



TPDES PERMIT NO. WQ0004005000
[For TCEQ office use only -
EPA I.D. No. TX0112691]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

This is a renewal of TPDES Permit No.
WQ0004005000 issued on August 31,
2005.

PERMIT TO DISCHARGE WASTES

under provisions of

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

Reed Lamar Bowers

whose mailing address is

24781 State Highway 35 South
Palacios, Texas 77465

is authorized to treat and discharge wastes from Bowers Shrimp Farm, an aquaculture shrimp and fish production facility (SIC 0273)

located adjacent to Tres Palacios Bay at the end of Cockburn Road, approximately two (2) miles south of the City of Collegeport, Matagorda County, Texas

via Outfalls 001, 002, and 003 to Matagorda County Drainage District #3 Ditch, thence to an unnamed natural tidal channel, thence to Little Redfish Lake; thence to Tres Palacios Bay/Turtle Bay; and via Outfall 004 to an unnamed natural tidal channel, thence to Little Redfish Lake, thence to Tres Palacios Bay/Turtle Bay in Segment No. 2452 of the Bays and Estuaries

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, 2014.

ISSUED DATE: **JUL 12 2010**


For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Numbers 001, 002, 003, & 004

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge process wastewater (aquaculture pond effluent) subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 8.0 million gallons per day (MGD) per outfall. The daily maximum flow shall not exceed 8.0 MGD per outfall.

Effluent Characteristics	Discharge Limitations		Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency Sample Type
Flow (MGD)	(Report) 30	(Report) 60	N/A	Continuous (*1) 2/week (*1)
Carbonaceous Biochemical Oxygen Demand (5-day)	72	152	152	2/week (*1) Grab
Inorganic Suspended Solids (*2)	Report	90	90	2/week (*1) Grab
Total Suspended Solids	1.0	2.0	2.0	2/week (*1) Grab
Ammonia Nitrogen	Report	Report	N/A	1/week (*1) Grab
Total Copper (*3)	0.0019	0.0049	0.0049	1/week (*1) Grab
Total Selenium (*3)	Report	Report	N/A	1/week (*1) Grab
Total Selenium (*4)	0.016	0.035	0.035	1/week (*1) Grab
Enterococci (MPN or CFU/100mL) (*3) (*5)	(Report)	(Report)	N/A	1/week (*1) Grab
Enterococci (MPN or CFU/100mL) (*4) (*5)	N/A	(14)	(14)	1/week (*1) Grab

- (*1) When discharge occurs.
- (*2) Inorganic suspended solids (ISS) shall be that value obtained when the volatile suspended solids content is subtracted from the total suspended solids content of a sample.
- (*3) Effective beginning on date of permit issuance and lasting 2 years, 364 days. See Other Requirements Provision No. 14.
- (*4) Effective beginning two years, 365 days after the date of issuance and lasting through the expiration date.
- (*5) Applies to Outfall 002 only.

2. The effluent shall contain a daily minimum dissolved oxygen concentration of 4.0 mg/L for any grab sample taken and a minimum 24-hour average dissolved oxygen concentration of 5.0 mg/L. Dissolved oxygen shall be monitored once per day by grab sample. If more than one dissolved oxygen sample is taken within a 24 hour period, the results of those analyses may be averaged for purpose of reporting compliance with the minimum 24-hour average dissolved oxygen effluent limitation of 5.0 mg/L. Samples shall be taken at intervals of no less than two hours apart. At least one of the samples shall be collected between 5:00 a.m. and 9:00 a.m. if discharge occurs within this time period.

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

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

5. Effluent monitoring samples shall be taken at the following locations: See Other Requirement No. 5.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

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

1. Flow Measurements

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

2. Concentration Measurements

- a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.
 - i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.
 - ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.
- b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.
- c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.
- d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day.

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

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

Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as (Flow, MGD x Concentration, mg/l x 8.34).

Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.

3. Sample Type
 - a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9 (b).
 - b. Grab sample - an individual sample collected in less than 15 minutes.
4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.
5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes .
6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§319.4 - 319.12. Unless otherwise specified, a monthly effluent report shall be submitted each month, to the Enforcement Division (MC 224), by the 20th day of the following month for each discharge that is described by this permit whether or not a discharge is made for that month. Monitoring results must be reported on an approved self-report form that is signed and certified as required by Monitoring and Reporting Requirements No. 10.

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

2. Test Procedures

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

3. Records of Results

- a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR §264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.

- c. Records of monitoring activities shall include the following:
- i. date, time, and place of sample or measurement;
 - ii. identity of individual who collected the sample or made the measurement.
 - iii. date and time of analysis;
 - iv. identity of the individual and laboratory who performed the analysis;
 - v. the technique or method of analysis; and
 - vi. the results of the analysis or measurement and quality assurance/quality control records.

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

4. Additional Monitoring by Permittee

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

5. Calibration of Instruments

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

6. Compliance Schedule Reports

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

7. Noncompliance Notification

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

9. Changes in Discharges of Toxic Substances

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

- a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - i. One hundred micrograms per liter (100 µg/L);
 - ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. The level established by the TCEQ.
- b. That any activity has occurred or will occur that would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - i. Five hundred micrograms per liter (500 µg/L);
 - ii. One milligram per liter (1 mg/L) for antimony;
 - iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. The level established by the TCEQ.

10. Signatories to Reports

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

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

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

PERMIT CONDITIONS

1. General

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

2. Compliance

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

3. Inspections and Entry

- a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC Chapter 361.
- b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit, or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC §7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment and/or Renewal

- a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:
 - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC §305.534 (relating to New Sources and New Dischargers); or

- ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9;
 - iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
 - b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.
 - c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.
 - d. Prior to accepting or generating wastes that are not described in the permit application or that would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.
 - e. In accordance with the TWC §26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.
 - f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA §307(a) for a toxic pollutant that is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA §307(a) for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
5. Permit Transfer
 - a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.
 - b. A permit may be transferred only according to the provisions of 30 TAC §305.64 (relating to Transfer of Permits) and 30 TAC §50.133 (relating to Executive Director Action on Application or WQMP update).
6. Relationship to Hazardous Waste Activities

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

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

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

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

10. Relationship to Permit Application

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

11. Notice of Bankruptcy.

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

OPERATIONAL REQUIREMENTS

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

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

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

If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 149) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.
 - b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission, and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.
 - c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.
9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.
11. Facilities that generate industrial solid waste as defined in 30 TAC §335.1 shall comply with these provisions:
 - a. Any solid waste, as defined in 30 TAC §335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.
 - c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC §335.8(b)(1), to the Corrective Action Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.
 - d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC §335.5.
 - e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.
 - f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:

- i. Volume of waste and date(s) generated from treatment process;
- ii. Volume of waste disposed of on-site or shipped off-site;
- iii. Date(s) of disposal;
- iv. Identity of hauler or transporter;
- v. Location of disposal site; and
- vi. Method of final disposal.

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

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

TCEQ Revision 08/2008

OTHER REQUIREMENTS

1. The Executive Director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the Coastal Coordination Council (CCC) and has determined that the action is consistent with the applicable CMP goals and policies.
2. Violations of daily maximum limitations for the following pollutants shall be reported orally or by facsimile to TCEQ Region 12 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 12 and the Enforcement Division (MC 224):

<u>POLLUTANT</u>	<u>MAL (mg/L)</u>
Copper, Total	0.010
Selenium, Total	0.010

3. There is no mixing zone established for this discharge to an intermittent stream. Acute toxic criteria apply at the point of discharge.
4. There shall be no discharge of domestic sewage. Domestic sewage is not generated at this facility.
5. Effluent monitoring samples shall be taken at the following locations for each specified outfall:
 - Outfall 001: Located on the south east corner of pond No. 50, where effluent from Ponds 44 through 50 are monitored prior to reaching the Matagorda County Drainage District #3 Ditch and prior to mixing with any other waters.
 - Outfall 002: Located between pond Nos. 40 and 41, where the effluent from Ponds 34 through 43, Ponds 51 through 57, and Ponds 101 through 104 are monitored prior to reaching the Matagorda County Drainage District #3 Ditch and prior to mixing with any other waters.
 - Outfall 003: Located at the intersection of ponds 26 and 27, where the effluent from Ponds 21 through 33, and Ponds 58 through 69 are monitored prior to reaching the Matagorda County Drainage District #3 Ditch and prior to mixing with any other waters.
 - Outfall 004: Located on the north side of Pond No. 73, where the effluent from Ponds 1 through 20, and Ponds 70 through 74 are monitored prior to reaching the Matagorda County Drainage District #3 Ditch and prior to mixing with any other waters.

6. Aquaculture Definitions:
 - a. Approved dosage - means the dose of a drug that has been found to be safe and effective under the conditions of a new animal drug application.
 - b. Aquatic animal containment system - means a culture or rearing unit such as a raceway, pond, tank, net or other structure used to contain, hold or produce aquatic animals. The containment system includes structures designed to hold sediments and other materials that are part of a wastewater treatment system.
 - c. Concentrated aquatic animal production facility - is defined at 40 CFR 122.24 and Appendix C of 40 CFR Part 122.
 - d. Drug - means any substance defined as a drug in section 201(g)(1) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321).
 - e. Extralabel drug use - means a drug approved under the Federal Food, Drug and Cosmetic Act that is not used in accordance with the approved label directions, see 21 CFR part 530.

- f. Investigational new animal drug (INAD) - means a drug for which there is a valid exemption in effect under section 512(j) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 360b(j), to conduct experiments.
 - g. New animal drug application is defined in 512(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(b)(1)).
 - h. Pesticide - means any substance defined as a “pesticide” in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(u)).
 - i. Recirculating system - means a system that filters and reuses water in which the aquatic animals are produced prior to discharge. Recirculating systems typically use tanks, biological or mechanical filtration, and mechanical support equipment to maintain high quality water to produce aquatic animals.
7. The permittee shall give notice to the TCEQ's Water Quality Division, Industrial Permits Team (MC-148), prior to a change in, or addition to, the species of organism cultivated at this facility. Notification shall include sufficient information regarding this change in process such that the TCEQ may determine if amendment of the permit is required.
 8. In the event of observable mortalities of aquatic exotic species or other manifestation of disease occurring at the facility, the permittee shall immediately cease any discharge, shall immediately report these findings to the Texas Parks & Wildlife Department (TPWD), the TCEQ regional office and to the TCEQ's Water Quality Division, Industrial Permits Team (MC-148), and shall not resume discharging until agreed to in writing by TPWD. If permittee is able to demonstrate to the satisfaction of TPWD that the mortalities are caused by some other factor other than disease, the permittee may resume discharges upon receiving a written acknowledgment from TPWD. If permittee is able to demonstrate to the satisfaction of TPWD that the mortalities are attributable to a known disease, TPWD will notify the permittee as to what control and/or mitigation measures it shall undertake and whether it will be allowed to resume discharges. In this regard, control and/or mitigation measures required for permittee will be the same as those recommended for other farms under similar circumstances. If the cause of mortalities is undetermined, or determined to be an unfamiliar disease, the cessation of discharge shall continue until TPWD is able to obtain the information necessary to determine an appropriate response. In such cases, permittee shall make every reasonable effort to ensure that there is no transport of cultured aquatic species or parts thereof out of the infected pond by any means. If TPWD or another agency with authority to regulate diseases of aquatic exotic species from the standpoint of preventing impacts to wild native species should adopt laws, rules or a written disease control policy which conflicts with these requirements, such laws, rules or written policy shall supersede these requirements.
 9. Facilities in possession of fish or shellfish shall notify the commission's regional office and Wastewater Permitting Section (MC-148) immediately upon a finding that the facility meets the quarantine conditions imposed by TPWD regulations. There shall be no discharge during the quarantine period, except following approval by the executive director. The executive director shall lift the prohibition on discharge to allow for implementation of the facility's Emergency Plan, in accordance with a permit from the TPWD, following the lifting of the quarantine condition by TPWD, or in consideration of other factors.
 10. For new or expanding facilities located within the Exotic Species Exclusion Zone as defined in 31 TAC 57.111, the permittee shall develop an Emergency Plan that will detail the actions that will be taken by the facility in the event that the facility appears in imminent danger of overflow, flooding, or similar conditions that could result in the release of exotic species that are regulated by the Texas Parks & Wildlife Department (TPWD) or that would result in the violation of a quarantine condition imposed by TCEQ or the Texas Parks & Wildlife Department. This plan shall be submitted to the TPWD no later than 90 days from issuance of the TPDES permit. Upon approval of the plan, the permittee shall submit a copy to the TCEQ Region 12 office and to the Industrial Permits Team (MC-148). Facilities with an existing, approved plan shall submit a copy of the plan to the TCEQ Region 12 office and to the Industrial Permits Team (MC-148) within 60 days of TPDES permit issuance.

The permittee may discharge effluent in excess of the permitted flow rates, but only to the extent necessary to comply with an approved Emergency Plan. Effluent limitations, discharge flow limitations, and other effluent monitoring requirements of this permit shall be set aside during this activity. The permittee should notify the TCEQ Region 12 office and the TPWD at least 48 hours prior to initiating any action under an Emergency Plan in response to an emergency event, such as landfall of a hurricane. The permittee shall control discharges relating to initiation of the Emergency Plan in the most environmentally sound manner that is practicable. Within 30 days following initiation of the Emergency Plan, the permittee shall submit a written report to the TCEQ Region 12 office and the TPWD that delineates the cause for initiation of the plan, actions taken to avoid or negate impacts of the discharge to the receiving stream, volumes of wastewater discharged and the dates that discharges occurred, and a general summary of receiving stream conditions at the time of the discharge. It shall remain the burden of the permittee to show cause that the discharges were necessary and that conditions required initiation of the Emergency Plan.

11. Drugs:

a. Approved Drugs:

Drugs, medications and chemicals approved by the United States Environmental Protection Agency (EPA) or the United States Food and Drug Administration (FDA) for aquaculture use may be used in water which will be discharged without notification. Treatment shall be used only as necessary, and only as directed on the product label. The water shall be diluted, held for a specific time, or neutralized prior to discharge as directed on the product label or as necessary to comply with Chapter 307 of this title (relating to Texas Surface Water Quality Standards) or as needed to be below the concentration level used for a long-term static treatment, whichever is the lowest concentration.

b. Investigational New Animal Drugs (INAD) or any extralabel drug use:

The permittee shall notify the TCEQ Wastewater Permitting Section (MC 148) of the use of any investigational new animal drug (INAD) or any extralabel drug use where such a use may lead to a discharge of the drug to waters of the state. Reporting is not required for an INAD or extralabel drug use that has been previously approved by FDA for a different species or disease if the INAD or extralabel use is at or below the approved dosage and involves similar conditions of use.

- 1) The permittee must provide a written report to the TCEQ Wastewater Permitting Section (MC 148) of an INAD's impending use within 7 days of agreeing or signing up to participate in an INAD study. The written report must identify the INAD to be used, method of use, the dosage, and the disease or condition the INAD is intended to treat.
- 2) For INADs and extralabel drug uses, the permittee shall provide an oral report to the TCEQ Wastewater Permitting Section (MC 148) as soon as possible, preferably in advance of use, but no later than 7 days after initiating use of that drug. The oral report must identify the drugs used, method of application, and the reason for using that drug.
- 3) For INADs and extralabel drug uses, the permittee must provide a written report to the TCEQ Wastewater Permitting Section (MC 148) within 30 days after initiating use of that drug. The written report must identify the drug used and include: the reason for treatment, date(s) and time(s) of the addition (including duration), method of application; and the amount added.

12. Reportable Failure:

- a. The permittee must provide a written report within 7 days of discovery of the failure or reportable damage resulting in a material discharge of pollutants, documenting the cause, the estimated time elapsed until the failure or damage was repaired, an estimate of the material released as a result of the failure or damage, and steps being taken to prevent a recurrence. The written report shall be submitted to the TCEQ Wastewater Permitting Section (MC 148).

- b. For the purpose of this permit, a reportable damage and/or material discharge of pollutants shall mean:
 - 1) Any damage or failure which results in an unauthorized discharge into or adjacent to water in the state at any location not permitted as an outfall.
 - 2) Any damage or failure which results in the release of any cultured species to waters in the state.

Additionally, the permittee shall comply with all reporting requirements contained within the Noncompliance Notification provisions on Page 5 of the Standard Permit Conditions section of this permit.

- c. The permittee shall provide an oral report to the TCEQ Region 12 office within 24 hours of discovery of any reportable failure or damage that results in a material discharge of pollutants, describing the cause of the failure or damage in the containment system and identifying materials that have been released to the environment as a result of this failure.

13. Spill:

- a. In the event a spill of drugs, pesticides or feed occurs that results in a discharge to waters of the state, the permittee must provide an oral report of the spill to the TCEQ Region 12 office within 24 hours of its occurrence and a written report within 7 days to the TCEQ Wastewater Permitting Section (MC-148). The report shall include the identity and quantity of the material spilled.

14. The permittee shall comply with the following schedule of activities for the attainment of water quality-based final effluent limitations for total copper and total selenium at Outfalls 001, 002, 003, and 004 and Enterococci at Outfall 002:

- a. Determine exceedance cause(s);
- b. Develop control options;
- c. Evaluate and select control mechanisms;
- d. Implement corrective action; and
- e. Attain final effluent limitations no later than three years from the date of permit issuance.

The permittee shall submit quarterly progress reports in accordance with the following schedule. The requirement to submit quarterly progress reports shall expire three years from the date of permit issuance.

PROGRESS REPORT DATE

- January 1
- April 1
- July 1
- October 1

The quarterly progress reports shall include a discussion of the interim requirements that have been completed at the time of the report and shall address the progress towards attaining the water quality-based final effluent limitations for total copper and total selenium at Outfalls 001, 002, 003, and 004, and Enterococci at Outfall 002 no later than three years from the date of permit issuance.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

All reports shall be submitted to the Region 12 Office and to the Enforcement Division (MC 224) of the TCEQ.

BEST MANAGEMENT PRACTICES

1. IMPLEMENTATION

The permittee shall develop a Best Management Practices (BMP) plan which achieves the objectives and the specific requirements listed below. A copy of the updated plan shall be submitted to the TCEQ Region 12 Office and the TCEQ Wastewater Permitting Section, Industrial Permits Team MC-148, P.O. Box 13087, Austin, Texas 78711-3087 within sixty (90) days of permit issuance. The TCEQ shall have the right to disapprove the updated BMP plan within sixty (60) days of receipt, if the TCEQ does not provide a response within 60 days then the plan shall be deemed approved. The updated plan shall be implemented as soon as possible but no later than six (6) months from the date of approval.

2. PURPOSE

Through implementation of the BMP Plan the permittee shall prevent or minimize the generation of and the potential for release of pollutants from the facility to waters of the state through normal operations and ancillary activities.

3. OBJECTIVES

The permittee shall develop and amend the BMP Plan with the following objectives for the control of pollutants.

- a. The number and quality of pollutants and the toxicity of effluent generated, discharged or potentially discharged at the facility shall be minimized by the permittee to the extent feasible by managing each influent waste stream in the most appropriate manner.
- b. Under the BMP Plan, and any Standard Operating procedures (SOPs) included in the Plan, the permittee shall ensure proper operation and maintenance of the treatment facility.

4. REQUIREMENTS

The BMP Plan shall be consistent with the objectives mentioned above and the general guidance contained in the publication entitled "Best Management Practices Guidance Document" (U.S. EPA 1981) or "Guidance Manual for Developing Best Management Practices (BMPs)" (U.S. EPA October 1993), or any subsequent revisions to the guidance document where applicable.

- a. Name and location of the facility.
- b. Statement of BMP policy.
- c. Specific management practice and standard operating procedures to achieve objective including, but not limited to the following:
 - 1) Modification of equipment, facilities, technology, and procedures.
 - 2) Improvement in management or general operational phases of the facility.
 - 3) Inspections and records.

- 4) Reporting of BMPs incidents.
- d. Solids Control:
- 1) Employ efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth in order to minimize potential discharges of uneaten feed and waste products to waters of the state. Feed management practices shall include, but are not limited to, monitoring of feeding trays/mechanical feeders to measure and record food consumption rates.
 - 2) In order to minimize the discharge of accumulated solids from settling ponds and basins and production systems, identify and implement procedures for routine cleaning of rearing units and off-line settling basins, and procedures to minimize any discharge of accumulated solids during the inventorying, grading and harvesting aquatic animals in the production system.
 - 3) All discharges shall be controlled such that flow rates minimize any increase in turbidity of the receiving stream due to erosion or suspension of sediments. Sludge and pond bottom sediment must be confined and not pumped into public areas or canals. Dewatering of ponds shall be accomplished by discharge of the uppermost portion of the water column when possible to avoid discharge of disturbed bottom sediments.
 - 4) Remove and dispose of aquatic animal mortalities properly on a regular basis to prevent discharge to waters in the state, except in cases where the permitting authority authorizes such discharge in order to benefit the aquatic environment.
 - 5) Sweeping or intentional flushing of accumulated solids from raceways and fabricated tanks with discharge to waters in the state is prohibited.
- e. Materials Storage:
- 1) Ensure proper storage of drugs, pesticides, and feed in a manner designed to prevent spills that may result in the discharge of drugs, pesticides or feed to waters of the U.S.
 - 2) Implement procedures for properly containing, cleaning, and disposing of any spilled material.
- f. Structural Maintenance:
- 1) Inspect the production system and the wastewater treatment system on a routine basis in order to identify and promptly repair any damage.
 - 2) Conduct regular maintenance of the production system and the wastewater treatment system in order to ensure that they are properly functioning.
- g. Record Keeping.
- 1) In order to calculate representative feed conversion ratios, maintain records for aquatic animal rearing units documenting the feed amounts and estimates of the numbers and weight of aquatic animals.
 - 2) Keep records documenting the frequency of cleaning, inspections, maintenance and repairs.

h. Training

- 1) In order to ensure the proper clean-up and disposal of spilled material adequately train all relevant facility personnel in spill prevention and how to respond in the event of a spill.
- 2) Train staff on the proper operation and cleaning of production and wastewater treatment systems including training in feeding procedures and proper use of equipment.

i. Additional Requirements:

1. Aerate and circulate pond water. The reuse of pond wastewater should occur to the maximum extent possible. Pond wastewater shall be recirculated or reused wherever appropriate and cost effective
2. Earthen levees and dikes shall be vegetated when possible or stabilized in a manner to control erosion. Vegetation, when utilized, shall be maintained at all times through mowing, watering, or other suitable maintenance practices.
3. Removal of pond bottom sludges (or other solids) from production ponds or wastewater management ponds shall be conducted during favorable wind conditions that carry odors away from nearby receptors such as residences, businesses, and public buildings. At no time shall emissions from any activity create a nuisance.

5. DOCUMENTATION

The permittee shall maintain a copy of the BMP Plan at the facility and shall make the plan available to authorized personnel of the TCEQ upon request.

6. MODIFICATION

The permittee shall amend a copy of the BMP Plan whenever there is a change in the facility or in the operation of the facility which increased the generation of pollutants or their release or potential release to the receiving waters. The permittee shall also amend the plan, as appropriate, when plant operations covered by the BMP Plan change. Any such changes to the BMP Plan shall be consistent with the objective and specific requirements listed above. All revisions to the BMP plan shall be reported in writing to TCEQ, Wastewater Permitting Section, Industrial Permits Team MC-148, P.O. Box 13087, Austin, Texas 78711-3087.

7. MODIFICATION FOR INEFFECTIVENESS

At any time, if the BMP Plan proves to be ineffective in achieving the general objective of preventing and minimizing the generation of pollutant and their release and potential release to the receiving waters and/or meeting the specific requirements above, the permit and/or the BMP Plan shall be subject to modifications to incorporate revised BMP requirements.

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 15, 2010

Mr. Reed Lamar Bowers
Reed Lamar Bowers
24781 State Highway 35 South
Palacios, Texas 77465

Re: Reed Lamar Bowers, TPDES Permit No. WQ0004005000
(RN102361433; CN603492083)

Dear Mr. Bowers:

Enclosed is a copy of the above referenced permit for a wastewater treatment facility issued on behalf of the Executive Director pursuant to Chapter 26 of the Texas Water Code.

If you are receiving a Texas Pollutant Discharge Elimination System (TPDES) discharge permit and your system is a new facility or an existing facility that has been reporting to the Texas Commission on Environmental Quality (TCEQ), you may comply with self-reporting requirements by submitting discharge monitoring reports (DMR) electronically over the Web through STEERS (see enclosed flyer). Information about the electronic DMR (eDMR) system is available at www.tceq.state.tx.us/goto/eDMR. We encourage electronic reporting. Discharge facilities that do not use the eDMR system will receive paper DMR forms and instructions from the TCEQ Enforcement Division or from the U.S. Environmental Protection Agency (EPA) if the facility has been submitting DMRs to EPA.

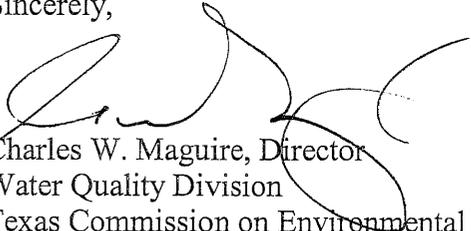
If you are receiving a land application (no discharge) permit and are required to report monitoring results, self-reporting forms and instructions will be forwarded to you by the TCEQ Enforcement Division.

Enclosed is a "Notification of Completion of Wastewater Treatment Facilities" form. Use this form 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. When the agency receives this form, the appropriate permit requirements will be activated in the compliance system database so that accurate monitoring and reporting can occur.

Mr. Reed Lamar Bowers
Page 2

Should you have any questions, please contact Mr. Tres Koenings of the TCEQ's Wastewater Permitting Section at (512) 239-4671 or if by correspondence, include MC 148 in the letterhead address at the bottom of the previous page.

Sincerely,



Charles W. Maguire, Director
Water Quality Division
Texas Commission on Environmental Quality

CWM/TK/evm

Enclosures

ccs: TCEQ, Region 12

Mr. Fred B Werkenthin, Jr., Attorney, Booth, Ahrens & Werkenthin, P.C., 515 Congress Avenue, Suite 1514, Austin, Texas 78701

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 15, 2010

TO: Persons on the attached mailing list.

RE: Reed Lamar Bowers
Permit No. WQ0004005000

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director (ED) has issued final approval of the above-named application. According to 30 Texas Administrative Code (TAC) Section 50.135 the approval became effective on July 12, 2010, the date the ED signed the permit or other approval unless otherwise specified in the permit or other approval. [If you are mailing a RTC, then include the following line: Enclosed is a copy of the Executive Director's response to comments.]

You may file a **motion to overturn** with the chief clerk. A motion to overturn is a request for the commission to review the TCEQ ED's approval of the application. Any motion must explain why the commission should review the TCEQ executive director's action. According to 30 TAC Section 50.139 an action by the ED is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

A motion to overturn must be received by the chief clerk within 23 days after the date of this letter. An original and 7 copies of a motion must be filed with the chief clerk in person, or by mail to the chief clerk's address on the attached mailing list. On the same day the motion is transmitted to the chief clerk, please provide copies to the applicant, the ED's attorney, and the Public Interest Counsel at the addresses listed on the attached mailing list. If a motion to overturn is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the ED's approval. According to Texas Water Code Section 5.351 a person affected by the ED's approval must file a petition appealing the ED's approval in Travis County district court within 30 days after the effective date of the approval. Even if you request judicial review, you still must exhaust your administrative remedies, which includes filing a motion to overturn in accordance with the previous paragraphs.

Individual members of the public may seek further information by calling the TCEQ Office of Public Assistance, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink, appearing to read "LaDonna Castañuela".

LaDonna Castañuela
Chief Clerk

LDC/lg

MAILING LIST
for
Reed Lamar Bowers
TPDES Permit No. WQ0004005000

FOR THE APPLICANT:

Reed Lamar Bowers
24781 State Highway 35 South
Palacios, Texas 77465

Fred B. Werkenthins, Jr., Attorney
Booth, Ahren & Werkenthins, P.C.
515 Congress Avenue, Suite 1514
Austin, Texas 78701-3515

PROTESTANTS/INTERESTED PERSONS:

Patricia Radloff
Texas Parks & Wildlife Department
4200 Smith School Road
Austin, Texas 78744-3218

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Chris Ekoh, Senior Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Tres Koenings, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division MC-148
P.O. Box 13087
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE
via electronic mail:

Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC-108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK
via electronic mail:

LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087

COURTESY COPY:

Ben Rhame, Secretary
Coastal Coordination Council
P.O. Box 12873
Austin Texas 78711-2873