### Texas Commission on Environmental Quality INTEROFFICE MEMORANDUM

**To:** Office of Chief Clerk

**DATE:** August 8, 2024

- From: Kathy Humphreys Staff Attorney Environmental Law Division
- **Subject:** Backup Documents Filed for Consideration of Hearing Requests at Agenda

Applicant:	Leprino Foods Company
Proposed Permit No.:	WQ0005417000
Program:	Water
Docket No.:	TCEQ Docket No. 2024-1181-IWD

Enclosed please find a copy of the following documents for inclusion in the background material for this permit application:

- Draft permit
- Statement of Basis/Technical Summary and ED's preliminary decision
- Compliance History Report



TPDES PERMIT NO. WQ0005417000 [For TCEQ office use only -EPA I.D. No. TX0143600]

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

#### PERMIT TO DISCHARGE WASTES

under provisions of Section 402 of the Clean Water Act and Chapter 26 of the Texas Water Code and 40 CFR Part 405

Leprino Foods Company

whose mailing address is

1830 West 38th Avenue Denver, Colorado 80211

is authorized to treat and discharge wastes from Leprino Foods Lubbock Manufacturing Facility, a mozzarella cheese and nutrition (powdered dairy) products manufacturing facility (SIC 2022, 2023)

located at 4301 East 19<sup>th</sup> Street and a wastewater treatment facility located at 4502 East 4<sup>th</sup> Street, in the City of Lubbock, Lubbock County, Texas 79403

to Canyon Lake #6, thence to the North Fork Double Mountain Fork Brazos River, thence to Double Mountain Fork Brazos River in Segment No. 1241 of the Brazos River Basin

only according to effluent limitations, monitoring requirements, and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, five years from the date of permit issuance.

**ISSUED DATE:** 

For the Commission

#### EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning upon the date of permit issuance and lasting through the date of permit expiration, the permittee is authorized to discharge process wastewater, utility wastewater <sup>1</sup> (previously monitored at Outfall 101), and water treatment wastes <sup>2</sup> subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 2.0 million gallons per day (MGD). The daily maximum flow shall not exceed 2.5 MGD.

		Dis	charge Limit	ations		Minimum Self-Monitorin	g Requirements
Effluent Characteristics	Daily A	verage	Daily Maximum		Single Grab	Report Daily Average and	Daily Maximum
	lbs/day	mg/L	lbs/day	mg/L	mg/L	Measurement Frequency	Sample Type
Flow	2.0 N	AGD	2.5 N	AGD	N/A	Continuous	Meter
Biochemical Oxygen Demand (5-day)			25.11				
March-October	83.5	5.0	188	11.3	15.0	2/week	Composite
November-February	134	8.0	302	18.0	24.0	2/week	Composite
Total Suspended Solids	825	N/A	1,704	N/A	148	2/ week	Composite
Ammonia-Nitrogen							-
March-October	16.7	1.0	37.6	2.25	3.0	1/week	Composite
November-February	66.8	4.0	150	9.0	12.0	1/week	Composite
Enterococci 3	N/A		Rep	port	N/A	1/month	Grab

2. The effluent must contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per week by grab sample.

3. The pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored once per day by grab sample.

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

5. Effluent monitoring samples must be taken at the following location: For Outfall 001, after the final treatment unit and prior to discharge.

<sup>&</sup>lt;sup>1</sup> See Other Requirement No. 2.

<sup>&</sup>lt;sup>2</sup> See Other Requirement No. 3.

<sup>&</sup>lt;sup>3</sup> Reported in colony-forming units (CFU) or most probable number (MPN) per 100 mL. Bacteria monitoring and reporting expires 58 months after the date of permit issuance. See Other Requirement No. 7.

#### EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning upon the date of permit issuance and lasting two months prior to the date of permit expiration, the permittee is authorized to discharge utility wastewater <sup>1</sup> subject to the following effluent limitations:

Effluent Characteristics	Dis	charge Limitations	Minimum Self-Monitorin	g Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Measurement Frequency	Daily Maximum Sample Type
Oil and grease <sup>2</sup>	N/A	Report	N/A	1/two weeks	Grab

2. Effluent monitoring samples must be taken at each of the contributing utility wastewater-generating units (at the boiler, at the cooling tower, and at the evaporative condenser) prior to commingling. The permittee shall report the highest daily maximum of the three grab samples on the discharge monitoring report.

<sup>&</sup>lt;sup>1</sup> See Other Requirement No. 2.

<sup>&</sup>lt;sup>2</sup> Monitoring and reporting for oil and grease at internal Outfall 101 expires 58 months after the date of permit issuance. At permit renewal, monitoring and reporting requirements for oil and grease may be continued, replaced with numeric limits, or removed in their entirety upon review of the discharge monitoring report data.

#### EVAPORATION POND EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- <u>Character</u>: Wastewater high in total dissolved solids (TDS). See Special Provisions No. 1 on page 19 for high-TDS waters.
- <u>Volume</u>: Total annual average flow of 80,000 gallons per day (combined flow of both ponds).

Quality: The following effluent limitations are required:

Parameter	Daily Average, mg/L	Daily Maximum, mg/L	Single Grab mg/L	Monitoring Frequency	Sample Type	
Flow	Report, MGD	Report, MGD	N/A	1/day	Estimate	
Total Dissolved Solids	N/A	Report	N/A	1/month	Grab	
Chlorides	N/A	Report	N/A	1/month	Grab	
Sulfates	N/A	Report	N/A	1/month	Grab	
pH range, Standard Units (SU)	6.0 SU	to 9.0 SU	N/A	1/week	Grab	

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units.

The permittee shall establish a monitoring point for high-TDS water prior to routing to the evaporation ponds.

Results from the analyses must be retained on site for five years and available for inspection by authorized representatives of the Texas Commission on Environmental Quality (TCEQ). This data must be submitted to the TCEQ Enforcement Division (MC 224), Industrial Permits Team (MC 148), and Region 2 Office during the month of September of each calendar year.

#### DEFINITIONS AND STANDARD PERMIT CONDITIONS

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

- 1. Flow Measurements
  - a. Annual average flow the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder, and limited to major domestic wastewater discharge facilities with a one million gallons per day or greater permitted flow.
  - b. Daily average flow the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.
  - c. Daily maximum flow the highest total flow for any 24-hour period in a calendar month.
  - d. Instantaneous flow the measured flow during the minimum time required to interpret the flow measuring device.
  - e. 2-hour peak flow (domestic wastewater treatment plants) the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.
  - f. Maximum 2-hour peak flow (domestic wastewater treatment plants) the highest 2-hour peak flow for any 24-hour period in a calendar month.
- 2. Concentration Measurements
  - a. Daily average concentration the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.
    - i. For domestic wastewater treatment plants When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.
    - ii. For all other wastewater treatment plants When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.
  - b. 7-day average concentration the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.
  - c. Daily maximum concentration the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.
  - d. Daily discharge the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total

mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day.

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

- e. Bacteria concentration (Fecal coliform, *E. coli*, or Enterococci) the number of colonies of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the nth root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of bacteria equaling zero, a substitute value of one shall be made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
- f. Daily average loading (lbs/day) the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as (Flow, MGD × Concentration, mg/L × 8.34).
- g. Daily maximum loading (lbs/day) the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.
- 3. Sample Type
  - a. Composite sample For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9(a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9(c).
  - b. Grab sample an individual sample collected in less than 15 minutes.
- 4. Treatment Facility (facility) wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.
- 5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes.
- 6. Bypass the intentional diversion of a waste stream from any portion of a treatment facility.

#### MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§319.4 - 319.12. Unless otherwise specified, effluent monitoring data 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 submitted online using the NetDMR reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. Monitoring results must be signed and certified as required by Monitoring and Reporting Requirements No. 10.

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

- 2. Test Procedures
  - a. Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§319.11 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.
  - b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.
- 3. Records of Results
  - a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.
  - b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR §264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.
  - c. Records of monitoring activities shall include the following:
    - i. date, time, and place of sample or measurement;
    - ii. identity of individual who collected the sample or made the measurement;
    - iii. date and time of analysis;
    - iv. identity of the individual and laboratory who performed the analysis;
    - v. the technique or method of analysis; and
    - vi. the results of the analysis or measurement and quality assurance/quality control records.

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

4. Additional Monitoring by Permittee

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

5. Calibration of Instruments

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site or shall be readily available for review by a TCEQ representative for a period of three years. 6. Compliance Schedule Reports

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

- 7. Noncompliance Notification
  - a. In accordance with 30 TAC §305.125(9) any noncompliance that may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the regional office 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. For Publicly Owned Treatment Works (POTWs), effective September 1, 2020, the permittee must submit the written report for unauthorized discharges and unanticipated bypasses that exceed any effluent limit in the permit using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. 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 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.
  - In addition to the above, any effluent violation that deviates from the permitted effluent C. 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:

- That any activity has occurred or will occur that would result in the discharge, on a routine or a. 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  $\mu$ g/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 POTWs must provide adequate notice to the Executive Director of the following:
  - a. any new introduction of pollutants into the POTW from an indirect discharger that would be subject to CWA §301 or §306 if it were directly discharging those pollutants;
  - b. any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and
  - c. for the purpose of this paragraph, adequate notice shall include information on:
    - i. the quality and quantity of effluent introduced into the POTW; and
    - ii. any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

#### PERMIT CONDITIONS

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

    - ii. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
       iii. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
  - c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending, or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.
- 2. Compliance
  - a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
  - b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment,

revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

- c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.
- e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.
- f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§305.62 and 305.66 and TWC §7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.
- h. In accordance with 30 TAC §305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility that does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.
- i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §§7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA §402, or any requirement imposed in a pretreatment program approved under the CWA §§402(a)(3) or 402(b)(8).
- 3. Inspections and Entry
  - a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC Chapter 361.
  - b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit, or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC §7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

- 4. Permit Amendment or Renewal
  - a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:
    - i. the alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC §305.534 (relating to New Sources and New Dischargers); or
    - the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9; or
    - iii. the alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
  - b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.
  - c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit 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 terminate upon the permit, the permit shall expire and authorization to continue such activity shall terminate.
  - d. Prior to accepting or generating wastes that are not described in the permit application or that would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.
  - e. In accordance with the TWC §26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.
  - f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA §307(a) for a toxic pollutant that is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA §307(a) for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- 5. Permit Transfer
  - a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.
  - b. A permit may be transferred only according to the provisions of 30 TAC §305.64 (relating to Transfer of Permits) and 30 TAC §50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

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

7. Relationship to Water Rights

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

8. Property Rights

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

9. Permit Enforceability

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

10. Relationship to Permit Application

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

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

#### OPERATIONAL REQUIREMENTS

- 1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.
- 2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§319.21 319.29 concerning the discharge of certain hazardous metals.

- 3. Domestic wastewater treatment facilities shall comply with the following provisions:
  - a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.
  - b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment or other treatment unit regulated by this permit.
- 4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or retention of inadequately treated wastewater.
- 5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.
- 6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under TWC §7.302(b)(6).
- 7. Documentation

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

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

If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 219) 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; andvi. 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 05/2021

#### OTHER REQUIREMENTS

- 1. Violations of daily maximum limitations for the following pollutants shall be reported orally or by facsimile to TCEQ Region 2 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 2 and Compliance Monitoring Team (MC 224): None.
- 2. The term *utility wastewater* includes, but is not limited to, boiler blowdown, cooling tower blowdown, and evaporation condenser blowdown.
- 3. The term *water treatment wastes* includes, but is not limited to, cold lime water treatment wastes, demineralizer backwash, filter backwash, ion exchange water treatment system wastes, membrane regeneration wastes, and reverse osmosis reject water.

#### 4. COOLING WATER INTAKE STRUCTURE REQUIREMENTS

The permittee shall provide written notification to the TCEQ Industrial Permits Team (MC 148) and Region 2 Office of any changes in the method by which the facility obtains water for cooling purposes. This notification must be submitted 30 days prior to any such change and must include a description of the planned changes. The TCEQ may, upon review of the notification, reopen the permit to include additional terms and conditions as necessary.

- 5. The chronic aquatic life mixing zone is defined as a volume within a radius of 100 feet from the point of discharge. Chronic toxic criteria apply at the edge of the chronic aquatic life mixing zone.
- 6. This permit does not authorize the discharge of domestic wastewater. All domestic wastewater must be disposed of in an approved manner, such as routing to an approved on-site septic tank and drainfield system or to an authorized third party for treatment and disposal.

#### 7. BACTERIA STUDY

In the event that effluent discharged via Outfall 001 exceeds a single grab result of 130 colonyforming units (CFU) or most probable number (MPN) per 100 mL of Enterococci for three consecutive months, the permittee shall conduct a site audit to identify the possible sources for Enterococci bacteria present in the effluent discharged via Outfall 001 and submit a final report of the findings. At a minimum, the report must include the following components:

- A. Identification of all on-site septic systems, sewage storage and conveyance structures, as well as process material (e.g. raw milk, liquid whey, etc.) storage and conveyance structures with potential as bacteria sources.
- B. Verification of the structural and operational integrity of each system and structure identified above.
- C. Analytical testing of all wastestreams (process wastewater, utility wastewater, and water treatment wastes) prior to commingling and testing of all potential contributing sources for Enterococci bacteria identified in part A above.
- D. Discussion of any remedial actions implemented to control Enterococci concentrations in the discharge and confirmation analytical testing after such activities are implemented. Or, if applicable, a discussion of why no remedial actions were taken.

The permittee shall submit the report to the TCEQ Industrial Permits Team (MC 148) and Region 2 Office no later than six months after necessitation of this requirement (i.e. six months after the third consecutive month with a single grab result greater than 130 CFU or MPN per 100 mL). The report must also be submitted as an attachment to the next renewal application of this permit. The report will be reviewed and the permit may be reopened by the TCEQ to include additional

requirements necessary to protect human health and the environment. This provision expires on the date of permit expiration.

- 8. The permittee may re-route water internally through the wastewater treatment plant or route high-TDS water to the evaporation ponds. Such activities are not considered "bypass" as described in the Monitoring and Reporting Requirements section of this permit.
- 9. This permit does not provide authorization for the permittee to accept wastewaters from third party sources, nor does it prohibit acceptance of such wastewaters. This permit only provides the authorization to discharge these wastes. Should authorization to accept third party waste be required, it is the obligation of the permittee to obtain such authorization from the appropriate regulatory authority.
- 10. Wastewater discharged via Outfall 001 must be sampled and analyzed as directed below for those parameters listed in Tables 1, 2, 3, and 4 of Attachment A of this permit. Analytical testing for Outfall 001 must be completed within 60 days of initial discharge. Results of the analytical testing must be submitted within 90 days of initial discharge to the TCEQ Industrial Permits Team (MC 148) and Region 2 Office. Based on a technical review of the submitted analytical results, an amendment may be initiated by TCEQ staff to include additional effluent limitations, monitoring requirements, or both.

Table 1 and	2: Analysis is required for all pollutants in Tables 1 - 2. Wastewater must be sampled and analyzed for those parameters listed in Tables 1- 2 for a minimum of four sampling events that are each at least one week apart.
Table 3:	Analysis is required for those pollutants in Table 3 that are used at the facility that could in any way contribute to contamination in the Outfall 001 discharge. Sampling and analysis must be conducted for a minimum of four sampling events that are each at least one week apart.
Table 4:	For all pollutants listed in Table 4, the permittee shall indicate whether each pollutant is believed to be present or absent in the discharge. Sampling and analysis must be conducted for each pollutant believed present for a minimum of one sampling event.

The permittee shall report the flow at Outfall 001 in MGD in the attachment. The permittee shall indicate on each table whether the samples are composite (C) or grab (G) by checking the appropriate box.

11. Reporting requirements according to 30 TAC §§ 319.1-319.12 and any additional effluent reporting requirements contained in the permit are suspended from the effective date of the permit until plant startup or discharge, whichever occurs first, from the facility described by this permit. The permittee shall provide written notice to the TCEQ Region 2 Office, Applications Review and Processing Team (MC 148) of the Water Quality Division, and Compliance Monitoring Team (MC 224) at least forty-five days prior to plant startup or anticipated discharge, whichever occurs first, on Notification of Completion Form 20007.

#### SPECIAL PROVISIONS FOR DISPOSAL VIA EVAPORATION

- This permit does not authorize the discharge of wastewater high in total dissolved solids (TDS) once routed to the evaporation ponds. High-TDS water includes, but is not limited to, brine water from the cheese making process, reverse osmosis reject, and other high TDS water (non-compliant effluent) streams. High-TDS water may be routed to the two evaporation ponds for disposal via evaporation.
- High-TDS water routed to the two evaporation ponds must not exceed a total annual average flow of 80,000 gallons per day.

#### 3. POND REQUIREMENTS

A wastewater pond must comply with the following requirements. A wastewater pond (or lagoon) is an earthen structure used to evaporate, hold, store, or treat water that contains a *waste* or *pollutant* or that would cause *pollution* upon *discharge* as those terms are defined in Texas Water Code § 26.001, but does not include a pond that contains only stormwater.

- A. A wastewater pond **subject to 40 CFR Part 257**, **Subpart D** (related to coal combustion residuals) must comply with those requirements in lieu of the requirements in B through G of POND REQUIREMENTS.
- B. An **existing** wastewater pond must be maintained to meet or exceed the original approved design and liner requirements; or, in the absence of original approved requirements, must be maintained to prevent unauthorized discharges of wastewater into or adjacent to water in the state. The permittee shall maintain copies of all liner construction and testing documents at the facility or in a reasonably accessible location and make the information available to the executive director upon request.
- C. A new wastewater pond constructed after the issuance date of this permit must be lined in compliance with one of the following requirements if it will contain process wastewater as defined in 40 CFR § 122.2. The executive director will review ponds that will contain only non-process wastewater on a case-by-case basis to determine whether the pond must be lined. If a pond will contain only non-process wastewater, the owner shall notify the Industrial Permits Team (MC 148) to obtain a written determination at least 90 days before the pond is placed into service and copy the TCEQ Compliance Monitoring Team (MC 224) and regional office. The permittee must submit all information about the proposed pond contents that is reasonably necessary for the executive director to make a determination. If the executive director determines that a pond does not need to be lined, then the pond is exempt from C(1) through C(3) and D through G of POND REQUIREMENTS.

A wastewater pond that <u>only contains domestic wastewater</u> must comply with the design requirements in 30 TAC Chapter 217 and 30 TAC § 309.13(d) in lieu of items C(1) through C(3) of this subparagraph.

(1) <u>Soil liner</u>: The soil liner must contain clay-rich soil material (at least 30% of the liner material passing through a #200 mesh sieve, liquid limit greater than or equal to 30, and plasticity index greater than or equal to 15) that completely covers the sides and bottom of the pond. The liner must be at least 3.0 feet thick. The liner material must be compacted in lifts of no more than 8 inches to 95% standard proctor density at the optimum moisture content in accordance with ASTM D698 to achieve a permeability less than or equal to 1 × 10<sup>-7</sup> ( $\leq$  0.0000001) cm/sec. For in-situ soil material that meets the permeability requirement, the material must be scarified at least 8 inches deep and then re-compacted to finished grade.

- (2) <u>Synthetic membrane</u>: The liner must be a synthetic membrane liner at least 40 mils in thickness that completely covers the sides and the bottom of the pond. The liner material used must be compatible with the wastewater and be resistant to degradation (e.g., from ultraviolet light, chemical reactions, wave action, erosion, etc.). The liner material must be installed and maintained in accordance with the manufacturer's guidelines. A wastewater pond with a synthetic membrane liner must include an underdrain with a leak detection and collection system.
- (3) <u>Alternate liner</u>: The permittee shall submit plans signed and sealed by a Texas-licensed professional engineer for any other equivalently protective pond lining method to the TCEQ Industrial Permits Team (MC 148) and copy the regional office.
- D. For a pond that must be lined according to subparagraph C (including ponds with in-situ soil liners), the permittee shall provide certification, signed and sealed by a Texas-licensed professional engineer, stating that the completed pond lining and any required underdrain with leak detection and collection system for the pond meet the requirements in subparagraph C(1) C(3) before using the pond. The certification shall include the following minimum details about the pond lining system: (1) pond liner type (in-situ soil, amended in-situ soil, imported soil, synthetic membrane, or alternative), (2) materials used, (3) thickness of materials, and (4) either permeability test results or a leak detection and collection system description, as applicable.

The certification must be provided to the TCEQ Water Quality Assessment Team (MC 150), Industrial Permits Team (MC 148), and regional office. A copy of the liner certification and construction details (i.e., as-built drawings, construction QA/QC documentation, and post construction testing) must be kept on-site or in a reasonably accessible location (in either hardcopy or digital format) until the pond is closed.

- E. Protection and maintenance requirements for a pond subject to subparagraph B or C (including ponds with in-situ soil liners).
  - (1) The permittee shall maintain a liner to prevent the unauthorized discharge of wastewater into or adjacent to water in the state.
  - (2) A liner must be protected from damage caused by animals. Fences or other protective devices or measures may be used to satisfy this requirement.
  - (3) The permittee shall maintain the structural integrity of the liner and shall keep the liner and embankment free of woody vegetation, animal burrows, and excessive erosion.
  - (4) The permittee shall inspect each pond liner and each leak detection system at least once per month. Evidence of damage or unauthorized discharge must be evaluated by a Texaslicensed professional engineer or Texas-licensed professional geoscientist within 30 days. The permittee is not required to drain an operating pond or to inspect below the waterline during these routine inspections.
    - A Texas-licensed professional engineer or Texas-licensed professional geoscientist must evaluate damage to a pond liner, including evidence of an unauthorized discharge without visible damage.
    - b. Pond liner damage must be repaired at the recommendation of a Texas-licensed professional engineer or Texas-licensed professional geoscientist. If the damage is significant or could result in an unauthorized discharge, then the repair must be documented and certified by a Texas-licensed professional engineer. Within 60 days after a repair is completed, the liner certification must be provided to the TCEQ Water

Quality Assessments Team (MC 150) and regional office. A copy of the liner certification must be maintained at the facility or in a reasonably accessible location and made available to the executive director upon request.

- c. A release determination and subsequent corrective action will be based on 40 CFR Part 257 or the Texas Risk Reduction Program (30 TAC Chapter 350), as applicable. If evidence indicates that an unauthorized discharge occurred, including evidence that the actual permeability exceeds the design permeability, the matter may also be referred to the TCEQ Enforcement Division to ensure the protection of the public and the
- F. For a pond subject to subparagraph B or C (including ponds with in-situ soil liners), the permittee shall have a Texas-licensed professional engineer perform an evaluation of each pond that requires a liner at least once every five years. The evaluation must include: (1) a physical inspection of the pond liner to check for structural integrity, damage, and evidence of leaking; (2) a review of the liner documentation for the pond; and (3) a review of all documentation related to liner repair and maintenance performed since the last evaluation. For the purposes of this evaluation, evidence of leaking also includes evidence that the actual permeability exceeds the design permeability. The permittee is not required to drain an operating pond or to inspect below the waterline during the evaluation. A copy of the engineer's evaluation report must be maintained at the facility or in a reasonably accessible location and made available to the
- G. For a pond subject to subparagraph B or C (including ponds with in-situ soil liners), the permittee shall maintain at least 2.0 feet of freeboard in the pond except when:
  - (1) the freeboard requirement temporarily cannot be maintained due to a large storm event that requires the additional retention capacity to be used for a limited period of time;
  - (2) the freeboard requirement temporarily cannot be maintained due to upset plant conditions that require the additional retention capacity to be used for treatment for a limited period of time; or
  - (3) the pond was not required to have at least 2.0 feet of freeboard according to the requirements at the time of construction.
- 4. All wastewater retention and evaporation ponds shall be operated in such a manner as to maintain
- 5. The permittee shall not construct any wastewater retention or evaporation ponds within a playa lake. Playa means a flat-floored, clayey bottom of an undrained basin that is located in an arid or semi-arid part of the state, is naturally dry most of the year, and collects runoff from rain but is

### ATTACHMENT A

Outfall No.:	on-convent	ionals					
Pollutant		Effluent	ent Concentration (mg/L)				
Flow (MGD)	Samp. 1	Samp. 2	Samp. 3	Samn A	Arran		
BOD (5-day)				p- 4	Average		
CBOD (5-day)		1	1000 million				
Chemical Oxygen Demand							
Total Organic Carbon			1				
Dissolved Oxygen	1						
Ammonia Nitrogen							
Total Suspended Solids		-					
Nitrate Nitrogen							
Total Organic Nitrogen							
Total Phosphorus							
Oil and Grease							
Total Residual Chlorine							
Total Dissolved Solids							
Sulfate							
Chloride							
Fluoride							
Total Alkalinity (mg/L as CaCO <sub>3</sub> ) Temperature (°F)							
pH (Standard Units; min/max)							
(CFU or MPN/100 mL) <sup>1</sup>							

# Table 1 – Conventionals and N

## Table 2 - Metals

Pollutant						
Aluminum, Total	Samp. 1	Samp. 2	Samp. 3	Samp. 4	Average	MAL <sup>3</sup> (µg/L)
Antimony, Total	1			1.1.1.1.1.1		2.5
Arsenic, Total						5
Barium, Total					10	0.5
Beryllium, Total	1					0.5
Cadmium, Total						3
Chromium, Total	1					0.5
Chromium, Hexavalent						1
Chromium, Trivalent						3
Copper, Total		-				3
Cyanide, Free						N/A
Lead, Total						2
, votat						10
Colony-forming units						0.5

1

Colony-forming units or most probable number per 100 mL. Indicate units if different than µg/L. Minimum Analytical Level 2

3

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TPDES Permit No. WQ0005417000

10

Pollutant	Effluent Concentration (well )							
Mercury, Total	Samp. 1	Samp. 2	Samp. 3	Samp. 4	Average	MAL <sup>3</sup> (µg/L)		
Nickel, Total			1.			0.005		
Selenium, Total				1		0.005		
Silver, Total				1.		2		
Thallium, Total				1		5		
Zinc. Total	23 2 2				100 M	0.5		
inte, rotai						0.5		
3 - Toxic Pollet	1.	ST 1 1 1 1 1 1 1				5.0		

# Table 3 – Toxic Pollutants with Water Quality Criteria Outfall No.: Image: Colspan="2">Image: Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2

Pollutant Acrolein	Samp. 1 (µg/L)4	Samp. 2 (µg/L) <sup>3</sup>	Samp. 3 (µg/L) 3	Samp. 4 (µg/L) 3	Avg.	MAL
Acrylonitrile			1.2		(48/1)*	(µg/L)
Anthracene			1000			0.7
Benzene						50
Benzidine						10
Benzo(a)anthracene	t					10
Benzo(a)pyrene						50
Bis(2-chloroethyl)ether						5
Bis(2-ethylhexyl) phthalate						5
Bromodichloromethane						10
Bromoform						10
Carbon Tetrachloride						10
Chlorobenzene						10
Chlorodibromomethane						2
Chloroform						10
Chrysene						10
Cresols						10
1,2-Dibromoethane						5
m-Dichlorobenzene						10
p-Dichlorobenzene						10
p-Dichlorobenzene						10
,3'-Dichlorobenzidine						10
,2-Dichloroethane						10
1-Dichloroethylene						5
ichloromethane						10
2-Dichloropropane						10
3-Dichloropropylene						20
4-Dimethylphenol						10
-n-Butyl Phthalate						10
pichlorohydrin						10
hylbenzene						10
					1,0	000

Indicate units if different than μg/L.

TPDES Permit No. WQ0005417000

Pollutant	_ Samp. 1 (μg/L)4	Samp. 2 (µg/L)3	Samp. 3 (µg/L) 3	Samp. 4 (ug/L)3	Avg,	MAL
Ethylehe Glycol				(1.9/~)	(µg/L)*	(µg/L)
Havashlavel						1990 - 1990 -
Hexachiorobenzene						500
Hexachlorobutadiene	1					5
Hexachlorocyclopentadiene						10
Hexachloroethane		-	1			10
[bisphenol A]	T					20
Methyl Ethyl Ketone						-
Methyl <i>tert</i> -butyl ether [MTBE]						50
Nitrobenzene						-
N-Nitrosodiethylamine						10
N-Nitroso-di-n-Butylamine					12.00	20
Nonylphenol						20
Pentachlorobenzene						333
Pentachlorophenol						20
Phenanthrene						5
Polychlorinated Biphenyls (PCBs) <sup>5</sup>						10
Pyridine						0.2
1,2,4,5-Tetrachlorobenzene						20
1,1,2,2-Tetrachloroethane						20
Tetrachloroethylene						10
Toluene						10
1,1,1-Trichloroethane						10
1,1,2-Trichloroethane						10
Frichloroethylene						10
2,4,5-Trichlorophenol		202				10
THM (Total						50
/inyl Chloride						10
						10

# Table 4 – Pollutants Believed Present

Outlan No. CG	1000-002-01-01-0	the second second second				
Pollutant	Believed Present	Believed Absent	Average Concentration (mg/L)	Maximum Concentration	No. of Samples	MAL
Bromide	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		(	(mg/L)	oumpies	(mg/L)
Color (PCU)						0.400
Nitrate-Nitrite (as N)					1	
Sulfide (as S)	-			1	1	
Sulfite (as SO <sub>3</sub> )						-
				London management		

<sup>&</sup>lt;sup>5</sup> Total of detects for PCB-1242, PCB-1254, PCB-1221, PCB-1232, PCB-1248, PCB-1260, PCB-1016. If all values are non-detects, enter the highest non-detect preceded by a "<" symbol.

TPDES Permit No. WQ0005417000

Outfall No.		Believed	Believed	Average	Maximum	No. of	MAL
Pollutant		Present	Absent	Concentration (mg/L)	Concentration (mg/L)	Samples	(mg/L)
Surfactants							-
Boron, total							0.020
Cobalt, total							0.0003
Iron, total	1.1.1.1.1.1		1	M			0.007
Magnesium, total	1			· · · · · · · · · · · · · · · · · · ·			0.020
Manganese, total							0.0005
Molybdenum, tot	al						0.001
Tin, total							0.005
Titanium, total							0.030

# STATEMENT OF BASIS/TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

#### DESCRIPTION OF APPLICATION

(TPDES) Permit No. WQ0005417000 (EPA I.D. No. TX0143600)
Industrial wastewater permit
New permit
New permit
Federal Clean Water Act (CWA) §402; Texas Water Code (TWC) §26.027; 30 Texas Administrative Code (TAC) Chapter 305, Subchapters C-F, and Chapters 307 and 319; commission policies; and Environmental Protection Agency (EPA) guidelines
E

#### EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The draft permit will expire at midnight, five years from the date of permit issuance according to the requirements of 30 TAC §305.127(1)(C)(i).

#### REASON FOR PROJECT PROPOSED

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit to authorize the discharge of process wastewater, utility wastewater, and water treatment wastes at a daily average flow not to exceed 2.0 million gallons per day (MGD) via Outfall 001, and the disposal of brine water at a daily average flow not exceed 80,000 gallons per day via evaporation.

#### PROJECT DESCRIPTION AND LOCATION

The applicant proposes to operate Leprino Foods Lubbock Manufacturing Facility, a mozzarella cheese and nutrition (powdered dairy) products manufacturing facility.

Raw fluid milk is reacted to coagulate the proteins and form cheese curds and liquid whey. The liquid whey is separated from the cheese and further processed into nutrition products through separation and drying. Final products anticipated include mozzarella cheese, whey protein powder, sweet whey powder, permeate powder, and cream. Process wastewater, utility wastewater (as cooling tower blowdown and boiler blowdown), and water treatment wastes (from reverse osmosis treatment of potable water) are routed to the wastewater treatment facility. Wastewater high in total dissolved solids (TDS), such as brine water from the cheese making process, reverse osmosis reject, and other high TDS water (non-compliant effluent) streams, will be kept separate and will be sent for disposal to two on-site evaporation ponds with optional enhanced evaporation.

According to information provided in the application, the proposed wastewater system will consist of anaerobic and aerobic activated sludge systems to treat high-strength wastewater and low-strength wastewater. A divert flow system will mitigate potential non-compliance wastestreams to the 10.5 million gallon "non-compliant lagoon". In addition, the facility will have a 1.5 million gallon "multipurpose lagoon" to serve as storage should any process units need to be taken out of service. Wastewater from the non-compliant lagoon and multipurpose lagoon will be routed back to the wastewater treatment plant prior to discharge. The draft permit does not authorize the discharge of domestic wastewater.

The production facility will be located at 4301 East 19<sup>th</sup> Street and the wastewater treatment facility will be located at 4502 East 4<sup>th</sup> Street, in the City of Lubbock, Lubbock County, Texas 79403.

#### **Discharge Route and Designated Uses**

The effluent is discharged to Canyon Lake #6, thence to the North Fork Double Mountain Fork Brazos River, thence to Double Mountain Fork Brazos River in Segment No. 1241 of the Brazos River Basin. The unclassified receiving water uses are high aquatic life use for Canyon Lake #6 and North Fork Double Mountain Fork Brazos River. The designated uses for Segment No. 1241 are primary contact recreation and high aquatic life use. The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions.

#### Antidegradation Review

In accordance with 30 TAC §307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Canyon Lake #6 and North Fork Double Mountain Fork Brazos River, which have been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

#### **Endangered Species Review**

The discharge from this permit is not expected to have an effect on any federal endangered or threatened aquatic or aquatic-dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS's) biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and the EPA only considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS's biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

#### **Impaired Water Bodies**

Segment No. 1241 is currently listed on the State's inventory of impaired and threatened waters (the 2022 Clean Water Act § 303(d) list). The Segment No. 1241 listing is specifically for elevated bacteria (Enterococci) levels in water (recreation use) in a 25-mile reach near Highway 83 (AU 1241\_01). The North Fork Double Mountain Fork Brazos River is also listed as impaired on the 2022 CWA § 303(d) list for elevated bacteria levels in water (recreation use) from the confluence with Buffalo Springs Lake upstream to the confluence with Yellow House Draw and Blackwater Draw (AU 1241A\_02). This impaired section of the North Fork Double Mountain Fork Brazos River includes the portion of the river that has been impounded to create Canyon Lake Number #6. Enterococci is the indicator bacteria for Segment No. 1241 in accordance with the Texas Surface Water Quality Standards, 30 TAC § 307.10(1).

The draft permit does not authorize the discharge of domestic wastewater, a known source of fecal bacteria. However, the storage and conveyance of raw materials, intermediate, and final products expected at a cheese manufacturing facility is anticipated to be conducive for bacteria growth. Self-expiring monitoring and reporting requirements for Enterococci have been included in the draft permit. Further, Other Requirement No. 7 requires a site audit and bacteria source investigation study following three consecutive months of Enterococci monitoring exceeding 130 colony-forming units

(CFU) or most probable number (MPN) per 100 mL, the single sample criterion for primary contact recreation under 30 TAC §307.7.

#### Completed Total Maximum Daily Loads (TMDLs)

There are no completed TMDLs for Segment No. 1241.

#### **Dissolved** Oxygen

An analysis of the proposed discharge was conducted using a simplified pond model for a daily average effluent flow of 2.0 MGD. The discharger will be located in Lubbock County.

Based on model results, seasonal daily average effluent limits of 5.0 mg/L biochemical oxygen demand, five-day (BOD<sub>5</sub>), 1.0 mg/L ammonia-nitrogen (NH<sub>3</sub>-N), and 6.0 mg/L minimum dissolved oxygen (DO) in the months of March – October, and 8.0 mg/L BOD<sub>5</sub>, 4.0 mg/L NH<sub>3</sub>-N, and 6.0 mg/L minimum DO in the months of November - February are predicted to be adequate to ensure that dissolved oxygen levels will be maintained above the criteria established by the Standards Implementation Team for Canyon Lake Number #6 (5.0 mg/L), the North Fork Double Mountain Fork Brazos River (5.0 mg/L), and the Double Mountain Fork Brazos River (5.0 mg/L).

Coefficients and kinetics used in the model are a combination of estimated and standardized default values. The results of this evaluation can be reexamined upon receipt of information that conflicts with the assumptions employed in this analysis.

#### SUMMARY OF EFFLUENT DATA

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

#### DRAFT PERMIT CONDITIONS

The draft permit authorizes the discharge of process wastewater, utility wastewater, and water treatment wastes at a daily average flow not to exceed 2.0 MGD via Outfall 001.

Outfall	Pollutant	Daily A lbs/day	verage mg/L	Daily M lbs/day	aximum mg/L
001	Flow	2.0 N	1GD	2.5 I	AGD
	BOD <sub>5</sub> March-October November-February	83.5 134	5.0 8.0	188 302	11.3 18.0
	Total Suspended Solids	825	N/A	1,704	N/A
	Ammonia-nitrogen March-October November-February	16.7 66.8	1.0 4.0	37.6 150	2.25 9.0
	Enterococci (CFU or MPN per 100 mL)	N/A		Report	
	Dissolved Oxygen	6.0 mg/L1	minimum	N	/A
	pH range, Standard Units (SU)	nits (SU) 6.0 SU minimum			SU
101	Oil and Grease <sup>1</sup>	N/	A	Repor	t mg/L

Effluent limitations are established in the draft permit as follows:

<sup>&</sup>lt;sup>1</sup> Oil and grease monitoring and reporting expires 58 months after permit issuance.

#### OUTFALL LOCATIONS

Outfall	Latitude	Longitude
001	33.576301 N	101.812924 W

#### **Technology-Based Effluent Limitations**

Regulations in Title 40 of the Code of Federal Regulations (40 CFR) require that technology-based limitations be placed in wastewater discharge permits based on effluent limitations guidelines, where applicable, or on best professional judgment (BPJ) in the absence of guidelines. Technology-based effluent limitations from 40 CFR Part 405 apply to the discharge process wastewater from this facility. Technology-based effluent limitations form 40 CFR do not apply to the discharge of utility wastewater or water treatment wastes. Limitations for pollutants expected in utility wastewater and water treatment wastes are included based on BPJ. Development of technology-based effluent limitations is presented in Appendix A.

#### Water Quality-Based Effluent Limitations

Calculations of water quality-based effluent limitations for the protection of aquatic life and human health are presented in Appendix B. Aquatic life criteria established in Table 1 and human health criteria established in Table 2 of 30 TAC Chapter 307 are incorporated into the calculations, as are recommendations in the Water Quality Assessment Team's memorandum dated November 1, 2022. TCEQ practice for determining significant potential is to compare the reported analytical data from the facility against percentages of the calculated daily average water quality-based effluent limitation. Permit limitations are required when analytical data reported in the application exceeds 85 percent of the calculated daily average water quality-based effluent limitation. Monitoring and reporting is required when analytical data reported in the application exceeds 70 percent of the calculated daily average water quality-based effluent limitation.

The chronic aquatic life mixing zone is defined as a volume within a radius of 100 feet from the point of discharge. Chronic toxic criteria apply at the edge of the chronic aquatic life mixing zone. The width of Canyon Lake #6 at the point of discharge is greater than or equal to 200 feet. The zone of initial dilution is defined as a volume within a radius of 25 feet from the point of discharge. The human health mixing zone is defined as a volume within a radius of 200 feet from the point of discharge.

Analytical data was not available for water quality-based screening because the facility has not been constructed and has not discharged. Other Requirement No. 10 in the draft permit requires the submittal of pollutant data within 90 days of commencing discharges. Once the data is received and reviewed, the TCEQ may initiate an amendment to add monitoring and reporting requirements or numeric effluent limits as needed.

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

Analytical data was not available for water quality-based screening because the facility has not been constructed and has not discharged. Other Requirement No. 10 in the draft permit requires the submittal of pollutant data—which includes TDS, chloride, and sulfate—within 90 days of commencing discharges. Once the data is received and reviewed, the TCEQ may initiate an amendment to add monitoring and reporting requirements, or numeric effluent limits as needed.

#### pH Screening

The draft permit includes pH limits of 6.0 – 9.0 SU at Outfall 001, which discharges into an unclassified water body. Consistent with the procedures for pH screening that were submitted to EPA with a letter dated May 28, 2014, and approved by EPA in a letter dated June 2, 2014, requiring a

discharge to an unclassified water body to meet pH limits of 6.0 - 9.0 standard units reasonably ensures instream compliance with *Texas Surface Water Quality Standards* pH criteria. These limits have been included in the draft permit.

#### 316(b) Cooling Water Intake Structures

The facility obtains water from Lubbock Public Water System (PWS No. TX1520002), for cooling purposes. The use of water obtained from a public water system for cooling purposes does not constitute the use of a cooling water intake structure; therefore, the facility is not subject to Section 316(b) of the CWA or 40 CFR Part 125, Subpart J.

Other Requirement No. 4 in the draft permit requires the permittee to notify the TCEQ of any changes in the method by which cooling water is obtained. Upon receipt of such notification, the TCEQ may reopen the permit to include additional terms and conditions as necessary.

#### Whole Effluent Toxicity Testing (Biomonitoring)

Biomonitoring requirements are not included in the draft permit because the TCEQ generally does not require whole effluent toxicity testing of EPA-classified minor industrial dischargers per the guidelines in the *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010).

#### **Disposal via Evaporation Ponds**

The draft permit authorizes an annual average of 80,000 gallons per day of high-TDS water to two evaporation ponds for disposal. The applicant indicated the two evaporation ponds will each have a surface area of 9.25 acres and a storage volume of 12,500,000 gallons, for a combined volume of 25,000,000 gallons. In addition, each evaporation pond may be equipped with optional mechanical evaporators. See Appendix C of this document for evaporation pond calculations. Due to the proximity of a playa lake, Special Provision No. 5 states "The permittee shall not construct any wastewater holding ponds within a playa lake."

#### SUMMARY OF CHANGES FROM APPLICATION

No changes were made from the application.

#### BASIS FOR DRAFT PERMIT

The following items were considered in developing the draft permit:

- Application received on September 30, 2022, and additional information received on October 10, 2022.
- 2. TCEQ Rules.
- 3. Texas Surface Water Quality Standards 30 TAC §§307.1-307.10, effective March 1, 2018, as approved by EPA Region 6.
- 4. Texas Surface Water Quality Standards 30 TAC §§307.1-307.10, effective March 6, 2014, as approved by EPA Region 6, for portions of the 2018 standards not approved by EPA Region 6.
- 5. Texas Surface Water Quality Standards 30 TAC §§307.1-307.10, effective July 22, 2010, as approved by EPA Region 6, for portions of the 2014 standards not approved by EPA Region 6.
- 6. Texas Surface Water Quality Standards 30 TAC §§307.1-307.10, effective August 17, 2000, and Appendix E, effective February 27, 2002, for portions of the 2010 standards not approved by EPA Region 6.

- 7. Procedures to Implement the Texas Surface Water Quality Standards (IPs), Texas Commission on Environmental Quality, June 2010, as approved by EPA Region 6.
- Procedures to Implement the Texas Surface Water Quality Standards, Texas Commission on Environmental Quality, January 2003, for portions of the 2010 IPs not approved by EPA Region 6.
- 9. Memos from the Standards Implementation Team and Water Quality Assessment Team of the Water Quality Assessment Section of the TCEQ.
- 10. Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits, TCEQ Document No. 98-001.000-OWR-WQ, May 1998.
- 11. EPA Effluent Guidelines: 40 CFR Part 405 (NSPS). A new source determination was performed and the discharge of process wastewater is a new source as defined at 40 CFR §122.2.
- 12. Consistency with the Coastal Management Plan: N/A
- Letter dated May 28, 2014, from L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, TCEQ, to Bill Honker, Director, Water Quality Protection Division, EPA (TCEQ proposed development strategy for pH evaluation procedures).
- 14. Letter dated June 2, 2014, from William K. Honker, P.E., Director, Water Quality Protection Division, EPA, to L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, TCEQ (Approval of TCEQ proposed development strategy for pH evaluation procedures).

#### PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the chief clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for reviewing and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The Chief Clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

Once a draft permit is completed, it is sent to the Chief Clerk, along with the Executive Director's preliminary decision contained in the technical summary or fact sheet. At that time, the Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment and is not a contested case hearing.

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

The Executive Director will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the Executive Director's response to comments and final decision is mailed. If a hearing request or request for reconsideration is filed, the Executive Director will

not issue the permit and will forward the application and request to the TCEQ commissioners for their consideration at a scheduled commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If the Executive Director calls a public meeting or the commission grants a contested case hearing as described above, the commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the commission will consider all public comments in making its decision and shall either adopt the Executive Director's response to public comments or prepare its own response.

For additional information about this application, contact Sarah A. Johnson, Ph.D., at (512) 239-4649.

Sarah H. Johnson Sarah A. Johnson, Ph.D.

January 24, 2023; Revised March 24, 2023 Date

#### Appendix A Calculated Technology-Based Effluent Limits

The applicant proposes to operate Leprino Foods Lubbock Manufacturing Facility, a mozzarella cheese and nutrition (powdered dairy) products manufacturing facility. Raw fluid milk is reacted to coagulate the proteins and form cheese curds and liquid whey. The liquid whey is separated from the cheese and further processed into nutrition products through separation and drying. Final products anticipated include, but are not limited to: mozzarella cheese, whey protein powder, sweet whey powder, permeate powder, and cream. Process wastewater, utility wastewater (as cooling tower blowdown and boiler blowdown), and water treatment wastes (from reverse osmosis treatment of potable water) are routed to the wastewater treatment facility.

Contributing Wastestream	% Contribution	Estimated Daily Average Flow MGD
Process Wastewater	72%	1.44
Utility Wastewater	15%	0.30
Water Treatment Wastes	13%	0.26
Total	100%	2.0

#### Process wastewater:

Technology-based effluent limitation guidelines from 40 CFR Part 405 (Dairy Products Processing Point Source Category) apply to the discharge of process wastewater. Subpart B (Fluid Products Subcategory), Subpart F (Natural and Processed Cheese Subcategory), and Subpart L (Dry Whey Subcategory) are applicable, per the information provided in the application. A new source determination was performed and the discharge of process wastewater is a new source as defined at 40 CFR §122.2. New source performance standards (NSPS) in 40 CFR §§405.25, 405.65, and 405.125, for Subparts B, F, and L, respectively, are applied in the calculations below.

The most significant pollutants contained in dairy products plant wastes are total suspended solids (TSS) and organic materials which exert a biochemical oxygen demand. Additional contaminants found in dairy plant wastes include phosphorus, nitrogen, chlorides, and heat, however, control and treatment of the primary pollutants (organics and TSS) will hold these lesser pollutants to satisfactory levels.<sup>1</sup> Effluent limitations for biochemical oxygen demand, five-day (BOD<sub>5</sub>) and TSS are based on BOD<sub>5</sub> input of the raw materials used. Per the rules in 40 CFR §§405.21(b), 405.61(b), and 405.121(b):

"the term " $BOD_5$  input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g., lactic acids) should be included as carbohydrates. Composition of input materials may be based on either direct analyses or generally accepted published values."

The composition of raw materials may be obtained from the U.S. Department of Agriculture Handbook No. 8, Composition of Foods. Composition of some common raw materials is also provided in the development document for Part 405. The applicant provided the composition of the various raw materials used in production at the facility.

<sup>&</sup>lt;sup>1</sup> Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Dairy Product Processing Point Source Category. May 1974. EPA 440/1-74/021a.

#### Subpart B- Fluid Products Subcategory § 405.25 Standards of performance for new sources.

	Daily Max	Daily Avg.
	kg per 1,000	kg of BOD <sub>5</sub> input
BODs	0.74	0.37
TSS	0.925	0.463
	Daily Max	Daily Avg.
	English units (lbs per :	100 lb of BOD₅ input)
BODs	0.074	0.037
TSS	0.093	0.046

#### Subpart F- Natural and Processed Cheese Subcategory § 405.65 Standards of performance for new sources.

Table	A-3. Subpart F NSPS	
	Daily Max	Daily Avg.
	kg per 1,000 kg of	BOD <sub>5</sub> input
BOD <sub>5</sub>	0.16	0.08
TSS	0.2	0.1
-	Daily Max	Daily Avg.
	English units (lbs per 100 l	b of BOD <sub>5</sub> input)
BOD <sub>5</sub>	0.016	0.008
TSS	0.02	0.01

#### Subpart L-Dry Whey Subcategory § 405.125 Standards of performance for new sources.

#### Table A-4, Subpart L NSPS

	Daily Max	Daily Avg.
	kg per 1,000 kg of	BOD <sub>5</sub> input
BODs	0.22	0.11
TSS	0.275	0.138
	Daily Max	Daily Avg
	English units (lbs per 100 l	b of BOD <sub>5</sub> input)
BOD <sub>5</sub>	0.022	0.011
TSS	0.023	0.014

Table A-5. Development of loading limits based on raw materials and production.

				Raw						Disc	harge li	mits in Ib	s/day
Dow Material	Fat	Protein	Carb.	Material Quantity Processed	Deaduct Made	Part BODs 405 Input	BODs Input	BODs Input (lbs of	BODs Input Ibs/100	Dail	y Avg	Dail	y Max
Raw Material	%	%	%	(IDS)	Product Made	Subpart	Factor	BOD5/day)	IDS	BODs	155	BODS	155
MILK	4.2	3.25	4,9	8,911,000	Skim, Cream	В	10.47	933,396	9,334	345	429	691	868
P2	6	30	15	95,409	Cheese	F	46.64	44,494	445	3.56	4.45	7.12	8.90
GRD	20.5	21	4	79,507	Cheese	F	42.66	33,918	339	2.71	3.39	5.43	6.78
SKIM	1	3.25	4.9	6,161,453	Cheese	F	7.63	469,912	4,699	37.6	47.0	75.2	94.0
SKIM	1	3.25	4.9	2,069,803	Milk UF, Concentrated Skim, Milk UF Permeate, Cheese, Cheese Liquid, Whey	в	7.63	157,857	1,579	58.4	72.6	117	147
CREAM	42	3.8	2.85	580,102	Cheese, Cheese Liquid, Whey	F	43.27	250,994	2,510	20.1	25.1	40.2	50.2
CREAM	42	3.8	2.85	176,145	Final Product								
MILK UF CONCENTRATED SKIM	3	9.75	4.9	689,934	Cheese, Cheese Liquid, Whey	F	16.11	111,136	1,111	8.89	11.1	17.8	22.2
MILK UF PERMEATE	0	0.013	4.9	1,380,091	UF Perm RO Conc, Milk Permeate, Lactose, Wastewater	L	3.40	46,913	469	5.16	6.57	10.3	10.8
CHEESE	22.7	21	4	1,716,741	Final Product								
CHEESE LIQUID WHEY	0.35	1.044	5.1	7,721,382	Whey retenate, permeate	L	4.91	379,272	3,793	41.7	53.1	83.4	87.2
WHEY RETENATE	0.51	8.3	3.94	507,727	WPC, PERMEATE	L	11.73	59,575	596	6.55	8.34	13.1	13.7
WPC	0.94	15.24	2.63	275,938	WPC Powder	L	18.37	50,680	507	5.57	7.10	11.1	11.7

#### Table A-5. Development of loading limits based on raw materials and production.

		1.7		Davis		1				Disc	harge lin	nits in lb	s/day
Raw Material				Material		1.5	1.21	BODs	BODs	Daily	Avg	Daily	Max
	Fat %	Protein %	Carb. %	Quantity Processed (Ibs)	Product Made	Part 405 Subpart	art BODs 105 Input	Input (lbs of BODs/dav)	Input Ibs/100 Ibs	BODs	TSS	BODs	TSS
UF PERM RO CONC. MILK PERMEATE LACTOSE	0	0.04	15.73	411,911	Condensed Permeate, water	L	10.91	44,942	449	4.94	6.29	9.9	10.3
PERMEATE	0	2.31	12,1	2,264,681	Condensed Permeate, water	L	10.74	243,288	2,433	26.8	34.1	53.5	56.0
CONDENSED PERMEATE	0	2.19	52.86	756,684	Permeate Powder	L	38.78	293,473	2,935	32.3	41.1	64.6	67.5
PERMEATE POWDER	0	2.19	8185	488,691	Final Product								5
WPC POWDER	4.61	82.35	10.53	56,394	Final Product								
										Daily Avg. BODs	Daily Avg. TSS	Daily Max BODs	Daily Max TSS
	1								Total Ibs/day	600	750	1,199	1,454

BOD<sub>5</sub> input factor = (1.031 x %protein) + (0.890 x %fat) + (0.691 x %carbohydrate) BOD<sub>5</sub> input in lbs= BOD<sub>5</sub> input factor x Raw Material Processed in lbs/100 lbs BOD<sub>5</sub> input in lbs (100 lbs = BOD<sub>5</sub> input /100

BODs input in lbs/100 lbs = BODs input/100

Mass loading limit = BODs input in lbs/100 lbs x Applicable Subpart ELG

#### **Utility wastewater:**

Technology-based effluent limitation guidelines from 40 CFR Part 405 (Dairy Products Processing Point Source Category) do not apply to the discharge of utility wastewater. The applicant requested authorization to discharge boiler blowdown, cooling tower blowdown, and evaporation condenser blowdown. These wastestreams are similar in nature to "low volume wastes" as defined in 40 CFR § 423.11(b) for Steam Electric Power Generating Point Source Category. The NSPS effluent guidelines at 40 CFR § 423.15(b) for "low volume wastes" are applied to the discharge of utility wastewater based on best professional judgement (BPJ).

	Daily Average mg/L	Daily Maximum mg/L			
TSS	30	100			
Oil and grease	15	20			
pH range in Standard Units	6.0 -	6.0 - 9.0 SU			

Table A.6- Effluent limits for utility wastewater using NSPS for low volu	me
waste in 40 CFR Part 423.	

Due to the federal effluent TSS limits for process wastewater, mass loading for TSS from utility wastewater was calculated for use in a building block approach for final limits at Outfall 001. Limits for pH are also applied at Outfall 001.

Mass loading limits in lbs/day are calculated as the concentration limit x flow x conversion factor.

Daily average TSS in lbs/day = 30 mg/L \* 0.30 MGD \* 8.345 = 75 lbs/day

Daily maximum TSS in lbs/day = 100 mg/L \* 0.30 MGD \* 8.345 = 250 lbs/day

While oil and grease may be present in utility wastewater, there are no federal effluent limit guidelines for oil and grease in process wastewater subject to 40 CFR Part 405. Per the technical development document, "a major contributor to dairy waste BOD<sub>5</sub> is dairy fat, which is being treated successfully biologically. This is in contrast to mineral based oil which inhibits the respiration of microorganisms. The standard hexane soluble FOG (fats, oils, and grease) test used presently does not differentiate between mineral oil and dairy fat."<sup>1</sup> Since the EPA did not develop effluent limits for oil and grease in the rulemaking for Part 405, it would be inappropriate to apply mass loading limits for oil and grease from the three contributing wastestreams of utility wastewater (boiler blowdown, cooling tower blowdown, and evaporation condenser blowdown) prior to commingling. Each of the three wastestreams will be sampled via grab and the permittee shall report the highest daily maximum of the three. Monitoring and reporting for oil and grease will expire prior to permit expiration. At the next permit action, internal Outfall 101 may be removed or, conversely, numeric limits may be applied for oil and grease upon review of the monitoring data.

#### Water Treatment Wastes:

There are no technology-based effluent limitation guidelines for water treatment wastes, such as reverse osmosis reject. Water treatment wastes are anticipated to contain total dissolved solids, chloride, and sulfate. Appropriate limits for these pollutants will be in accordance with water quality-

<sup>1</sup> Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Dairy Products Processing Point Source Category. May 1974. EPA 440/1-74/021a

based screening once effluent data is available. No allocations for  $BOD_5$ , TSS, or oil and grease are made for water treatment wastes.

	В	OD <sub>5</sub>		rss
	Daily Average	Daily Maximum	Daily Average	Daily Maximum
Process Wastewater	600	1,199	750	1,454
Utility Wastewater			75	250
Total lbs/day	600	1,199	825	1,704

#### **Outfall 001 Final Summation**

pH range of 6.0 to 9.0 SU

#### Internal Outfall 101

	Daily Maximum mg/l
Oil and grease	Report

#### Appendix B Calculated Water Quality-Based Effluent Limits

#### **TEXTOX MENU #4 - LAKE OR RESERVOIR**

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

Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life Table 2, 2018 Texas Surface Water Quality Standards for Human Health "Procedures to Implement the Texas Surface Water Quality Standards," TCEQ, June 2010

PERMIT INFORMATION				
Permittee Name:	Leprino Foods Company			
TPDES Permit No:	WQ0005417000			
Outfall No:	001			
Prepared by:	S. Johnson			
Date:	01/09/2023			
DISCHARGE INFORMATION				
Receiving Waterbody:	Canyon Lake #6			
P. Minerie Mart	1244			

Segment No.:	1241	
TSS (mg/L):	9.9	
pH (Standard Units):	7.7	
Hardness (mg/L as CaCO3):	473	
Chloride (mg/L):	1400	
Effluent Flow for Aquatic Life (MGD):	2	
% Effluent for Chronic Aquatic Life (Mixing Zone):	15	
% Effluent for Acute Aquatic Life (ZID):	60	
Effluent Flow for Human Health (MGD):	2	
% Effluent for Human Health:	8	
Human Health Criterion (select: PWS, FISH, or INC)	FISH	

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

Lake/Reservoir Metal	Intercept (b)	Slope (m)	Partition Coefficient (Kp)	Dissolved Fraction (Cd/Ct)	Source	Water Effect Ratio (WER)	Source
Aluminum	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Arsenic	5.68	-0.73	89781.39	0.529		1.00	Assumed
Cadmium	6.55	-0.92	430542.10	0.190		1.00	Assumed
Chromium (total)	6.34	-0.27	1178090.08	0.079		1.00	Assumed
Chromium (trivalent)	6.34	-0.27	1178090.08	0.079		1.00	Assumed
Chromium (hexavalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	6.45	-0.90	358037.34	0.220		1.00	Assumed
Lead	6.31	-0.53	605777.79	0.143		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	6.34	-0.76	383104.50	0.209		1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	6.38	-1.03	226201.64	0.309		1.00	Assumed
Zinc	6.52	-0.68	696575.30	0.127		1.00	Assumed

#### AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	FW Acute Criterion (μg/L)	FW Chronic Criterion (μg/L)	WLAa (µg/L)	WLAc (µg/L)	LTAa (µg/L)	LTAc (µg/L)	Daily Avg. (μg/L)	Daily Max. (μg/L)
Aldrin	3.0	N/A	5.00	N/A	1.60	N/A	2.35	4.97
Aluminum	991	N/A	1652	N/A	529	N/A	776	1643
Arsenic	340	150	1070	1889	343	1152	503	1065
Cadmium	38.79	0.722	340	25.3	109	15.5	22.7	48.0
Carbaryl	2.0	N/A	3.33	N/A	1.07	N/A	1.56	3.31
Chlordane	2.4	0.004	4.00	0.0267	1.28	0.0163	0.0239	0.0505
Chlorpyrifos	0.083	0.041	0.138	0.273	0.0443	0.167	0.0650	0.137
Chromium (trivalent)	2034	264.6	42933	22339	13739	13627	20031	42379
Chromium (hexavalent)	15.7	10.6	26.2	70.7	8.37	43.1	12.3	26.0
Copper	61.40	35.72	465	1082	149	660	218	462
Cyanide (free)	45.8	10.7	76.3	71.3	24.4	43.5	35.9	75.9
4,4'-DDT	1.1	0.001	1.83	0.00667	0.587	0.00407	0.00597	0.0126
Demeton	N/A	0.1	N/A	0.667	N/A	0.407	0.597	1.26
Diazinon	0.17	0.17	0.283	1.13	0.0907	0.691	0.133	0.281
Dicofol [Kelthane]	59.3	19.8	98.8	132	31.6	80.5	46.4	98.3
Dieldrin	0.24	0.002	0.400	0.0133	0.128	0.00813	0.0119	0.0252
Diuron	210	70	350	467	112	285	164	348
Endosulfan I (alpha)	0.22	0.056	0.367	0.373	0.117	0.228	0.172	0.364
Endosulfan II (beta)	0.22	0.056	0.367	0.373	0.117	0.228	0.172	0.364
Endosulfan sulfate	0.22	0.056	0.367	0.373	0.117	0.228	0,172	0.364
Endrin	0.086	0.002	0.143	0.0133	0.0459	0.00813	0.0119	0.0252
Guthion [Azinphos Methyl]	N/A	0.01	N/A	0.0667	N/A	0.0407	0.0597	0.126
Heptachlor	0.52	0.004	0.867	0.0267	0.277	0.0163	0.0239	0.0505
Hexachlorocyclohexane (gomma) [Lindane]	1.126	0.08	1.88	0.533	0.601	0.325	0.478	1.01
Lead	333.2	12.99	3886	606	1244	370	543	1149
Malathion	N/A	0.01	N/A	0.0667	N/A	0.0407	0.0597	0.126
Mercury	2.4	1.3	4.00	8.67	1.28	5.29	1.88	3.98
Methoxychlor	N/A	0.03	N/A	0.200	N/A	0.122	0.179	0.379
Mirex	N/A	0.001	N/A	0.00667	N/A	0.00407	0.00597	0.0126
Nickel	1743	193.6	13926	6187	4456	3774	5547	11737
Nonylphenol	28	6.6	46.7	44.0	14.9	26.8	21.9	46.4
Parathion (ethyl)	0.065	0.013	0.108	0.0867	0.0347	0.0529	0.0509	0.107
Pentachlorophenol	17.6	13.52	29,4	90.2	9.40	55.0	13.8	29.2
Phenanthrene	30	30	50.0	200	16.0	122	23.5	49.7
Polychlorinated Biphenyls [PCBs]	2.0	0.014	3.33	0.0933	1.07	0.0569	0.0836	0.177
Selenium	20	5	33.3	33.3	10.7	20.3	15.6	33.1
Silver	0.8	N/A	48.1	N/A	15.4	N/A	22.6	47.8
Toxaphene	0.78	0.0002	1.30	0.00133	0.416	0.000813	0.00119	0.00252
Tributyltin [TBT]	0.13	0.024	0.217	0.160	0.0693	0.0976	0.101	0.215
2,4,5 Trichlorophenol	136	64	227	427	72.5	260	106	225
Zinc	437.2	440.8	5753	23202	1841	14153	2706	5725

#### HUMAN HEALTH

#### CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

	Water and Fish Criterion	Fish Only Criterion	Incidental Fish Criterion	WLAH	LTAh	Daily Avg.	Daily Max.
Parameter	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)
Acrylonitrile	1.0	115	1150	1438	1337	1965	4157
Aldrin	1.1462-05	1.14/E-05	1.14/1-04	0.000143	0.000133	0.000196	0.000414
Antinracene	1109	131/	13170	10403	15310	22505	47614
Antimony	6	10/1	10/10	13388	12450	18302	38720
Arsenic	10	N/A	N/A	N/A	N/A	N/A	N/A
Barium	2000	N/A	N/A	N/A	N/A	N/A	N/A
Benzene	5	581	5810	/263	6/54	9928	21005
Benzidine	0.0015	0.107	1,0/	1.34	1.24	1.82	3.86
Benzo(o)anthracene	0.024	0.025	0.25	0.313	0.291	0.427	0.903
Benzo(a)pyrene	0.0025	0.0025	0.025	0.0313	0.0291	0.0427	0.0903
Bis(chloromethyl)ether	0.0024	0.2745	2.745	3.43	3.19	4.69	9.92
Bis(2-chloroethyl)ether	0.60	42.83	428.3	535	498	731	1548
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	6	7.55	75.5	94.4	87.8	129	272
Bromodichloromethane [Dichlorobromomethane]	10.2	275	2750	3438	3197	4699	9942
Bromoform [Tribromomethane]	66.9	1060	10600	13250	12323	18114	38322
Cadmium	5	N/A	N/A	N/A	N/A	N/A	N/A
Carbon Tetrachloride	4.5	46	460	575	535	786	1663
Chlordane	0.0025	0.0025	0.025	0.0313	0.0291	0.0427	0.0903
Chlorobenzene	100	2737	27370	34213	31818	46771	98952
Chlorodibromomethane [Dibromochloromethane]	7.5	183	1830	2288	2127	3127	6616
Chloroform [Trichloromethane]	70	7697	76970	96213	89478	131532	278275
Chromium (hexavalent)	62	502	5020	6275	5836	8578	18149
Chrysene	2.45	2.52	25.2	31.5	29.3	43.0	91.1
Cresols [Methylphenols]	1041	9301	93010	116263	108124	158942	336266
Cyanide (free)	200	N/A	N/A	N/A	N/A	N/A	N/A
4,4'-DDD	0.002	0.002	0.02	0.0250	0.0233	0.0341	0.0723
4,4'-DDE	0.00013	0.00013	0.0013	0.00163	0.00151	0.00222	0.00469
4,4'-DDT	0.0004	0.0004	0.004	0.00500	0.00465	0.00683	0.0144
2,4'-D	70	N/A	N/A	N/A	N/A	N/A	N/A
Danitol [Fenpropathrin]	262	473	4730	5913	5499	8082	17100
1,2-Dibromoethane [Ethylene Dibromide]	0.17	4.24	42.4	53.0	49.3	72.4	153
m-Dichlorobenzene [1,3-Dichlorobenzene]	322	595	5950	7438	6917	10167	21511
o-Dichlorobenzene [1,2-Dichlorobenzene]	600	3299	32990	41238	38351	56375	119271
<i>p</i> -Dichlorobenzene [1,4-Dichlorobenzene]	75	N/A	N/A	N/A	N/A	N/A	N/A
3,3'-Dichlorobenzidine	0.79	2.24	22.4	28.0	26.0	38,2	80.9
1,2-Dichloroethane	5	364	3640	4550	4232	6220	13159
1,1-Dichloroethylene [1,1-Dichloroethene]	7	55114	551140	688925	640700	941829	1992577
Dichloromethane [Methylene Chloride]	5	13333	133330	166663	154996	227844	482037
1,2-Dichloropropane	5	259	2590	3238	3011	4425	9363
1.3-Dichloropropene [1.3-Dichloropropylene]	2.8	119	1190	1488	1383	2033	4302
Dicofol (Kelthane)	0.30	0.30	3	3.75	3.49	5.12	10.8
Dieldrin	2.0E-05	2.0E-05	2.0E-04	0.000250	0.000233	0.000341	0.000723
2.4-Dimethylphenol	444	8436	84360	105450	98069	144160	304993
Di-n-Butyl Phthalate	88.9	92.4	974	1155	1074	1579	3340
Dioxins/Furans [TCDD Equivalents]	7.80F-08	7.97F-08	7.97E-07	9.96F-07	9.27F-07	0.0000014	0.0000029
Endrin	0.02	0.02	0.7	0.250	0.233	0 341	0.723
Enichlorohydrin	525	2012	20130	25162	23401	3/300	72777
Fthylbenzene	700	1867	18670	73229	21704	31904	67499
Ethylene Glycol	45744	1 685+07	1 685109	21000000	195300000	787091000	607383000
conficie difeor	40744	1.001.00/	1.000.000	21000000	133300000	201031000	0079030000

	Water and Fish Criterion	Fish Only Criterion	Incidental Fish Criterion	WLAH	LTAh	Daily Avg.	Daily Max.
Parameter	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)
Fluoride	4000	N/A	N/A	N/A	N/A	N/A	N/A
Heptachlor	8.0E-05	0.0001	0.001	0.00125	0.00116	0.00170	0.00361
Heptachlor Epoxide	0.00029	0.00029	0.0029	0.00363	0.00337	0.00495	0.0104
Hexachlorobenzene	0.00068	0.00068	0.0068	0.00850	0.00791	0.0116	0.0245
Hexachlorobutadiene	0.21	0.22	2.2	2.75	2.56	3.75	7.95
Hexachlorocyclohexane (alpha)	0.0078	0.0084	0.084	0.105	0.0977	0.143	0.303
Hexachlorocyclohexane (beta)	0.15	0.26	2.6	3.25	3.02	4.44	9.39
Hexachlorocyclohexane (gamma) [Lindane]	0.2	0.341	3.41	4.26	3.96	5.82	12.3
Hexachlorocyclopentadiene	10.7	11.6	116	145	135	198	419
Hexachloroethane	1.84	2.33	23.3	29.1	27.1	39.8	84.2
Hexachlorophene	2.05	2.90	29	36.3	33.7	49.5	104
4,4'-Isopropylidenediphenol [Bisphenol A]	1092	15982	159820	199775	185791	273112	577809
Lead	1.15	3.83	38.3	335	312	457	968
Mercury	0.0122	0.0122	0.122	0.153	0.142	0.208	0.441
Methoxychlor	2.92	3.0	30	37.5	34.9	51.2	108
Methyl Ethyl Ketone	13865	9.92E+05	9.92E+06	12400000	11532000	16952040	35864520
Methyl tert-butyl ether [MTBE]	15	10482	104820	131025	121853	179124	378963
Nickel	332	1140	11400	68296	63516	93368	197533
Nitrate-Nitrogen (as Total Nitrogen)	10000	N/A	N/A	N/A	N/A	N/A	N/A
Nitrobenzene	45.7	1873	18730	23413	21774	32007	67715
N-Nitrosodiethylamine	0.0037	2.1	21	26.3	24.4	35.8	75.9
N-Nitroso-di-n-Butylamine	0.119	4.2	42	52.5	48.8	71.7	151
Pentachlorobenzene	0.348	0.355	3.55	4.44	4.13	6.06	12.8
Pentachlorophenol	0.22	0.29	2.9	3.63	3.37	4.95	10.4
Polychlorinated Biphenyls [PCBs]	6.4E-04	6.4E-04	6.40E-03	0.00800	0.00744	0.0109	0.0231
Pyridine	23	947	9470	11838	11009	16183	34237
Selenium	50	N/A	N/A	N/A	N/A	N/A	N/A
1,2,4,5-Tetrachlorobenzene	0.23	0.24	2.4	3.00	2.79	4.10	8.67
1,1,2,2-Tetrachloroethane	1.64	26.35	263.5	329	306	450	952
Tetrachloroethylene [Tetrachloroethylene]	5	280	2800	3500	3255	4784	10123
Thallium	0.12	0.23	2.3	2.88	2.67	3.93	8.31
Toluene	1000	N/A	N/A	N/A	N/A	N/A	N/A
Toxaphene	0.011	0.011	0.11	0.138	0.128	0.187	0.397
2,4,5-TP [Silvex]	50	369	3690	4613	4290	6305	13340
1,1,1-Trichloroethane	200	784354	7843540	9804425	9118115	13403629	28357338
1,1,2-Trichloroethane	5	166	1660	2075	1930	2836	6001
Trichloroethylene [Trichloroethene]	5	71.9	719	899	836	1228	2599
2,4,5-Trichlorophenol	1039	1867	18670	23338	21704	31904	67499
TTHM [Sum of Total Trihalomethanes]	80	N/A	N/A	N/A	N/A	N/A	N/A
Vinyl Chloride	0.23	16.5	165	206	192	281	596

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

Aquatic Life	70% of Daily Avg.	85% of Daily Avg.	
Parameter	(µg/L)	(µg/L)	
Aldrin	1.64	1.99	
Aluminum	543	660	
Arsenic	352	427	
Cadmium	15.9	19.3	

Aquatic Life	70% of Daily Avg,	85% oj Daily Avg.
Parameter	(µg/L)	(µg/L)
Carbaryl	1.09	1.33
Chlordane	0.0167	0.0203
Chlorpyrifos	0.0455	0.0553
Chromium (trivalent)	14021	17026
Chromium (hexavalent)	8.61	10.4
Copper	153	185
Cyanide (free)	25.1	30.5
4,4'-DDT	0.00418	0.00508
Demeton	0.418	0.508
Diazinon	0.0932	0.113
Dicofol [Kelthane]	32.5	39.5
Dieldrin	0.00836	0.0101
Diuron	115	139
Endosulfan I (alpha)	0.120	0.146
Endosulfan II (beta)	0.120	0.146
Endosulfan sulfate	0,120	0.146
Endrin	0.00836	0.0101
Guthion (Azinphos Methyl)	0.0418	0.0508
Hentachlor	0.0167	0.0203
Heyachlorocyclobexane (aamma) [Lindane]	0.334	0.0205
lead	380	461
Malathion	0.0418	0.0509
Marcura	1 21	1.50
Mathewebler	0.125	0 153
Miroy	0.00418	0.152
Nickol	0.00418	0.00300
Norvahanal	15.3	4/13
Parathian (athul)	0.0356	0.0422
Parathion (ethyl)	0.0356	0.0433
Pentachiorophenoi	9.67	11./
Phenanthrene	16.4	19.9
Polychlorinated Biphenyls [PCBs]	0.0585	0.0711
Selenium	10,9	13.3
Silver	15.8	19.2
Toxaphene	0.000836	0.00101
Tributyltin [TBT]	0.0713	0.0866
2,4,5 Trichlorophenol	74.6	90.6
Zinc	1894	2300
Human Health	70% of Daily Avg.	85% of Daily Avg.
Parameter	(µg/L)	(µg/L)
Acrylonitrile	1375	1670
Aldrin	0.000137	0.000166
Anthracene	15754	19130
Antimony	12811	15556
Arsenic	N/A	N/A
Barium	N/A	N/A
Benzene	6949	8430
Benzidine	1.27	1.55
Benzo(n)anthracene	0.200	0.363
Benzo(a)ovrene	0.299	0.303
Bir/chloromathullathar	0.0299	0.0503
Distriction differing	3.20	3,98

Human Health	70% of Daily Avg.	85% of Daily Avg.
Parameter	(µg/L)	(µg/L)
Bis(2-chloroethyl)ether	512	622
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl)		
phthalate]	90.3	109
Bromodichloromethane [Dichlorobromomethane]	3289	3994
Bromoform [Tribromomethane]	12679	15396
Cadmium	N/A	N/A
Carbon Tetrachloride	550	668
Chlordane	0.0299	0.0363
Chlorobenzene	32740	39756
Chlorodibromomethane [Dibromochloromethane]	2189	2658
Chloroform [Trichloromethane]	92072	111802
Chromium (hexavalent)	6004	7291
Chrysene	30.1	36.6
Cresols [Methylphenols]	111259	135101
Cyanide (free)	N/A	N/A
4,4'-DDD	0.0239	0.0290
4,4'-DDE	0.00155	0.00188
4,4'-DDT	0.00478	0.00581
2,4'-D	N/A	N/A
Danitol [Fenpropathrin]	5658	6870
1.2-Dibromoethane [Ethylene Dibromide]	50.7	61.5
m-Dichlorobenzene (1.3-Dichlorobenzene)	7117	8642
o-Dichlorobenzene [1,2-Dichlorobenzene]	39463	47919
<i>p</i> -Dichlorobenzene [1.4-Dichlorobenzene]	N/A	N/A
3.3'-Dichlorobenzidine	26.7	32.5
1.2-Dichloroethane	4354	5287
1 1-Dichloroethylene [1 1-Dichloroethene]	659280	800554
Dichloromethane [Methylene Chloride]	159491	193667
1.2-Dichloropropane	3098	3762
1.3-Dichloropropene [1.3-Dichloropropylene]	1473	1728
Disofal [Kelthane]	2.59	1 25
Dieldrin	0.000730	0.000200
2.4. Dimethylohonol	100912	122526
Di a Butul Bethalata	100912	122330
Di-n-butyi Fithalate	0.535.07	0.0000013
Dioxins/Furans [TCDD Equivalents]	9.532-07	0.000012
Endrin	0.239	0.290
Epichloronyarin	24079	29239
Ethylbenzene	22333	2/118
Ethylene Glycol	200963700	244027350
Fluoride	N/A	N/A
Heptachlor	0.00119	0.00145
Heptachlor Epoxide	0.00346	0.00421
Hexachlorobenzene	0.00813	0.00987
Hexachlorobutadiene	2.63	3.19
Hexachlorocyclohexane (alpha)	0.100	0,122
Hexachlorocyclohexane (beta)	3.11	3.77
Hexachlorocyclohexane (gamma) [Lindane]	4.07	4.95
Hexachlorocyclopentadiene	138	168
Hexachloroethane	27.8	33.8
Hexachlorophene	34.6	42.1
4,4'-Isopropylidenediphenol [Bisphenol A]	191178	232145
Lead	320	389

Human Health	70% of Daily Ava.	85% of Daily Ava
Parameter	(µg/L)	(µg/L)
Mercury	0.145	0.177
Methoxychlor	35.8	43.5
Methyl Ethyl Ketone	11866428	14409234
Methyl tert-butyl ether [MTBE]	125386	152255
Nickel	65357	79362
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A
Nitrobenzene	22405	27206
N-Nitrosodiethylamine	25.1	30.5
N-Nitroso-di-n-Butylamine	50.2	61.0
Pentachlorobenzene	4.24	5.15
Pentachlorophenol	3.46	4.21
Polychlorinated Biphenyls [PCBs]	0.00765	0.00929
Pyridine	11328	13755
Selenium	N/A	N/A
1,2,4,5-Tetrachlorobenzene	2.87	3.48
1,1,2,2-Tetrachloroethane	315	382
Tetrachloroethylene [Tetrachloroethylene]	3349	4067
Thallium	2.75	3.34
Toluene	N/A	N/A
Toxaphene	0.131	0.159
2,4,5-TP [Silvex]	4414	5359
1,1,1-Trichloroethane	9382540	11393085
1,1,2-Trichloroethane	1985	2411
Trichloroethylene [Trichloroethene]	860	1044
2,4,5-Trichlorophenol	22333	27118
TTHM [Sum of Total Trihalomethanes]	N/A	N/A
Vinyl Chloride	197	239

#### **Dissolved Oxygen Modeling:**

As discussed on page 3 of this document, based on model results, seasonal daily average effluent limits of 5 mg/L BOD<sub>5</sub>, 1.0 mg/L NH<sub>3</sub>-N, and 6 mg/L minimum DO for March – October; and 8 mg/L BOD<sub>5</sub>, 4 mg/L NH<sub>3</sub>-N, and 6 mg/L minimum DO for November - February are required to maintain the quality of the receiving water.

Mass loading limits in lbs/day are calculated as the concentration limit x flow x conversion factor. Daily maximum limits are calculated as the daily average limit x 2.25 factor. This factor is commensurate with daily average to daily maximum ratio for  $BOD_5$  in 30 TAC §309.4 and has historically been applied for calculation of daily maximums when water quality-based daily average limits are necessary. A factor of 2.25 is slightly greater than ratio of 2.0 in the technology-based limits provided in 40 CFR Part 405 (i.e. daily average 36 mg/L and daily maximum 72 mg/L).

#### March-October:

Daily average BOD<sub>5</sub> lbs/day = 5.0 mg/L \* 2.0 MGD \* 8.345 = 83.5 lbs/day Daily maximum BOD<sub>5</sub> lbs/day = 2.25 \* 5.0 mg/L \* 2.0 MGD \* 8.345 = 188 lbs/day

Daily average NH<sub>3</sub>-N lbs/day = 1.0 mg/L \* 2.0 MGD \* 8.345 = 16.7 lbs/day Daily maximum NH<sub>3</sub>-N lbs/day =  $2.25 \times 1.0$  mg/L \* 2.0 MGD \* 8.345 = 37.6 lbs/day

#### November-February:

Daily average BOD<sub>5</sub> lbs/day = 8.0 mg/L \* 2.0 MGD \* 8.345 = 134 lbs/day Daily maximum BOD<sub>5</sub> lbs/day = 2.25 \* 8.0 mg/L \* 2.0 MGD \* 8.345 = 302 lbs/day

Daily average NH<sub>3</sub>-N lbs/day =  $4.0 \text{ mg/L} \pm 2.0 \text{ MGD} \pm 8.345 = 66.8 \text{ lbs/day}$ Daily maximum NH<sub>3</sub>-N lbs/day =  $2.25 \pm 4.0 \text{ mg/L} \pm 2.0 \text{ MGD} \pm 8.345 = 150 \text{ lbs/day}$ 

#### Appendix C Evaporation Pond Calculations

30 Texas Administrative Code (TAC), Chapter 309, Subchapter C outlines procedures used to determine appropriate design for irrigation systems at domestic wastewater treatment plants. Appropriate evaporation pond sizing is determined based upon these procedures using best professional judgement (BPJ). These procedures consist of two evaluations: critical condition evaluation and average condition evaluation.

#### **Critical Condition Evaluation**

The critical condition evaluation is designed to evaluate the storage capacity of the pond(s) under a "worst-case scenario." The worst-case scenario is defined as the 25-year lowest net evaporation\* assuming daily flow to the pond at the permitted rate. The pond's storage capacity is considered adequate when the Total Storage Necessary is less than or equal to the Pond Storage Volume (the pond could contain all wastewater discharged when evaporation is lowest).

The following is a summary of calculations performed in determining the Total Storage Necessary:

Effluent Flow	0.0800	MGD	
Pond Surface Acres	18,50	acres	(TWO ponds with 9.25 acre surface area
Pond Storage Volume	76,00	acre-feet	and 38 acre-feet volume, each)

		Flow to Ponds	Evap Rate	Evap from Ponds	Storage Requirements
Month	# of Days	(acre-feet)	(feet)	(acre-feet)	(acre-feet)
January	31	7.61	0.12	2.30	5.31
February	28	6.87	0.14	2.51	4.36
March	31	7.61	0.20	3.61	4.00
April	30	7.36	0.26	4.84	2.53
May	31	7.61	0.22	4.10	3.51
June	30	7.36	0.31	5.68	1.69
July	31	7.61	0.33	6.18	1.43
August	31	7.61	0.32	5.89	1.72
September	30	7.36	0.21	3.80	3.57
October	31	7.61	0.20	3.63	3.98
November	30	7.36	0.17	3.07	4.29
December	31	7.61	0.12	2.27	5.34

Total Storage Necessary

41.71

Flow to Pond = (Effluent Flow (MGD)) \* (# of Days)\* (3.0684)

- Evaporation from Pond = (Pond Surface Acres) \* (Evaporation Rate)
- Evaporation Rate = 25-year lowest net evaporation distributed by month
- Storage Requirement = (Flow to Pond) (Evaporation from Pond)

Total Storage Necessary = SUM (Storage Requirement)

<sup>\*</sup>Texas Water Development Board Lake Evaporation and Precipitation data for Quadrangle x for the period of record 1954 through 2021.

#### Average Condition Evaluation

The pond(s) must have enough surface area to evaporate all the flow to the pond(s) under average rainfall conditions. The pond is considered adequately sized when the Total Storage Necessary is less than or equal to zero. If this value is greater than zero, the pond's surface must be increased or the effluent flow reduced to ensure that no accumulation occurs during average conditions

The following is a summary of calculations performed in determining the Total Storage Necessary:

Effluent Flow	0.08	MGD	
Pond Surface Acres	18.5	acres	(TWO ponds with 9.25 acre surface area
Pond Storage Volume	76	acre-feet	and 38 acre-feet volume, each)

				Evap	Storage
		Flow to Ponds	Evap Rate	from Ponds	Requirements
Month	# of Days	(acre-feet)	(feet)	(acre-feet)	(acre-feet)
January	31	7.61	0.21	3.98	3.63
February	28	6.87	0.23	4.34	2.54
March	31	7.61	0.34	6.23	1.38
April	30	7.36	0.45	8.35	-0.98
May	31	7.61	0.38	7.08	0.53
June	30	7.36	0.53	9.80	-2.44
July	31	7.61	0.58	10.67	-3.06
August	31	7.61	0.55	10.16	-2.55
September	30	7.36	0.35	6.56	0.81
October	31	7.61	0.34	6.27	1.34
November	30	7.36	0.29	5.30	2.06
December	31	7.61	0.21	3.92	3.69

Total Storage Necessary

6.96

Flow to Pond = (Effluent Flow (MGD)) \* (# of Days) \* (3.0684) Evaporation from Pond = (Pond Surface Acres) \* (Evaporation Rate) Evaporation Rate = 25-year average monthly net evaporation\* Storage Requirement = (Flow to Pond) - (Evaporation from Pond) Total Storage Necessary = SUM (Storage Requirement)

<u>Conclusion</u>: The combined volume of the two ponds is sufficient to dispose of an annual average of 80,000 gallons per day of high TDS water via evaporation. In addition, the applicant has indicated that evaporation enhancing measures may be used as needed.

#### Appendix D Comparison of Technology-Based Effluent Limits and Water Quality-Based Effluent Limits

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

1001	Pollutant	Technology-Based			Water Quality-Based				
Outfall		Daily Avg		Daily Max		Daily Avg		Daily Max	
		lbs/day	mg/L	lbs/day	mg/L	lbs/day	mg/L	lbs/day	mg/L
001	Flow	2.0 MGD		2.5 MGD		2.0 MGD		2.5 MGD	
	Biochemical oxygen demand, five-day	600	[36]	1,199	[72]	83.5 134	5.0 (Mar-Oct.) 8.0 (NovFeb.)	188 302	11.3 (MarOct.) 18.0 (NovFeb.)
	Total Suspended Solids	825	- ÷	1,704	12.811		÷	-	*
	Oil and Grease	38	1 2 2 2	50		×	1.2. Sec. 2.2.		1
	Ammonia-nitrogen	+	÷	1	- 61	16.7 66.8	1.0 (MarOct.) 4.0 (NovFeb)	37.6 150	2.25 (MarOct.) 9.0 (NovFeb.)
	Enterococci (CFU or MPN per 100 mL) <sup>1</sup>	- A +		1		N/A		Report	
	Dissolved Oxygen					6.0 mg/L minimum			
	pH range in Standard Units	6.0 SU to 9.0 SU			6.0 SU to 9.0 SU				

<sup>&</sup>lt;sup>1</sup> Reported in colony-forming units (CFU) or most probable number (MPN) per 100 mL. Bacteria monitoring and reporting expires 58 months after the date of permit issuance.



# **Compliance History Report**

Compliance History Report for CN605980739, RN111422333, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:		CN605980739, Leprino Foods Company	Classification: UNCLASSIFIED	Rating:					
<b>Regulated Entity:</b>		RN111422333, LEPRINO FOODS LUBBOCK MFG FACILITY	Classification: UNCLASSIFIED	Rating:					
Coi	mplexity Points:	2	Repeat Violator: NO						
СН	Group:	14 - Other							
Location: 4301 E 19TH ST LUBBOCK, TX, LUBBOCK COUNTY									
тсі	CEQ Region: REGION 02 - LUBBOCK								
ID WA AIF	ID Number(s): WASTEWATER PERMIT WQ0005417000 AIR NEW SOURCE PERMITS PERMIT 167860 WASTEWATER EPA ID TX0143600								
Co	mpliance History Perio	od: September 01, 2017 to August 31, 20	Rating Year: 2022 Rat	ing Date: 09/01/2022					
Dat	te Compliance History	Report Prepared: December 11, 20	22						
Age	ency Decision Requiri	ng Compliance History: Permit - Is revocation	suance, renewal, amendment, modificat of a permit.	tion, denial, suspension, or					
Co	mponent Period Selec	ted: September 30, 2017 to September	30, 2022						
тсі	EQ Staff Member to Co	ontact for Additional Information F	Regarding This Compliance Histo	ory.					
	Name: S.Johnson		Phone: (512) 239-4649						
<u>Sit</u>	e and Owner/Opera	ator History:							
1) H 2) H	las the site been in existen las there been a (known) c	ce and/or operation for the full five year co hange in ownership/operator of the site du	ompliance period? NO ring the compliance period? NO						
Co	mponents (Multime	<u>dia) for the Site Are Listed in S</u>	Sections A - J						
Α.	Final Orders, court ju N/A	dgments, and consent decrees:							
в.	Criminal convictions: N/A								
c.	. Chronic excessive emissions events: N/A								
D.	). The approval dates of investigations (CCEDS Inv. Track. No.): N/A								
E.	Written notices of violations (NOV) (CCEDS Inv. Track. No.): A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.								

N/A

- F. Environmental audits: N/A
- G. Type of environmental management systems (EMSs): N/A

- H. Voluntary on-site compliance assessment dates: N/A
- I. Participation in a voluntary pollution reduction program: N/A
- J. Early compliance: N/A

Sites Outside of Texas:

N/A