

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of Chief Clerk **DATE:** September 23, 2016

From: Hollis Henley
Staff Attorney
Environmental Law Division

Subject: Backup Documents Filed for Consideration of Hearing Requests at
Agenda

Applicant: FML Sand, LLC
Proposed Permit No.: WQ0005166000
Program: Water
Docket No.: TCEQ Docket No. 2016-1210-IWD

Enclosed please find an original and seven copies of the following documents for inclusion in the backup material for this permit application:

- Draft permit
- Fact sheet and ED's preliminary decision
- Compliance history report

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

Mr. Mark Redlin, Plant Manager
Voca Sand Plant
FML Sand, LLC
P.O. Box 238
Voca, Texas 76887

Re: FML Sand, LLC, TPDES Permit No. WQ0005166000
(CN604371484; RN105156624)

Dear Mr. Redlin:

Enclosed is a copy of the above referenced water quality permit issued on behalf of the Executive Director pursuant to Chapter 26 of the Texas Water Code.

Self-reporting or Discharge Monitoring Forms and instructions will be forwarded to you from the Water Quality Management Information Systems Team so that you may comply with monitoring requirements. For existing facilities, revised forms will be forwarded if monitoring requirements have changed.

Enclosed is a "Notification of Completion of Wastewater Treatment Facilities" form. Use this form (if needed) when the facility begins to operate or goes into a new phase. The form notifies the agency when the proposed facility is completed or when it is placed in operation. This notification complies with the special provision incorporated into the permit, as applicable.

Should you have any questions, please contact Mr. Gordon Cooper of the Texas Commission on Environmental Quality's (TCEQ) Wastewater Permitting Section at (512) 239-4671 or if by correspondence, include MC 148 in the letterhead address below.

Sincerely,

David W. Galindo, Director
Water Quality Division

DWG/GC/ml

ccs: TCEQ, Region 8
Mr. Mike Melton, Director of Environmental Fairmount Santrol, 8834 Mayfield Road,
Chesterland, Ohio 44026
Mr. Trent Campbell, Regional Environmental Coordinator, FML Sand, LLC, P.O. Box 238,
Voca, Texas 76887



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O Box 13087
Austin, Texas 78711-3087

TPDES PERMIT NO.
WQ0005166000
*[For TCEQ office use only -
EPA I.D. No. TX0TX0136506]*

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

FML Sand, LLC

whose mailing address is

P.O. Box 238
Voca, Texas 76887

is authorized to treat and discharge wastes from FML Voca Sand Plant, an industrial sand mining and processing facility (SIC 1446)

located at 300 Private Road 685, south of the intersection of Texas Highway 71 and County Road 216 and west of County Road 216, Voca, McCulloch County, Texas 76887

via Outfall 001, to an unnamed tributary, thence to Tiger Creek, thence to San Saba River in Segment No. 1416 of the Colorado 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 December 1, 2019.

ISSUED DATE:

For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the date of permit issuance and lasting through the date of permit expiration, the permittee is authorized to discharge process wastewater commingled with stormwater subject to the following effluent limitations:

Flow Volume: Intermittent and 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/week (*1) Estimate
Total Suspended Solids	25	45	45	1/week (*1) (*2) Grab
Oil and Grease	15	20	20	1/week (*1) Grab

- (*1) Samples are to be taken within 1 hour of when a discharge occurs, during normal business hours (See Other Requirement No. 5.). If a discharge begins prior to and continues into normal business hours, samples are to be taken within one hour of the start of normal business hours.
- (*2) See Other Requirement No. 4.
- The pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored 1/week (*1) (*2) by grab sample.
- There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
- Effluent monitoring samples must be taken at the following location: At Outfall 001, located on the east side of the facility at Pond No. 2, at the pond overflow discharge pipe.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

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

1. Flow Measurements

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

2. Concentration Measurements

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

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

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

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

3. Sample Type

- a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9(a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9(c).

- b. Grab sample - an individual sample collected in less than 15 minutes.

4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.
5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes.
6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§319.4 - 319.12. Unless otherwise specified, a monthly effluent report shall be submitted each month, to the Enforcement Division

(MC 224), by the 20th day of the following month for each discharge that is described by this permit whether or not a discharge is made for that month. Monitoring results must be reported on an approved self-report form that is signed and certified as required by Monitoring and Reporting Requirements No. 10.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act; TWC Chapters 26, 27, and 28; and THSC Chapter 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

2. Test Procedures

- a. Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§319.11 - 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.
- b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

3. Records of Results

- a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR §264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.
- c. Records of monitoring activities shall include the following:
 - i. date, time, and place of sample or measurement;
 - ii. identity of individual who collected the sample or made the measurement;
 - iii. date and time of analysis;
 - iv. identity of the individual and laboratory who performed the analysis;
 - v. the technique or method of analysis; and
 - vi. the results of the analysis or measurement and quality assurance/quality control records.

The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in the calculation and reporting of the values submitted on the approved self-report form. Increased frequency of sampling shall be indicated on the self-report form.

5. Calibration of Instruments

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site or shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

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

7. Noncompliance Notification

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

9. Changes in Discharges of Toxic Substances

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

- a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- i. one hundred micrograms per liter (100 µg/L);
 - ii. two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - iii. five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. the level established by the TCEQ.
 - b. That any activity has occurred or will occur that would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
 - i. five hundred micrograms per liter (500 µg/L);
 - ii. one milligram per liter (1 mg/L) for antimony;
 - iii. ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. the level established by the TCEQ.
10. Signatories to Reports

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

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

PERMIT CONDITIONS

1. General

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

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

2. Compliance

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

3. Inspections and Entry

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

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

4. Permit Amendment or Renewal

- a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:
 - i. the alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC §305.534 (relating to New Sources and New Dischargers); or
 - ii. the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9; or
 - iii. the alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.
- c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.
- d. Prior to accepting or generating wastes that are not described in the permit application or that would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.
- e. In accordance with the TWC §26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.
- f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA §307(a) for a toxic pollutant that is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA §307(a) for toxic pollutants

within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

- a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.
- b. A permit may be transferred only according to the provisions of 30 TAC §305.64 (relating to Transfer of Permits) and 30 TAC §50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

This permit does not authorize any activity of hazardous waste storage, processing, or disposal that requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Relationship to Water Rights

Disposal of treated effluent by any means other than discharge directly to water in the state must be specifically authorized in this permit and may require a permit pursuant to Texas Water Code Chapter 11.

8. Property Rights

A permit does not convey any property rights of any sort, or any exclusive privilege.

9. Permit Enforceability

The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

10. Relationship to Permit Application

The application pursuant to which the permit has been issued is incorporated herein; provided, however, that in the event of a conflict between the provisions of this permit and the application, the provisions of the permit shall control.

11. Notice of Bankruptcy.

- a. Each permittee shall notify the executive director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:
 - i. the permittee;
 - ii. an entity (as that term is defined in 11 USC, §101(15)) controlling the permittee or listing the permit or permittee as property of the estate; or
 - iii. an affiliate (as that term is defined in 11 USC, §101(2)) of the permittee.
- b. This notification must indicate:
 - i. the name of the permittee;
 - ii. the permit number(s);
 - iii. the bankruptcy court in which the petition for bankruptcy was filed; and
 - iv. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.
2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§319.21 - 319.29 concerning the discharge of certain hazardous metals.
3. Domestic wastewater treatment facilities shall comply with the following provisions:
 - a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.
 - b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.
4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.
5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.
6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under TWC §7.302(b)(6).
7. Documentation

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

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

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

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

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

The above records shall be maintained on a monthly basis. The records shall be retained at the facility site, or shall be readily available for review by authorized representatives of the TCEQ for at least five years.
12. For industrial facilities to which the requirements of 30 TAC Chapter 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with THSC Code Chapter 361.

OTHER REQUIREMENTS

1. Violations of daily maximum limitations for the following pollutants shall be reported orally or by facsimile to TCEQ Region 8 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 8 and the Enforcement Division (MC 224): None.
2. There is no mixing zone established for this discharge to an intermittent stream. Acute toxic criteria apply at the point of discharge.
3. This permit does not authorize the discharge of domestic wastewater. All domestic wastewater must be disposed of in an approved manner, such as routing to an approved on-site septic tank and drainfield system or to an authorized third party for treatment and disposal.
4. An overflow from treatment ponds located at the facility that contain wastewater subject to the categorical effluent limits located in 40 CFR Part 436, Subpart D shall not be subject to those effluent limitations if the ponds are designed, constructed, and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.
5. DEFINITIONS
 - a. Process Wastewater shall mean any wastewater used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any stormwater which becomes commingled with process wastewater in a pit, pond, lagoon, mine, or other facility used for treatment of process wastewater.
 - b. The term "10-year 24-hour precipitation event" shall mean the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.
 - c. The term "normal business hours" means Monday through Friday from 8:00 AM to 5:00 PM, excluding holidays.
6. Wastewater discharged via Outfall 001 must be sampled and analyzed as directed below for those parameters listed in Tables 1, 2, and 3 of Attachment A of this permit. Analytical testing for Outfall 001 must be completed within 60 days of initial discharge from the date of permit issuance. Results of the analytical testing must be submitted within 90 days of initial discharge from the date of permit issuance to the TCEQ Industrial 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 in Table 1. Wastewater must be sampled and analyzed for those parameters listed in Table 1 for a minimum of four sampling events at least one week apart.
 - 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 four sampling events at least one week apart.
 - Table 3: For all pollutants listed in Table 3, 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 MGD in the attachment. The permittee shall indicate on each table whether the samples are composite (C) or grab (G) by checking the appropriate box.

Attachment A

Table 1

Outfall No.:	<input type="checkbox"/> C <input type="checkbox"/> G	Effluent Concentration (mg/L)				
Pollutants		Samp.	Samp.	Samp.	Samp.	Average
Flow (MGD)						
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 CaCO3)						
pH (Standard Units; min/max)						

	Effluent Concentration (µg/L)					MAL ¹ (µg/L)
Total Aluminum						2.5
Total Antimony						5
Total Arsenic						0.5
Total Barium						3
Total Beryllium						0.5
Total Cadmium						1
Total Chromium						3
Trivalent Chromium						N/A
Hexavalent Chromium						3
Total Copper						2
Cyanide						10
Total Lead						0.5
Total Mercury						0.005
Total Nickel						2
Total Selenium						5
Total Silver						0.5
Total Thallium						0.5
Total Zinc						5.0

¹ Minimum Analytical Level

Attachment A

Table 2

Outfall No.:	<input type="checkbox"/> C <input type="checkbox"/> G	Samp. 1 (µg/L)*	Samp. 2 (µg/L)*	Samp. 3 (µg/L)*	Samp. 4 (µg/L)*	Avg. (µg/L)*	MAL (µg/L)
Pollutant							
Acrylonitrile							50
Anthracene							10
Benzene							10
Benzidine							50
Benzo(a)anthracene							5
Benzo(a)pyrene							5
Bis(2-chloroethyl)ether							10
Bis(2-ethylhexyl)phthalate							10
Bromodichloromethane							10
Bromoform							10
Carbon Tetrachloride							2
Chlorobenzene							10
Chlorodibromomethane							10
Chloroform							10
Chrysene							5
Cresols							10
1,2-Dibromoethane							10
<i>m</i> -Dichlorobenzene							10
<i>o</i> -Dichlorobenzene							10
<i>p</i> -Dichlorobenzene							10
3,3'-Dichlorobenzidine							5
1,2-Dichloroethane							10
1,1-Dichloroethylene							10
Dichloromethane							20
1,2-Dichloropropane							10
2,4-Dimethylphenol							10
Di- <i>n</i> -Butyl Phthalate							10
Ethylbenzene							10
Fluoride							500
Hexachlorobenzene							5
Hexachlorobutadiene							10
Hexachlorocyclopentadiene							10
Hexachloroethane							20
Methyl Ethyl Ketone							50
Nitrobenzene							10
<i>N</i> -Nitrosodiethylamine							20
<i>N</i> -Nitroso-di- <i>n</i> -Butylamine							20
Nonylphenol							333
Pentachlorobenzene							20

(*) Indicate units if different from µg/L.

(**) Total PCB-1242, PCB-1254, PCB-1221, PCB-1232, PCB-1248, PCB-1260, PCB-1016

Attachment A

Table 2 (Continued)

Outfall No.:	<input type="checkbox"/> C <input type="checkbox"/> G	Samp. 1 (µg/L)*	Samp. 2 (µg/L)*	Samp. 3 (µg/L)*	Samp. 4 (µg/L)*	Avg. (µg/L)*	MAL (µg/L)
Pentachlorophenol							5
Phenanthrene							10
Polychlorinated Biphenyls (PCBs) (**)							0.2
Pyridine							20
1,2,4,5-Tetrachlorobenzene							20
1,1,2,2-Tetrachloroethane							10
Tetrachloroethylene							10
Toluene							10
1,1,1-Trichloroethane							10
1,1,2-Trichloroethane							10
Trichloroethylene							10
2,4,5-Trichlorophenol							50
TTM (Total Trihalomethanes)							10
Vinyl Chloride							10

(*) Indicate units if different from µg/L.

(**) Total PCB-1242, PCB-1254, PCB-1221, PCB-1232, PCB-1248, PCB-1260, PCB-1016

Table 3

Outfall No.:	<input type="checkbox"/> C <input type="checkbox"/> G	Believed Present	Believed Absent	Effluent Concentration (mg/L)		No. of Samples
				Average	Maximum	
Pollutant						
Bromide						
Color (PCU)						
Nitrate-Nitrite (as N)						
Sulfide (as S)						
Sulfite (as SO ₃)						
Surfactants						
Total Boron						
Total Cobalt						
Total Iron						
Total Magnesium						
Total Molybdenum						
Total Manganese						
Total Tin						
Total Titanium						

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DESCRIPTION OF APPLICATION

Applicant: FML Sand, LLC; Texas Pollutant Discharge Elimination System (TPDES)
Permit No. WQ0005166000 (TX0136506)

Regulated Activity: Industrial Wastewater Permit

Type of Application: New Permit

Request: New Permit

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

EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The draft permit includes an expiration date of December 1, 2019, following the requirements of 30 TAC § 305.71, Basin Permitting.

REASON FOR PROJECT PROPOSED

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit.

PROJECT DESCRIPTION AND LOCATION

The applicant currently operates FML Voca Sand Plant, an industrial sand mining and processing facility.

Wastewater is generated at the facility through the processing of sand grains for use in the oilfield fracking industry. Process wastewater is generated at the facility by washing and sizing the sand and from runoff of excess water from sand conveyors and storage piles. The process wastewater from washing and sizing sand grains receives treatment in a clarifier to remove suspended solids and is recycled back into the plant for use in the sand washing and sizing process. Process wastewater in the form of runoff from excess water from sand conveyors and storage piles is routed to a series of treatment ponds, where the water is reused in the sand washing and sizing process. Discharge will occur infrequently via Outfall 001 when the permittee needs to pump-off excess water in Pond 2 or when rainfall causes the ponds to exceed their storage capacity. All sources of process wastewater generated at the facility are characteristically similar in composition and origin. When discharge will occur via Outfall 001, it will usually be driven by stormwater and be intermittent and variable. Water is supplied to the facility from on-site water wells. Domestic wastewater generated at the facility is routed to a septic tank.

The plant site is located at 300 Private Road 685, south of the intersection of State Highway 71 and County Road 216 and west of County Road 216, in McCulloch County, Texas.

Discharge Route

The effluent will be discharged via Outfall 001 to an unnamed tributary, thence to Tiger Creek, thence to San Saba River in Segment No. 1416 of the Colorado River Basin. The unclassified receiving waters have minimal aquatic life use for the unnamed tributary and Tiger Creek. The designated uses for Segment No. 1416 are high aquatic life use, primary contact recreation, and public water supply. The

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effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions.

Antidegradation Review

In accordance with 30 TAC § 307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life use are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life use downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

Endangered Species Review

No priority watershed of critical concern has been identified in Segment No. 1416 in McCulloch County. The Clear Creek gambusia (*Gambusia heterochir* Hubbs) has historically been present in a Segment No. 1416 tributary (Clear Creek) in Menard County, but the discharge from this facility is not expected to impact this organism. To make this determination for Texas Pollutant Discharge Elimination System (TPDES) permits, TCEQ and EPA only considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the United States Fish and Wildlife Service's (USFWS) biological opinion. The determination is subject to re-evaluation 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.

Impaired Water Bodies

Segment No. 1416 is currently listed on the State's inventory of impaired and threatened waters (the 2012 Clean Water Act Section 303(d) list). The listing is specifically for elevated bacteria levels from the confluence with the Colorado River in San Saba County upstream to US Highway 190 (Assessment Unit 1416_01). Discharges from this facility will not contribute to the impairment of bacteria in the receiving stream because there are no sources of bacteria (such as treated domestic wastewater) present in the discharges.

SUMMARY OF EFFLUENT DATA

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

DRAFT PERMIT CONDITIONS

The draft permit authorizes the discharge of process wastewater commingled with stormwater at an intermittent and variable flow via Outfall 001.

Effluent limitations are established in the draft permit as follows:

Outfall	Pollutant	Daily Average	Daily Maximum
001	Flow	Report, MGD	Report, MGD
	Total Suspended Solids	25 mg/L	45 mg/L
	Oil and Grease	15 mg/L	20 mg/L
	pH	Daily Minimum 6.0 S.U.	Daily Maximum 9.0 S.U.

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Technology-Based Effluent Limitations

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 proposed discharge of process wastewater from an industrial sand mining and processing facility is subject to the technology-based effluent limitations and requirements of the federal effluent limitations guidelines located in 40 CFR Part 436, Subpart D. The technology-based effluent limitations required in 40 CFR Part 436, Subpart D and placed at Outfall 001 include 25 mg/L daily average and 45 mg/L daily maximum of total suspended solids (TSS) and 6.0 standard units (S.U.) daily minimum and 9.0 S.U. daily maximum of pH. However, discharges from treatment ponds located at the facility that contain wastewater subject to the categorical effluent limits located in 40 CFR Part 436, Subpart D are not subject to those categorical effluent limitations if the ponds are designed, constructed, and maintained to contain or treat the volume of wastewater which would result from a 10-year, 24-hour precipitation event.

Using effluent limitations for oil and grease in low volume waste located in 40 CFR § 423.12(b)(3), effluent limitations of 15 mg/L daily average and 20 mg/L daily maximum of oil and grease have been placed at Outfall 001 based on best professional judgement (BPJ). This action is consistent with the rules and requirements for establishing technology-based effluent limitations on a case-by-case basis using BPJ, where no effluent guidelines are available for the pollutant of concern, located in 40 CFR §125.3(c)(3) and in sections 5.2.3.1 and 5.2.3.2 of the *NPDES Permit Writers' Manual* (September 2010).

Requirements for monitoring and reporting the flow of discharges made via Outfall 001 have been placed in the permit and are consistent with the rules and requirements for monitoring and reporting conditions located in 40 CFR §122.44(i) and in 30 TAC §319.1. Because discharges from the facility will be infrequent and usually driven by stormwater, the volume of flow indicated at Outfall 001 in the draft permit has been set at intermittent and variable.

Water Quality-Based Effluent Limitations

Calculations of water quality-based effluent limitations for the protection of aquatic life and human health are presented in Appendix A. Aquatic life criteria established in Table 1 and human health criteria established in Table 2 of 30 TAC Chapter 307 are incorporated into the calculations, as are recommendations in the Water Quality Assessment Team memorandum dated September 1, 2015. TCEQ practice for determining significant potential is to compare the reported analytical data from the facility against percentages of the calculated daily average water quality-based effluent limitation. Permit limitations are required when analytical data reported in the application exceeds 85 percent of the calculated daily average water quality-based effluent limitation. Monitoring and reporting is required when analytical data reported in the application exceeds 70 percent of the calculated daily average water quality-based effluent limitation. The facility has not discharged and no effluent data was submitted with the application; therefore, Other Requirement No. 6 has been placed in the draft permit and requires the permittee to submit an effluent analysis to the Industrial Permits Team within 90 days of an initial discharge made via Outfall 001 after the date of permit issuance. The results will be screened against the calculated water quality-based effluent limitations, located in Appendix A of this statement of basis. Based on the results of that screening, the permit may be re-opened to add effluent limits or monitoring and reporting requirements as needed.

Total Dissolved Solids (TDS), Chloride, and Sulfate Screening

Because the facility has not previously been permitted through an individual permit and has not discharged, no effluent data was submitted with the application. Other Requirement No. 6 has been placed in the draft permit and requires the permittee to submit the analytical results for TDS, chloride, and sulfate within 90 days of an initial discharge made via Outfall 001 after the date of permit

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issuance. Effluent limits for TDS, chloride, and sulfate will be calculated and the analytical results for TDS, chloride, and sulfate will be screened against the calculated effluent limits. The permit may be re-opened to add effluent limits or monitoring and reporting requirements based on the results of the screening.

pH Screening

The existing permit includes limits on pH of 6.0 – 9.0 S.U. at Outfall 001, which discharges into an unclassified water body. Consistent with the procedures for pH screening that were submitted to EPA with a letter dated May 28, 2014, and approved by EPA in a letter dated June 2, 2014, requiring this discharge to an unclassified water body to meet pH limits of 6.0 – 9.0 standard units reasonably ensures instream compliance with Texas Surface Water Quality Standards pH criteria.

Whole Effluent Toxicity Testing (Biomonitoring)

Biomonitoring requirements are not included in the draft permit.

SUMMARY OF CHANGES FROM APPLICATION

The following changes were made from the application:

1. The process waste streams produced by the facility - stockpile runoff, wash plant runoff, dry plant scrubber discharge, clarifier discharge, and discharge from the cyclonic filtration system - were all consolidated under the term "process wastewater." This is because all these sources of process wastewater are characteristically similar in composition and origin.
2. All process wastewater from the facility is commingled with accumulations of stormwater from the facility, and discharges from the facility via Outfall 001 will usually be driven by stormwater. Therefore, the wastewater authorized for discharge from this facility has been labeled as process wastewater commingled with stormwater.
3. Because there will be infrequent discharges from the facility via Outfall 001, usually driven by stormwater, the proposed daily flow volume was changed to intermittent and variable.
4. The phrase "south of the intersection of State Highway 71 and County Road 216 and west of County Road 216" was added to the location description for clarity.
5. Normal business hours were confirmed with the permittee and established in the draft permit to allow personnel who are more knowledgeable about effluent sampling and where to sample to perform the sampling.

BASIS FOR DRAFT PERMIT

The following items were considered in developing the draft permit:

1. Application received on June 12, 2015, and additional information received via e-mail from Ms. Robin Cosgrove on September 16, 2015.
2. TCEQ Rules.
3. Texas Surface Water Quality Standards – 30 TAC §§307.1-307.10, effective March 6, 2014, as approved by EPA Region 6.
4. Texas Surface Water Quality Standards – 30 TAC §§307.1-307.10, effective July 22, 2010, as approved by EPA Region 6, for portions of the 2014 Standards not approved by EPA Region 6.
5. Texas Surface Water Quality Standards - 30 TAC §§307.1-307.10, effective August 17, 2000, and Appendix E, effective February 27, 2002, for portions of the 2010 Standards not approved by EPA Region 6.

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6. *Procedures to Implement the Texas Surface Water Quality Standards (IP)*, Texas Commission on Environmental Quality, June 2010, as approved by EPA Region 6.
7. Memos from the Water Quality Standards Implementation Team and the Water Quality Assessment Team of the Water Quality Assessment Section of the TCEQ.
8. "Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits," TCEQ Document No. 98-001.000-OWR-WQ, May 1998.
9. EPA Effluent Guidelines: 40 CFR Part 436, Subpart D. There are no new source performance standards applicable in 40 CFR Part 436.
10. Consistency with the Coastal Management Plan: N/A
11. Letter dated May 28, 2014, from L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, TCEQ, to Bill Honker, Director, Water Quality Protection Division, EPA (TCEQ proposed development strategy for pH evaluation procedures).
12. Letter dated June 2, 2014, from William K. Honker, P.E., Director, Water Quality Protection Division, EPA, to L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, TCEQ (Approval of TCEQ proposed development strategy for pH evaluation procedures).

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.

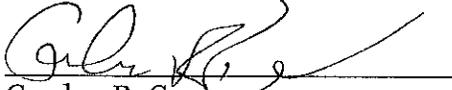
After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application or the draft permit raised during the public comment period. The Chief Clerk then mails the Executive Director's response to comments and final decision to people who have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

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

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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 Gordon R. Cooper at (512) 239-1963.


Gordon R. Cooper

September 16, 2015
Date

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Appendix A

Calculated Water Quality-Based Effluent Limits

TEXTOX MENU #1 - INTERMITTENT STREAM

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

Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life

"Procedures to Implement the Texas Surface Water Quality Standards," TCEQ, June 2010

PERMIT INFORMATION

Permittee Name:	FML Sand, LLC
TPDES Permit No:	WQ0005166000
Outfall No:	001
Prepared By:	G. Cooper
Date:	09/11/2015

DISCHARGE INFORMATION

Intermittent Receiving Waterbody:	Unnamed tributary
Segment No:	1416
TSS (mg/L):	8
pH (Standard Units):	7.8
Hardness (mg/L as CaCO ₃):	163
Chloride (mg/L):	24
Effluent Flow for Aquatic Life (MGD):	
Critical Low Flow [7Q2] (cfs):	0
% Effluent for Acute Aquatic Life:	100

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

<i>Stream/River Metal</i>	<i>Intercept (b)</i>	<i>Slope (m)</i>	<i>Partition Coefficient (Kp)</i>	<i>Dissolved Fraction (Cd/Ct)</i>		<i>Water Effect Ratio (WER)</i>	
Aluminum	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Arsenic	5.68	-0.73	104892.47	0.54		1	Assumed
Cadmium	6.60	-1.13	379759.21	0.25		1	Assumed
Chromium (Total)	6.52	-0.93	478769.32	0.21		1	Assumed
Chromium (+3)	6.52	-0.93	478769.32	0.21		1	Assumed
Chromium (+6)	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Copper	6.02	-0.74	224757.09	0.36		1	Assumed
Lead	6.45	-0.80	533983.71	0.19		1	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Nickel	5.69	-0.57	149705.83	0.46		1	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Silver	6.38	-1.03	281719.76	0.31		1	Assumed
Zinc	6.10	-0.70	293654.74	0.30		1	Assumed

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0005166000

Appendix A

AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

<i>Parameter</i>	<i>FW Acute Criterion (ug/L)</i>	<i>WLAa</i>	<i>LTAa</i>	<i>Daily Avg. (ug/L)</i>	<i>Daily Max. (ug/L)</i>
Aldrin	3.0	3	1.72	2.53	5.35
Aluminum	991	991	568	835	1766
Arsenic	340	625.3075	358.30121	526.7028	1114.317
Cadmium	13.79749	55.71528	31.924853	46.92953	99.28629
Carbaryl	2.0	2	1.15	1.68	3.56
Chlordane	2.4	2.4	1.38	2.02	4.28
Chlorpyrifos	0.083	0.083	0.048	0.070	0.148
Chromium (+3)	850.1122	4106.173	2352.8373	3458.671	7317.324
Chromium (+6)	15.7	15.7	9.00	13.2	28.0
Copper	22.50437	62.9685	36.080951	53.039	112.2118
Cyanide (free)	45.8	45.8	26.2	38.6	81.6
4,4'-DDT	1.1	1.1	0.630	0.927	1.96
Demeton	N/A	N/A	N/A	N/A	N/A
Diazinon	0.17	0.17	0.097	0.143	0.303
Dicofol	59.3	59.3	34.0	49.9	106
Dieldrin	0.24	0.24	0.138	0.202	0.428
Diuron	210	210	120	177	374
Endosulfan I (alpha)	0.22	0.22	0.126	0.185	0.392
Endosulfan II (beta)	0.22	0.22	0.126	0.185	0.392
Endosulfan sulfate	0.22	0.22	0.126	0.185	0.392
Endrin	0.086	0.086	0.049	0.072	0.153
Guthion	N/A	N/A	N/A	N/A	N/A
Heptachlor	0.52	0.52	0.298	0.438	0.927
Hexachlorocyclohexane (Lindane)	1.126	1.126	0.645	0.948	2.01
Lead	109.4618	577.0681	330.66005	486.0703	1028.353
Malathion	N/A	N/A	N/A	N/A	N/A
Mercury	2.4	2.4	1.38	2.02	4.28
Methoxychlor	N/A	N/A	N/A	N/A	N/A
Mirex	N/A	N/A	N/A	N/A	N/A
Nickel	707.9055	1555.726	891.43112	1310.404	2772.351
Nonylphenol	28	28	16.0	23.6	49.9
Parathion (ethyl)	0.065	0.065	0.037	0.055	0.116
Pentachlorophenol	19.49192	19.49192	11.169	16.418	34.735
Phenanthrene	30	30	17.2	25.3	53.5
Polychlorinated Biphenyls (PCBs)	2.0	2	1.15	1.68	3.56
Selenium	20	20	11.5	16.8	35.6
Silver	0.8	6.32047	3.6216295	5.323795	11.26327
Toxaphene	0.78	0.78	0.447	0.657	1.39
Tributyltin (TBT)	0.13	0.13	0.074	0.110	0.232
2,4,5 Trichlorophenol	136	136	77.9	115	242
Zinc	177.2726	593.7283	340.2063	500.1033	1058.042

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Appendix A

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

Aquatic Life		
<i>Parameter</i>	<i>70%</i>	<i>85%</i>
Aldrin	1.77	2.15
Aluminum	584	710
Arsenic	368.692	447.697
Cadmium	32.851	39.890
Carbaryl	1.18	1.43
Chlordane	1.42	1.72
Chlorpyrifos	0.049	0.059
Chromium (+3)	2421.07	2939.87
Chromium (+6)	9.26	11.2
Copper	37.127	45.083
Cyanide (free)	27.0	32.8
4,4'-DDT	0.649	0.788
Demeton	N/A	N/A
Diazinon	0.100	0.122
Dicofol	35.0	42.5
Dieldrin	0.142	0.172
Diuron	124	150
Endosulfan I (alpha)	0.130	0.158
Endosulfan II (beta)	0.130	0.158
Endosulfan sulfate	0.130	0.158
Endrin	0.051	0.062
Guthion	N/A	N/A
Heptachlor	0.307	0.372
Hexachlorocyclohexane (Lindane)	0.664	0.806
Lead	340.249	413.160
Malathion	N/A	N/A
Mercury	1.42	1.72
Methoxychlor	N/A	N/A
Mirex	N/A	N/A
Nickel	917.28	1113.84
Nonylphenol	16.5	20.0
Parathion (ethyl)	0.038	0.047
Pentachlorophenol	11.4928	13.9555
Phenanthrene	17.7	21.5
Polychlorinated Biphenyls (PCBs)	1.18	1.43
Selenium	11.8	14.3
Silver	3.727	4.525
Toxaphene	0.460	0.558
Tributyltin (TBT)	0.077	0.093
2,4,5 Trichlorophenol	80.2	97.4
Zinc	350.072	425.088

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
 EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
 TPDES Permit No. WQ0005166000

Appendix B

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the date of permit issuance and lasting through the date of permit expiration, the permittee is authorized to discharge process wastewater commingled with stormwater subject to the following effluent limitations:

Flow Volume: Intermittent and 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/week (*1) Estimate
Total Suspended Solids	25	45	45	1/week (*1) (*2) Grab
Oil and Grease	15	20	20	1/week (*1) Grab

(*1) Samples are to be taken within 1 hour of when a discharge occurs, during normal business hours (See Other Requirement No. 5.). If a discharge begins prior to and continues into normal business hours, samples are to be taken within one hour of the start of normal business hours.

(*2) See Other Requirement No. 4.

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

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

4. Effluent monitoring samples must be taken at the following location: At Outfall 001, located on the east side of the facility at Pond No.2, at the pond overflow discharge pipes.



Compliance History Report

PENDING Compliance History Report for CN604371484, RN105156624, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN604371484, FML Sand, LLC	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN105156624, FML VOCA	Classification: HIGH	Rating: 0.00
Complexity Points:	11	Repeat Violator: NO	
CH Group:	05 - Chemical Manufacturing		
Location:	300 PRIVATE RD 685 VOCA TX 76887 MCCULLOCH, TX, MCCULLOCH COUNTY		
TCEQ Region:	REGION 08 - SAN ANGELO		

ID Number(s):

AIR NEW SOURCE PERMITS PERMIT 80572	AIR NEW SOURCE PERMITS REGISTRATION 94452
AIR NEW SOURCE PERMITS REGISTRATION 94935	AIR NEW SOURCE PERMITS REGISTRATION 101951
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1540016	PETROLEUM STORAGE TANK REGISTRATION 79747
STORMWATER PERMIT TXR05BW32	ON SITE SEWAGE FACILITY PERMIT 1540197
ON SITE SEWAGE FACILITY PERMIT 1540211	ON SITE SEWAGE FACILITY PERMIT 1540219
ON SITE SEWAGE FACILITY PERMIT 1540137	AGGREGATES REGISTRATION AP0000670
WATER QUALITY NON PERMITTED ID NUMBER R08105156624	WASTEWATER PERMIT WQ0005166000
WASTEWATER EPA ID TX0136506	

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: September 16, 2015

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

Component Period Selected: June 25, 2010 to September 16, 2015

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

Name: G Cooper **Phone:** (512) 239-1963

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? YES
- 3) If **YES** for #2, who is the current owner/operator?
 - FTS International Proppants, LLC OWNER OPERATOR since 1/1/1800
 - FML Sand, LLC OWNER OPERATOR since 8/30/2013
 - FTS INTERNATIONAL PROPPANTS, LLC OWNER OPERATOR since 8/31/1987
 - FTS International Services, LLC OWNER OPERATOR since 10/31/2012
 - FML Resin, LLC OWNER OPERATOR since 9/7/2013
 - FLORES, JIMMY PEREZ OWNER OPERATOR since 3/26/2014
 - Southern Precision Sands, LLC, OWNER OPERATOR, 1/3/2011 to 10/30/2012
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)?
- 5) If **YES**, when did the change(s) in owner or operator occur? 10/31/2012

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

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

- 1 Effective Date: 10/06/2014 ADMINORDER 2014-0605-OSS-E (1660 Order-Agreed Order With Denial)
 - Classification: Moderate
 - Citation: 30 TAC Chapter 285, SubChapter A 285.3(a)
 - 30 TAC Chapter 285, SubChapter A 285.3(b)(1)

Description: Failed to obtain authorization from the Texas Commission on Environmental Quality (TCEQ) prior to constructing, installing and operating an On Site Sewage Facility (OSSF).

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 13, 2011	(952467)
Item 2	September 26, 2011	(957627)
Item 3	January 03, 2012	(976462)
Item 4	April 16, 2014	(1158251)

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

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

1 Date: 07/17/2015 (1251916) CN604371484

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)

Description: Failure to provide a pressure release device for the pressure tank.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D)

Description: Failure to provide a facility for determining the amount of disinfectant used daily as well as the amount of disinfectant remaining for use.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failure to provide an adequate Plant Operations Manual.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)

Description: Failure to report correctly the results of any required test, measurement, or analysis.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failure to provide a liquid level indicator located at the tank site for the water storage tank.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failure to record the results of the inspection of a pressure maintenance facility.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to provide a Monitoring Plan.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

Description: Failure to provide a weekly record of the volume of water treated.

F. Environmental audits:

Notice of Intent Date: 05/02/2014 (1178763)

Disclosure Date: 12/05/2014

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT TXR05Y241, Part III, Section B.6.

Description: Failed to maintain records of monthly site inspections, employee training, and Annual Comprehensive Site Compliance and Certification Reports.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT UUU 60.734(d)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT UUU 60.735(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT UUU 60.735(b)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT UUU 60.735(c)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT UUU 60.735(c)(3)

Rqmt Prov: PERMIT NSR Permit 80572, SC 3

Description: Failed to calculate a two-hour average of pressure drop and water flow of Dryer No. 1 scrubber based on the readings of monitoring; failed to maintain manufacturer certification of the accuracy of the devices used to monitor pressure drop and water flow; and failed to maintain records for the Dryer No. 1 scrubber.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT UUU 60.734(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT UUU 60.735(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT UUU 60.735(c)(1)

Rqmt Prov: PERMIT NSR Permit 80572, SC 3

Description: Failed to conduct daily Method 9 readings on Dryer 3 dust collector, a fluidized bed dryer with bag house.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart OOO 60.674

Rqmt Prov: PERMIT NSR Permit 80572, SC 21.A.
PERMIT NSR Permit 80572, SC 3
PERMIT NSR Permit 80572, SC 4
PERMIT NSR Permit 80572, SC 5

Description: Failed to conduct quarterly visible emissions observations and conduct Method 9 Testing if visible emissions are observed at Screenhouse 2 during the 4th quarter of 2013 and the 1st quarter of 2014.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter E 106.145
30 TAC Chapter 106, SubChapter T 106.454
30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)
30 TAC Chapter 106, SubChapter A 106.8(c)(5)
30 TAC Chapter 106, SubChapter A 106.8(c)(6)

Description: Failed to maintain records of total solvent makeup (gross usage minus waste disposal) on a monthly basis; failed to maintain records to support a compliance determination for any consecutive 12-month period for the retention ponds and the sand handling operation; and failed to maintain records for a period of two years for the retention ponds and sand handling operation.

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