kept on site for a minimum of three years, and made available to TCEQ personnel upon request.

In addition, the permittee submitted the Impingement Mortality Characterization Study, DeCordova Steam Electric Station, Hood County, Texas (January 2010) for review to the Water Quality Standards Team (MC 150) of the Water Quality Assessment Section of the Water Quality Division.

If, based upon further review of the Impingement Mortality Characterization Study, Decordova Steam Electric Station, and the 316(b) Phase II regulation, it is later determined that the current CWIS configuration is not representative of BTA for minimizing AEI, this permit may be reopened to incorporate additional requirements.

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 the next available discharge event. 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.

13. The permittee shall develop and submit to the TCEQ, within one year of the permit effective date, a plan to characterize the thermal plume in the receiving water through either the use of a model, mass balance, or via collected or existing in-stream temperature data. The permittee would then be required to implement the plan following its approval by the TCEQ.

    The permittee is hereby placed on notice that the Executive Director of the TCEQ will be initiating changes to evaluation procedures and/or rulemaking that may affect thermal requirements for this facility.

Attachment A
Table 1

Outfall No.: ☐C ☐G	**Effluent Concentration (mg/L)**					
Pollutants	**Samp.**	**Samp.**	**Samp.**	**Samp.**	**Average**	
BOD (5-day)						
CBOD (5-day)						
Chemical Oxygen Demand						
Total Organic Carbon						
Dissolved Oxygen						
Ammonia Nitrogen						
Total Suspended Solids						
Nitrate Nitrogen						
Total Organic Nitrogen						
Total Phosphorus						
Oil and Grease						
Total Residual Chlorine						
Total Dissolved Solids						
Sulfate						
Chloride						
Fluoride						
Temperature (°F)						
Total Alkalinity (mg/L as $CaCO_3$)						
pH (Standard Units; min/max)						

	Effluent Concentration (µg/L)					**MAL[1] (µg/L)**
Total Aluminum						30
Total Antimony						60
Total Arsenic						10
Total Barium						10
Total Beryllium						5
Total Cadmium						1
Total Chromium						10
Trivalent Chromium						N/A
Hexavalent Chromium						10
Total Copper						10
Cyanide						20
Total Lead						5
Total Mercury						0.2
Total Nickel						10
Total Selenium						10
Total Silver						2
Total Thallium						10
Total Zinc						5

[1] Minimum Analytical Level

Attachment A
Table 2

Outfall No.: ☐C ☐G	**Effluent Concentration (µg/l) (*1)**					
Pollutants	**Sample 1**	**Sample 2**	**Sample 3**	**Sample 4**	**Average**	**MAL (µg/l)**
Benzene						10
Benzidine						50
Benzo(a)anthracene						10
Benzo(a)pyrene						10
Carbon Tetrachloride						10
Chlorobenzene						10
Chloroform						10
Chrysene						10
Cresols						(*2)
Dibromochloromethane						10
1,2-Dibromoethane						2
1,4-Dichlorobenzene						10
1,2-Dichloroethane						10
1,1-Dichloroethylene						10
Fluoride						500
Hexachlorobenzene						10
Hexachlorobutadiene						10
Hexachloroethane						20
Methyl Ethyl Ketone						50
Nitrobenzene						10
n-Nitrosodiethylamine						20
n-Nitroso-di-n-Butylamine						20
PCB's, Total (*3)						1
Pentachlorobenzene						20
Pentachlorophenol						50
Phenanthrene						10
Pyridine						20
1,2,4,5-Tetrachlorobenzene						20
Tetrachloroethylene						10
Trichloroethylene						10
1,1,1-Trichloroethane						10
2,4,5-Trichlorophenol						50
TTHM (Total Trihalmethanes)						10
Vinyl Chloride						10

(*1) Indicates units if different from µg/l.
(*2) MAL's for Cresols: p-Chloro-m-Creso 10 µg/l; 4,6-Dinitro-o-Cresol 50 µg/l; p-Cresol 10 µg/l.
(*3) Total PCB-1242, PCB-1254, PCB-1221, PCB-1232, PCB-1248, PCB-1260, PCB-1016.

Attachment A
Table 3

Outfall No.:	**□C □G**	**Believed Present**	**Believed Absent**	**Effluent Concentration (mg/L)**		**No. of Samples**
Pollutants				**Average**	**Maximum**	
Bromide						
Color (PCU)						
Nitrate-Nitrite (as N)						
Sulfide (as S)						
Sulfite (as SO_3)						
Surfactants						
Total Antimony						
Total Beryllium						
Total Boron						
Total Cobalt						
Total Iron						
Total Magnesium						
Total Molybdenum						
Total Manganese						
Total Thallium						
Total Tin						
Total Titanium						

CHRONIC BIOMONITORING REQUIREMENTS: FRESHWATER

The provisions of this Section apply to Outfall 001 for whole effluent toxicity (WET) testing.

1. Scope, Frequency and Methodology

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

b. The permittee shall conduct the following toxicity tests utilizing the test organisms, procedures and quality assurance requirements specified in this Part of the permit and in accordance with "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition" (EPA-821-R-02-013), or its most recent update:

1) Chronic static renewal survival and reproduction test using the water flea (*Ceriodaphnia dubia*) (Method 1002.0). This test should be terminated when 60% of the surviving adults in the control produce three broods or at the end of eight days, whichever comes first. This test shall be conducted once per quarter.

2) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (Pimephales promelas) (Method 1000.0). A minimum of five replicates with eight organisms per replicate shall be used in the control and in each dilution. This test shall be conducted once per quarter.

The permittee must perform and report a valid test for each test species during the prescribed reporting period. An invalid test must be repeated during the same reporting period. An invalid test is herein defined as any test failing to satisfy the test acceptability criteria, procedures, and quality assurance requirements specified in the test methods and permit. All test results, valid or invalid, must be submitted as described below.

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

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

e. Testing Frequency Reduction

1) If none of the first four consecutive quarterly tests demonstrates significant toxicity, the permittee may submit this information in writing and, upon approval, reduce the testing frequency to once per six months for the invertebrate test species and once per year for the vertebrate test species.

2) If one or more of the first four consecutive quarterly tests demonstrates significant toxicity, the permittee shall continue quarterly testing for that species until the permit is reissued. If a testing frequency reduction had been previously granted and a subsequent test demonstrates significant toxicity, the permittee will resume a quarterly testing frequency for that species until the permit is reissued.

2. Required Toxicity Testing Conditions

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

1) a control mean survival of 80% or greater;

2) a control mean number of water flea neonates per surviving adult of 15 or greater;

3) a control mean dry weight of surviving fathead minnow larvae of 0.25 mg or greater;

4) a control Coefficient of Variation percent (CV%) of 40 or less between replicates for the young of surviving females in the water flea test; and the growth and survival endpoints in the fathead minnow test.

5) a critical dilution CV% of 40 or less for young of surviving females in the water flea test; and the growth and survival endpoints for the fathead minnow test. However, if statistically significant lethal or nonlethal effects are exhibited at the critical dilution, a CV% greater than 40 shall not invalidate the test.

6) a Percent Minimum Significant Difference of 47 or less for water flea reproduction;

7) a Percent Minimum Significant Difference of 30 or less for fathead minnow growth.

b. Statistical Interpretation

1) For the water flea survival test, the statistical analyses used to determine if there is a significant difference between the control and an effluent dilution shall be Fisher's Exact Test as described in the manual referenced above, or its most recent update.

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

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

4) If significant lethality is demonstrated (that is, there is a statistically significant difference in survival at the critical dilution when compared to the control), the conditions of test acceptability are met, and the survival of the test organisms are equal to or greater than 80% in the critical dilution and all dilutions below that, then the permittee shall report a survival No Observed Effect Concentration (NOEC) of not less than the critical dilution for the reporting requirements.

5) The NOEC is defined as the greatest effluent dilution at which no significant effect is demonstrated. The Lowest Observed Effect Concentration (LOEC) is defined as the lowest effluent dilution at which a significant effect is demonstrated. A significant effect is herein defined as a statistically significant difference between the survival, reproduction, or growth of the test organism(s) in a specified effluent dilution compared to the survival, reproduction, or growth of the test organism(s) in the control (0% effluent).

6) The use of NOECs and LOECs assumes either a monotonic (continuous) concentration-response relationship or a threshold model of the concentration-response relationship. For any test result that demonstrates a non-monotonic (non-continuous) response, the NOEC should be determined based on the guidance manual referenced in Item 3 above.

7) Pursuant to the responsibility assigned to the permittee in Part 2.b.3), test results that demonstrate a non-monotonic (non-continuous) concentration-response relationship may be submitted, prior to the due date, for technical review. The above-referenced guidance manual will be used when making a determination of test acceptability.

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

c. Dilution Water

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

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

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

b) the test indicating receiving water toxicity was carried out to completion (i.e., 7 days);

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

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

d. Samples and Composites

1) The permittee shall collect a minimum of three composite samples from Outfall 001. The second and third composite samples will be used for the renewal of the dilution concentrations for each toxicity test.

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

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

4) If Outfall 001 ceases discharging during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum numbers of effluent portions, and the sample holding time, are waived during that sampling period. However, the permittee must have collected an effluent composite sample volume sufficient to complete the required toxicity tests with renewal of the effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report.

3. Reporting

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

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

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

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

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

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

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

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

1) For the water flea, Parameter TLP3B, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

2) For the water flea, Parameter TOP3B, report the NOEC for survival.

3) For the water flea, Parameter TXP3B, report the LOEC for survival.

4) For the water flea, Parameter TWP3B, enter a "1" if the NOEC for reproduction is less than the critical dilution; otherwise, enter a "0."

5) For the water flea, Parameter TPP3B, report the NOEC for reproduction.

6) For the water flea, Parameter TYP3B, report the LOEC for reproduction.

7) For the fathead minnow, Parameter TLP6C, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

8) For the fathead minnow, Parameter TOP6C, report the NOEC for survival.

9) For the fathead minnow, Parameter TXP6C, report the LOEC for survival.

10) For the fathead minnow, Parameter TWP6C, enter a "1" if the NOEC for growth is less than the critical dilution; otherwise, enter a "0."

11) For the fathead minnow, Parameter TPP6C, report the NOEC for growth.

12) For the fathead minnow, Parameter TYP6C, report the LOEC for growth

d. Enter the following codes for retests only:

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

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

4. <u>Persistent Toxicity</u>

The requirements of this Part apply only when a test demonstrates a significant effect at the critical dilution. A significant effect is defined as a statistically significant difference between a specified endpoint (survival, growth, or reproduction) of the test organism in a specified effluent dilution when compared to the specified endpoint of the test organism in the control.

Significant lethality is defined as a statistically significant difference in survival at the critical dilution when compared to the survival of the test organism in the control. Significant sublethality is defined as a statistically significant difference in growth/reproduction at the critical dilution when compared to the growth/reproduction of the test organism in the control.

a. The permittee shall conduct a total of 2 additional tests (retests) for any species that demonstrates a significant effect (lethal or sublethal) at the critical dilution. The two retests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two retests in lieu of routine toxicity testing. All reports shall be submitted within 20 days of test completion. Test completion is defined as the last day of the test. The retests shall also be reported on the DMRs as specified in Part 3.d.

b. If the retests are performed due to a demonstration of significant lethality, and one or both of the two retests specified in item 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5. The provisions of item 4.a. are suspended upon completion of the two retests and submittal of the TRE Action Plan and Schedule defined in Part 5.

   If neither test demonstrates significant lethality and the permittee is testing under the reduced testing frequency provision of Part 1.e., the permittee shall return to a quarterly testing frequency for that species.

c. If the two retests are performed due to a demonstration of significant sublethality, and one or both of the two retests specified in item 4.a. demonstrates significant lethality, the permittee shall again perform two retests as stipulated in item 4.a.

d. If the two retests are performed due to a demonstration of significant sublethality, and neither test demonstrates significant lethality, the permittee shall continue testing at the quarterly frequency.

e. Regardless of whether retesting for lethal or sublethal effects, or a combination of the two, no more than one retest per month is required for a species.

5. <u>Toxicity Reduction Evaluation</u>

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

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

1) Specific Activities - The TRE Action Plan shall specify the approach the permittee intends to utilize in conducting the TRE, including toxicity characterizations, identifications, confirmations, source evaluations, treatability studies, and alternative approaches. When conducting characterization analyses, the permittee shall perform multiple characterizations and follow the procedures specified in the document entitled, "Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I" (EPA/600/6-91/005F), or alternate procedures. The permittee shall perform multiple identifications and follow the methods specified in the documents entitled, "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081). All characterization, identification, and confirmation tests shall be conducted in an orderly and logical progression;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

significant lethality at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism(s). A copy of the TRE Final Report shall also be submitted to the U.S. EPA Region 6 office.

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

TABLE 1 (SHEET 1 OF 4)

BIOMONITORING REPORTING

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION

		Date Time		Date Time
Dates and Times Composites Collected	No. 1	FROM: _____	TO: _____	
	No. 2	FROM: _____	TO: _____	
	No. 3	FROM: _____	TO: _____	

Test initiated: _____am/pm _____date

Dilution water used: _____ Receiving Water _____ Synthetic Dilution Water

NUMBER OF YOUNG PRODUCED PER ADULT AT END OF TEST

	Percent effluent (%)					
REP	0%	32%	42%	56%	75%	100%
A						
B						
C						
D						
E						
F						
G						
H						
I						
J						
Survival Mean						
Total Mean						
CV%*						
PMSD						

*Coefficient of Variation = standard deviation x 100/mean (calculation based on young of the surviving adults) Designate males (M), and dead females (D), along with number of neonates (x) released prior to death.

TABLE 1 (SHEET 2 OF 4)

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION TEST

1. Dunnett's Procedure or Steel's Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

   Is the mean number of young produced per adult significantly less than the number of young per adult in the control for the % effluent corresponding to significant nonlethal effects?

   CRITICAL DILUTION (100%): _____ YES _____ NO

PERCENT SURVIVAL

	Percent effluent					
Time of Reading	0%	32%	42%	56%	75%	100%
24h						
48h						
End of Test						

2. Fisher's Exact Test:

   Is the mean survival at test end significantly less than the control survival for the % effluent corresponding to lethality?

   CRITICAL DILUTION (100%): _____ YES _____ NO

3. Enter percent effluent corresponding to each NOEC/LOEC below:

   a.) NOEC survival = _____% effluent

   b.) LOEC survival = _____% effluent

   c.) NOEC reproduction = _____% effluent

   d.) LOEC reproduction = _____% effluent

TABLE 1 (SHEET 3 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW LARVAE GROWTH AND SURVIVAL

		Date Time	Date Time
Dates and Times Composites Collected	No. 1	FROM: _____	TO: _____
	No. 2	FROM: _____	TO: _____
	No. 3	FROM: _____	TO: _____

Test initiated: _____am/pm _____date

Dilution water used: _____ Receiving Water _____ Synthetic Dilution Water

FATHEAD MINNOW GROWTH DATA

Effluent Concentration	Average Dry Weight in milligrams in replicate chambers					Mean Dry Weight	CV%*
	A	B	C	D	E		
0%							
32%							
42%							
56%							
75%							
100%							
PMSD							

* Coefficient of Variation = standard deviation x 100/mean

1. Dunnett's Procedure or Steel's Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

   Is the mean dry weight (growth) at 7 days significantly less than the control's dry weight (growth) for the % effluent corresponding to significant nonlethal effects?

CRITICAL DILUTION (100%): _____ YES _____ NO

TABLE 1 (SHEET 4 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW GROWTH AND SURVIVAL TEST

FATHEAD MINNOW SURVIVAL DATA

Effluent Concentration	Percent Survival in replicate chambers					Mean percent survival			CV%*
	A	B	C	D	E	24h	48h	7 day	
0%									
32%									
42%									
56%									
75%									
100%									

* Coefficient of Variation = standard deviation x 100/mean

2. Dunnett's Procedure or Steel's Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

   Is the mean survival at 7 days significantly less (p=0.05) than the control survival for the % effluent corresponding to lethality?

   CRITICAL DILUTION (100%): _____ YES _____ NO

3. Enter percent effluent corresponding to each NOEC/LOEC below:

   a.) NOEC survival = _____% effluent

   b.) LOEC survival = _____% effluent

   c.) NOEC growth = _____% effluent

   d.) LOEC growth = _____% effluent

24-HOUR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

The provisions of this section apply to Outfall 001 for whole effluent toxicity testing (biomonitoring)

1. Scope, Frequency and Methodology

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

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

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

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

The permittee must perform and report a valid test for each test species during the prescribed reporting period. An invalid test must be repeated during the same reporting period. An invalid test is herein defined as any test failing to satisfy the test acceptability criteria, procedures, and quality assurance requirements specified in the test methods and permit. All test results, valid or invalid, must be submitted as described below.

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

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

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

2. Required Toxicity Testing Conditions

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

b. Dilution Water - In accordance with item 1.c., the control and dilution water shall consist of standard, synthetic, moderately hard, reconstituted water.

c. Samples and Composites

1) The permittee shall collect one composite sample from Outfall 001.

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

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

4) If Outfall 001 ceases discharging during the collection of the effluent composite sample, the requirements for the minimum number of effluent portions are waived. However, the permittee must have collected a composite sample volume sufficient for completion of the required test. The abbreviated sample collection, duration, and methodology must be documented in the full report required in Part 3 of this Section.

3. Reporting

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

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

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

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

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

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

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

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

d. Enter the following codes for retests only:

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

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

4. Persistent Mortality

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

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

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

5. Toxicity Reduction Evaluation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TABLE 2 (SHEET 1 OF 2)

WATER FLEA SURVIVAL

GENERAL INFORMATION

	Time	Date
Composite Sample Collected		
Test Initiated		

PERCENT SURVIVAL

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

Enter percent effluent corresponding to the LC50 below:

24 hour LC50 = _____% effluent

TABLE 2 (SHEET 2 OF 2)

FATHEAD MINNOW SURVIVAL

GENERAL INFORMATION

	Time	Date
Composite Sample Collected		
Test Initiated		

PERCENT SURVIVAL

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

Enter percent effluent corresponding to the LC50 below:

24 hour LC50 = _____% effluent

CMP THRESHOLD REVIEW SHEET

INDUSTRIAL WASTEWATER DISCHARGE PERMITS

PERMITTEE: DeCordova Power Company LLC

TPDES PERMIT NO.: WQ0001481000

CLASSIFIED SEGMENT:

NAME: Lake Granbury

NUMBER: 1205

COUNTY: Hood

Is the facility located within the Coastal Zone? Yes ☐ No ☒

If "Yes," complete Section A and, if directed to do so, Section B. If "No," this worksheet is not required.

SECTION A

_____ 1. This is a new permit application which would authorize the discharge of a wastewater subject to EPA Categorical Effluent Standards (40 CFR Parts 400-471) into a priority segment (see Appendix B).

_____ 2. This is an amendment permit application which would authorize an increase in the mass loading of pollutants from the discharge of a wastewater subject to EPA Categorical Effluent Standards (40 CFR Parts 400-471) into a priority segment (see Appendix B).

_____ 3. This is an amendment permit application which would change the point of discharge of a wastewater subject to EPA Categorical Effluent Standards (40 CFR Parts 400-471) into a priority segment (see Appendix B).

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

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

Merrit McKelvy
PERMIT WRITER

January 3, 2014
DATE

SECTION B

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

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

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

Merrit McKelvy
PERMIT WRITER

_____
DATE

30 TAC Chapter 281
APPENDIX B

TIDAL SEGMENTS DESIGNATED AS TCEQ PRIORITY WATERBODIES
COASTAL MANAGEMENT PROGRAM

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

INDUSTRIAL EPA REVIEW CHECKLIST

Permittee Name: DeCordova Power Company LLC and Luminant Generation Company LLC

Permittee Number: WQ0001481000

PLEASE CHECK ALL THE APPLICABLE BELOW:

Draft permit authorizes:

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

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

Merrit McKelvy
Permit Writer's Name

January 3, 2014
Date

ATTACHMENT A

PRIMARY INDUSTRIAL CATEGORIES

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

TPDES PERMIT MAJOR/MINOR RATING WORK SHEET

TPDES No.: **WQ0001481000** **NPDES No.:** **TX0046400**

Facility Name: **DeCordova Power Company LLC Luminant Generation Company LLC**

City/County: **Granbury / Hood**

Receiving Water (Name/Segment No.):

Lake Granbury 1205

Is this facility a steam electric power plant (SIC=4911) with one or more of the following characteristics?

1. Power output 500 MW or greater (no cooling pond/lake).
2. A nuclear power plant.
3. Cooling water discharge greater than 25% of the receiving waters 7Q2 flow rate.

☒ **YES** (score is 600, stop here).
☐ **NO** (continue)

Is this permit for a municipal separate storm sewer serving a population greater than 100,000?

☐ **YES** (score is 700, stop here).
☐ **NO** (continue)

FACTOR 1: Toxic Pollutant Potential

Primary SIC Code: _____

Other SIC Codes: _____ _____ _____ _____

Industrial Subcategory Code _____

Determine the Toxicity potential from Appendix A. Be sure to use the TOTAL toxicity potential column and check one.

Toxicity Group	Code	Points	Toxicity Group	Code	Points	Toxicity Group	Code	Points
☐ No process wastestreams	0	0	☐ 3.	3	15	☐ 7.	7	35
☐ 1.	1	5	☐ 4.	4	20	☐ 8.	8	40
☐ 2.	2	10	☐ 5.	5	25	☐ 9.	9	45
			☐ 6.	6	30	☐ 10.	10	50

CODE NUMBER CHECKED _____
TOTAL POINTS FACTOR 1: _____

FACTOR 2: Flow/Stream Flow Volume (*Complete either Section A or B; check only one*)

SECTION A - Wastewater Flow Only Considered

Wastewater Type		Code	Points
Type I:	Flow < 5 MGD	☐ 11	0
	Flow 5 to 10 MGD	☐ 12	10
	Flow 10 to 50 MGD	☐ 13	20
	Flow > 50	☐ 14	30
Type II:	Flow <1 MGD	☐ 21	10
	Flow 1 to 5 MGD	☐ 22	20
	Flow 5 to 10 MGD	☐ 23	30
	Flow > 10 MGD	☐ 24	50
Type III	Flow < 1 MGD	☐ 31	0
	Flow 1 to 5 MGD	☐ 32	10
	Flow 5 to 10 MGD	☐ 33	20
	Flow > 10 MGD	☐ 34	30

SECTION B - Wastewater & Stream Flow Considered

Wastewater Type	Percent Effluent @ Mixing Zone	Code	Points
Type I/III:	< 10%	☐ 41	0
	10% to 50%	☐ 42	10
	> 50%	☐ 43	20
Type II:	< 10%	☐ 51	0
	10% to 50%	☐ 52	20
	> 50%	☐ 53	30

CODE NUMBER CHECKED FROM SECTION A or B _____
TOTAL POINTS FACTOR 2: _____

TPDES PERMIT MAJOR/MINOR RATING WORK SHEET

TPDES No.: WQ0001481000

FACTOR 3: Conventional Pollutants (*Only when limited by the permit)*

A. Oxygen Demanding Pollutant: (check one) ☐ BOD/CBOD ☐ COD ☐ Other:

			Code	Points
Permit Limits: (check one)	☐	< 100 lbs/day	1	0
	☐	100 to 1000 lbs/day	2	5
	☐	1000 to 3000 lbs/day	3	15
	☐	> 3000 lbs/day	4	20

B. Total Suspended Solids (TSS)

			Code	Points
Permit Limits: (check one)	☐	< 100 lbs/day	1	0
	☐	100 to 1000 lbs/day	2	5
	☐	1000 to 5000 lbs/day	3	15
	☐	> 5000 lbs/day	4	20

C. Nitrogen Pollutant: (check one) ☐ Ammonia ☐ Other:

		Nitrogen Equivalent	Code	Points
Permit Limits: (check one)	☐	< 300 lbs/day	1	0
	☐	300 to 1000 lbs/day	2	5
	☐	1000 to 3000 lbs/day	3	15
	☐	> 3000 lbs/day	4	20

CODE NUMBER CHECKED **A** **B** **C**

POINTS FACTOR 3: **A** ____ + **B** ____ + **C** ____ = ____ **Total**

FACTOR 4: Public Health Impacts

Is there a public drinking water supply located within 50 miles downstream of the effluent discharge (this includes any body of water to which the receiving water is a tributary)? A public drinking water supply may include infiltration galleries, or other methods of conveyance that ultimately get water from the above referenced supply

☐ YES (If yes, check toxicity potential number below)
☐ NO (If no, go to Factor 5)

Determine the human health toxicity potential from Appendix A. Use the same SIC code and subcategory reference as in Factor 1. (Be sure to use the human health toxicity group column - check one below.)

Toxicity Group	Code	Points	Toxicity Group	Code	Points	Toxicity Group	Code	Points
☐ No process wastestreams	0	0	☐ 3.	3	0	☐ 7.	7	15
			☐ 4.	4	0	☐ 8.	8	20
☐ 1.	1	0	☐ 5.	5	5	☐ 9.	9	25
☐ 2.	2	0	☐ 6.	6	10	☐ 10.	10	30

CODE NUMBER CHECKED _____

TOTAL POINTS FACTOR 4: _____

TPDES PERMIT RATING WORK SHEET

TPDES No.: WQ0001481000

FACTOR 5: Water Quality Factors

A. Is (or will) one or more of the effluent discharge limits based on water quality factors of the receiving stream (rather than technology-based federal effluent guidelines, or technology-based state effluent guidelines), or has a wasteload allocation been assigned to the discharge?

	Code	Points
☐ YES	1	10
☐ NO	2	0

B. Is the receiving water in compliance with applicable water quality standards for pollutants that are water quality limited in the permit?

	Code	Points
☐ YES	1	0
☐ NO	2	5

C. Does the effluent discharged from this facility exhibit the reasonable potential to violate water quality standards due to whole effluent toxicity?

	Code	Points
☐ YES	1	10
☐ NO	2	0

CODE NUMBER CHECKED **A** ____ **B** ____ **C** _____

POINT FACTOR 5: **A** ____ + **B** ____ + **C** ____ = ____ **Total**

FACTOR 6: Proximity to Near Coastal Waters

A. Base Score: Enter flow code here (from Factor 2): ____

Enter the multiplication factor that corresponds to the flow code: ____

Check appropriate facility HPRI Code (from PCS):

	HPRI#	CODE	HPRI Score	Flow Code	Multiplication Factor
☐	1	1	20	11, 31, or 41	0.00
☐	2	2	0	12, 32, or 42	0.05
☐	3	3	30	13, 33, or 43	0.10
☐	4	4	0	14 or 34	0.15
☐	5	5	0	21 or 51	0.10
				22 or 52	0.30
				23 or 53	0.60
	HPRI code checked: |__|			24	1.00

Base Score: (HPRI Score) _____ X (Multiplication Factor) _____ = _____ (Total Points)

B. *Additional Points -- NEP Program*
For a facility that has an HPRI code of 3, does the facility discharge to one of the estuaries enrolled in the National Estuary Protection (NEP) program (see instructions)?

	Code	Points
☐ YES	1	10
☐ NO	2	0

C. *Additional Points -- Great Lakes Area of Concern*
For a facility that has an HPRI code of 5, does the facility discharge any of the pollutants of concern into one of the Great Lakes' 31 areas of concern?

	Code	Points
☐ YES	1	10
☐ NO	2	0

CODE NUMBER CHECKED **A** ____ **B** ____ **C** ____

POINT FACTOR 6: **A** ____ + **B** ____ + **C** ____ = ____ **Total**

TPDES PERMIT RATING WORK SHEET

TPDES No.: WQ0001481000

SCORE SUMMARY

Factor	Description	Total Points
1	Toxic Pollutant Potential	
2	Flow/Streamflow Volume	
3	Conventional Pollutants	
4	Public Health Impacts	
5	Water Quality Factors	
6	Proximity to Near Coastal Waters	
	TOTAL (Factors 1 through 6)	

S1. Is the total score equal to or greater than 80?

☐ YES - Facility is a major, stop here.
☐ NO - Facility is NOT a major, proceed to S2.

S2. Do you want the facility to be designated a discretionary major?

☐ YES - Add 500 points to the score above and provide justification below.
☐ NO - Stop here

Justification:

Check appropriate classification:

☐ Major

☒ Minor

☐ Discretionary Major

Merrit McKelvy
Permit Reviewer

512-239-4742
Phone Number

January 3, 2014
Date Reviewed

NEW SOURCE DETERMINATION WORKSHEET

PERMITTEE:	DeCordova Power Company LLC and Luminant Generation Company LLC
TPDES PERMIT NUMBER:	WQ0001481000
NPDES PERMIT NUMBER:	TX0046400
TYPE OF INDUSTRIAL ACTIVITY:	Steam-Electric Power Generation
SIC CODE:	4911
CATEGORICAL GUIDELINES:	Part 423

A. NEW SOURCE DETERMINATION - SCREENING

ANSWER EITHER "YES" OR "NO" TO THE FOLLOWING QUESTIONS AND PROCEED AS DIRECTED:

1. Is there an applicable new source performance standard for this facility?

   Yes X No _____ If YES, proceed to Item No. 2. If NO proceed to Section B, the facility is not a new source.

2. Was the current production facility in existence prior to the promulgation of the applicable new source performance standard?

   Yes X No _____ If NO, proceed to Item No. 3. If YES proceed to Section B, the facility is not a new source.

3. This facility MAY be classified as a new source. Additional information will be required to conduct an evaluation and make a final determination. Please refer to 40 CFR 122.29.

B. NEW SOURCE DETERMINATION - DETERMINATION

PLEASE CHECK THE APPROPRIATE DETERMINATION:

X Facility IS NOT a new source. Determination made via screening in Section A above.

_____ Facility IS NOT a new source. Determination made via evaluation. Please see attached evaluation.

_____ Facility IS a new source. Determination made via evaluation. Please see attached evaluation.

Merrit McKelvy
REVIEWER

January 3, 2014
DATE

ATTACHMENT 1

EPA - REGION 6
NPDES PERMIT CERTIFICATION CHECKLIST

In accordance with the MOA established between the State of Texas and the United States Environmental Protection Agency, Region 6, the Texas Commission on Environmental Quality submits the following draft Texas Pollutant Discharge Elimination System (TPDES) permit for Agency review.

Major X **Minor** _____

POTW _____ **Private Domestic** _____ **Non-POTW** X

Facility Name	DeCordova Power Company LLC		
SIC Code	4911		
Type of operation	Steam-Electric Power Generation		
NPDES Permit No.	TX0046400	**TPDES Permit No.**	WQ0001481000
Segment No.	1205	**Basin**	Brazos River
Receiving Water	Lake Granbury		

Permit Action:	**New**	
	Renewal WITH changes	
	Renewal WITHOUT changes (permit and WQS)	X
	Major Amendment with renewal	
	Amendment/Modification WITHOUT renewal, proceed directly to question 22, below	

Answer the following.	**Yes**	**No**	**N/A**
1. Are there known or potential interstate water issues associated with this permit?		X	
2 . Is there known or potential third-party interest/environmental concern regarding this permit action?		X	
3. Does this facility discharge to a 303(d) listed waterbody/segment?		X	
If **YES**, does the facility discharge any of the pollutant(s) of concern identified in the 303(d) listing?			X
4. Is this permit consistent with the approved WQMP?			X
5. Does the facility discharge to a water body segment which has a finalized TMDL?		X	
If **YES**, does the permit implement the TMDL consistent with the WLAs?			X
6. Does the Fact Sheet document the rationale for the inclusion/omission of permit conditions for each 303(d) listed pollutant of concern or TMDL pollutant?			X
7. Has a priority watershed of critical concern been identified by the U. S. Fish and Wildlife Service for this segment?		X	

	Yes	No	N/A
8. Does this permit authorize ammonia discharges > 4.0 mg/L at the edge of the mixing zone?		X	
9. Does this permit require testing for Whole Effluent Toxicity in accordance with the state's standard practices and implementation plan?	X		
10. If this facility has completed and implemented a Toxicity Reduction Evaluation (TRE), has any subsequent toxicity been identified?		X	
11. Does this permit propose to grant a variance request *(WQS, FDF, etc.)* or does it incorporate a proposed or final approval of a variance request?		X	
12. If a POTW is ≥ 5 MGD, does it have an approved Pretreatment Program?			X
13. Since the last permit issuance, has the POTW had a new Pretreatment Program approved or a Pretreatment Program modification approved?			X
14. Does this permit contain authorization for wet weather related peak-flow discharges?		X	
15. Does this permit include a bypass of any treatment unit or authorize overflows in the system?		X	
16. Does this permit include provisions for effluent trading?		X	
17. Does this permit contain specific issues on which EPA and the state are not in agreement regarding the permitting approach?		X	
18. Is this facility subject to a national effluent limitations guideline? Please specify: 40 CFR Part 423	X		
19. Does this permit contain "first-time" implementation of a new federal guideline, policy, regulation, etc.? Please specify:		X	
20. Is this a new facility or an expansion of an existing facility?		X	
For an **EXISTING** facility, if any limits have been removed or are less stringent than those in the previous permit, is it in accordance with the anti-backsliding regulations?			X
21. Does this permit incorporate any exceptions to the standards or regulations?		X	
22. Is this is a permit modification/amendment? Please specify: NONE		X	

Name: Merrit McKelvy

Date January 3, 2014

TOXIC RATING WORKSHEET

TPDES Permit No.:	WQ0001481000
NPDES Permit No.:	TX0046400
Permittee:	DeCordova Power Company LLC Luminant Generation Company LLC Luminant Generation Company LLC
Facility:	Decordova Steam Electric Station
SIC Codes:	1. 4911 2. 3. 4.
40 CFR Section:	Part 423
Toxic Rating for Facility:	2
Permit Writer:	Merrit McKelvy Date: January 3, 2014

CALCULATE TOXIC RATING FOR THE FACILITY

For each outfall listed below, list the percent contribution to the total wastewater flow from the facility and the toxic rating for the outfall.

OUTFALL No.	% Contribution	Toxic Rating	Rating × Percent
001	99.53	II	199.06
101	0.47	III	1.41
201	(No Discharge)	N/A	--
	Total 100		Total: 200.47

Toxic Rating for Facility = Total/100 = 2 (round to nearest whole #)

OUTFALL NO.: 001

List waste streams in order of percent contribution to outfall and toxic rating for each waste stream:

Description of Waste Stream	%	Toxic Rating	Rating × Percent
Once-through cooling water	99.53	II	199.06
Previously monitored effluent (See Outfalls 101 and 201 on the following pages)	0.47	III	1.41
	Total 100		Total: 200.47

OUTFALL NO.: 101

List waste streams in order of percent contribution to outfall and toxic rating for each waste stream:

Description of Waste Stream	%	Toxic Rating	Rating × Percent
Low volume wastes	100	III	300
Stormwater runoff from yard drains and the diked oil storage area	Variable	II	N/A
	Total 100		Total: 300

Toxic Rating for Outfall = Total/100 = 3 (round to nearest whole #)

OUTFALL NO. 201

List waste streams in order of percent contribution to outfall and toxic rating for each waste stream:

Description of Waste Stream	%	Toxic Rating	Rating × Percent
Metal Cleaning wastes	0	V	0
Low volume wastes	0	III	0
	Total 100		Total: 0

Toxic Rating for Outfall = Total/100 = 0 (round to nearest whole #)

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Mike Lindner, Team Leader
Industrial Permits Team, Wastewater Permitting Section

DATE: January 3, 2014

Thru: Peer Reviewer: _____

From: Merrit McKelvy, Permit Writer
Industrial Permits Team, Wastewater Permitting Section

Subject:

Applicant:	DeCordova Power Company LLC				
Plant Name:	DeCordova Steam Electric Station				
☒ **TPDES**	☐ **TCEQ**	WQ0001481000		**EPA ID. No.**	TX0046400
Industrial:	☐ **Minor**	☒ **Major**			
Toxic Rating:		**Stream Segment:**		1205	
Received:	November 5, 2013	**Administratively Complete:**		November 27, 2013	
Assigned:	December 20, 2013	**To Team Leader:**		January 4, 2013	
Tech Complete:					

ATTACHMENTS:	**State-Only**	**TPDES**
New	☐	☐
Renewal	☐	☒
Major Amendment	☐	☐
Minor Amendment	☐	☐
Staff Initiated Amendment	☐	☐
Fact Sheet	☐	☒
SOB/Technical Summary	☐	☐

RATIONALE Used to Draft Permit:		
☒	**Federal Guidelines:**	40 CFR Part 423
☐	**Waste Load Evaluation:**	
☒	**TCEQ Rules:**	30 TAC Chapters 305, 307, and 319
☒	**Existing Permit:**	WQ0001481000
☒	**Other:**	*Procedures to Implement the Texas Surface Water Quality Standards*, BPJ

Company's Rep: Mr. Gary Spicer

Phone #: (214) 875-8299 Fax #: (214) 875-8699

Known Opposition: _None_ If yes, briefly explain: _____

Comments:

FILE LOCATION: I:\WQ\IND\ERC AND REGION PERMITS\WQ0001481000.doc

ATTACHMENT B

TPDES Permit No. WQ0001481000

APPLICATION by	**§**	**BEFORE**
DECORDOVA POWER CO., LLC	**§**	**THE**
AND	**§**	**TEXAS COMMISSION**
LUMINANT GENERATION CO.,	**§**	**ON**
LLC for TPDES	**§**	**ENVIRONMENTAL**
Permit No. WQ0001481000	**§**	**QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the application by DeCordova Power Company, LLC and Luminant Generation Company, LLC (Applicant) for renewal of Texas Pollutant Discharge Elimination System (TPDES) permit No. WQ0001481000, and on the ED's preliminary decision on the application. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the ED prepares a response to all timely, relevant and material, or significant comments.

The Office of Chief Clerk received timely comment letters from the following persons: Edwin Seilheimer, Jerome Kearby, Sue Rearden, David Siedal, Christy Nix, Virginia Fisher, John Hoffman, Craig Templin, Daniel Meyers, Audrie Sherrod, Kathy Giles, William Demharter, Jerry Sparrow, Lisa Armstrong, Connie Talmadge, Bill Allan, Jerry Boyle, Richard Broussard, Jim Cagle, Nealla St. Clair, Brett Grier, Jana Barr, Bryan Edmonson, Barbara McMurray, Make A Way Ministries, Martin Keathley, J. Yvonne Nowell, Patricia Waddell, Marsha Cassle, Tori Schaneman, Dan Leach, Katie Plecity, Donald Porter, Bobby Todd, Stan Williams, Cathy Weeks, Charles Peoples, Edward Ferrero, Mark Danielson, Paul Garraway, John Cristensen, Kathy Benson, Dennis Stowe, Shirley Christensen, Bill Mitchell, Dan Lewis, James Greene, Max Stemple, Glenna Huber, Brad Reynolds, Jerry Wackerhagen, Chris Troyak, Sandra Griffis, Glenda Sargent, Sue Thompson, Lt. Col. Michael Putnam, Will Steed, Gary Hill, John Jones, David Templeton, Edwin Abbot, Boyd Schaneman, Larry Birkelbach, Barry Stokes, Albert Matras, Carey Tatum, William Murphy, Wendy Stowe, Dan Reeder, William Brock, Christy Newman, Bill Kramer, David Dowell, Lisa Rodriguez, Randy James, R. Danny Campbell, Bill Allan, Gregory Talmadge, Deena Spivey, Jeff Morris, Michael Combs, Michael Lease, Judy McHugh, Deanna Ramaker, Mindi Kitten, Ruth Rechsteiner, James Moore, Alison Hager, John Hickman, Gary Simerson, Stanton Cross, Ronald Cleaver, Sandi Seyedi, Noble Choat, Eddy Herrera, Dale Longbine, Bill Miller, William Rhodes, Bradley Reynolds, Jim Boots, Grant Mackie, James Veale, Jan Siefert, Philip Loveless, Gary Olsen, David Harlow, James Bernier, Colleen Christianson, Linda Facer, Cindy Hickman, Alison Grinter, George Munford, Walter Garlington, Holly Dale, Edward Reiter, Darlene Rutledge, Sherry Johnson, Kenneth Edwards, Genie Cass, Christina Bredenkamp, John Phillips, Douglas Rood, Joe Williams, Michael Nickolaus, Joey Johnson, Richard Garner, Janet McClain, Myron

Sherar, Mike Connors, Elgan Goodman, Debra Davis, Lind Foster, Jack MacArthur, Sue Bryson, David Cohen, Thomas Koepke, James Doherty, Douglas Hay, Larry Boyd, Rene Poe, Gayle Curtis, Betty Jo Williams, IceMaur Simpson, Fred Doyle, Larry Curtis, Van Vernon, William Chilton, Wes Robinson, Leah Chapman, Thomas Genry, Mike Connor, Wesley Grinter, Carolyn Riley, Deena Spivey, Joe Williams, and Audie Sherrod.

This response addresses all timely public comments received by the Office of the Chief Clerk 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 is also on our website at http://www.tceq.texas.gov/

BACKGROUND

The Applicant applied to the TCEQ for a renewal of TPDES Permit No. WQ0001481000, which authorizes the discharge of once-through cooling water and previously monitored effluent (low volume wastes, stormwater runoff from yard drains and the diked oil storage area, and metal cleaning wastes) at a daily average flow not to exceed 1,041,480,000 gallons per day at the DeCordova Steam Electric Station (facility).

Description of Facility

The facility is located at 4950 Power Plant Court in Granbury Texas, on the southwest shore of Lake Granbury along County Road 312, approximately seven miles southeast of the intersection of U.S. Highway 377 and State Highway 144 in the City of Granbury, Hood County, Texas 76408.

Procedural Background

The TCEQ received the TPDES renewal application on November 5, 2013, and declared it Administratively Complete on November 27, 2013. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) on December 14, 2013, in the *Hood County News*. The ED completed the technical review of the application on January 8, 2014, and prepared a draft permit, which if approved, would establish the conditions under which the facility must operate. The Applicant published the Notice of Application and Preliminary Decision for a Water Quality Permit (NAPD) on March 29, 2014, in the *Hood County News*. The Applicant published the Notice of Public Meeting on June 7, 2014 in the *Hood County News*. On July 8, 2014, the TCEQ held a public Meeting in the City of Granbury, Texas. This application's comment period closed at the end of the public meeting on July 8, 2014. This application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999 because the application was administratively complete on or after September 1, 1999.

Access to Rules, Laws and Records

- All administrative rules: Secretary of State Website: www.sos.state.tx.us
- TCEQ rules: Title 30 of the Texas Administrative Code: www.sos.state.tx.us/tac/
- (select TAC Viewer on the right, then Title 30 Environmental Quality)

- Texas statutes: http://www.statutes.legis.state.tx.us/
- TCEQ website: http://www.tceq.texas.gov/ (for downloadable rules in WordPerfect or Adobe PDF formats, select "Rules," then "Current TCEQ Rules," then "Download TCEQ Rules")
- Federal rules: Title 40 of the Code of Federal Regulations (C.F.R.): www.epa.gov/epahome/ cfr40.htm
- Federal environmental laws: www.epa.gov/epahome/laws.htm
- Environmental or Citizen Complaints may be filed online at: http://www.tceq.state.tx.us/enforcement/complaints/index.html.
- Or by sending an email to the following address: cmplaint@TCEQ.state.tx.us.

Commission records for the proposed facility are available for viewing and copying at TCEQ's main office in Austin, located at 12100 Park 35 Circle, Building E, Room 103 (Central Records, for existing or past permits), or Building F, 1st Floor (Office of Chief Clerk, for the current application until final action is taken). The permit application, proposed permit, fact sheet, and the ED's preliminary decision have been available for viewing and copying at the Hood County Courts Building in the County Clerk's Office, 1200 West Pearl Street, Granbury, Texas.

The ED has determined that the proposed permit, if issued, meets all statutory and regulatory requirements and is protective of the environment, water quality, and human health. However, if you would like to file a complaint about the facility concerning its compliance with provisions of its permit or with TCEQ rules, you may contact the Agency at 1-888-777-3186 or you may contact the TCEQ Region 4 Office in Ft. Worth, Texas at (817) 588-5800 to address potential permit violations. If an inspection by the Regional office finds that the facility is out of compliance, the facility may be subject to enforcement actions.

COMMENTS and RESPONSES

COMMENT 1

Jim Cagle, Kathy Benson, Dan Lewis, Jeff Morris, Connie Talmadge, Christy Nix, John Hoffman, Daniel Myers, Audie Sherrod, William Demharter, Bill Allan, Jerry Boyle, Richard Broussard, Nealla St. Clair, Jana Barr, Bryan Edmonson, Tori Schaneman, Dan Leach, Katie Plecity, Donald Porter, Bobby Todd, Daniel Meyers, Tori Schaneman, Douglas Rood, Patricia Waddell, Paul Garraway, Mark Danielson, Cathy Weeks, John Christensen, Dennis Stowe, Shirley Christensen, James Greene, Glenna Huber, Brad Reynolds, Chris Troyak, Sandra Griffis, Glenda Sargent, Sue Thompson, Lt. Col. Michael Putnam, Gary Hill, John Jones, David Templeton, David Dowell, David Siedal, Boyd Schaneman, Larry Birkelbach, Carey Tatum, William Murphy, Wendy Stowe, Dan Reeder, William Brock, Bill Kramer, Lisa Rodriguez, Gregory Talmadge, Deena Spivey, Marsha Cassle, Ruth Rechsteiner, Alison Hager, Sandi Seyedi, Eddy Herrera, Bradley Reynolds, James Veale, Philip Loveless, Colleen Christianson, Cindy Hickman, Alison Grinter, Walter Garlington, John Phillips, Joe Williams. Joey Johnson, Brett Grier, Richard Garner, Barry Stokes Christy Newman, John Hickman, Max Stemple, Mike Connors, Felix Van Dale, Don Poe, Mickey Parson, Will Steed and Bryce Johnson all

commented that they are concerned about and are opposed to the request for the sale of and removal of additional water out of Lake Granbury.

RESPONSE 1

The renewal application for TPDES Permit No. WQ0001481000 was submitted in accordance with all applicable rules and regulations. The application requests a renewal of the existing authorization to discharge wastewater to Lake Granbury. Neither the Texas Water Code, nor the TCEQ rules provide the TCEQ with the authority to deny an application for a renewed water quality permit based on issues pertaining to water rights or availability. Concerns over water supply or the impact of additional or modified water rights permits may be directed to the TCEQ's Water Availability Division, which can be reached via the main line at 512-239-4691.

COMMENT 2

Jerome Kearby, Lisa Armstrong, John Christensen, Dennis Stowe, Shirley Christensen, James Greene, Jerry Wackerhagen, Lt. Col. Michael Putnam, Will Steed, Gary Hill, Dan Reeder, David Dowell, Lisa Rodriguez, Randy James, Mindi Kitten, James Moore, Gary Simerson, Noble Choat, Eddy Herrera, Dale Longbine, Glenda Sargent, Jan Seifert, Philip Loveless, David Harlow, Douglas Rood, Darlene Rutledge, Kenneth Edwards, Chris Troyak, and Sue Thompson all commented that they are concerned about the proposed permit's impact on waterfront property values. Additionally, Lt. Col. Michael Putnam and Jan Seifert commented that they are concerned about the prospect of higher property taxes.

RESPONSE 2

The TCEQ's jurisdiction in a wastewater permit application is limited to the issues set out in Chapter 26 of the Texas Water Code. The TCEQ does not have jurisdiction to consider property values when reviewing an application for a wastewater permit. However, the permit does not limit the ability of a nearby landowner to seek relief from a court in response to activities that may interfere with a landowner's use and enjoyment of his or her property.

COMMENT 3

Jerome Kearby, Jerry Sparrow, Lisa Armstrong, Martin Keathley, Craig Templin, Ronald Cleaver, Barbara McMurray, Mickey Parson, Dan Leach, Todd Garner, and Edwin Seilheimer all commented that they are concerned about and opposed to the Applicant's plans to sell off significant volumes of Lake Granbury when the lake is already significantly depleted. The loss of significant volumes of water may cause restrictions in individual water use because of the restricted flows and drastically reduced lake levels.

Additionally, Mike Connors, Edward Reiter, and Christina Bredenkamp commented that they question whether a part of the requested 1 billion gallons per day should be returned to Lake Granbury, or if the TCEQ knows of any reason the water from the

Brazos river cannot be returned in Lake Granbury for downstream use rather than holding it further upstream in Possum Kingdom Reservoir?

Ken Hackett commented that he questions what the TCEQ's understanding of Lake Granbury's original purpose for establishment was, was it originally established to ultimately become the make-up water reservoir for such a large nuclear facility?

RESPONSE 3

The TCEQ's jurisdiction in a wastewater permit application is limited to the issues set out in Chapter 26 of the Texas Water Code. Chapter 26 does not provide the TCEQ with the authority to consider the sale or availability of surface water or ground water in evaluating an application for a water quality permit. The Texas Water Code and the TCEQ Rules and Regulations do not provide the TCEQ with the authority to approve or prohibit the withdrawal of water in a TPDES Permit. The withdrawal of water from Texas water bodies is regulated under a Water Rights authorization. This includes the release of water, or lack thereof, from a reservoirs or surface water bodies in the State. Concerns over the impact of additional or modified water rights permits may be directed to the TCEQ's Water Availability Division, which can be reached at 512-239-4691.

The discharge from the facility is discharged directly to Lake Granbury. The volume of water (a permitted daily maximum of 1,041,480,000 gallons per day) is authorized for discharge to Lake Granbury only. There is no authorization in the proposed permit to discharge any volume of water to any other reservoir or stream. Water rights and the sale or distribution of water by the owners of the water dictate if water is stored in Possum Kingdom reservoir, or released from any other reservoir. For matters related to water rights, please contact the Water Availability Division at 512-239-4691.

Lake Granbury was created for multiple uses that it currently serves and was not established solely, or eventually, to become a make-up reservoir for a nuclear facility.

COMMENT 4

John Cristensen, Shirley Christensen, Dan Lewis, Joey Johnson, Deanna Ramaker, John Hickman, Stanton Cross, Cathy Weeks, Jerry Wackerhagen, Brad Reynolds, Boyd Schaneman, Lisa Armstrong, Jerry Sparrow, Brett Grier, Paul Garraway, James Greene, Chris Troyak, Will Steed, John Jones, David Templeton, Edwin Abbott, Barry Stokes, William Murphy, Wendy Stowe, R. Danny Campbell, Gregory Talmadge, James Moore, Jim Boots, Colleen Christianson, Genie Cass, Douglas Rood, Felix Van Dale, and Dave Eagle all commented that they are concerned about the proposed permit's adverse impact to the local economy, jobs, and businesses dependent on tourism.

RESPONSE 4

The economic impact of the proposed permit is not considered during the review of an application for a water quality permit. The Texas Water Code and the TCEQ rules do not provide the TCEQ with the statutory authority to consider the impacts to the local economy, job market, or businesses from the permitting action. While the review does

not include a review of economic impacts, the proposed permit does not limit the ability of nearby landowners to seek relief from a court in response to activities that may interfere with the use and enjoyment of his or her property.

COMMENT 5

J. Yvonne Nowell, Joe Williams, James Moore, and Ronald Cleaver all commented that the financial motivations of the Applicant in pursuing the proposed permit are suspect.

RESPONSE 5

The TCEQ reviewed the application for renewal of TPDES Permit No. WQ0001481000 based on the Texas Water Code and the TCEQ Rules. The Texas Water Code and the TCEQ Rules do not provide the TCEQ with the authority, when evaluating an application for a water quality permit, to consider the financial benefits of any party involved or affected by the issuance of a water quality permit.

COMMENT 6

In relation to the use of water from Lake Granbury, Stan Williams, John Christensen, and Edwin Abbot all commented that they are concerned about and opposed to the reasoning behind the proposed permit.

Additionally, Elgan Goodman commented that he questions whether the amount of, or gallons of water asked for by the Applicant is in line with actual needs, and Felix Van Dale commented that the impact of 10 million gallons of water lost through evaporation has a gigantic impact on Lake Granbury, and it should not be minimized

RESPONSE 6

The Texas Water Code and the TCEQ Rules do not provide the TCEQ with the authority to limit an Applicant's total consumptive use of water (i.e., loss to evaporation in a cooling system) in a water quality permit. The owner, operator, or both determine a facility's water needs. The consumptive use and acquisition of water is not considered in evaluating an application for a water quality permit, as the TCEQ is not given the authority to do so by the Texas Water Code and the TCEQ Rules.

COMMENT 7

Ken Hackett commented that he questioned whether the new water management scheme and the adoption of the "zonal draw down" that was developed & implemented by the Brazos River Authority under the Halff Report, had been approved by the TCEQ or other Texas Regulatory Agencies, and whether it adhered to the Texas Water Code."

RESPONSE 7

The TCEQ is aware of the "Halff Report," which is understood to mean the *Brazos River Authority PK-Granbury-Whitney Water Management Study* (May 2011); however, this

document was not a report required by the TCEQ, and the report's contents were not approved by the TCEQ. The Brazos River Authority does hold water rights permits with the TCEQ, and information regarding compliance with such permits can be obtained by contacting the Water Availability Division at 512-239-4691. The Texas Water Code and the TCEQ Rules do not provide the TCEQ with the authority to consider the distribution or sale of water in evaluating a water quality permit application; therefore, the Halff Report was not considered during the administrative or technical review of the application for renewal of TPDES Permit No. WQ0001481000.

COMMENT 8

Edwin Seilheimer commented that the proposed permit's water use request is grossly excessive given that the main generators at the DCBE plant have been de-activated.

RESPONSE 8

Because the TCEQ does not have the statutory authority to deny an application for a water quality permit based on a facility's operational status, the operational status of a facility does not prohibit the facility from applying for a water quality permit.

A TPDES permit does not authorize the withdrawal of surface water from Lake Granbury or any surface or ground water in the State. The flow volume limited in the draft permit and Notice of Application and Preliminary Decision represents a discharge volume only. The application was to renew TPDES Permit No. WQ0001481000 without changes; therefore, existing effluent limitations, including discharge flow volume limitations, were not modified.

COMMENT 9

Randy James, John Cristensen, Dennis Stowe, Bill Mitchell, James Greene, Chris Troyak, Lt. Col. Michael Putnam, Boyd Schaneman, Deanna Ramaker, Alison Hager, Gary Simerson, Dale Longbine, Jan Seifert, James Bernier, and John Hoffman all commented on the loss of recreational use of Lake Granbury because of the reduced water level of Lake Granbury.

RESPONSE 9

The TCEQ does not have jurisdiction to address water availability issues in the context of the wastewater permitting process. The Texas Water Code, TCEQ rules, and the TPDES permitting process restrict the scope of the technical review of the proposed permit to the quality of the effluent as it relates to the uses of the receiving waters, which include primary contact recreation. The loss of recreational use due to influences other than the quality of the effluent discharged via a TPDES permitted facility, such as the availability of surface water for recreation or drinking water, is not within the scope of TCEQ's jurisdiction as it related to the wastewater permitting process.

COMMENT 10

James Bernier, Linda Facer, and Cindy Hickman all commented on the inappropriateness of the Notice of Application and Preliminary Decision being placed on the last or back page of the Saturday issue of the Hood County News.

RESPONSE 10

The Texas Water Code and the notice rules of the TCEQ, found at 30 TAC Chapter 39 do not provide the TCEQ with the authority to dictate where Public Notices are placed within a publication.

COMMENT 11

William Rhodes, James Veale, Jan Seifert, Gary Olsen, James Bernier, Linda Facer, Alison Grinter, George Munford, Walter Garlington, Holly Dale, Genie Cass, Joe Williams, Mark Danielson, Brad Reynolds, Sue Thompson, James Moore, Janet McClain, David Harlow, Richard Garner, Stan Williams, Grant Mackie, Michael Combs, Michael Lease, Judy McHugh, Kenneth Edwards, Bradley Reynolds, Jerry Wackerhagen, Edward Ferrero, Carey Tatum, Cathy Weeks, Jerry Wackerhagen, Boyd Schaneman, William Murphy, Philip Loveless, Colleen Christianson, Michael Nickolaus, Cindy Hickman, and Myron Sherar all commented expressing concern for the impacts to wildlife, the ecosystem, and the environment from the resulting water quality of Lake Granbury, which is a result of the proposed permit and the lack of flow and loss of water in the Brazos River.

Likewise, David Harlow and Cindy Hickman both commented that Lake Granbury is already extremely low with algae blooms, fish kills, and mosquito ponds. Similarly, Richard Garner commented that Lake Granbury's water quality is one of the worst in Texas and adding an additional pollution from cooling towers is not a good idea.

RESPONSE 11

The proposed permit was designed to protect the receiving waters by monitoring and limiting the quantity of pollutants discharged, with the ultimate goal of protecting and maintaining the designated uses of the receiving water as defined in 30 TAC Chapter 307 (Texas Surface Water Quality Standards (TSWQS)). The permit authorizes the discharge of once-through cooling water, as opposed to cooling tower blowdown. The difference in the character of the two types of wastes is sufficient to require a major amendment to the proposed permit if that authorization were to change. The application did not indicate a request to discharge cooling tower blowdown.

Designated uses for Lake Granbury include high aquatic life, primary contact recreation, and public water supply. Numerical water quality-based effluent limitations for pollutants, presented in Appendix B of the proposed permit, represent the levels at which these pollutants must be below for the TCEQ to consider the discharge of wastewater to be in compliance with the TSWQS, and the level at which the designated uses mentioned above, are expected to be protected and maintained. The water quality-

based effluent limitations of Appendix B are calculated according to criteria established in the TSWQS, as well as site-specific water quality data included in the TSWQS and the Procedures to Implement the TSWQS (January 2010).

The renewal process of TPDES permits requires reassessment of receiving waters in the discharge route, reevaluation of the critical conditions, and recalculation of the water quality-based effluent limitations. Likewise, the dissolved oxygen modeling, bio-monitoring results, and all existing permit terms and conditions undergo a new review to ensure the permit terms and conditions are up to date and are appropriate for protecting the receiving water from the discharge from the permitted facility.

Events such as fish kills, algal blooms, and mosquito proliferation are not expected to result from the discharge from the facility so long as the Applicant complies with the TPDES permit terms and conditions. If these events or any nuisance conditions are observed in Lake Granbury, reports to the TCEQ Region 4 offices are encouraged.

The Texas Water Code, TCEQ regulations, and the TPDES permitting process restricts the scope of the technical review of the draft permit to the quality of the effluent as it relates to the uses of the receiving waters. Therefore, while the TCEQ does not have jurisdiction to address water availability or water level issues as they relate to wildlife and safety, in evaluating a water quality permit application, reports of any observance of nuisance conditions that are a threat to public safety and the environment are encouraged. As mentioned above, in the event a fish kill or wildlife deaths are observed, the TCEQ Region 4 Office can be notified and may initiate an investigation into the cause of the kill event(s).

For Lake Granbury, TCEQ Region 4 office can be reached at 817-588-5800. An environmental compliant may also be filed by dialing the Environment Complaints Hot Line at 888-777-3186. Citizen complaints may also be filed on-line at http://www2.tceq.texas.gov/oce/complaints/index.cfm. For concerns over the availability of water, the Water Availability Division can be reached at 512-239-4691.

COMMENT 12

William Rhodes and Deena Spivey commented that the impact to Lake Granbury from the proposed permit should be explained to the public.

RESPONSE 12

TPDES Permits are based on rules and regulations that are developed through research and the subsequent creation of numerical criteria that pollutant loading limitations are based on. Narrative terms and conditions, such as management practices, may also be used to protect the receiving water from impacts. Permit terms and conditions are determined to be protective against adverse impacts, and may be subsequently modified if it is determined that the discharge may be having an adverse impact.

Any such impacts are assessed via the TCEQ's Surface Water Quality Monitoring program, which collects water samples and analyzes them for specific water quality parameters. This analysis can be used to evaluate the effectiveness of controls such as

TPDES permits. Currently, no impairments for any pollutant parameters for Lake Granbury were identified in the latest (2012) Clean Water Act's Section 303(d) list. The Section 303(d) list is a list prepared by the EPA of water bodies in the State of Texas that are considered impaired for a specific pollutant parameter based on the analytical results from Surface Water Quality Monitoring (SWQM) Program. The SWQM Program assess the "holistic approach" or "big picture" with respect to water quality through collection of physical, chemical, and biological samples from over 1,800 surface water bodies and sites throughout the state. The terms and conditions of the proposed permit have historically protected and maintained the designated uses of Lake Granbury with respect to the discharge from the facility, and the terms and conditions to be renewed are expected to continue to protect and maintain the designated uses.

COMMENT 13

Stan Williams, Marsha Cassle, Glenna Huber, Albert Matras, James Moore, Joe Williams, Sue Thompson, James Bernier, Nealla St. Clair, Michael Combs, Michael Lease, Sue Rearden, Ken Hackett all commented expressing opposition to the use of water from Lake Granbury in cooling towers and creating electricity. The commenters question why the TCEQ is not requiring the Applicant to explore new and more water-efficient methods to operate power plants.

RESPONSE 13

The cooling technology employed by the facility or the cooling water source(s) utilized by a facility, is not regulated through a TPDES permit, as the TCEQ does not have the authority to dictate the type of technology or technologies used in an industrial process.

COMMENT 14

Charles Peoples commented that he would like to know the environmental impact of the proposed permit's daily volume of hot water returning to Lake Granbury would be.

Similarly, Todd Garner commented that he would like to know what the temperature of the cooling water returned to Lake Granbury would be, and whether or how much the temperature of Lake Granbury is raised, how much heat is dissipated into the lake, and how much additional evaporation does that lead to in Lake Granbury.

RESPONSE 14

The TCEQ received an Interim Objection from the United States Environmental Protection Agency (EPA) on April 2, 2014 regarding effluent limitations for temperature. Correspondence letters dated April 29, 2014 and May 12, 2014, between the TCEQ and EPA, establish conditions for existing permitted facilities with daily average and daily maximum temperature limits in excess of current criteria included in the TSWQS to characterize the thermal plume of the discharge with the use of a model, mass balance, or via collected or existing in-stream temperature data. These conditions are applicable to the facility. The TCEQ has also established a timeline included in the April 29, 2014 letter, which initiated a Stakeholder process to establish objectives,

identify challenges, and receive input on modeling approaches and screening procedures. Research and benchmarking is to be conducted, the results of which are to be used to update and implement any revisions to the TSWQS that may result. The TCEQ's approach to resolve the Interim Objection for temperature was approved by EPA in the May 12, 2014 letter.

The existing effluent limitations for temperature have been included in the proposed permit and are established in accordance with the current TSWQS; additional requirements to ensure that thermal impacts are adequately assessed have been included in the proposed permit. The additional requirements include characterizing the thermal plume of the discharge and reporting the results to the TCEQ. Upon receipt of the results, the TCEQ may modify the existing temperature limitations, update the TSWQS, or both to ensure the environmental impact of thermal discharges does not cause or contribute to any exceedance of the TSWQS. On October 21, 2014, the TCEQ received a letter from the EPA withdrawing the interim objection.

The daily maximum average temperature of the discharge cannot exceed 105˚F and still comply with the permit. The latest recorded discharges reached a maximum temperature of 95˚F. The TCEQ does not currently have data detailing the overall temperature added to Lake Granbury by the discharge, or the amount of additional evaporation caused by the discharge. A review of historical data indicates an average temperature downstream of the discharge of approximately 68.9˚F (February 1993 through March 1996 - Monitoring Station No. 13932). The TCEQ considers the current effluent limitations for temperature to be protective of the existing in-stream uses (contact recreation, high aquatic life, and public water supply). Adverse impacts to Lake Granbury are not expected because of the temperature of the discharge. Additionally, the 2012 Clean Water Act Section 303(d) list does not indicate any impairment to Lake Granbury from temperature.

COMMENT 15

Walter Garlington commented that because the adjacent county (Hood) has been classified as an EPA "non-attainment" area for air quality, Mr. Garlington wonders if a "Pre-Attainment New Source Review" has been performed by the State of Texas to make certain that the two new power plant sources do not further degrade the air-quality. If so, Mr. Garlington requests that the results of the study be released to the public so that everyone can know what the predicted results will be on Hood County's air quality.

RESPONSE 15

The proposed permit, TPDES Permit No. WQ0001481000 is a permit to discharge wastewater into waters in the state. Air Quality authorizations and monitoring are handled by the Office of Air. Please direct any questions or concerns regarding air quality to the TCEQ's Office of Air at 512-239-1459. Information regarding TCEQ's air programs is available online at https://www.tceq.texas.gov/agency/air_main.html.

COMMENT 16

Elaine Allan commented that she would like the information regarding the correlation between low lake levels and environmental and ecosystem impacts from bacteria and pollutants provided to her.

RESPONSE 16

The proposed permit's water quality-based effluent limitations were calculated based on the "critical condition" assumption that the receiving water is 100 percent discharged-effluent. In other words, the limitations must be stringent enough to be protective of the designated uses of Lake Granbury (high aquatic life use, primary contact recreation, and public water supply) under the assumption that the only source of water to Lake Granbury is the discharge from the facility. Therefore, it is expected that if the water quality-based effluent limitations in the proposed permit are met by the facility, the discharge from the facility will not contribute to any non-attainment of water quality standards for Lake Granbury regardless of lake level.

There are no known sources of bacteria in the discharge from this facility, and the most recent Clean Water Act 303(d) list does not indicate any impairment of Lake Granbury from bacteria. Currently, the TCEQ does not have data that identifies any correlation between low lake levels and bacteria proliferation; however, the discharge from this facility is not expected to contribute to bacteria levels, as there is not a domestic (human waste) component to the discharge.

COMMENT 17

Colleen Christianson commented that there have been substantial changes in Lake Granbury's water level since the Brazos River Authority new water management plan has taken effect. Ms. Christianson comments that the changes are very apparent as her lake frontage is now just a swamp, and as the water recedes from coves, massive fish kills occur. Ms. Christianson comments that the new management plan is not just affecting the lake level, it is ecologically unhealthy as it is a perfect breeding ground for West Nile Virus mosquitos. Ms. Christianson questions if the TCEQ is looking at the Lake Granbury area as a whole, including both water and air, when it considers any new or renewal applications that are or could be going through the system in the near future.

RESPONSE 17

Any environmental nuisances posing a threat to safety, such as fish kills and swampy conditions that cause the proliferation of mosquitos, should be reported to the TCEQ's Region 4 Office for investigation. The low lake levels that appear to be contributing to the mosquito proliferation and fish kills is not an issue under the jurisdiction of the TPDES Program because the scope of the TPDES regulations is limited to the discharge from the facility. The discharge itself and the calculated water quality-based effluent limitations are designed to be protective, as the facility's discharge was evaluated at 100 percent effluent in the critical conditions (worst case scenario). In other words, the discharge must meet the same quality required of Lake Granbury to achieve the

designated uses of contact recreation, public water supply, and high aquatic life use. Nuisance conditions resulting from improper water management practices (i.e., the over-release of water to levels that are a threat to safety) may be reported, along with requests for any information regarding the water rights, to the TCEQ's Water Availability Division at 512-239-4691.

The TCEQ's Air Program is a separate permitting program from the Water Quality Division; however, the TCEQ does look at Lake Granbury and surrounding water bodies as a whole by monitoring water quality via the Surface Water Quality Monitoring Program. This allows the TCEQ to identify emergent water quality issues and initiate action via TPDES permits once water quality impairments have been identified. Lake Granbury is not currently listed for any impairment as of the release of the 2012 Clean Water Act Section 303(d) list.

COMMENT 18

Joe Williams commented that he would like to know if there have been any new studies conducted that take into consideration the water quality and the heat capacity in regard to the proposed permit when the lake is at 60%, 50%, or 40% capacity.

RESPONSE 18

The TCEQ is unaware of the performance of any studies with respect to thermal discharges and lake capacity. The TCEQ does not currently evaluate temperature limitations based on varied lake levels or capacity; however, the existing effluent limitations for temperature have been included in the proposed permit and are established in accordance with the current TSWQS; additional requirements to ensure that thermal impacts are adequately assessed have been included in the proposed permit. The additional requirements include characterizing the thermal plume of the discharge and reporting the results to the TCEQ. Upon receipt of the results, the TCEQ may modify the existing temperature limitations, update the TSWQS, or both to ensure the environmental impact of thermal discharges does not cause or contribute to any exceedance of the TSWQS.

COMMENT 19

Paul Davis commented that according to the *Hood County News*, the water permit requested by the Applicant is to put water into Lake Granbury rather than discharge it. Mr. Davis comments that he does not understand this because why would someone need a permit and would anyone oppose putting more water in Lake Granbury. Mr. Davis commented that he would like to know where the additional water comes from. Mr. Davis commented that he would like to know the facts and issues surrounding this permit because at one point, he was told that the Applicant is building a plant downstream and releasing lake water.

RESPONSE 19

The term "discharge" is a release of wastewater into or adjacent to waters in the state. Water is withdrawn from Lake Granbury, the majority of which is used by the facility for cooling purposes, and then discharged directly back to Lake Granbury. There are some losses to evaporation, but the majority of water is returned to Lake Granbury. A permit is needed for the discharge of wastewater, which is called Texas Pollutant Discharge Elimination System (TPDES) permit. A TPDES permit is a legal document that establishes the terms and conditions under which an Applicant may discharge wastewater. Niether the Texas Water Code, nor the TCEQ Rules provide the TCEQ with the statutory authority to regulate the consumptive use, sale, or acquisition of water in TPDES permit. Questions or concerns regarding water availability may be directed to the TCEQ's Water Availability Division at 512-239-4691.

COMMENT 20

Darlene Rutledge commented that if Lake Granbury was built for industrial purposes, residential construction should have been prohibited along the lake. Ms. Rutledge commented that her dream of living on the lake was destroyed by the drought and "selfish industrial water users.

RESPONSE 20

The original decision to allow the construction of residential areas around the lake was not decided within the framework of the TPDES Program. Neither the Texas Water Code, nor the TCEQ rules provide the TCEQ with the statutory authority to include terms and conditions in a TPDES permit that would preclude the sale of real estate on the shore of an industrial reservoir, or any other land.

COMMENT 21

Ken Hackett commented that he questions why the Applicant is renewing a permit that authorizes a large amount of water for cooling purposes, when the gas steam generation unit has been out of service since 2009, and demolished in 2013.

RESPONSE 21

While the main unit at the facility was demolished, the existing facility infrastructure still exists and operates to aid in the operation of four natural gas-fired combustion turbines, though the volume of water used for cooling has not been sufficient to cause a discharge from the heat dissipation canal. Neither the Texas Water Code, nor the TCEQ Rules provide a regulatory basis on which to deny an application for renewal of a TPDES permit due to a change in the magnitude of, or a halt in operations.

COMMENT 22

Felix Van Dale commented that even though the Applicant may have paid for the bonds for construction of Lake Granbury, the lake belongs to the citizens of Granbury now. The

citizens of Granbury live on the lake, take care of the lake, and have a stake in the lake. Mr. Van Dale commented that he does not believe it is a responsible method to conduct economic or environmental oversight by only regulating the outflow of the facility and not additionally regulating the type of facility.

RESPONSE 22

Neither the Texas Water Code, nor the TCEQ rules provide the TCEQ with the regulatory basis to consider the ownership of a particular water body when evaluating an application for a water quality permit. Likewise, the TCEQ does not have the statutory authority to dictate what type of facility an applicant builds.

COMMENT 23

Lee Schifflet commented that he would like to know whether the daily average flow of 1,041,480,000 gallons per day is what the facility uses or if it is the number that the facility is authorized to discharge. Mr. Schifflet commented that if there has not been any power generation from the plant since 2009, how the TCEQ could be sure how much water will be taken out of Lake Granbury is unclear.

RESPONSE 23

The daily average flow volume of 1,041,480,000 gallons per day is the discharge volume. Currently, the TPDES permit does not require the monitoring of intake volumes. This may change upon a subsequent permit renewal with the rules published on August 15, 2014 pertaining to cooling water intake structures; however, the existing cooling water intake structure requirements currently satisfy the new rule in accordance with 40 C.F.R. § 125.98(g), *Ongoing permit proceedings*. After July 14, 2018, the facility is required to submit all necessary information for cooling water intake structures, upon a subsequent permit action.

COMMENT 24

Todd Garner commented that he wonders who is looking at the big picture for Lake Granbury; i.e. what are the cumulative effects of all the changes to Lake Granbury, who is scrutinizing all the permits and changes being made to Lake Granbury, are there any recent ecological studies taking into account all these variables and changes being made? Mr. Garner commented the he would like to know who is really protecting Lake Granbury."

RESPONSE 24

As mentioned previously, the SWQM program assess the "holistic approach" or "big picture" with respect to water quality. The SWQM program collects physical, chemical, and biological samples from over 1,800 surface water sites throughout the state, which the TCEQ can use to characterize existing conditions or identify emergent water quality issues, evaluate the effectiveness of water quality control programs such as the TPDES

permit program, or identify water quality trends. This data is used to develop numeric criteria for pollutants to be included in the TSWQS found at 30 TAC Chapter 307, which are the basis for the calculated water quality-based effluent limitations in TDPES permits. are based upon. The EPA reviews the TSWQS development process, and any individual TSWQS not approved by the EPA is not adopted by the TCEQ. Lake Granbury, as well as all Texas water bodies are protected by a multitude of Divisions within the TCEQ, as well as oversight by Region 6 of the EPA. The TPDES Program, in particular focuses on the quality of wastewater before discharge into or adjacent to waters in the state.

COMMENT 25

Mickey Parson, on behalf of the Lake Granbury Coalition, commented that the application for a renewal is improper and should be for a renewal with a major amendment, or a new permit because the facility no longer exists and the existing permit expired on May 1, 2014. Mr. Parson commented further that while he applauds the compliance history of the Applicant, it should not take the place of an examination of the new proposed facility's discharges; the proposed permit states that no analytical data is available for screening against water quality based effluent limitations because the facility is not in operation. Mr. Parson commented that he questions whether there are actually any plans to build a new facility.

Additionally, Ken Hackett commented that it is his understanding that the Applicant's current permit is now expired, and the Applicant is operating on a temporary authorization. Mr. Hackett commented further that he is confused that the application is not an amended permit because the cooling water for unit one at the facility is no longer required.

RESPONSE 25

The permit is a renewal, rather than a major amendment, because the request in the application submitted on November 5, 2013 was a request to renew an existing authorization. The TCEQ rules, found at 30 TAC § 305.63(a), state that an application for renewal is a request to continue the same requirements and conditions of an expiring permit, which is what the November 5, 2013 application requested.

Additionally, the character of the wastewater generated has not changed. Electric generation activities continue on the site in the form of four (4) natural gas-fired units that generate wastewater in the form of once-through cooling water, low volume wastes, and metal cleaning wastes, which is produced using the existing infrastructure of the facility, and the existing authorization (the permit issued June 30, 2009). The existing authorization, which includes a discharge of 1,041,480,000 gallons per day of once-through cooling water, low volume wastes, and metal cleaning wastes, has been determined to protect and maintain the existing instream uses of Lake Granbury.

While the demolition of the primary generation unit has reduced the volume of wastewater generated by the facility to a volume not sufficient to cause a discharge from the heat dissipation canal via Outfall 001, the existing authorization does not contain a

minimum discharge volume requirement. Neither the Texas Water Code, not the TCEQ Rules provide a regulatory basis on which to deny an application for renewal of a TPDES permit due to a change in the magnitude of, or a halt in operations.

COMMENT 26

Jim Bernier and Mickey Parson, on behalf of the Lake Granbury Coalition, commented that they would like to know, because the existing permit expired on May 1, 2014, whether the facility will be required to comply with the new Clean Water Act § 316(b) regulations (cooling water intake structures) that the EPA issued on May 19, 2014.

Mr. Bernier commented further that the new regulations are meant to reduce the impingement and entrainment of aquatic species in cooling water intake structures, but the proposed permit's provisions for cooling water intake structures are not changing.

Mr. Parson commented further that this is an important aspect because the last impingement study completed by the Applicant was in 2010 and the new regulations require a new impingement study. Mr. Parson commented that the TCEQ should only renew the permit if the facility is required to comply with the new requirements.

RESPONSE 26

The new EPA regulations for cooling water intake structures were published in the Federal Register on August 15, 2014, and effective on October 14, 2014. The proposed permit retains the existing Best Technology Available (BTA) requirements in accordance with 40 CFR § 125.98(g), *Ongoing permit proceedings*.

The new rules require all necessary application requirements to be submitted in a subsequent renewal application if the currently effective permit will expire on or after July 14, 2018. The existing permit's expiration date was May 1, 2014; therefore, due to the large scope of application requirements and the time needed to collect complete and valid data, the proposed permit does not require the submittal of this information at this time in accordance with 40 CFR § 125.95(a). Any permit action subsequent to this renewal, will require a new BTA determination that incorporates all applicable rules and regulations related to Section 316(b) of the Clean Water Act.

COMMENT 27

Jim Bernier commented that he would like to know whether the TCEQ has considered the possibility that the facility may be sold and the cooling system is changed from an open loop system to a closed loop system that would increase the amount of water from Lake Granbury used for cooling.

RESPONSE 27

The proposed permit does not authorize the discharge of cooling tower blowdown from a "closed loop system," the permit authorizes the discharge of once-through cooling water. The difference in the character of the two types of wastes is sufficient to require a

major amendment to the proposed permit if that authorization were to change. The application did not indicate a request to discharge cooling tower blowdown. If this were to change, it would necessitate a major amendment to the permit, regardless of facility ownership. Any sale of a facility does not change permit terms and conditions, and is subject to public participation process regardless of facility ownership.

Rules applicable to cooling water intake structures under Section 316(b) of the Clean Water Act do not require facilities to redesign their cooling systems to a closed-loop system. The "closed-cycle recirculating system" is a type of cooling system that meets BTA for reducing impingement mortality; however, this is not the only option available to facilities for demonstration of compliance with the impingement mortality standard.

The TCEQ did not consider a potential sale of the facility in conjunction with the present permitting action. However, any purchaser would be subject to the terms and conditions of the existing permit, and any change (such as a modification to wastewater type, such as cooling tower blowdown) would require a major amendment, which is subject to TCEQ review and public participation. While a potential sale of a facility is not considered, any sale would not have an effect on the existing or proposed permits.

COMMENT 28

Ken Hackett commented that he would like to know whether Texas adopted the new EPA regulations that state that in 2017, all power plants must put cooling towers on their discharge into reservoirs and streams. Mr. Hackett commented further that 2017 is only three years away so why does the proposed permit not require cooling towers that are 99% efficient a closed loop system so that water isn't taken out of Lake Granbury.

Additionally, Mr. Hackett commented that Lake Granbury a limited resource that needs conservation, the Applicant admitted they have air cooler volumes so the facility does not need water to generate power, and dual-burn systems are more efficient; so why TCEQ is not requiring the Applicant to explore new and efficient methods to operate the facility is unknown.

RESPONSE 28

The new EPA regulations pertaining to cooling water intake structures under Section 316(b) of the Clean Water Act have not been officially adopted into the TCEQ rules at this time, however, facilities are still subject to the new regulations. As part of the new rules, the proposed permit retains the existing Best Technology Available (BTA) requirements in accordance with 40 C.F.R. § 125.98(g), *Ongoing permit proceedings*.

Regulations applicable to cooling water intake structures under Section 316(b) of the Clean Water Act do not require facilities to redesign their cooling systems to a closed-loop system. The "closed-cycle recirculating system" is a type of cooling system that meets BTA for reducing impingement mortality; however, this is not the only option available to facilities for demonstration of compliance with the impingement mortality standard.

The new rules require all necessary application requirements to be submitted in a subsequent renewal application if the currently effective permit will expire on or after July 14, 2018. The existing permit's expiration date was May 1, 2014; therefore, due to the large scope of application requirements and time needed to collect complete and valid data, the proposed permit does not require the submittal of this information at this time in accordance with 40 CFR § 125.95(a). Any permit action subsequent to this renewal, will require a new BTA determination that incorporates all applicable rules and regulations related to Section 316(b) of the Clean Water Act

COMMENT 29

Joe Williams commented that the Brazos River Authority claimed that Lake Granbury could fall as low as 17 feet. As of a month ago, the lake was at 11.5 feet, and at 17 feet, the safety issues or concerns would go into effect with Comanche Peak 1 and 2.

RESPONSE 29

Safety procedures for the operation of cooling water intake structures in response to low lake levels are not within the scope of rules and regulations for TPDES permits.

COMMENT 30

Joe Williams commented that according to TCEQ rules, a permit has to have a specific location, a specific use, a specific plant specification, and specific environmental changes, and not be issued based on speculation. Mr. Williams further commented that TCEQ is issuing this permit based on speculation of what might be coming.

Additionally Mickey Parson, on behalf of the Lake Granbury Coalition, commented that Brad Watson, the Applicant's PR person, stated in an article "while current market conditions don't support new generation, we want to retain the permit should we build another steam unit." Mr. Parson commented further, that by the Applicant's own admission they are asking to renew a permit for a plant that does not exist, which is speculation.

Additionally Dave Eagle commented that the TCEQ is considering issuing a permit to an entity that has not decided what is going to happen at its facility.

RESPONSE 31

The preliminary decision to renew the existing authorization is not speculative because under no circumstance does the proposed permit allow the Applicant to conduct operations that generate wastewaters other than the wastewaters authorized by the proposed permit, nor does the proposed permit allow any exceedance of a permitted effluent limitation or exceedance of a water quality standard. The proposed permit authorizes the existing discharge type (once-through cooling water, low volume waste, and metal cleaning waste) and daily maximum volume (1,041,480,000 gallons per day). No deviation from these parameters was indicated in the application. Any change to the character of the wastewater (wastewater type), or any increase in permitted pollutant

loads would require a major amendment to the permit. The application indicated that nothing of this nature was to be changed; therefore, there was no speculation involved in the review process.

COMMENT 32

Dave Eagle and Carol Gerson commented that they are concerned that the ED has already decided to renew the TPDES permit.

RESPONSE 32

The ED's Response to Comments does not represent a final action, but a document aimed at informing the public about the proposed permit's details based on the comments received. The Commission has not finally issued the renewal of the proposed permit as the TCEQ has received contested case hearing requests, which requires further action by the Commission.

COMMENT 33

Todd Garner commented that TCEQ rates Lake Granbury as the 57th worst lake out of 75 lakes in Texas concerning chlorophyll A, and that according to the EPA, chlorophyll A trends are alarming. Mr. Garner commented further that he would like to know whether anyone is looking at the big picture for Lake Granbury, i.e. what are the cumulative effects of all the changes, who is scrutinizing all the permits and changes, what recent ecological studies have been performed taking into account all the variables, and who is really protecting Lake Granbury.

RESPONSE 33

Based on water quality screening levels, The 2012 *Texas Integrated Report – Water Bodies with Concerns for Use Attainment and Screening Levels*, lists Chlorophyll A as a concern. The TCEQ, as part of the Surface Water Quality Monitoring Program continues to evaluate Lake Granbury and is currently in the process of developing reservoir-specific limits for chlorophyll A. However, the TSWQS do not contain specific numeric limits for chlorophyll A for Lake Granbury and until the TSWQS contain numeric limits for chlorophyll A, including chlorophyll A limits in permits is not justified.

The 2012 Clean Water Act Section 303(d) list does not contain a listing for Lake Granbury as an impaired water body for dissolved oxygen, temperature, or any other water quality standard. Likewise, the discharge from the facility has historically not required any calculated water quality-based effluent limitations for chloroform, and based on the character of the wastewater, the ED expects the discharge from the facility to continue to not add to chlorophyll A concentrations. Therefore, the ED has determined that the proposed permit protects and maintains the designated uses of Lake Granbury.

COMMENT 34

Ken Hackett commented that tying the proposed permit to the facility is not appropriate because someone can purchase the facility and expand, which will continue to degrade the clarity of the lake, add more chloroform, and destroy the lake's wetlands.

RESPONSE 34

Any expansion to a facility that increases pollutant loadings, or requires less stringent terms or condition of TPDES permit, must be a major amendment, regardless of the owner or operator of the facility. The public notification process and the ability of the public to request public meeting, contested case hearings, and provide comment is in full effect for any major amendment to a TPDES permit.

Historically, the discharge from the facility has not required any calculated water quality-based effluent limitations for chloroform, and the Water Quality Assessments review of the application did not identify any potentially impacted wetlands along the discharge route.

CHANGES MADE TO THE PERMIT IN RESPONSE TO COMMENT

- The proposed permit does not contain any in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

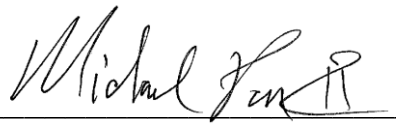
Richard A. Hyde, P.E., Executive Director

Robert Martinez, Environmental Law
Division Director

Michael T. Parr II, *Staff Attorney*
Environmental Law Division
State Bar No. 24062936
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Telephone No. 512-239-0611
Facsimile No. 512-239-0606
REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on November 14, 2014, the Executive Director's Response to Public Comment for Permit No. WQ0001481000 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



Michael T. Parr II, *Staff Attorney*
Environmental Law Division
State Bar No. 24062936

ATTACHMENT C

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 CN603264433, RN100664812, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN603264433, DeCordova Power Company LLC	**Classification:** HIGH	**Rating:** 0.00
Regulated Entity:	RN100664812, DECORDOVA STEAM ELECTRIC STATION	**Classification:** HIGH	**Rating:** 0.00
Complexity Points:	19	**Repeat Violator:** NO	
CH Group:	06 - Electric Power Generation		
Location:	4950 POWER PLANT CT GRANBURY, TX 76048-6658, HOOD COUNTY		
TCEQ Region:	REGION 04 - DFW METROPLEX		

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD078539871
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 32562
AIR NEW SOURCE PERMITS AFS NUM 4822100001
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HQ0012T
AIR NEW SOURCE PERMITS PERMIT 9664
AIR NEW SOURCE PERMITS REGISTRATION 72606
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX662M1
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX662
AIR NEW SOURCE PERMITS PERMIT 107569
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1110092
AIR OPERATING PERMITS ACCOUNT NUMBER HQ0012T
AIR OPERATING PERMITS PERMIT 47
WASTEWATER PERMIT WQ0001481000
WASTEWATER EPA ID TX0046400
WATER LICENSING LICENSE 1110092
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HQ0012T

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

Date Compliance History Report Prepared: December 31, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 31, 2008 to December 31, 2013

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

Name: Merrit McKelvy **Phone:** (512) 239-4742

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	February 17, 2009	(752011)
Item 2	February 26, 2009	(726687)
Item 3	March 23, 2009	(752012)
Item 4	April 20, 2009	(752013)
Item 5	May 20, 2009	(769762)
Item 6	June 11, 2009	(769763)
Item 7	July 29, 2009	(926481)
Item 8	August 20, 2009	(808798)
Item 9	September 17, 2009	(808799)
Item 10	October 23, 2009	(808800)
Item 11	November 20, 2009	(808801)
Item 12	December 17, 2009	(808802)
Item 13	January 20, 2010	(808803)
Item 14	February 18, 2010	(808797)
Item 15	March 16, 2010	(832381)
Item 16	April 20, 2010	(832382)
Item 17	May 20, 2010	(832383)
Item 18	June 18, 2010	(846731)
Item 19	July 20, 2010	(861259)
Item 20	August 19, 2010	(867404)
Item 21	September 20, 2010	(874430)
Item 22	October 20, 2010	(882010)
Item 23	November 19, 2010	(888486)
Item 24	November 23, 2010	(865543)
Item 25	December 16, 2010	(896811)
Item 26	January 19, 2011	(902778)
Item 27	February 20, 2011	(909615)
Item 28	March 21, 2011	(916839)
Item 29	April 20, 2011	(926480)
Item 30	May 18, 2011	(938551)
Item 31	June 19, 2011	(945921)
Item 32	July 20, 2011	(953178)
Item 33	August 19, 2011	(959819)
Item 34	September 20, 2011	(965860)
Item 35	October 18, 2011	(971902)
Item 36	November 20, 2011	(978069)
Item 37	December 16, 2011	(984838)
Item 38	January 20, 2012	(991128)
Item 39	February 20, 2012	(998491)
Item 40	March 20, 2012	(1004026)
Item 41	April 20, 2012	(1010588)
Item 42	May 18, 2012	(1016966)
Item 43	June 20, 2012	(1024724)
Item 44	July 19, 2012	(1032085)
Item 45	August 20, 2012	(1038512)
Item 46	September 20, 2012	(1047330)
Item 47	October 19, 2012	(1063416)
Item 48	November 15, 2012	(1063417)
Item 49	December 20, 2012	(1063418)
Item 50	January 18, 2013	(1080111)
Item 51	February 20, 2013	(1080110)
Item 52	March 20, 2013	(1089848)
Item 53	April 12, 2013	(1078258)
Item 54	April 18, 2013	(1096241)
Item 55	May 20, 2013	(1107187)
Item 56	June 20, 2013	(1110834)
Item 57	July 19, 2013	(1117722)
Item 58	August 20, 2013	(1125511)
Item 59	September 19, 2013	(1130079)

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

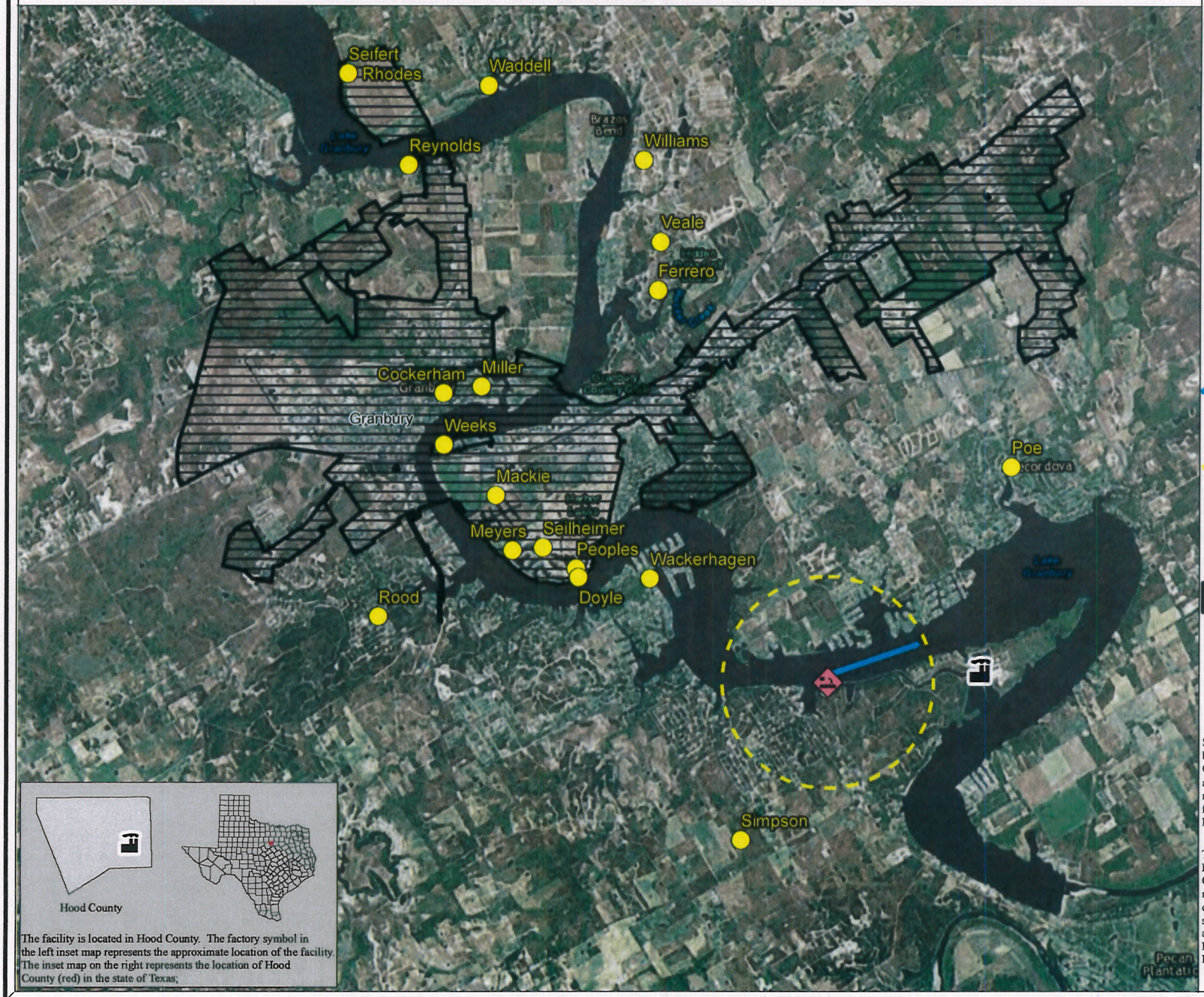
Sites Outside of Texas:

N/A

ATTACHMENT D

Decordova Power Co.

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



The facility is located in Hood County. The factory symbol in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Hood County (red) in the state of Texas;

Protecting Texas by Reducing and Preventing Pollution

TCEQ

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

Date: 2/26/2015

N

0 0.5 1 Miles

- Facility
- Outfall
- LineEventsTable Events
- 1 Radial Mile Distance from Outfall
- Approximate Protestant Location
- City of Granbury Limits

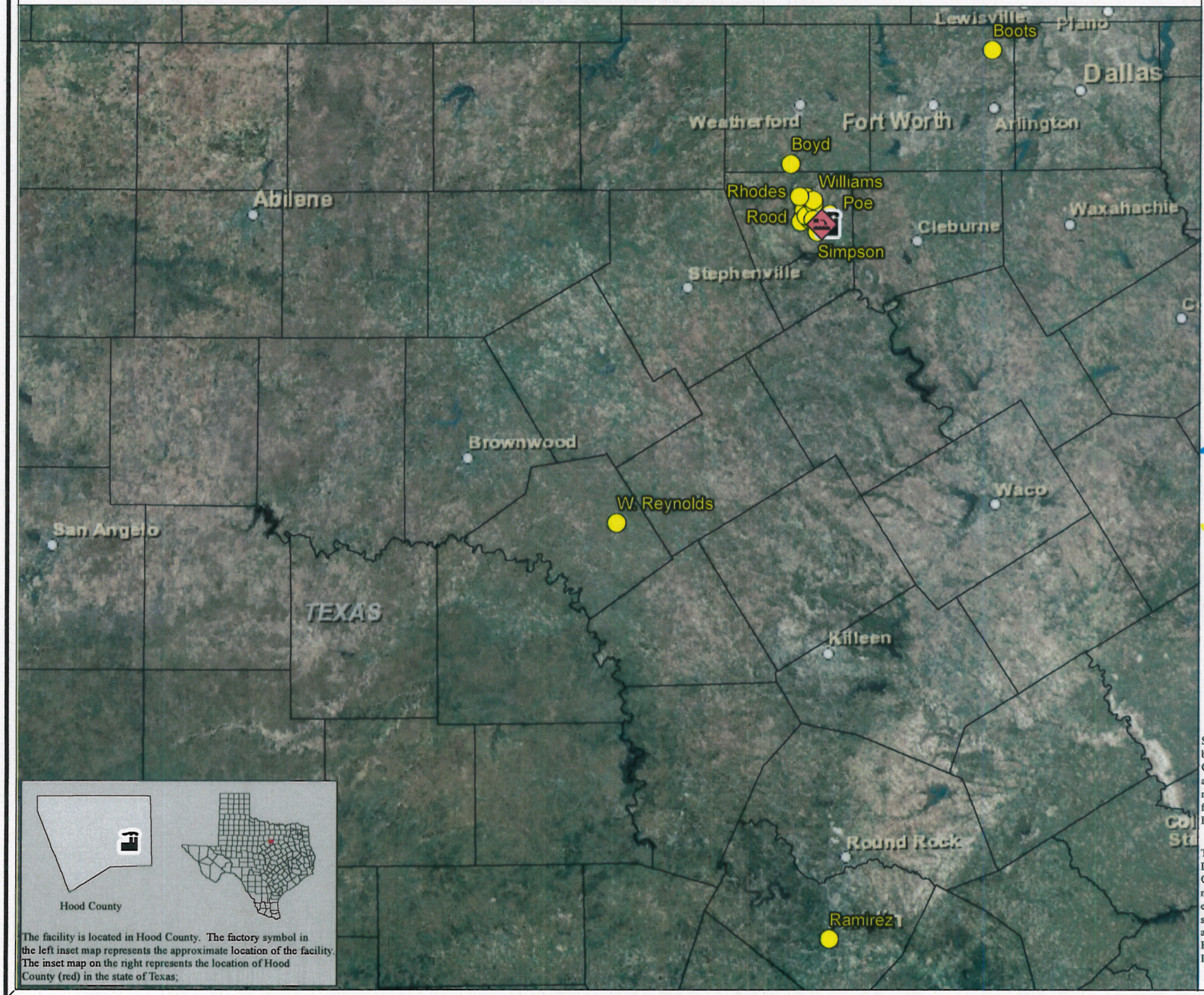
Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor. The background imagery of this map is from the current Environmental Systems Research Institute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

CRF 444907

Decordova Power Co.

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



The facility is located in Hood County. The factory symbol in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Hood County (red) in the state of Texas;

Protecting Texas by Reducing and Preventing Pollution

TCEQ

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

Date: 1/21/2015

N

0 10 20 Miles

Facility

Outfall

LineEventsTable Events

1 Radial Mile Distance from Outfall

Approximate Protestant Location

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.

CRF 441019