

SUBCHAPTER F : SHRIMP INDUSTRY
§§321.91-321.97
Effective May 15, 1997

§321.91. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) **Bait-shrimp dealer** - A person who is engaged in the business of selling shrimp for bait purposes and who is required to be licensed under Parks and Wildlife Code, Chapter 77.
- (2) **BOD₅** - Abbreviation for five-day biochemical oxygen demand.
- (3) **Grab sample** - An individual sample collected in less than 15 minutes.
- (4) **mg/l** - Abbreviation for milligrams per liter.
- (5) **Mobile vendor** - A person who operates a retail shrimp sales business from an automobile, truck, or van.
- (6) **Packer** - A shrimp offloading facility that deheads, peels, or deveins less than 25% of the gross weight of the total amount of shrimp it handles before the product is sold. Two or more shrimp packing operations under common ownership within 100 feet from each other will be considered as one packing operation for the purposes of this definition. Packers are categorized as follows.
 - (A) **Small packer** - A packer which never generates more than 30,000 gallons of shrimp wastewater during any calendar month.
 - (B) **Medium packer** - A packer which never generates more than 60,000 gallons during any calendar month but which generates more than 30,000 gallons of shrimp wastewater during any calendar month.
 - (C) **Large packer** - A packer which generates more than 60,000 gallons of shrimp wastewater during any calendar month.
- (7) **POTW** - Publicly-owned treatment works.
- (8) **Processor** - A shrimp offloading facility that deheads, peels, or deveins 25% or more of the gross weight of the total amount of shrimp it handles before the product is sold.
- (9) **Residual chlorine** - Chlorine in the shrimp wastewater when discharged.
- (10) **Shrimp boat** - A commercial trawler, required to be licensed under Parks and Wildlife Code, Chapter 77, that collects shrimp and then unloads them at a shrimp offloading facility.

(11) **Shrimp offloading facility** - A shrimp handling operation that typically transfers shrimp from trawlers to a dock area and then washes, weighs, boxes, and ices the shrimp before selling them on either the wholesale or retail market.

(12) **Shrimp wastewater** - Waterborne shrimp wastes from the washing, weighing, boxing, icing, deheading, peeling, deveining or other processing of shrimp prior to the marketing of the shrimp.

(13) **TSS** - Abbreviation for Total Suspended Solids.

(14) **Water quality limited segment** - A surface water segment classified by the commission as water quality limited where conventional treatment of waste discharged to the segment is not stringent enough for the segment to meet applicable water quality standards; monitoring data have shown significant violations of water quality standards; advanced waste treatment for point sources is required to protect existing exceptional water quality; or the segment is a domestic water supply reservoir.

§321.92. Applicability.

(a) The purpose of this subchapter is to regulate by rule certain small and medium shrimp packers that meet the requirements outlined herein.

(b) Large packers or shrimp processors do not qualify to be regulated by rule under this subchapter. Both large packers and shrimp processors must either utilize a POTW for shrimp wastewater disposal or obtain a wastewater discharge permit from the Texas Water Commission prior to any such disposal.

(c) Any packer that proposes to discharge into or adjacent to a water quality limited segment or into a water body specifically listed within this subchapter does not qualify to be regulated by rule under this subchapter. Shrimp wastewater discharges from such facilities must be made pursuant to a permit issued under the Texas Water Code, Chapter 26. In the alternative, such facilities may utilize a POTW.

(d) Packers discharging into the following water bodies are not qualified to be regulated by rule under this subchapter:

(1) the Taylor Bayou Turning Basin in Jefferson County off the Sabine-Neches Canal, inland from a line between the southernmost tip of Texaco Island and the north side of the state Highway 87 bridge over the intercoastal canal.

(2) the Lynn's Bayou Turning Basin in Calhoun County west of the confluence of the turning basin and Lavaca Bay.

(3) the Port Mansfield Harbor in Willacy County west of the confluence of the harbor and the Laguna Madre.

(4) the Brownsville fishing harbor in Cameron County north of the confluence of the harbor and the Brownsville ship channel.

(5) the Port Isabel turning basin, ship channel and shrimp harbor in Cameron County west of the Garcia Street swing bridge, south of the Highway 100 bridge, and north of the confluence of the Port Isabel ship channel and the Brownsville ship channel.

(e) Mobile vendors, shrimp boats, and bait-shrimp dealers are exempt from the requirements of this subchapter.

§321.93. Certificate of Registration.

Any small or medium packer that does not discharge into or adjacent to a water quality limited segment or water bodies listed herein shall apply for a Certificate of Registration, unless they instead choose to obtain a wastewater discharge permit or to utilize a POTW. Application forms will be supplied by the commission upon request. Before issuing a Certificate, the executive director will review each application to determine whether the packer's operation can meet the requirements of §321.95 of this title (relating to Requirements).

§321.94. Domestic Waste Disposal.

No domestic sewage may be discharged into or adjacent to the water in the state under this subchapter.

§321.95. Requirements.

(a) Small packers who have acquired a certificate of registration as set out in §321.93 of this title (relating to Certificate of Registration) at a minimum, shall meet the following requirements:

(1) Effluent limitations: The shrimp wastewater shall be treated to reduce the TSS concentration in the effluent to 500 mg/l or less measured by grab sample. In addition, the wastewater shall not cause a nuisance. If chlorine is used, the residual chlorine in the effluent shall not exceed 4 mg/l measured by grab sample.

(2) Monitoring: The shrimp wastewater volume discharged shall be estimated daily during times of discharge. Records of these estimates shall be kept on-site for a period of three years. These discharge flow estimates shall be based on water consumption records or other methods approved by the executive director.

(3) Reporting: The packer shall report any noncompliance, which may endanger human health or safety, or the environment, to the executive director. Report of such information shall be provided orally to the appropriate Texas Water Commission district office within 48 hours from the time the permittee becomes aware of the noncompliance. A written submission of such information shall also be provided to the appropriate district and Austin office of the Texas Water Commission within five working days of the time the permittee becomes 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 anticipated 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.

(4) Solids disposal: All shrimp solid wastes shall be placed in covered air-tight containers and sent daily to a solid waste disposal site approved by the appropriate state agency.

(b) Medium packers who have acquired a certificate of registration as set out in §321.93 of this title (relating to Certificate of Registration) at a minimum, shall meet the following requirements:

(1) Effluent limitations: The shrimp wastewater shall be treated to reduce the TSS concentration in the effluent to 500 mg/l or less, measured by grab sample. In addition, the wastewater shall not cause a nuisance. If chlorine is used, the residual chlorine in the effluent shall not exceed 4 mg/l measured by grab sample.

(2) Monitoring and reporting:

(A) The shrimp wastewater volume discharged shall be estimated daily during times of discharge. These discharge flow estimates shall be based on water consumption records or other methods approved by the executive director.

(B) Grab samples of the treated effluent shall be taken once per calendar week during any calendar week in which any discharge occurs. These samples shall be analyzed for TSS, BOD₅, and residual chlorine, if chlorine is used at the facility.

(C) The analytical results of the grab samples and the flow estimates shall be recorded on the appropriate commission monthly effluent report form. The report must be received by the commission in Austin no later than the 20th day of the month after the month in which the grab samples were taken. During a calendar week, i.e. Sunday through Saturday, when no wastewater discharge occurs, no sampling is required. For such weeks, the monthly report shall indicate that no discharge occurred.

(D) The packer shall report any noncompliance, which may endanger human health or safety, or the environment, to the executive director. Report of such information shall be provided orally to the appropriate Texas Water Commission district office within 48 hours from the time the permittee becomes aware of the noncompliance. A written submission of such information shall also be provided to the appropriate district and Austin office of the Texas Water Commission within five working days of the time the permittee becomes 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 anticipated 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.

(3) Solids disposal: All shrimp solid wastes shall be placed in covered air-tight containers and sent daily to a solid waste disposal site approved by the appropriate state agency.

(c) Each packer must treat its entire shrimp wastewater stream as required by the executive director's classification. Packers are prohibited from treating a portion of their shrimp wastewater stream to levels mandated by rule and then treating the remaining portion to levels dictated by their permit or dictated by POTW pre-treatment requirements. If a packer obtains a discharge permit, all shrimp wastewater at the specified site must be treated to the levels contained in the permit. If a packer ties into a POTW, all shrimp wastewater at the specified site must discharge to the POTW.

§321.96. Right of Review.

(a) The executive director may review available data pertaining to the operation of shrimp facilities. A change in circumstances at a facility may warrant reclassification of the facility under this subchapter or a determination that the facility must obtain a wastewater discharge permit or tie into a POTW. The executive director shall notify the owner of the facility of any such reclassification or determination after which the facility will have 30 days to respond. If no response is made within this 30-day period, the facility must meet the requirements imposed by reclassification, apply for a permit, or tie into a POTW, whichever is appropriate, under a schedule approved by the executive director. The executive director may extend this 30-day period where additional time is shown to be necessary. In the event reclassification would qualify a permitted facility for regulation by rule, the facility may apply for a certificate of registration. Once the facility receives the certificate, it may seek cancellation of its permit.

(b) If a facility with a certificate of registration fails to comply with the terms of this subchapter, the executive director may revoke the certificate or take other enforcement action as provided for in the Texas Water Code, or both.

(c) Facilities classified as small or medium packers shall have the continuing obligation to immediately provide written notice to the executive director of any changes which would reclassify them as large packers or processors.

§321.97. Appeal of Decisions by Executive Director.

Any person aggrieved by a decision of the executive director under this subchapter may file with the chief clerk a motion for reconsideration under §50.39(b)-(f) of this title (relating to Motion for Reconsideration).

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Disposition Table
Rule Log No. 96170-050-AD
Hearings Requests/Procedural Rules
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Chapter 321 - Control of Certain Activities by Rule
Subchapter F : Shrimp Industry

This table is to track section during and after rule revisions. The column on the left lists the current sections before the revision. The column on the right lists where the section is located after adoption.

Old Section	New Section
321.97	Repealed portion; see 50.39