petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; and the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075 this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **January 26, 2009**. The commission will consider any written comments received and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of each proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on January 26, 2009**. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The commission's attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, §7.075 provides that comments on the DOs shall be submitted to the commission in **writing**.

(1) COMPANY: Michael L. O'Neill dba Frontier Park Marina; DOCKET NUMBER: 2008-1103-PWS-E; TCEQ ID NUMBER: RN101183986; LOCATION: east of Milam, Sabine County Texas on Highway 21 with an address of Rural Route 1, Box 1690, Hemphill; TYPE OF FACILITY: public water system; RULES VIOLATED: 30 TAC §290.271(b) and §290.274(a) and (c), by failing to mail or directly deliver one copy of the Consumer Confidence Report (CCR) to each bill paying customer by July 1, of each year and by failing to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data provided to the TCEQ by July 1 of each year; PENALTY: $716; STAFF ATTORNEY: James Sallans, Litigation Division, MC 175, (512) 239-2053; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(2) COMPANY: Prince Texas Group, Inc.; DOCKET NUMBER: 2007-0084-PST-E; TCEQ ID NUMBER: RN102409851; LOCATION: 1202 Magnolia Avenue, Port Neches, Jefferson County; TYPE OF FACILITY: abandoned convenience store with underground storage tanks (USTs); RULES VIOLATED: 30 TAC §334.47(a)(2) and §334.54(d)(2), by failing to either permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, USTs for which any applicable component of the system is not brought into timely compliance with the upgrade requirements, or to ensure that any residue from stored regulated substances which remain in a temporarily out-of-service UST shall not exceed 2.5 centimeters at the deepest point and shall not exceed 0.3% by weight of the system at full capacity; and 30 TAC §334.54(b), by failing to assure that, with the exception of vent lines, all piping, pumps, manways, and ancillary equipment shall be capped, plugged, locked, and/or otherwise secured to prevent access, tampering, or vandalism by unauthorized persons; 30 TAC §334.7(d)(3), by failing to provide an amended UST registration to the commission for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition; PENALTY: $11,050; STAFF ATTORNEY: Rebecca Combs, Litigation Division, MC 175, (512) 239-6939; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-200806529
Kathleen C. Decker
Director, Litigation Division
Texas Commission on Environmental Quality
Filed: December 16, 2008

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Notice of the Executive Director's Response to Public Comment on Texas Commission on Environmental Quality General Permit Number TXG500000

The executive director of the Texas Commission on Environmental Quality (commission or TCEQ) files this Response to Public Comment (Response) on Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXG500000, for quarries located greater than one mile from a water body within a water quality protection area in the John Graves Scenic Riverway. Prior to issuing a general permit, the executive director must comply with the provisions in Texas Water Code (TWC), §26.040(d) and 30 Texas Administrative Code (TAC) §205.3(e). Both provisions require the executive director to prepare a response to all timely, relevant and material, or significant public comments received. The executive director must make these responses publicly available and must file them with the commission's Office of the Chief Clerk at least ten days before the commission considers the approval of the general permit.

The Office of the Chief Clerk received timely public comments from one individual. This Response addresses the comment received. If you need more information about this general permit or the general wastewater permitting process, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found on our website at *www.tceq.state.tx.us.*

BACKGROUND

Regulatory Background

Senate Bill (SB) 1354, 79th Legislature, 2005, Regular Session, effective June 17, 2005, enacted TWC, Chapter 26, Subchapter M, Water Quality Protection Areas addressing permitting, financial responsibility, inspections, water quality sampling, enforcement, cost recovery, and interagency cooperation with regard to quarry operations within a water quality protection area in the John Graves Scenic Riverway. TWC, Chapter 26, Subchapter M also required rulemaking by the TCEQ, which was completed and effective August 3, 2006, in 30 TAC Chapter 311 (Watershed Protection), Subchapter H and Chapter 37 (Financial Assurance), Subchapter W. The legislation, statute, and rules all require quarries located one mile or greater from a water body in the John Graves Scenic Riverway to obtain authorization under a general permit, TPDES General Permit Number TXG500000.

This general permit is issued under the statutory authority of the TWC as follows: (1) TWC, §26.121, which makes it unlawful to discharge pollutants into or adjacent to water in the state except as authorized by a rule, permit, or order issued by the commission; (2) TWC, §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state, (3) TWC, §26.040, which provides the commission with

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authority to amend rules to authorize waste discharges by general permit, and (4) TWC, §26.533, which requires quarries located within the water quality protection area of the John Graves Scenic Riverway and located more than one mile from a water body to obtain authorization under a general permit.

Introduction

General Permit Number TXG500000 would authorize the discharges of process wastewater, mine dewatering, storm water associated with industrial activity, construction storm water, and certain non-storm water discharges from quarries located greater than one mile from a water body that is within a water quality protection area in the John Graves Scenic Riverway. Facilities applying for authorization under this general permit are required to submit a Notice of Intent (NOI), Pollution Prevention Plan, Restoration Plan, and proof of financial assurance for Restoration to obtain authorization for discharge. The general permit authorizes discharges for five years from the effective date of the permit.

Procedural Background

The Office of the Chief Clerk received the permit file on August 8, 2008. Notice of availability and an announcement of the public meeting for this permit were published in the *Weatherford Democrat* and *Mineral Wells Index* on August 17, 2008. Notice of availability and an announcement of the public meeting for this permit were also published in the *Dallas Morning News* and the *Fort Worth Star-Telegram* on August 18, 2008 and in the *Texas Register* on August 22, 2008. Mailed notice was also provided in accordance with 30 TAC §205.3(b). A public meeting was held in Weatherford, Texas on September 23, 2008, and the comment period ended at the close of the public meeting.

COMMENT AND RESPONSE

COMMENT: One individual commented on the requirements of the Comprehensive Site Compliance Inspection/Evaluation. The general permit requires a Texas licensed professional engineer or Texas licensed professional geoscientist to conduct the comprehensive compliance inspection/evaluation. This individual suggested that it would be satisfactory to allow a qualified professional to conduct the comprehensive compliance inspection/evaluation and have it certified by the licensed professional.

RESPONSE: The executive director reviewed the comment and still believes that the Comprehensive Site Compliance Inspection/Evaluation should be conducted by a Texas licensed professional engineer or Texas licensed professional geoscientist. However, the executive director modified the requirement such that the Comprehensive Site Compliance Inspection/Evaluation is only required once per year.

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT

CHANGE NUMBER 1: Part V.E.3.(a) of the general permit was changed to read as follows:

3. Comprehensive Site Compliance Evaluation

a. A Texas licensed professional engineer or Texas licensed professional geoscientist shall conduct a comprehensive site compliance inspection/evaluation at an interval that is defined in the P3, but on a yearly basis at a minimum. The evaluation must include the following:

i. A complete review of the P3 to determine compliance with inspection, record keeping, and other requirements established in this general permit;

ii. A review of all discharge monitoring data to determine compliance with effluent limitations established in the general permit;

iii. A determination of the remaining capacity of the sedimentation pond(s);

iv. An evaluation of the conditions of the runoff control berms;

v. A visual observation of the discharge outfall(s) and an assessment of the discharge route to determine if significant quantities of sediment have been released from the quarry;

vi. An assessment of temporary and/or permanent stabilization efforts at the quarry; and

vii. A review of restoration activities conducted in receiving waters, if applicable.

TRD-200806519
Robert Martinez
Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: December 16, 2008

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Notice of Water Quality Applications

The following notices were issued during the period of December 4, 2008 through December 16, 2008.

The following require the applicants to publish notice in a newspaper. Public comments, requests for public meetings, or requests for a contested case hearing may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087, WITHIN 30 DAYS OF THE DATE OF NEWSPAPER PUBLICATION OF THE NOTICE.

INFORMATION SECTION

BASF CORPORATION which operates an agriculture chemical (herbicides and insecticides) manufacturing plant, has applied for a major amendment to TPDES Permit No. WQ0001169000 to authorize a change in the waste stream authorized at Outfalls 001 and 002 to storm water from non-process areas, river water treatment backwash, uncontaminated hydrostatic test waters, uncontaminated steam condensate, potable line flushing water, other uncontaminated utility waters, and treated domestic wastewater; Outfall 003 to storm water from non-process areas, river water treatment backwash, uncontaminated hydrostatic test waters, uncontaminated steam condensate, potable line flushing, other uncontaminated utility waters, drainage from experimental rice fields and treated domestic wastewater; removal of effluent limits for Carbonaceous Biochemical Oxygen Demand (5-day), Ammonia-N, dissolved oxygen, Banvel (Dicamba) and 2,4-Dichlorophenoxyacetate acid) from the permit; and removal of biomonitoring requirements at Outfall 001. The current permit authorizes the discharge of river water treatment backwash commingled with storm water runoff, and treated domestic sewage at a daily average flow not to exceed 1,200,000 gallons per day via Outfall 001; storm water runoff on an intermittent and flow variable basis via Outfall 002; and stormwater runoff on an intermittent and flow variable basis via Outfall 003. The facility is located approximately two miles northwest of the Jefferson County Airport, on the west side of West Port Arthur Road, approximately five miles south of Cardinal Drive in the City of Beaumont, Jefferson County, Texas.

CITY OF ABBOTT has applied for a renewal of TPDES Permit No. WQ0011544001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 50,000 gallons per day. The facility is located 0.5 mile south of Farm-to-Market Road 1242 and 1.1 miles east of Interstate Highway 35 in the City of Abbott in Hill County, Texas.