



Technical Package Cover Page

This file contains the following documents:

1. Summary of application (in plain language)
2. First notice (NORI-Notice of Receipt of Application and Intent to Obtain a Permit)
3. Second notice (NAPD-Notice of Preliminary Decision)
4. Application materials (**NOTE:** This application was declared Administratively Complete before June 1, 2024. Application materials are available for review at the Public Viewing Location provided in the NORI.)
5. Draft permit
6. Technical summary or fact sheet



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PLAIN LANGUAGE SUMMARY FOR TPDES OR TLAP PERMIT APPLICATIONS

Plain Language Summary Template and Instructions for Texas Pollutant Discharge Elimination System (TPDES) and Texas Land Application (TLAP) Permit Applications

Applicants should use this template to develop a plain language summary as required by [Title 30, Texas Administrative Code \(30 TAC\), Chapter 39, Subchapter H](#). Applicants may modify the template as necessary to accurately describe their facility as long as the summary includes the following information: (1) the function of the proposed plant or facility; (2) the expected output of the proposed plant or facility; (3) the expected pollutants that may be emitted or discharged by the proposed plant or facility; and (4) how the applicant will control those pollutants, so that the proposed plant will not have an adverse impact on human health or the environment.

Fill in the highlighted areas below to describe your facility and application in plain language. Instructions and examples are provided below. Make any other edits necessary to improve readability or grammar and to comply with the rule requirements.

If you are subject to the alternative language notice requirements in [30 TAC Section 39.426](#), **you must provide a translated copy of the completed plain language summary in the appropriate alternative language as part of your application package**. For your convenience, a Spanish template has been provided below.

ENGLISH TEMPLATE FOR TPDES or TLAP NEW/RENEWAL/AMENDMENT APPLICATIONS Enter 'INDUSTRIAL' or 'DOMESTIC' here WASTEWATER/STORMWATER

The following summary is provided for this pending water quality permit application being reviewed by the Texas Commission on Environmental Quality as required by 30 TAC Chapter 39. The information provided in this summary may change during the technical review of the application and is not a federal enforceable representation of the permit application.

Vencorex US, Inc. (CN603396565) operates Vencorex US, Inc. (RN100215177), a Manufacture of Aliphatic Polyisocyanate Resins. The facility is located at 6213 Hwy 332 East, in Freeport, Brazoria County, Texas 77451. We are requesting to Renew Our Permit WQ0001822000. <<For TLAP applications include the following sentence, otherwise delete:>> This permit will not authorize a discharge of pollutants into water in the state.

Discharges from the facility are expected to contain This application is for a renewal to discharge 0.2 Million Gallons Per Day of wastewater from the following Outfall's 001 "Wastewater" (contains pollutants of the following characteristics (Total Suspended Solids, Biochemical Oxygen Demand, Total Organic Carbon, Ammonia-Nitrogen, Oil and Grease, Temperature, PH, Enterococci. Outfall 002 "Stormwater" (contains pollutants of the following characteristics Total Organic Carbon, Oil and Grease, Zinc, and Sulfate. . Wastewater: 1) polyisocyanate resin products- no wastewater is generated; 2) Utilities, Cooling tower and boiler blowdown, Rain runoff from process areas, stormwater, rain runoff from non-process

areas collected in pond is treated by Tanks: T-6030 and T-6031 are the final stages in the wastewater treatment system. They are 1500 gallon holding tanks. The Unit sumps pass through a strainer before going to T6031. T-6031 then pumps to T6030. Along with T-6031 collected water, T-6030 collects stormwater from the Polyisocyanate Unit. Before entering T-6030 the Polyisocyanate unit stormwater is pumped through a filter.

Carbon bed: Wastewater from T6030 is fed to carbon beds.

Ponds: After carbon bed treatment, the water is discharged to the Equalization Pond, then settling Pond A then settling Pond B where the pH can be adjusted as required then into settling Pond C. From Pond C, the wastewater is discharged as Outfall 001.

30 Day Pond (used as backup pond only) *	3,000,000 gal	Clay lined
Equalization Pond	1,000,000 gal	Plastic lined
Settling Pond A	600,000 gal	Clay lined
Settling Pond B	160,000 gal	Plastic lined
Settling Pond C	260,000 gal	Plastic lined

*The 30 day pond is used as a backup pond and is not part of the wastewater treatment train. If needed, discharge from the carbon beds can empty into the 30 Day Pond and then go to the Equalization Pond where it picks up the normal path.

Water from the mothballed Rare Earth sumps enter the Equalization Pond and follow the normal train of ponds. .

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT RENEWAL

PERMIT NO. WQ0001822000

APPLICATION. Vencorex US, Inc., 6213 East Highway 332, Freeport, Texas 77541, which operates a facility which manufactures aliphatic polyisocyanate resins, has applied to the Texas Commission on Environmental Quality (TCEQ) to renew Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001822000 (EPA I.D. No. TX0008737) to authorize the discharge of treated wastewater and stormwater at a volume not to exceed a daily average flow of 125,000 gallons per day via Outfall 001 and the discharge of stormwater at an intermittent and flow-variable volume via Outfall 002. The facility is located at 6213 East Highway 332, near the city of Freeport, in Brazoria County, Texas 77541. The discharge route is from the plant site via Outfalls 001 and 002 to the Dow Chemical Plant "A" Effluent Canal; thence to the Brazos River Tidal. TCEQ received this application on April 5, 2024. The permit application will be available for viewing and copying at Freeport Branch Library, 410 North Brazosport Boulevard, Freeport, in Brazoria County, Texas prior to the date this notice is published in the newspaper. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-95.361111,28.991111&level=18>

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application**

is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.** TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. All public comments and requests must be submitted either electronically at <https://www14.tceq.texas.gov/epic/eComment/>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you

provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Vencorex US, Inc. at the address stated above or by calling Mr. Kevin Fuentes, EHS Manager, at 979-238-8661.

Issuance Date: April 24, 2024

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR INDUSTRIAL WASTEWATER RENEWAL

Permit No. WQ0001822000

APPLICATION AND PRELIMINARY DECISION. Vencorex US Inc., 6213 East Highway 332, Freeport, Texas 77541, which operates the Vencorex US, a facility that manufactures aliphatic polyisocyanate derivatives and associated products, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001822000, which authorizes the discharge of clarifier blowdown, ion exchange water, sandfilter backwash, carbon bed/area sumps, cooling tower blowdown, boiler blowdown, treated domestic wastewater and stormwater at a daily average flow of effluent shall not exceed 125,000 gallons per day via Outfall 001; and stormwater on an intermittent and flow-variable basis via Outfall 002. TCEQ received this application on April 5, 2024.

The facility is located at 6213 East Highway 332, near the City of Freeport, in Brazoria County, Texas 77541. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-95.361111,28.991111&level=18>

The effluent is discharged from the plant site via Outfalls 001 and 002 to the Dow Chemical Plant "A" Effluent Canal, thence to the Brazos River Tidal in Segment No. 1201 of the Brazos River Basin. The designated uses for Segment No. 1201 are primary contact recreation, public water supply, and high aquatic life use. The upper portion of the segment has a public water supply designation that does not apply to this permit. The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Freeport Branch Library, 410 North Brazosport Boulevard, Freeport, in Brazoria County, Texas. The application, including any updates, and associated notices are available electronically at the following webpage:

<https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>
PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit written or oral comment or to ask questions about the application.

Generally, TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for public comments, the Executive Director will consider the comments and prepare a response to all relevant and material, or significant public comments. **The response to comments, along with the Executive Director's decision on the application, will be mailed to everyone who submitted public comments or who requested to be on a mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period. TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or a timely request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and requests to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be added to: (1) the permanent list for a specific applicant name and permit number; and (2) the mailing list for a specific county. If you wish to be placed on the permanent and the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www.tceq.texas.gov/goto/comment> within 30 days from the date

of newspaper publication of this notice.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid/>. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at <https://www.tceq.texas.gov/goto/comment>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040 or visit their website at <https://www.tceq.texas.gov/agency/decisions/participation/permitting-participation>. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Vencorex US Inc. at the address stated above or by calling Mr. Artin Karamian, General Manager and Vice President of Operations, at (979) 238-8631

Issued: October 9, 2025



TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY

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

TPDES PERMIT NO.
WQ0001822000
*[For TCEQ office use only -
EPA I.D. No. TX0008737]*

This renewal replaces TPDES Permit
No. WQ0001822000, issued on
February 3, 2022.

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

Vencorex US Inc.

whose mailing address is

6213 East Highway 332
Freeport, Texas 77541

is authorized to treat and discharge wastes from Vencorex US, a production site that manufactures aliphatic polyisocyanate derivatives and associated products (SIC 2869)

located at 6213 East Highway 332, two miles southeast of the intersection of State Highway 288 and State Highway 332, near the City of Freeport, in Brazoria County, Texas 77541

Outfalls 001 and 002 effluents commingle prior to discharge to the Dow Chemical Plant "A" Effluent Canal; thence to the Brazos River Tidal in Segment No. 1201 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 REQUIREMENTSOutfall Number 001

1. During the period beginning upon the date of permit issuance and lasting through the date of permit expiration, the permittee is authorized to discharge clarifier blowdown, ion exchange water¹, sandfilter backwash¹, carbon bed/area sumps¹, cooling tower blowdown, boiler blowdown, domestic wastewater and stormwater subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.125 million gallons per day (MGD). The daily maximum flow shall not exceed 0.2 MGD.

Effluent Characteristics	Discharge Limitations				Minimum Self-Monitoring Requirements	
	Daily Average		Daily Maximum		Single Grab	Report Daily Average and Daily Maximum Measurement Frequency Sample Type
	lbs/day	mg/L	lbs/day	mg/L	mg/L	
Flow	0.125 MGD		0.2 MGD		N/A	1/Day ² Instantaneous
Total Suspended Solids (TSS)	24	N/A	69	N/A	72	1/week ² Grab
Biochemical Oxygen Demand, 5-day (BOD ₅)	19	N/A	47	N/A	54	1/week ² Grab
Total Organic Carbon (TOC)	117	N/A	235	N/A	336	1/week ² Grab
Ammonia-Nitrogen (NH ₃ -N)	4	N/A	8	N/A	12	1/week ² Grab
Oil and Grease	N/A	10	N/A	15	15	1/week ² Grab
Temperature, degrees Fahrenheit (°F)	N/A		105 °F		105 °F	1/week ² In-Situ
Enterococci ^{3, 4}	35		130		N/A	2/month ² Grab

2. The pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored 1/week by grab sample.
3. There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
4. Effluent monitoring samples must be taken at the following location³: Following the final treatment unit and prior to commingling with other wastes, of Outfall 001 train.
5. Effluent discharged must be given complete treatment and chlorinated sufficiently to maintain a total chlorine residual of at least 1.0 mg/L after detention time of at least 20 minutes of contact time (based on peak flow) and must be monitored 1/week by grab sample⁴.

¹ Other Requirements No. 7² When discharge occurs.³ Colony-forming units (CFU) or most probable number (MPN) per 100 mL (CFU or MPN/100 mL).⁴ Samples for Enterococci and Chlorinate must be taken immediately after the disinfection unit.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 002

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

Volume: Intermittent and flow-variable.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	Report MGD	Report MGD	N/A	Continuous ¹	Record
Total Organic Carbon (TOC)	N/A	55	55	1/week ¹	Grab
Oil and Grease	N/A	15	15	1/week ¹	Grab
Total Zinc	N/A	0.4	0.4	1/quarter ¹	Grab
Sulfate	N/A	125	125	1/year ¹	Grab

2. The pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored 1/week ¹ by grab sample.
3. There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
4. Effluent monitoring samples must be taken at the following location: Just after the fire retention pond on the plant site, of the Outfall 002 train.

¹ When discharge occurs.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

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

1. Flow Measurements

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

2. Concentration Measurements

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

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

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

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

3. Sample Type

- a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9(a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9(c).
 - b. Grab sample - an individual sample collected in less than 15 minutes.
- 4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation 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 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 of the noncompliance, and to mitigate its adverse effects.
 - b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:
 - i. unauthorized discharges as defined in Permit Condition 2(g).
 - ii. any unanticipated bypass that exceeds any effluent limitation in the permit.
 - iii. violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.
 - c. In addition to the above, any effluent violation that deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the regional office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
 - d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.
8. In accordance with the procedures described in 30 TAC §§35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.

9. Changes in Discharges of Toxic Substances

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

- a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - i. one hundred micrograms per liter (100 µg/L);
 - ii. two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

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

10. Signatories to Reports

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

11. All POTWs must provide adequate notice to the Executive Director of the following:

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

PERMIT CONDITIONS

1. General

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

2. Compliance

- a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.

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

3. Inspections and Entry

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

4. Permit Amendment or Renewal

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

5. Permit Transfer

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

6. Relationship to Hazardous Waste Activities

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

7. Relationship to Water Rights

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

8. Property Rights

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

9. Permit Enforceability

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

10. Relationship to Permit Application

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

11. Notice of Bankruptcy.

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

OPERATIONAL REQUIREMENTS

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

3. Domestic wastewater treatment facilities shall comply with the following provisions:
 - a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.
 - b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment 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; and
- vi. method of final disposal.

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

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

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OTHER REQUIREMENTS

1. Monitoring results shall be provided at the intervals specified in the permit. For pollutants which are monitored annually, effluent reports must be submitted in September of each year. For pollutants which are monitored four times per year, the first effluent report must be submitted three months after the date of permit issuance and subsequent reports every three months thereafter.
2. This provision supersedes and replaces Provision No. 1, Paragraph 1 of Monitoring and Reporting Requirements found on Page 4 of this permit.

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 TCEQ Compliance Monitoring Team (MC-224), by the 25th 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.

3. Violations of daily maximum limitations for the following pollutants shall be reported orally or by facsimile to TCEQ Region 12 within 24 hours from the time the permittee becomes aware of the violation, followed by a written report within five working days to TCEQ Region 12 and the Compliance Monitoring Team (MC 224).

Pollutant	MAL ¹ (mg/L) ²
Zinc (Total)	0.005

¹ minimum analytical level.

² milligrams per liter.

Test methods used must be sensitive enough to demonstrate compliance with the permit effluent limitations. If an effluent limit for a pollutant is less than the minimum analytical level (MAL), then the test method for that pollutant must be sensitive enough to demonstrate compliance at the MAL. Permit compliance/noncompliance determinations will be based on the effluent limitations contained in this permit, with consideration given to the MAL for the pollutants specified above.

When an analysis of an effluent sample for a pollutant listed above indicates no detectable levels above the MAL and the test method detection level is as sensitive as the specified MAL, a value of zero shall be used for that measurement when making calculations for the self-reporting form. This applies to determinations of daily maximum concentration, calculations of loading and daily averages, and other reportable results.

When a reported value is zero based on this MAL provision, the permittee shall submit the following statement with the self-reporting form either as a separate attachment to the form or as a statement in the comments section of the form:

“The reported value(s) of zero for [list pollutant(s)] on the self-reporting form for [monitoring period date range] is based on the following conditions: (1) the analytical method used had a method detection level as sensitive as the MAL specified in the permit, and (2) the analytical results contained no detectable levels above the specified MAL.”

When an analysis of an effluent sample for a pollutant indicates no detectable levels and the test method detection level is not as sensitive as the MAL specified in the permit, or an MAL is not specified in the permit for that pollutant, the level of detection achieved shall be used for that measurement when making calculations for the self-reporting form. A zero may not be used.

4. PROHIBITED DISCHARGES

There shall be no discharge of process wastewater subject to 40 Code of Federal Regulations (CFR) Part 414 – Organic, Chemical, Plastics, and Synthetic Fibers.

5. MIXING ZONE DEFINITIONS

There is no mixing zone defined for this discharge to the Dow Chemical Plant “A” Effluent Canal. Chronic and acute toxic criteria apply at the mixing zone and zone of initial dilution, where wastewater discharges from the Dow Chemical Plant “A” Effluent Canal and is regulated under Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0000007000.

6. COOLING WATER INTAKE STRUCTURE REQUIREMENTS

The permittee shall provide written notification to the TCEQ Industrial Permits Team (MC 148) and Region 12 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.

7. The term *utility water* includes, but is not limited to, carbon bed/area sumps, ion exchange water, and sandfilter backwash.
8. The executive director reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the General Land Office and determined that the action is consistent with the applicable CMP goals and policies.

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

DESCRIPTION OF APPLICATION

Applicant: Vencorex US Inc.; Texas Pollutant Discharge Elimination System (TPDES)
Permit No. WQ0001822000 (EPA I.D. No. TX0008737)

Regulated activity: Industrial wastewater permit

Type of application: Renewal

Request: Renewal with changes

Authority: 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

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 applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal with changes of its existing permit.

PROJECT DESCRIPTION AND LOCATION

The applicant currently operates Vencorex US that manufactures aliphatic polyisocyanate derivatives and associated products.

T-6030 and T-6031 are the final stages in the wastewater treatment system. The unit sumps pass through a strainer before going to T6031. T-6031 then pumps to T6030. T-6030 also receives filtered stormwater from the Polyisocyanate Unit. The wastewater from T-6030 is routed through the carbon absorption beds. Afterwards, the treated water is then routed to the Equalization Pond (1 million gallons, MG), then to Settling Pond A (0.6 MG), then to Settling Pond B (0.16 MG) where the pH can be adjusted, and then to Settling Pond C (0.26 MG) prior to discharge via Outfall 001.

The facility is located at 6213 East Highway 332, two miles southeast of the intersection of State Highway 288 and State Highway 332, near the City of Freeport, in Brazoria County, Texas.

Discharge Routes and Designated Uses

The effluent is discharged from the plant site via Outfalls 001 and 002 to the Dow Chemical Plant "A" Effluent Canal, thence to the Brazos River Tidal in Segment No. 1201 of the Brazos River Basin. The designated uses for Segment No. 1201 are primary contact recreation, public water supply, and high aquatic life use. The upper portion of the segment has a public water supply designation that does not apply to this permit.

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0001822000

Endangered Species Review

The discharge from this permit action 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) 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 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 biological opinion. Though the piping plover, *Charadrius melodus* Ord, can occur in Brazoria County, the county is north of Copano Bay and not a watershed of high priority per Appendix A of the 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. 1201 is not currently listed on the State's inventory of impaired and threatened waters (the 2020 Clean Water Act Section 303(d) list).

Completed Total Maximum Daily Loads (TMDLs)

There are no completed TMDLs for Segment No. 1201.

Dissolved Oxygen Protection

Only Outfall 001 is expected to discharge significant concentrations of oxygen demanding constituents. A dissolved oxygen analysis of the referenced discharge was conducted for Outfall 001 using an uncalibrated QUAL-TX model coupled with a correlation routine relating water column average DO to surface DO for an effluent flow of 0.125 MGD (Outfall 001).

Based on model results, the existing effluent limits of 19 lbs/day BOD₅, and 4 lbs/day NH₃-N are predicted to be adequate to maintain dissolved oxygen levels above the criterion stipulated by the Standards Implementation Team for the Brazos River Tidal (4.0 mg/L, applicable to the surface layer). Coefficients and kinetics used in the model are a combination of site-specific, estimated and 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

The following is a quantitative description of the discharge described in the monthly effluent report data for the period February 2022 through December 2024. The "Avg of Daily Avg" values presented in the following table are the average of all daily average values for the reporting period for each pollutant. The "Max of Daily Max" values presented in the following table are the individual maximum values for the reporting period for each pollutant. Flows are expressed in million gallons per day (MGD). All pH values are expressed in standard units (SU). Bacteria values are expressed in colony forming units (cfu) or most probable number (MPN) per 100 milliliters (mL).

Flow

Outfall	Frequency	Avg of Daily Avg, MGD	Max of Daily Max, MGD
001	Intermittent	0.0404 MGD	0.136 MGD

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Flow

Outfall	Frequency	Avg of Daily Avg, MGD	Max of Daily Max, MGD
002	Intermittent	1.299 MGD	7.993 MGD

Temperature

Outfall	Daily Average, °F	Daily Maximum, °F
001	N/A	106

Effluent Characteristics: Outfall 001

Outfall	Pollutant	Avg of Daily Avg		Max of Daily Max	
		lbs/day	mg/L	lbs/day	mg/L
001	Total Suspended Solids (TSS)	13.09	-	119	-
	Biochemical Oxygen Demand, 5-day (BOD ₅)	2.03	-	13.92	-
	Total Organic Carbon (TOC)	5.16	-	22.7	-
	Ammonia-Nitrogen (NH ₃ -N)	0.17	-	1.59	-
	Oil and Grease	-	2.656	-	6.38
	<i>Enterococci</i> ¹	21.59 ²		17,300 ²	
	pH	6.30 SU (min)		8.7 SU (max)	

Effluent Characteristics: Outfall 002

Outfall	Pollutant	Avg of Daily Avg	Max of Daily Max
		mg/L	mg/L
002	TOC	N/A	27
	Oil and Grease	N/A	7.2
	Total Zinc	N/A	0.2
	Total Sulfate	N/A	1092
	pH	6.8 SU (min)	7.93 SU (max)

Effluent limit violations documented in the monthly effluent reports are summarized in the following table.

Effluent Limitation Violations

Outfall	Pollutant (units)	Report Date	Daily Average		Daily Maximum	
			Limit	Reported	Limit	Reported
001	<i>Enterococci</i> ^{1, 2} (CFU/100mL)	7/31/2022	35	671.25	130	2420
		10/31/2023	35	1270	130	4840
		11/30/2023	35	1212.25	130	4840
		12/31/2023	35	1213	130	4840
		3/31/2024	35	505	130	2000
		4/30/2024	35	5773	130	17300

¹ Enterococci reported data for the period September 2022 through January 2025.

² Measured in colony-forming units (CFU) or most probable number (MPN) per 100 mL.

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Outfall	Pollutant (units)	Report Date	Daily Average		Daily Maximum	
			Limit	Reported	Limit	Reported
		6/30/2024	35	5773	130	17300
		7/31/2024	35	813.33	130	2420
		8/31/2024	35	490.2	130	2420
		11/30/2024	35	607	130	2420
	TSS (lb/d)	3/31/2023	24	119	69	119
	Temperature (°F)	9/30/2023	-	-	105	106
002	Sulfate (mg/L)	10/31/2023	-	-	125	1092
		10/31/2024	-	-	125	790

The TCEQ requested from the permittee information to understand the root cause of enterococci excursions at Outfall 001. The permittee provided documents that addressed several issues such as equipment malfunctions, compromised disinfection inventory from the vendor, operator errors during shutdown and start-up operations, and equipment damages caused by natural disasters in the area. The permittee conducted internal communications and discussions with relevant stakeholders to formalize changes to the bleach inventory system and procedures. Additionally, repairs were made to all equipment linked to the disinfection unit. The permittee also updated the internal sampling procedure and provided additional training on effluent characteristics to all operational staff.

Upon careful consideration, the TCEQ has determined that the permittee shall chlorinate the treated domestic wastewater effluent to minimum of 1.0 mg/L after detention time of at least 20-minute contact time. The permittee shall monitor total chlorine residual weekly by grab sample at treated domestic wastewater effluent discharge.

The infrequent violations for TSS, temperature, and sulfate in the table above do not indicate a regular pattern of non-compliance.

DRAFT PERMIT CONDITIONS

The draft permit authorizes the discharge of clarifier blowdown, ion exchange water, sandfilter backwash, carbon bed/area sumps, cooling tower blowdown, boiler blowdown, treated domestic wastewater and stormwater at a daily average flow of effluent shall not exceed 125,000 gallons per day via Outfall 001; and stormwater on an intermittent and flow-variable basis via Outfall 002.

Effluent limitations are established in the draft permit as follows:

Outfall	Pollutant	Daily Average		Daily Maximum	
		Lbs/day	mg/L	Lbs/day	mg/L
001	Flow	0.125 MGD		0.2 MGD	
	Temperature	-		105°F	
	TSS	24	-	69	-
	BOD ₅	19	-	47	-
	TOC	117	-	235	-
	NH ₃ -N	4	-	8	-
	Oil and Grease	-	10	-	15
	Enterococci	35 CFU		130 CFU	
	Chlorine residual	-	1.0 (min)	-	-
002	TOC	-		55	
	Oil and Grease	-		15	

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Outfall	Pollutant	Daily Average		Daily Maximum	
		Lbs/day	mg/L	Lbs/day	mg/L
	Total Zinc	-		0.4	
	Total Sulfate	-		125	
	pH	6.0 SU (min)		9.0 SU (max)	

OUTFALL LOCATIONS

Outfall	Latitude	Longitude
001	28.986688 N	95.365248 W
002	28.986688 N	95.365248 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. The manufacture of aliphatic polyisocyanate resins does not produce wastewater. Effluent discharged is from clarifier blowdown, ion exchange water, sandfilter backwash, carbon bed/area sumps, cooling tower blowdown, boiler blowdown, treated domestic wastewater and stormwater. The wastewater is not subject to federal effluent guidelines. Therefore, technology-based effluent limitations from 40 CFR Part 414 do not apply to the discharge from this facility.

Outfall 001

The permittee produces aliphatic polyisocyanate derivatives and associated products. Process wastewater is from clarifier blowdown, ion exchange water, sandfilter backwash, carbon bed/area sumps, cooling tower blowdown, boiler blowdown, treated domestic wastewater and stormwater. All technology-based effluent limitations included in the draft permit (TSS, BOD₅, TOC, NH₃-N, oil and grease, and pH) were originally based on BPJ and are continued from the existing permit based on EPA's anti-backsliding regulations promulgated in 40 CFR §122.44(l).

Outfall 002

Effluent limitations for TOC, oil and grease, and pH are consistent with facilities that primarily discharge stormwater and are carried forward in the draft permit based on anti-backsliding regulations in 40 CFR §122.44(l). Effluent limitations for total zinc and sulfate have been in the permit since, at least, 1999 and are also carried forward in the draft permit based on anti-backsliding regulations in 40 CFR §122.44(l).

Water Quality-Based Effluent Limitations

Calculated water quality-based effluent limitations do not apply for this discharge to the Dow Chemical Plant "A" Effluent Canal and protections for water quality standards are not applicable. Protection for water quality standards apply at the point of the discharge from the Dow Chemical Plant "A" Effluent Canal to the Brazos River Tidal (Classified Segment No. 1201) and are regulated in The Dow Chemical Company TPDES Permit No. WQ0000007000.

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

Segment No. 1201, which receives discharges from this facility, does not have criteria established for TDS, chloride, or sulfate in 30 TAC Chapter 307; therefore, no screening was performed for TDS,

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chloride, or sulfate in the effluent. Additionally, protection for water quality standards apply at the point of the discharge from the Dow Chemical Plant "A" Effluent Canal to the Brazos River Tidal (Segment No. 1201) and is regulated in The Dow Chemical Company TPDES Permit No. WQ0000007000. No water quality screening is required for this discharge to the Dow Chemical Plant "A" Effluent Canal.

Thermal Standards Protection

The existing permit includes a daily maximum temperature limitation of 105 °F at Outfall 001, which discharges directly to the Dow Chemical Plant "A" Effluent Canal into the Brazos River Tidal, Segment No. 1201. Protection for water quality standards apply at the point of the discharge from the Dow Chemical Plant "A" Effluent Canal to the Brazos River Tidal (Segment No. 1201) and is regulated in TPDES Wastewater Discharge Permit No. WQ0000007000. No screening to determine the need for revised temperature limitations or other conditions is required for this discharge to the Dow Chemical Plant "A" Effluent Canal. Therefore, the existing daily maximum temperature limitation of 105°F at Outfall 001 is carried forward in the draft permit at Outfall 001.

pH Screening

The existing permit includes pH limits of 6.0 – 9.0 standard units at Outfalls 001 and 002, which discharge directly to the Dow Chemical Plant "A" Effluent Canal into the Brazos River Tidal, Segment No. 1201. 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 carried forward in the draft permit.

Bacteria Standards Protection

Treated domestic sewage is authorized to be discharged via Outfall 001. Protection from exposure to human pathogens is required. Current agency policy is to include effluent limitations for Enterococci bacteria for discharges that include treated domestic wastewater directly to marine receiving waters or to freshwater bodies within three (3) miles of marine receiving waters. The draft permit includes daily average and daily maximum effluent limitations at Outfall 001 for Enterococci bacteria based on 30 TAC §307.7(b)(1)(B)(i). These limitations have been continued from the existing permit based on EPA's anti-backsliding regulations promulgated in 40 CFR §122.44(l).

316(b) Cooling Water Intake Structures

The facility obtains water for cooling purposes from a groundwater well located on facility property. Groundwater is not considered waters of the United States (WOTUS), and the facility does not own and operate a cooling water intake structure which withdraws from a WOTUS or other waters that may be considered WOTUS. Obtaining cooling water from a groundwater source 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. The facility also obtains water from Dow Chemical Company Plant B, a public water system (PWS No. TX0200232), 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 31(b) of the CWA or 40 CFR Part 125, Subpart J. Other Requirement No. 6 established in the draft permit requires the permittee to notify TCEQ if there are changes in the source of cooling water.

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Whole Effluent Toxicity Testing (Biomonitoring)

Biomonitoring requirements not included in the draft permit at Outfall 001 and Outfall 002. The existing permit did not establish biomonitoring requirements and discharges authorized by this permit do not meet the threshold established in the *Procedures to Implement the Texas Surface Water Quality Standards* (RG-194) to impose biomonitoring requirements.

SUMMARY OF CHANGES FROM APPLICATION

1. Page 2 of the draft, chlorination limitations and monitoring requirements are added.

SUMMARY OF CHANGES FROM EXISTING PERMIT

The following additional changes have been made to the draft permit.

1. Pages 3-13 were updated (May 2021 version).
2. Description of industrial activities performed at this site has been updated.
3. Removal of Outfall 001 interim and final phase.
4. Effluent limitations and monitoring requirements for Outfall Number 001, the flow measurement frequency is changed from 1/shift to 1/day, temperature's sample type from grab to in-situ, and pH monitoring from 1/day to 1/week by grab sample.
5. Other Requirements, Item No. 6, pertaining to cooling water intake structures, has been updated.
6. Other requirements, Item No. 7, pertaining to utility water is added to include carbon bed/area sumps, ion exchange water, and sandfilter backwash.
7. Chlorination of the treated domestic wastewater effluent to minimum of 1.0 mg/L after detention time of at least 20-minute contact time. The permittee shall monitor total chlorine residual weekly by grab sample at the train of Outfall 001, following the final treatment unit and prior to commingling with other wastes..

BASIS FOR DRAFT PERMIT

The following items were considered in developing the draft permit:

1. Application received on April 5, 2024 and additional information received on August 14, 2025.
2. Existing permits: TPDES Permit No. WQ0001822000 issued on February 3, 2022.
3. TCEQ Rules.
4. *Texas Surface Water Quality Standards* – 30 TAC §§307.1-307.10, effective March 1, 2018, as approved by EPA Region 6.
5. *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.
6. *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.
7. *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.
8. *Procedures to Implement the Texas Surface Water Quality Standards* (IPs), Texas Commission on Environmental Quality, June 2010, as approved by EPA Region 6.

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9. *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.
10. Memos from the Standards Implementation Team and Water Quality Assessment Team of the Water Quality Assessment Section of the TCEQ.
11. *Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits*, TCEQ Document No. 98-001.000-OWR-WQ, May 1998.
12. EPA Effluent Guidelines: N/A.
13. Consistency with the Coastal Management Plan: The executive director reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the General Land Office and determined that the action is consistent with the applicable CMP goals and policies.
14. General Guidance – Industrial Permits: Uncontaminated Stormwater Runoff, EPA, January 1997.

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.

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

For additional information about this application, contact Seif Deiab at (512) 239-4622.

Seif Deiab
Seif Deiab

September 5, 2025
Date

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Appendix A
Comparison of Effluent Limits

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

Outfall	Pollutant	Technology-Based				Water Quality-Based				Existing Permit			
		Daily Avg		Daily Max		Daily Avg		Daily Max		Daily Avg		Daily Max	
		lbs/day	mg/L	lbs/day	mg/L	lbs/day	mg/L	lbs/day	mg/L	lbs/day	mg/L	lbs/day	mg/L
001	Flow	0.125 MGD		0.2 MGD		-		-		0.125 MGD		0.2 MGD	
	TSS	24	N/A	69	N/A	—	—	—	—	24	N/A	69	N/A
	BOD ₅	—	—	—	—	19	N/A	47	N/A	19	N/A	47	N/A
	TOC	117	N/A	235	N/A	—	—	—	—	117	N/A	235	N/A
	NH ₃ -N	—	—	—	—	4	N/A	8	N/A	4	N/A	8	N/A
	Oil and Grease	N/A	10	N/A	15	—	—	—	—	N/A	10	N/A	15
	Temperature	N/A		105 °F		—		—		N/A		105 °F	
	Enterococci ¹	—		—		35		130		35		130	
	pH	6.0 SU minimum		9.0 SU maximum		—		—		6.0 SU minimum		9.0 SU maximum	
	Chlorine residual	-	1.0 (min)	-	-	—		—		—		—	
002	Flow	Report, MGD		Report, MGD		—		—		Report, MGD		Report, MGD	
	TOC	N/A	N/A	N/A	55	—	—	—	—	N/A	N/A	N/A	55
	Oil and Grease	N/A	N/A	N/A	15	—	—	—	—	N/A	N/A	N/A	15
	Total Zinc	N/A	N/A	N/A	0.4	—	—	—	—	N/A	N/A	N/A	0.4
	Sulfate	N/A	N/A	N/A	125	—	—	—	—	N/A	N/A	N/A	125
	pH	6.0 SU minimum		9.0 SU maximum		—		—		6.0 SU minimum		9.0 SU maximum	

¹ Colony forming units (cfu) or most probable number (MPN) per 100 mL (cfu or MPN/100 mL).