



# Technical Package Cover Page

## This file contains the following documents:

1. Summary of application (in plain language)
    - English
    - Alternative Language (Spanish)
  2. First notice (NORI-Notice of Receipt of Application and Intent to Obtain a Permit)
    - English
    - Alternative Language (Spanish)
  3. Second notice (NAPD-Notice of Preliminary Decision)
    - English
    - Alternative Language (Spanish)
  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
- 



# Portada de Paquete Técnico

## Este archivo contiene los siguientes documentos:

1. Resumen de la solicitud (en lenguaje sencillo)
  - Inglés
  - Idioma alternativo (español)
2. Primer aviso (NORI, Aviso de Recepción de Solicitud e Intención de Obtener un Permiso)
  - Inglés
  - Idioma alternativo (español)
3. Segundo aviso (NAPD, Aviso de Decisión Preliminar)
  - Inglés
  - Idioma alternativo (español)
4. Materiales de la solicitud (**NOTA:** Esta solicitud se declaró administrativamente completa antes del 1 de junio de 2024. Los materiales de la solicitud están disponibles para revisión en la ubicación de consulta pública que se indica en el NORI.)
5. Proyecto de permiso
6. Resumen técnico u hoja de datos

January 16, 2024

Texas Commission on Environmental Quality  
Water Quality Division  
Application Review and Processing Team (MC148)  
P.O. Box 13087  
Austin, TX 78711-3087

Re:       Application to Renew Permit Number: WQ0001878000  
          Customer Number: CN602422735  
          Regulated Entity Number: RN101502128

Dear Chief Officer,

*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 Texas Administrative Code Chapter 39. The information provided in this summary may change during the technical review of the application and are not federal enforceable representations of the permit application.*

Venator Chemicals LLC (CN602422735) operates the Mineral Research & Development Facility (RN101502128). They manufacture various grades of zinc chloride, zinc ammonium chloride, and zinc carbonate chemicals. The primary raw materials used on site are various streams of zinc chloride, zinc oxide, ammonium chloride, hydrochloric acid, and sodium carbonate. The facility is located at 302 Midway Road, Freeport, Texas in Brazoria County 77542.

This application is for a renewal to discharge 383,000 gallons per day of once through processing wastewater resulting from production is treated for metal removal in batch tanks. The decant from batch treatment is pumped to a lamella clarifier followed by a sand filter for further removal of particulates. The filtered water combines with water from two clean-water sumps and is discharged to a small effluent tank. Sanitary wastewater from the main office and warehouse is chlorinated prior to discharge. The contents of the effluent tank combine with the chlorinated sanitary wastewater and discharged to Outfall 001.

The discharge of once through non-contact cooling water, cooling tower blow down, stream condensate, sanitary wastewater, and manufacturing process water, and discharged through Outfall 001. In a rainfall event, approximately the first 1.5 inches of water is collected and used in the manufacturing process. The remainder of the rainfall is discharged through Outfall 002. There have been no significant changes in the process since the last TCEQ NPDES permit was approved.

Mineral Research and Development discharges treated wastewater via Outfall 001 to Dow Chemical Plant Effluent Canal, thence to Brazos River Tidal in Segment 1201 of the Brazos River Basin and Via Outfall 002 directly to Old Brazos River Channel Tidal in Segment 1111 of the San Jacinto-Brazos Coastal Basin.

I appreciate your time and effort in reviewing my summary. If you have any questions, please contact me at (713) 458-8612, or via email at [robin@permittingservices.net](mailto:robin@permittingservices.net).

Yours truly,

Robin Butcko  
Senior Wastewater Consultant  
Permitting Services, LLC  
(713) 458-8612

16 de enero de 2024

Texas Commission on Environmental Quality  
Water Quality Division  
Application Review and Processing Team (MC148)  
P.O. Box 13087  
Austin, TX 78711-3087

Re:           Solicitud de renovación del número de permiso: WQ0001878000  
              Número de cliente: CN602422735  
              Número de entidad regulada: RN101502128

Estimado Oficial Principal,

*El siguiente resumen se proporciona para esta solicitud de permiso de calidad del agua pendiente que está siendo revisada por la Comisión de Calidad Ambiental de Texas según lo requerido por el Capítulo 39 del Código Administrativo de Texas 30. La información proporcionada en este resumen puede cambiar durante la revisión técnica de la solicitud y no son representaciones federales exigibles de la solicitud de permiso.*

Venator Chemicals LLC (CN602422735) opera el Centro de Investigación y Desarrollo de Minerales (RN101502128). Fabrican varios grados de cloruro de zinc, cloruro de amonio zine y productos químicos de carbonato de zinc. Las principales materias primas utilizadas en el sitio son varias corrientes de cloruro de zinc, óxido de zinc, cloruro de amonio, ácido clorhídrico y carbonato de sodio. La instalación está ubicada en 302 Midway Road, Freeport, Texas en el condado de Brazoria 77542.

Esta solicitud es para una renovación para descargar 383,000 galones por día de una vez a través del procesamiento de aguas residuales resultantes de la producción que se tratan para la eliminación de metales en tanques por lotes. El decantante del tratamiento por lotes se bombea a un clarificador de láminas seguido de un filtro de arena para Eliminación adicional de partículas. El agua filtrada se combina con el agua de dos sumideros de agua limpia y se descarga en un pequeño tanque de efluentes. Las aguas residuales sanitarias de la oficina principal y el almacén se cloran antes de su descarga. El contenido del tanque de efluentes se combina con las aguas residuales sanitarias cloradas y se descarga en el emisario 001.

La descarga de una vez a través del agua de enfriamiento sin contacto, la purga de la torre de enfriamiento, el condensado de la corriente, las aguas residuales sanitarias y el agua del proceso de fabricación, y descargada a través del emisario 001. En un evento de lluvia, aproximadamente las primeras 1.5 pulgadas de agua se recolectan y se utilizan en el proceso de fabricación. El resto de la lluvia se descarga a través del emisario 002. No ha habido cambios significativos en el proceso desde que se aprobó el último permiso de TCEQ NPDES.

El Departamento de Investigación y Desarrollo de Minerales descarga las aguas residuales tratadas a través del desagüe 001 al canal de efluentes de la planta química de Dow, de allí a la marea del río Brazos en el segmento 1201 de la cuenca del río Brazos y a través del emisario 002 directamente a la marea del canal del río Old Brazos en el segmento 1111 de la cuenca costera de San Jacinto-Brazos.

Agradezco su tiempo y esfuerzo en la revisión de mi resumen. Si tiene alguna pregunta, comuníquese conmigo al (713) 458-8612, o por correo electrónico a [robin@permittingservices.net](mailto:robin@permittingservices.net).

Atentamente,

*Robin Butcko*

Robin Butcko  
Senior Wastewater Consultant  
Permitting Services, LLC  
713.458.8612

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

**PERMIT NO. WQ0001878000**

**APPLICATION.** Venator Chemicals LLC, P.O. Box 3080, Freeport, Texas 77542, which owns Mineral Research & Development, a facility that manufactures various grades of zinc chloride, zinc ammonium chloride, and zinc carbonate chemicals, has applied to the Texas Commission on Environmental Quality (TCEQ) to renew Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001878000 (EPA I.D. No. TX0046906) to authorize the discharge of treated wastewater and stormwater at a volume not to exceed a daily average flow of 270,000 gallons per day via Outfall 001 and stormwater at an intermittent and flow-variable volume via Outfall 002. The facility is located at 302 Midway Road, near the city of Freeport, in Brazoria County, Texas 77541. The discharge route is from the plant site via Outfall 001 to Dow Chemical Plant "A" Effluent Canal, thence to Brazos River Tidal and via Outfall 002 directly to Old Brazos River Channel Tidal. TCEQ received this application on March 18, 2024. The permit application will be available for viewing and copying at Freeport Public 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=-95.338333,28.954722&level=18>

**ALTERNATIVE LANGUAGE NOTICE.** Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

**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](http://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](http://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 Venator Chemicals LLC at the address stated above or by calling Ms. Robin Butcko, Permitting Services LLC, at 713-458-8612.

Issuance Date: April 22, 2024

# Comisión de Calidad Ambiental del Estado de Texas



## AVISO DE RECIBO DE LA SOLICITUD Y EL INTENTO DE OBTENER PERMISO PARA LA CALIDAD DEL AGUA RENOVACION

**PERMISO NO. WQ0001878000**

**SOLICITUD.** Venator Chemicals LLC, P.O. Box 3080, Freeport, Texas 77542, propietaria de Mineral Research & Development, una instalación que fabrica varios grados de productos químicos de cloruro de zinc, cloruro de zinc amonio y carbonato de zinc, ha solicitado a la Comisión de Calidad Ambiental del Estado de Texas (TCEQ) para renovar el Permiso No. WQ0001878000 (EPA I.D. No. TX0046906) del Sistema de Eliminación de Descargas de Contaminantes de Texas (TPDES) para autorizar la descarga de aguas residuales tratadas y aguas pluviales en un volumen que no exceda un flujo promedio diario de 270,000 galones por día a través del Emisario 001 y aguas pluviales en un volumen intermitente y de flujo variable a través del Emisario 002. La planta está ubicada en 302 Midway Road, cerca de la ciudad de Freeport, en el Condado de Brazoria, Texas 77541. La ruta de descarga es del sitio de la planta a través del desagüe 001 hasta el canal de efluentes de la planta química Dow "A", de allí a la marea del río Brazos y a través del emisario 002 directamente a la marea del canal del río Old Brazos. La TCEQ recibió esta solicitud el 18 de marzo de 2024. La solicitud para el permiso estará disponible para leerla y copiarla en Biblioteca pública de Freeport, 410 North Brazosport Boulevard, Freeport, Texas antes de la fecha de publicación de este aviso en el periódico. Este enlace a un mapa electrónico de la ubicación general del sitio o de la instalación es proporcionado como una cortesía y no es parte de la solicitud o del aviso. Para la ubicación exacta, consulte la solicitud.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-95.338333,28.954722&level=18>

**AVISO ADICIONAL.** El Director Ejecutivo de la TCEQ ha determinado que la solicitud es administrativamente completa y conducirá una revisión técnica de la solicitud. Después de completar la revisión técnica, el Director Ejecutivo puede preparar un borrador del permiso y emitirá una Decisión Preliminar sobre la solicitud. **El aviso de la solicitud y la decisión preliminar serán publicados y enviado a los que están en la lista de correo de las personas a lo largo del condado que desean recibir los avisos y los que están en la lista de correo que desean recibir avisos de esta solicitud. El aviso dará la fecha límite para someter comentarios públicos.**

**COMENTARIO PUBLICO / REUNION PUBLICA.** Usted puede presentar comentarios públicos o pedir una reunión pública sobre esta solicitud. El propósito de una reunión pública es dar la oportunidad de presentar comentarios o hacer preguntas acerca de la solicitud. La TCEQ realiza una reunión pública si el Director Ejecutivo determina que hay un grado de interés público suficiente en la solicitud o si un legislador local lo pide. Una reunión pública no es

una audiencia administrativa de lo contencioso.

**OPORTUNIDAD DE UNA AUDIENCIA ADMINISTRATIVA DE LO CONTENCIOSO.** Después del plazo para presentar comentarios públicos, el Director Ejecutivo considerará todos los comentarios apropiados y preparará una respuesta a todo los comentarios públicos esenciales, pertinentes, o significativos. **A menos que la solicitud haya sido referida directamente a una audiencia administrativa de lo contencioso, la respuesta a los comentarios y la decisión del Director Ejecutivo sobre la solicitud serán enviados por correo a todos los que presentaron un comentario público y a las personas que están en la lista para recibir avisos sobre esta solicitud. Si se reciben comentarios, el aviso también proveerá instrucciones para pedir una reconsideración de la decisión del Director Ejecutivo y para pedir una audiencia administrativa de lo contencioso.** Una audiencia administrativa de lo contencioso es un procedimiento legal similar a un procedimiento legal civil en un tribunal de distrito del estado.

**PARA SOLICITAR UNA AUDIENCIA DE CASO IMPUGNADO, USTED DEBE INCLUIR EN SU SOLICITUD LOS SIGUIENTES DATOS:** su nombre, dirección, y número de teléfono; el nombre del solicitante y número del permiso; la ubicación y distancia de su propiedad/actividad con respecto a la instalación; una descripción específica de la forma cómo usted sería afectado adversamente por el sitio de una manera no común al público en general; una lista de todas las cuestiones de hecho en disputa que usted presente durante el período de comentarios; y la declaración "[Yo/nosotros] solicito/solicitamos una audiencia de caso impugnado". Si presenta la petición para una audiencia de caso impugnado de parte de un grupo o asociación, debe identificar una persona que representa al grupo para recibir correspondencia en el futuro; identificar el nombre y la dirección de un miembro del grupo que sería afectado adversamente por la planta o la actividad propuesta; proveer la información indicada anteriormente con respecto a la ubicación del miembro afectado y su distancia de la planta o actividad propuesta; explicar cómo y porqué el miembro sería afectado; y explicar cómo los intereses que el grupo desea proteger son pertinentes al propósito del grupo.

Después del cierre de todos los períodos de comentarios y de petición que aplican, el Director Ejecutivo enviará la solicitud y cualquier petición para reconsideración o para una audiencia de caso impugnado a los Comisionados de la TCEQ para su consideración durante una reunión programada de la Comisión. La Comisión sólo puede conceder una solicitud de una audiencia de caso impugnado sobre los temas que el solicitante haya presentado en sus comentarios oportunos que no fueron retirados posteriormente. Si se concede una audiencia, el tema de la audiencia estará limitado a cuestiones de hecho en disputa o cuestiones mixtas de hecho y de derecho relacionadas a intereses pertinentes y materiales de calidad del agua que se hayan presentado durante el período de comentarios. Si ciertos criterios se cumplen, la TCEQ puede actuar sobre una solicitud para renovar un permiso sin proveer una oportunidad de una audiencia administrativa de lo contencioso.

**LISTA DE CORREO.** Si somete comentarios públicos, un pedido para una audiencia administrativa de lo contencioso o una reconsideración de la decisión del Director Ejecutivo, la Oficina del Secretario Principal enviará por correo los avisos públicos en relación con la solicitud. Además, puede pedir que la TCEQ ponga su nombre en una o más de las listas correos siguientes (1) la lista de correo permanente para recibir los avisos de el solicitante

indicado por nombre y número del permiso específico y/o (2) la lista de correo de todas las solicitudes en un condado específico. Si desea que se agregue su nombre en una de las listas designe cual lista(s) y envía por correo su pedido a la Oficina del Secretario Principal de la TCEQ.

**CONTACTOS E INFORMACIÓN A LA AGENCIA. Todos los comentarios públicos y solicitudes deben ser presentadas electrónicamente vía <http://www14.tceq.texas.gov/epic/eComment/> o por escrito dirigidos a la Comisión de Texas de Calidad Ambiental, Oficial de la Secretaría (Office of Chief Clerk), MC-105, P.O. Box 13087, Austin, Texas 78711-3087.** Tenga en cuenta que cualquier información personal que usted proporcione, incluyendo su nombre, número de teléfono, dirección de correo electrónico y dirección física pasarán a formar parte del registro público de la Agencia. Para obtener más información acerca de esta solicitud de permiso o el proceso de permisos, llame al programa de educación pública de la TCEQ, gratis, al 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040.

También se puede obtener información adicional del Venator Chemicals LLC a la dirección indicada arriba o llamando a Sra. Robin Butcko al 713-458-8612.

Fecha de emisión 22 de abril de 2024

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

### RENEWAL

**Permit No. WQ0001878000**

**APPLICATION AND PRELIMINARY DECISION.** Venator Chemicals LLC, P.O. Box 3080, Freeport, Texas 77542, which operates Mineral Research and Development, a facility that manufactures various grades of zinc chloride, zinc ammonium chloride, and zinc carbonate chemicals, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001878000, which authorizes the discharge of process wastewater, treated domestic wastewater, utility wastewater, vacuum pump seal water, and first-flush stormwater at a daily average flow not to exceed 270,000 gallons per day via Outfall 001; and stormwater on an intermittent and flow-variable basis via Outfall 002. The TCEQ received this application on March 18, 2024.

The facility is located at 302 Midway Road, 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=-95.338333,28.954722&level=18>

The effluent is discharged via Outfall 001 to Dow Chemical Plant "A" Effluent Canal, thence to Brazos River Tidal in Segment No. 1201 of the Brazos River Basin and via Outfall 002 directly to Old Brazos River Channel Tidal in Segment No. 1111 of the San Jacinto-Brazos Coastal Basin. The designated uses for Segment Nos. 1111 and 1201 are primary contact recreation and high aquatic life use. Public water supply is listed as a designated use for a section of Segment No. 1201 from the upper boundary to 300 meters downstream of State Highway 332 in Brazoria County, however this discharge is not in that portion of the segment.

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 Public Library, 410 North Brazosport Boulevard, Freeport, in Brazoria County, Texas.

**ALTERNATIVE LANGUAGE NOTICE.** Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>. El aviso de idioma alternativo en español está disponible en <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, the 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 Venator Chemicals LLC at the address stated above or by calling Mr. Robin Butcko, Permitting Services LLC, at (713) 458-8612.

Issued: September 24, 2025

# Comisión De Calidad Ambiental Del Estado De Texas



## AVISO DE LA SOLICITUD Y DECISIÓN PRELIMINAR PARA EL PERMISO DEL SISTEMA DE ELIMINACION DE DESCARGAS DE CONTAMINANTES DE TEXAS (TPDES) PARA AGUAS RESIDUALES INDUSTRIALES

### RENOVACIÓN

**PERMISO NO. WQ0001878000**

**SOLICITUD Y DECISIÓN PRELIMINAR.** Venator Chemicals LLC, Apartado de correos 3080, Freeport, Texas 77542, ha solicitado a la Comisión de Calidad Ambiental del Estado de Texas (TCEQ) una renovación para autorizar la descarga de aguas residuales del proceso, aguas residuales domésticas tratadas, aguas residuales de servicios públicos, agua de sellado de bombas de vacío y aguas pluviales de primera lluvia a un flujo promedio diario que no exceda de 270,000 galones por día a través de la salida 001; y aguas pluviales de manera intermitente y con flujo variable a través de la salida 002. La TCEQ recibió esta solicitud el 18 de marzo de 2024.

La planta está ubicada en 302 Midway Road, cerca de la ciudad de Freeport en el Condado de Brazoria, Texas 77541. Este enlace a un mapa electrónico de la ubicación general del sitio o instalación se proporciona como una cortesía pública y no forma parte de la solicitud o el aviso. Para la ubicación exacta, consulte la solicitud.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-95.338333,28.954722&level=18>

El efluente se descarga a través de la Salida 001 al Canal de Efluentes de la Planta Química Dow "A", luego al Río Brazos Tidal en el Segmento No. 1201 de la Cuenca del Río Brazos y a través de la Salida 002 directamente al Canal Tidal del Viejo Río Brazos en el Segmento No. 1111 de la Cuenca Costera San Jacinto-Brazos. Los usos designados para los Segmentos Nos. 1111 y 1201 son recreación de contacto primario y uso alto de vida acuática. El suministro público de agua se lista como un uso designado para una sección del Segmento No. 1201 desde el límite superior hasta 300 metros río abajo de la Autopista Estatal 332 en el Condado de Brazoria, sin embargo, esta descarga no se encuentra en esa porción del segmento.

El Director Ejecutivo de la TCEQ ha completado la revisión técnica de la solicitud y ha preparado un borrador del permiso. El borrador del permiso, si es aprobado, establecería las condiciones bajo las cuales la instalación debe operar. El Director Ejecutivo ha tomado una decisión preliminar que si este permiso es emitido, cumple con todos los requisitos normativos y legales. La solicitud del permiso, la decisión preliminar del Director Ejecutivo y el borrador del permiso están disponibles para leer y copiar en Biblioteca Pública de Freeport, 410 North

Brazosport Boulevard, Freeport, en el Condado de Brazoria, Texas.

**AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>.

**COMENTARIO PUBLICO / REUNION PUBLICA.** Usted puede presentar **comentarios públicos o pedir una reunión pública sobre esta solicitud.** El propósito de una reunión pública es dar la oportunidad de presentar comentarios o hacer preguntas acerca de la solicitud. La TCEQ realiza una reunión pública si el Director Ejecutivo determina que hay un grado de interés público suficiente en la solicitud o si un legislador local lo pide. Una reunión pública no es una audiencia administrativa de lo contencioso.

**OPORTUNIDAD PARA UNA AUDIENCIA DE CASO IMPUGNADO.** Después de la fecha límite para los comentarios públicos, el director ejecutivo considerará los comentarios y preparará una respuesta a todos los comentarios públicos relevantes y materiales, o significativos. **La respuesta a los comentarios, junto con la decisión del director ejecutivo sobre la solicitud, se enviará por correo a todos los que enviaron comentarios públicos o que solicitaron estar en una lista de correo para esta solicitud. Si se reciben comentarios, el correo también proporcionará instrucciones para solicitar una audiencia de caso impugnado o reconsiderar la decisión del director ejecutivo.** Una audiencia de caso disputado es un procedimiento legal similar a un juicio civil en un tribunal de distrito estatal.

**PARA SOLICITAR UNA AUDIENCIA DE CASO IMPUGNADO, USTED DEBE INCLUIR EN SU SOLICITUD LOS SIGUIENTES DATOS:** su nombre, dirección, y número de teléfono; el nombre del solicitante y número del permiso; la ubicación y distancia de su propiedad/actividad con respecto a la instalación; una descripción específica de la forma cómo usted sería afectado adversamente por el sitio de una manera no común al público en general; una lista de todas las cuestiones de hecho en disputa que usted presente durante el período de comentarios; y la declaración "[Yo/nosotros] solicito/solicitamos una audiencia de caso impugnado". Si presenta la petición para una audiencia de caso impugnado de parte de un grupo o asociación, debe identificar una persona que representa al grupo para recibir correspondencia en el futuro; identificar el nombre y la dirección de un miembro del grupo que sería afectado adversamente por la planta o la actividad propuesta; proveer la información indicada anteriormente con respecto a la ubicación del miembro afectado y su distancia de la planta o actividad propuesta; explicar cómo y porqué el miembro sería afectado; y explicar cómo los intereses que el grupo desea proteger son pertinentes al propósito del grupo.

Después del cierre de todos los períodos de comentarios y de petición que aplican, el Director Ejecutivo enviará la solicitud y cualquier petición para reconsideración o para una audiencia de caso impugnado a los Comisionados de la TCEQ para su consideración durante una reunión programada de la Comisión. La Comisión sólo puede conceder una solicitud de una audiencia de caso impugnado sobre los temas que el solicitante haya presentado en sus comentarios oportunos que no fueron retirados posteriormente. Si se concede una audiencia, el tema de la audiencia estará limitado a cuestiones de hecho en disputa o cuestiones mixtas de hecho y de derecho relacionadas a intereses pertinentes y materiales de calidad del agua que se hayan presentado durante el período de comentarios.

La Comisión otorgará solamente una audiencia administrativa de lo contencioso sobre los hechos reales disputados del caso que son pertinentes y esenciales para la decisión de la Comisión sobre la solicitud. Además, la Comisión sólo otorgará una audiencia administrativa de lo contencioso sobre los asuntos que fueron presentados antes del plazo de vencimiento y que no fueron retirados posteriormente. **Si ciertos criterios se cumplen, la TCEQ puede actuar sobre una solicitud para renovar un permiso para descargar aguas residuales sin proveer una oportunidad de una audiencia administrativa de lo contencioso.**

**ACCIÓN DEL DIRECTOR EJECUTIVO.** El Director Ejecutivo puede emitir la aprobación final de la solicitud a menos que se presente una solicitud de audiencia de caso impugnado oportunamente o una solicitud de reconsideración. Si se presenta una solicitud de audiencia oportuna o una solicitud de reconsideración, el Director Ejecutivo no emitirá la aprobación final del permiso y enviará la solicitud y la petición a los Comisionados de la TCEQ para su consideración en una reunión programada de la Comisión.

**LISTA DE CORREO.** Si envía comentarios públicos, una solicitud de una audiencia de caso impugnado o una reconsideración de la decisión del Director Ejecutivo, se le agregará a la lista de correo para que esta solicitud reciba avisos públicos futuros enviadas por correo por la Oficina del Secretario Oficial. Además, puede solicitar ser colocado en: (1) la lista de correo permanente para un nombre de solicitante específico y número de permiso; y/o (2) la lista de correo para un condado específico. Para ser colocado en la lista de correo permanente y / o del condado, especifique claramente qué lista(s) y envíe su solicitud a la Oficina del Secretario Oficial de la TCEQ a la dirección a continuación.

**Todos los comentarios públicos escritos y las solicitudes de reunión pública deben enviarse a la Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 o electrónicamente a <https://www14.tceq.texas.gov/epic/eComment/> dentro de los 30 días a partir de la fecha de publicación de este aviso en el periódico.**

**INFORMACIÓN DISPONIBLE EN LÍNEA.** Para obtener detalles sobre el estado de la solicitud, visite la Base de Datos Integrada de los Comisionados en [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Busque en la base de datos utilizando el número de permiso para esta solicitud, que se proporciona en la parte superior de este aviso.

**CONTACTOS E INFORMACIÓN DE LA AGENCIA.** Los comentarios y solicitudes públicas deben enviarse electrónicamente a <https://www14.tceq.texas.gov/epic/eComment/>, o por escrito a Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Cualquier información personal que envíe a al TCEQ pasará a formar parte del registro de la agencia; esto incluye las direcciones de correo electrónico. Para obtener más información sobre esta solicitud de permiso o el proceso de permisos, llame al Programa de Educación Pública de la TCEQ, sin cargo, al 1-800-687-4040 o visite su sitio web en [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en español, puede llamar al 1-800-687-4040.

También se puede obtener información adicional del Venator Chemicals LLC a la dirección indicada arriba o llamando a Sra. Robin Butcko, Permitting Services LLC, al 713-458-8612.

Fecha de emission: el 24 de septiembre de 2025.



TEXAS COMMISSION ON ENVIRONMENTAL  
QUALITY

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

PERMIT TO DISCHARGE WASTES

under provisions of  
Section 402 of the Clean Water Act,  
Chapter 26 of the Texas Water Code,

Venator Chemicals LLC

whose mailing address is

P.O. Box 3080  
Freeport, Texas 77542

is authorized to treat and discharge wastes from Mineral Research and Development, a facility that manufactures various grades of zinc chloride, zinc ammonium chloride, and zinc carbonate chemicals (SIC 2819)

located at 302 Midway Road, near the City of Freeport, in Brazoria County, Texas 77541

via Outfall 001 to Dow Chemical Plant "A" Effluent Canal, thence to Brazos River Tidal in Segment No. 1201 of the Brazos River Basin and via Outfall 002 directly to Old Brazos River Channel Tidal in Segment No. 1111 of the San Jacinto-Brazos Coastal 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:

TPDES PERMIT NO.  
WQ0001878000  
*[For TCEQ office use only -  
EPA I.D. No. TX0046906]*

This renewal replaces TPDES Permit  
No. WQ0001878000, issued on  
September 13, 2019.

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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 process wastewater, treated domestic wastewater, utility wastewater <sup>1</sup>, vacuum pump seal water, and first-flush stormwater subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.270 million gallons per day (MGD). The daily maximum flow shall not exceed 0.383 MGD.

| Effluent Characteristics             | Discharge Limitations    |                          |                     | Minimum Self-Monitoring Requirements                            |                  |
|--------------------------------------|--------------------------|--------------------------|---------------------|-----------------------------------------------------------------|------------------|
|                                      | Daily Average<br>lbs/day | Daily Maximum<br>lbs/day | Single Grab<br>mg/L | Report Daily Average and Daily Maximum<br>Measurement Frequency | Sample Type      |
| Flow                                 | 0.270 MGD                | 0.383 MGD                | N/A                 | 1/day                                                           | Totalizing Meter |
| Total Suspended Solids               | 29.2                     | 51.1                     | 40                  | 2/week                                                          | Composite        |
| Biochemical Oxygen Demand<br>(5-day) | 14.6                     | 29.2                     | 10                  | 2/week                                                          | Composite        |
| Ammonia Nitrogen                     | N/A                      | Report, mg/L             | N/A                 | 1/month                                                         | Composite        |
| Temperature                          | N/A                      | 110 °F                   | N/A                 | 3/day                                                           | In-situ          |
| Total Arsenic                        | 0.15                     | 0.29                     | 0.3                 | 1/month                                                         | Composite        |
| Total Cadmium                        | 0.15                     | 0.29                     | 0.3                 | 1/week                                                          | Composite        |
| Total Lead                           | 0.07                     | 0.26                     | 0.3                 | 1/week                                                          | Composite        |
| Total Zinc                           | 1.1                      | 2.9                      | 3.5                 | 2/week                                                          | Composite        |
| Enterococci                          | 35 <sup>2</sup>          | N/A                      | 130 <sup>2,3</sup>  | 1/month                                                         | Composite        |

2. The pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored 1/day 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: At Outfall 001, where commingled effluent discharges from the effluent tank (E-1) prior to mixing with any other waters.

<sup>1</sup> See Other Requirement No. 3.

<sup>2</sup> Value is expressed as geometric mean.

<sup>3</sup> Bacteria values are expressed in colony forming units (cfu) or most probable number (MPN) per 100 milliliters (mL).

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<br>mg/L | Daily Maximum<br>mg/L | Single Grab<br>mg/L | Report Daily Average and Daily Maximum<br>Measurement Frequency | Sample Type |
| Flow                     | Report, MGD           | Report, MGD           | N/A                 | 1/day <sup>1</sup>                                              | Estimate    |
| Total Organic Carbon     | N/A                   | 55                    | 55                  | 1/day <sup>1</sup>                                              | Grab        |
| Oil and Grease           | N/A                   | 15                    | 15                  | 1/day <sup>1</sup>                                              | Grab        |
| Total Zinc               | N/A                   | 3.5                   | 3.5                 | 1/day <sup>1</sup>                                              | 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/day <sup>1</sup> 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: At Outfall 002, where stormwater discharges at the outfall weir on the south side of the plant.

<sup>1</sup> When discharge occurs, samples must be collected within 60 minutes after discharge begins and must be monitored 1/day for the duration of the discharge.

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

| <b>Pollutant</b> | <b>MAL * (mg/L)</b> |
|------------------|---------------------|
| Arsenic (Total)  | 0.0005              |
| Cadmium (Total)  | 0.001               |
| Lead (Total)     | 0.0005              |
| Zinc (Total)     | 0.005               |

\* MAL = minimum analytical level.

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 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.

3. “Utility wastewater” includes, but is not limited to, non-contact cooling and heating water, evaporator blowdown, boiler blowdown, steam condensates, cooling tower blowdown, cooling tower basin cleaning wastes, and laboratory sampling streams.
4. The effluent from the septic tank must contain a chlorine residual of at least 1.0 mg/L after at least 20 minutes contact time (based on peak flow) prior to mixing with any other wastewater. Grab samples must be obtained on a monthly basis and recorded in a log book. This log book must contain results from the previous three years and be readily available for inspection by authorized representatives of the TCEQ.

5. COOLING WATER INTAKE STRUCTURE REQUIREMENTS

The permittee shall provide written notification to the TCEQ Industrial Permits Team (MC 148), Compliance Monitoring Team (MC-224), and the Region 12 Office of any change 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.

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

**DESCRIPTION OF APPLICATION**

Applicant: Venator Chemicals LLC; Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001878000 (EPA I.D. No. TX0046906)

Regulated activity: Industrial wastewater permit

Type of application: Renewal

Request: Renewal without 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 of its existing permit.

**PROJECT DESCRIPTION AND LOCATION**

The applicant currently operates Mineral Research and Development, a facility that manufactures various grades of zinc chloride, zinc ammonium chloride, and zinc carbonate chemicals.

Wastewater generated at the facility includes once-through non-contact cooling water, cooling tower blowdown, steam condensate, domestic wastewater, vacuum pump seal water, and manufacturing process wastewater. During a rainfall event, the first 1.5 inches of stormwater is collected and used in the manufacturing process. Process wastewater resulting from production is treated by removal of metals in batch tanks. The decant from the batch treatment is pumped to a lamella clarifier followed by a sand filter for further removal of particulates. The filtered water combines with water from two clean-water sumps and is discharged to a small effluent tank (E-1). Once-through non-contact cooling water, steam condensate, vacuum pump seal water, and cooling tower blowdown are commingled with the treated process wastewater in E-1. Domestic wastewater from the main office and warehouse is chlorinated prior to mixing with wastewater from E-1 and discharge via Outfall 001. Stormwater in excess of 1.5 inches is discharged without treatment via Outfall 002.

The facility is located at 302 Midway Road, near the City of Freeport, in Brazoria County, Texas 77541.

**Discharge Routes and Designated Uses**

The effluent is discharged via Outfall 001 to Dow Chemical Plant "A" Effluent Canal, thence to Brazos River Tidal in Segment No. 1201 of the Brazos River Basin and via Outfall 002 directly to Old Brazos River Channel Tidal in Segment No. 1111 of the San Jacinto-Brazos Coastal Basin. The designated uses for Segment Nos. 1111 and 1201 are primary contact recreation and high aquatic life use. Public water supply is listed as a use for a section of Segment No. 1201 from the upper boundary to 300 meters downstream of State Highway 332 in Brazoria County, however this discharge is not in that portion of

STATEMENT OF BASIS / TECHNICAL SUMMARY AND  
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION  
TPDES Permit No. WQ0001878000

the segment. The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions.

### Endangered Species Review

The discharge from this permit is not expected to have an effect on any federal endangered or threatened aquatic or aquatic-dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and the EPA only considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS's biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. 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 Nos. 1111 and 1201 are not currently listed on the state's inventory of impaired and threatened waters, the 2022 CWA §303(d) list.

### Completed Total Maximum Daily Loads (TMDLs)

There are no completed TMDLs for Segment Nos. 1111 and 1201.

### Dissolved Oxygen

Only Outfall 001 is expected to discharge wastewater containing significant concentrations of oxygen demanding constituents. Outfall 001 discharges into the watershed of the Brazos River Tidal (Segment No. 1201). An analysis of the potential impact on receiving water dissolved oxygen was conducted using an uncalibrated QUAL-TX model of Segment No. 1201 coupled with a regression that relates surface layer dissolved oxygen to water column dissolved oxygen had been conducted on April 1, 2019. Based on model results, the discharge from Outfall 001 with limits 0.270 MGD of flow, and 14.6 lbs/day BOD<sub>5</sub> in the existing permit are predicted to be adequate to ensure that the dissolved oxygen level in the receiving waters will be maintained above the criterion (surface layer; 4 mg/L). This permit action is for renewal of the existing authorization and there is no increase of oxygen demand constituents. Therefore, no additional modeling work was performed.

Due to the low levels of oxygen demanding substances expected in the wastewaters from Outfall 002, no significant dissolved oxygen depletion is anticipated at Outfall 002 in the receiving waters as a result of this discharge.

### SUMMARY OF EFFLUENT DATA

The following is a quantitative description of the discharge described in the monthly effluent report data for the period March 2019 through March 2025. 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).

#### Flow

| Outfall | Frequency  | Avg of Daily Avg, MGD | Max of Daily Max, MGD |
|---------|------------|-----------------------|-----------------------|
| 001     | Continuous | 0.1189                | 0.275                 |

STATEMENT OF BASIS / TECHNICAL SUMMARY AND  
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION  
TPDES Permit No. WQ0001878000

**Flow**

| Outfall | Frequency    | Avg of Daily Avg, MGD | Max of Daily Max, MGD |
|---------|--------------|-----------------------|-----------------------|
| 002     | Intermittent | 686                   | 30,184                |

**Temperature**

| Outfall | Temperature | Daily Average, °F | Daily Maximum, °F |
|---------|-------------|-------------------|-------------------|
| 001     |             | N/A               | 110               |

**Effluent Characteristics**

| Outfall | Pollutant                                            | Avg of Daily Avg | Max of Daily Max |
|---------|------------------------------------------------------|------------------|------------------|
| 001     | Total Suspended Solids (TSS)                         | 3.17 lbs/day     | 29.8 lbs/day     |
|         | Biochemical Oxygen Demand, 5-day (BOD <sub>5</sub> ) | 3.15 lbs/day     | 14.1 lbs/day     |
|         | Ammonia Nitrogen                                     | N/A              | 5.3 mg/L         |
|         | Total Arsenic                                        | 0.00775 lbs/day  | 0.09 lbs/day     |
|         | Total Cadmium                                        | 0.000985 lbs/day | 0.022 lbs/day    |
|         | Total Lead                                           | 0.00149 lbs/day  | 0.022 lbs/day    |
|         | Total Zinc                                           | 0.558 lbs/day    | 10.7 lbs/day     |
|         | pH                                                   | 6.5 SU, min      | 9.4 SU           |
| 002     | Total Organic Carbon (TOC)                           | N/A              | 12.1 mg/L        |
|         | Oil and Grease                                       | N/A              | 5.85 mg/L        |
|         | Total Zinc                                           | N/A              | 7.54 mg/L        |
|         | pH                                                   | 6.7 SU, min      | 8.8 SU           |

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     | Total Zinc (lbs/day) | 3/2019      | 1.1           | 1.884    | 2.9           | 3.55     |
|         |                      | 11/2019     |               | 1.461    |               | 3.076    |
|         |                      | 1/2020      |               | 1.338    |               | ----     |
|         |                      | 9/2020      |               | 1.262    |               | 3.448    |
|         |                      | 10/2020     |               | 5        |               | 10.7     |
|         |                      | 12/2020     |               | 1.54     |               | 8.23     |
|         |                      | 1/2021      |               | 1.6      |               | 7.2      |
|         | pH (SU)              | 10/2019     | --            | --       | 9.0           | 9.1      |
|         |                      | 1/2020      | --            | --       | 9.0           | 9.4      |
| 002     | Total Zinc (mg/L)    | 1/2020      | ---           | ---      | 3.5           | 7.54     |

The draft permit was not changed to address total zinc violations because all of the violations for total zinc were reported in 2019 and 2020. The single total zinc violation at Outfall 002 that does not represent a pattern of non-compliance and no action was taken in the draft permit. The permittee had taken action to resolve the exceedances. There have been no more violations for total zinc at Outfall 001 since 2021. In addition, there is an active ADMINORDER 2020-0950-IWD-E to resolve the past violations. The two exceedances for pH at Outfall 001 are isolated and do not indicate a pattern of non-compliance. Therefore, no action is needed for pH at Outfall 001 in the draft permit.

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**DRAFT PERMIT CONDITIONS**

The draft permit authorizes the process wastewater, treated domestic wastewater, utility wastewater, vacuum pump seal water, and first-flush stormwater at a daily average flow not to exceed 0.27 MGD 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        | Avg of Daily Avg | Max of Daily Max |
|---------|------------------|------------------|------------------|
| 001     | Flow             | 0.270 MGD        | 0.383 MGD        |
|         | TSS              | 29.2 lbs/day     | 51.1 lbs/day     |
|         | BOD <sub>5</sub> | 14.6 lbs/day     | 29.2 lbs/day     |
|         | Ammonia Nitrogen | N/A              | Report, mg/L     |
|         | Total Arsenic    | 0.15 lbs/day     | 0.29 lbs/day     |
|         | Total Cadmium    | 0.15 lbs/day     | 0.29 lbs/day     |
|         | Total Lead       | 0.07 lbs/day     | 0.26 lbs/day     |
|         | Total Zinc       | 1.1 lbs/day      | 2.9 lbs/day      |
|         | Temperature      | N/A              | 110 °F           |
|         | Enterococci      | 35 <sup>1</sup>  | N/A              |
|         | pH               | 6.0 SU, min      | 9.0 SU           |
|         |                  |                  |                  |
| 002     | Flow             | Report, MGD      | Report, MGD      |
|         | TOC              | N/A              | 55 mg/L          |
|         | Oil and Grease   | N/A              | 15 mg/L          |
|         | Total Zinc       | N/A              | 3.5 mg/L         |
|         | pH               | 6.0 SU, min      | 9.0 SU           |

OUTFALL LOCATIONS

| Outfall | Latitude    | Longitude   |
|---------|-------------|-------------|
| 001     | 28.955799 N | 95.336808 W |
| 002     | 28.952388 N | 95.33697 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 discharge of process wastewater and first-flush stormwater via Outfall 001 from this facility is subject to federal effluent limitations guidelines (ELGs) at 40 CFR Part 415 – Inorganic Chemicals Manufacturing Point Source Category, Subpart BO – Zinc Chloride Production Subcategory. Development of technology-based effluent limitations is presented in Appendix A. TSS, Total Arsenic, Total Lead, Total Zinc and pH are technology-based limitations that were originally established based on the effluent guidelines at 40 CFR § 415, Subpart BO, and are continued in the draft permit according to anti-backsliding regulations at 40 CFR 122.44(l). Effluent limitations for BOD<sub>5</sub>, Ammonia Nitrogen (reporting requirement), and Total Cadmium were originally established based on BPJ and are continued in the draft permit based on 40 CFR §122.44 (l).

<sup>1</sup> Bacteria values are expressed in colony forming units (cfu) or most probable number (MPN) per 100 milliliters (mL). The value is geometric mean.

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The effluent limitations at Outfall 002 for TOC, Oil and Grease, and pH are based on TCEQ practices on the discharge of stormwater associated with industrial activities. The total zinc limit at Outfall 002 was originally assessed based on 30 TAC §319.23 due to the nature of the facility and is continued in the draft permit based on 40 CFR 122.44(l).

**Water Quality-Based Effluent Limitations**

The facility discharges via Outfall 001 into the Dow Chemical Plant "A" Effluent Canal. Texas Surface Water Quality Standards (aquatic life criteria established in Table 1 and human health criteria established in Table 2 of 30 TAC Chapter 307) are applied at the point where the Dow Chemical Plant "A" Effluent Canal discharges to the Brazos River Tidal, Segment No. 1201; this discharge is regulated as part of Outfall 001 of TPDES Permit No. WQ0000007000 (Dow Chemical Company). Only technology-based effluent limitations are applied at Outfall 001 of TPDES Permit No. WQ0001878000. Therefore, Outfall 001 is not subject to screening against water quality-based effluent limits, including temperature and pH, for the protection of aquatic life or human health.

The discharge via Outfall 002 is stormwater only. Typically, critical conditions are not developed for stormwater outfalls. Therefore, the intermittent and flow-variable discharge of stormwater via Outfall 002 is not subject to screening against calculated water quality-based effluent limits for the protection of aquatic life or human health.

The temperature limit at Outfall 001 has been established since the first issuance of the permit and is continued in the draft permit according to EPA anti-backsliding regulations.

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

No screening was conducted at Outfall 001 because water quality-based limitations screening has been performed for Outfall 001 of TPDES Permit No. WQ0000007000. No screening was performed at Outfall 002 because critical conditions are not typically developed for stormwater only outfalls.

**pH Screening**

No screening was performed for discharges via Outfall 001 because no critical conditions were established for this discharge to the Dow "A" Effluent Canal. Critical conditions apply where the Dow canal discharges into the Brazos River, and all dischargers to the canal are covered under TPDES Permit No. WQ0000007000. No screening was performed for discharges via Outfall 002 because critical conditions are not typically developed for stormwater outfalls.

**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 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. Existing Other Requirement No. 5 is continued in the draft permit for notification of changes.

**Whole Effluent Toxicity Testing (Biomonitoring)**

The existing permit did not establish biomonitoring requirements because water quality-based conditions including biomonitoring are not applied to discharges to the Dow "A" canal as such controls are established in the Dow Chemical TPDES Permit No. WQ0000007000.

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**SUMMARY OF CHANGES FROM APPLICATION**

The following changes have been made from the application, which make the draft permit more stringent.

The geometric mean criterion for Enterococci of 35 per 100 mL has been added at Outfall 001 because the outfall authorizes the discharge of domestic wastewater. The water quality-based limitations for this discharge to the Dow "A" Effluent Canal which are covered under the TPDES Permit No. WQ0000007000. However, existing Permit No. WQ0000007000 does not establish the bacteria limits. Therefore, the bacteria limit is established in the draft permit based on 30 TAC §307.10(1).

**SUMMARY OF CHANGES FROM EXISTING PERMIT**

The following changes have been made to the draft permit.

1. Pages 3-13 were updated (May 2021 version).
2. The minimal analytical level (MAL) for total arsenic and total lead have been updated to the current MALs in Other Requirement No.2.
3. Existing Other Requirement No. 6 has been removed in the draft permit because the water quality-based limitations are applied at Outfall 001 in the TPDES Permit No. WQ0000007000 and the provision is no longer applicable to this permit for a thermal plume characterization study.
4. Existing Other Requirement No. 4 has been revised to avoid the confusion.

**BASIS FOR DRAFT PERMIT**

The following items were considered in developing the draft permit:

1. Application received on March 18, 2024, and additional information received on April 11, 2024 and July 7, 2024.
2. Existing permits: TPDES Permit No. WQ0001878000 issued on September 13, 2019.
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.
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.

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12. EPA Effluent Guidelines: 40 CFR Part 415, Subpart BO (BAT, BCT, and BPT). A new source determination was performed and the discharge of process wastewater and first-flush stormwater via Outfall 001 is not a new source as defined at 40 CFR §122.2.
13. Consistency with the Coastal Management Plan: The executive director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the General Land Office and has determined that the action is consistent with the applicable CMP goals and policies.
14. Letter dated May 28, 2014, from L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, TCEQ, to Bill Honker, Director, Water Quality Protection Division, EPA (TCEQ proposed development strategy for pH evaluation procedures).
15. Letter dated June 2, 2014, from William K. Honker, P.E., Director, Water Quality Protection Division, EPA, to L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, TCEQ (Approval of TCEQ proposed development strategy for pH evaluation procedures).
16. Letter dated April 29, 2014, from L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, TCEQ, to Bill Honker, Director, Water Quality Protection Division, EPA (TCEQ proposed development strategy for thermal evaluation procedures)
17. Letter dated May 12, 2014, from William K. Honker, P.E., Director, Water Quality Protection Division, EPA, to L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, TCEQ (Approval of TCEQ proposed development strategy for thermal evaluation procedures).
18. 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.

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The Executive Director will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the Executive Director's response to comments and final decision is mailed. If a hearing request or request for reconsideration is filed, the Executive Director will not issue the permit and will forward the application and request to the TCEQ commissioners for their consideration at a scheduled commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

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

For additional information about this application, contact Ruiqiang Zong at (512) 239-4589.

Ruiqiang Zong  
Ruiqiang Zong

April 25, 2025  
Date

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

The draft permit authorizes the discharge of process wastewater, treated domestic wastewater, utility wastewater, vacuum pump seal water, and first-flush stormwater at a daily average flow not to exceed 0.270 MGD via Outfall 001; and stormwater on an intermittent and flow-variable basis via Outfall 002.

**Process Wastewater**

The discharge of process wastewater via Outfall 001 is subject to effluent limitations guidelines (ELGs) promulgated at 40 CFR Part 415 – Inorganic Chemicals Manufacturing Point Source Category, Subpart BO – Zinc Chloride Production Subcategory. A new source determination was performed, and the discharge of process wastewater (including first-flush stormwater) via Outfall 001 is not a new source as defined at 40 CFR §122.2. Therefore, new source performance standards (NSPS) are not required for this discharge.

Because technology-based effluent limits apply to the discharge of process wastewater only, effluent limitations for Outfall 001 were developed using the building block approach (as discussed in Multiple Effluent Guidelines Requirements, exhibit 5-18, Chapter 5 of the NPDES Permit Writers' Manual).

The following categories of ELGs are included in 40 CFR Part 415, Subpart BO: Best Practicable Control Technology Currently Available (BPT) at 40 CFR §415.672; Best Available Technology Economically Achievable (BAT) at 40 CFR §415.673; and Best Conventional Pollutant Control Technology (BPT) at 40 CFR §415.677. ELGS from each category are included in the table below, and the most stringent limits from among the three categories are shown in bold type and were used to calculate the mass limits:

**Example: Daily Average TSS**

Outfall 001 Permitted Daily Average Flow = 270,000 gallons per day (0.270 MGD)

On Page 7 of 76 of Technical Report 1.0 of the application, the permittee reports a process wastewater daily maximum design flow of 0.277 MGD, which represents approximately 76% of the total daily maximum flow from Outfall 001. Since this process flow is greater than the permitted daily average flow (0.270 MGD), the process wastewater flow used to calculate technology-based mass limits was derived by taking 76 % of the daily average permitted flow of 0.270 MGD.

Adjusted (PWW) Daily Average Flow = 270,000 gal/day x 76%  
= **205,200 gal/day**

$$\text{Loading (lbs/day)} = \text{PWW Dly Avg Q} \frac{\text{gal}}{\text{day}} \times \text{Conc. mg/L} \times \frac{8.345\text{lbs}}{\text{gal}} \times \frac{1\text{ gram}}{1000\text{mg}} \times \frac{1\text{ ml}}{\text{gram}} \times \frac{1\text{ L}}{1000\text{ml}}$$

$$\text{Daily Avg (lbs/day)} = 205,200 \frac{\text{gal}}{\text{day}} \times 25\text{ mg} \times \frac{8.345\text{ lbs}}{\text{gal}} \times \frac{1\text{ gram}}{1000\text{ mg}} \times \frac{1\text{ ml}}{\text{gram}} \times \frac{1\text{ L}}{1000\text{ ml}}$$

$$\text{Daily Avg (lbs/day)} = \frac{42,809,850\text{lbs}}{1,000,000\text{ day}}$$

$$\text{Daily Avg (lbs/day)} = \textbf{42.81 lbs/day}$$

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**Process Wastewater**

| Parameter     | BPT Limits, mg/L     |            | BAT Limits, mg/L |             | BCT Limits, mg/L |         | Allocation, lbs/day |         |
|---------------|----------------------|------------|------------------|-------------|------------------|---------|---------------------|---------|
|               | Dly Avg              | Dly Max    | Dly Avg          | Dly Max     | Dly Avg          | Dly Max | Dly Avg             | Dly Max |
| TSS           | <b>25</b>            | <b>43</b>  | —                | —           | 25               | 43      | 42.81               | 73.63   |
| Total Arsenic | <b>1.0</b>           | <b>3.0</b> | 1.0              | 3.0         | —                | —       | 1.71                | 5.14    |
| Total Lead    | 0.6                  | 1.8        | <b>0.048</b>     | <b>0.18</b> | —                | —       | 0.082               | 0.308   |
| Total Zinc    | 3.8                  | 11.4       | <b>0.76</b>      | <b>2.3</b>  | —                | —       | 1.30                | 3.94    |
| pH            | <b>6.0 – 10.0 SU</b> |            | —                |             | 6.0 – 10.0 SU    |         | 6.0 – 10.0 SU       |         |

Consistent with previous development of effluent limits for Outfall 001, allocations were developed for BOD<sub>5</sub> for the process wastewater. Estimates of concentration are the same as those used to develop previous permits. The process wastewater flow of 205,200 gal/day was used to calculate mass allocations.

| Parameter        | Concentration Limits (mg/L) |           | Mass Allocation (lbs/day) |           |
|------------------|-----------------------------|-----------|---------------------------|-----------|
|                  | Daily Avg                   | Daily Max | Daily Avg                 | Daily Max |
| BOD <sub>5</sub> | 10                          | 20        | 17.12                     | 34.25     |

**Domestic Wastewater**

Allocations for domestic wastewater (1000 gal/day provided on Page 7 of 76 of the application Technical Report 1.0) are based on BPJ application of effluent limitations for secondary treatment in 30 TAC Chapter 309.

**Domestic Wastewater**

| Parameter          | Concentration Limits (mg/L) |           | Mass Allocation (lbs/day) |           |
|--------------------|-----------------------------|-----------|---------------------------|-----------|
|                    | Daily Avg                   | Daily Max | Daily Avg                 | Daily Max |
| BOD <sub>5</sub>   | 20                          | 45        | 0.17                      | 0.38      |
| TSS                | 20                          | 45        | 0.17                      | 0.38      |
| NH <sub>3</sub> -N | N/A                         | Report    | N/A                       | Report    |

**Sum of Allocations**

| Parameter          | Process Wastewater   |                      | Domestic Wastewater  |                      | Total                |                      |
|--------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
|                    | Dly Avg<br>(lbs/day) | Dly Max<br>(lbs/day) | Dly Avg<br>(lbs/day) | Dly Max<br>(lbs/day) | Dly Avg<br>(lbs/day) | Dly Max<br>(lbs/day) |
| TSS                | 42.81                | 73.63                | 0.17                 | 0.38                 | 42.98                | 74.01                |
| BOD <sub>5</sub>   | 17.12                | 34.25                | 0.17                 | 0.38                 | 17.29                | 34.62                |
| NH <sub>3</sub> -N | —                    | —                    | —                    | Report, mg/L         | —                    | Report, mg/L         |
| Total Arsenic      | 1.71                 | 5.14                 | —                    | —                    | 1.71                 | 5.14                 |
| Total Lead         | 0.08                 | 0.31                 | —                    | —                    | 0.08                 | 0.31                 |
| Total Zinc         | 1.30                 | 3.94                 | —                    | —                    | 1.30                 | 3.94                 |

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**Additional Consideration for Metals**

The discharge via Outfall 001 is not subject to screening against water quality-based effluent limitations. To ensure that hazardous metals concentration limits in 30 TAC §319.23 (Hazardous Metals, Quality Levels – Tidal Waters) are not exceeded, the following mass limitations have been calculated using the permitted daily average flow of 0.270 MGD:

| Parameter     | 30 TAC §319.23  |                              | Effluent Limits    |                    |
|---------------|-----------------|------------------------------|--------------------|--------------------|
|               | Daily Avg, mg/L | Daily Max, mg/L <sup>1</sup> | Daily Avg, lbs/day | Daily Max, lbs/day |
| Total Arsenic | 0.1             | 0.2                          | 0.22               | 0.45               |
| Total Cadmium | 0.1             | 0.2                          | 0.22               | 0.45               |
| Total Lead    | 0.5             | 1.0                          | 1.12               | 2.25               |
| Total Zinc    | 1.0             | 2.0                          | 2.25               | 4.51               |

**OUTFALL 002**

The discharge of stormwater via Outfall 002 is not subject to any ELGs. The following limits, which were previously established based on BPJ, are carried forward from the existing permit based on EPA anti-backsliding regulations at 40 CFR §122.44(l):

| Parameter            | Permit Limits (BPJ) |                  |
|----------------------|---------------------|------------------|
|                      | Daily Avg, mg/L     | Daily Max., mg/L |
| Total Organic Carbon | N/A                 | 55               |
| Oil and Grease       | N/A                 | 15               |
| Total Zinc           | N/A                 | 3.5              |
| pH                   | 6.0 – 9.0 SU        |                  |

Since the discharge is intermittent and flow-variable, mass limits were not calculated.

The discharge via Outfall 002 is not subject to screening against water quality-based effluent limitations. To ensure that hazardous metals concentration limits in 30 TAC §319.23 (Hazardous Metals, Quality Levels – Tidal Waters) are not exceeded, the following concentration limits have also been assessed:

| Parameter  | Permit Limits   |                               |
|------------|-----------------|-------------------------------|
|            | Daily Avg, mg/L | Daily Max., mg/L <sup>2</sup> |
| Total Zinc | N/A             | 6.0                           |

Since the discharge is intermittent and flow-variable, mass limits were not calculated.

<sup>1</sup> 30 TAC §319.23, daily composite value

<sup>2</sup> 30 TAC §319.23, grab sample value

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**Appendix B**  
**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          | lbs/day          | lbs/day                | lbs/day   | lbs/day            | lbs/day          |
| 001     | Flow             | 0.270 MGD        | 0.383 MGD        | -                      | -         | <b>0.270 MGD</b>   | <b>0.383 MGD</b> |
|         | TSS              | -                | -                | -                      | -         | <b>29.2</b>        | <b>51.1</b>      |
|         | BOD <sub>5</sub> | -                | -                | 14.6                   | -         | <b>14.6</b>        | <b>29.2</b>      |
|         | Ammonia Nitrogen | N/A              | Report, mg/L     | -                      | -         | <b>N/A</b>         | <b>Report</b>    |
|         | Temperature      | -                | 110 °F           | -                      | -         | <b>N/A</b>         | <b>110 °F</b>    |
|         | Total Arsenic    | -                | -                | -                      | -         | <b>0.15</b>        | <b>0.29</b>      |
|         | Total Cadmium    | -                | -                | -                      | -         | <b>0.15</b>        | <b>0.29</b>      |
|         | Total Lead       | -                | -                | -                      | -         | <b>0.07</b>        | <b>0.26</b>      |
|         | Total Zinc       | -                | -                | -                      | -         | <b>1.1</b>         | <b>2.9</b>       |
|         | Enterococci      | -                | -                | <b>35</b> <sup>1</sup> | -         | -                  | -                |
|         | pH               | 6.0 SU (minimum) | 9.0 SU (maximum) | -                      | -         | <b>6.0 SU, min</b> | <b>9.0 SU</b>    |

| Outfall | Pollutant      | Technology-Based |                  | Water Quality-Based |           | Existing Permit    |                    |
|---------|----------------|------------------|------------------|---------------------|-----------|--------------------|--------------------|
|         |                | Daily Avg        | Daily Max        | Daily Avg           | Daily Max | Daily Avg          | Daily Max          |
|         |                | mg/L             | mg/L             | mg/L                | mg/L      | mg/L               | mg/L               |
| 002     | Flow           | Report, MGD      | Report, MGD      | -                   | -         | <b>Report, MGD</b> | <b>Report, MGD</b> |
|         | TOC            | N/A              | 55               | -                   | -         | <b>N/A</b>         | <b>55</b>          |
|         | Oil and Grease | N/A              | 15               | -                   | -         | <b>N/A</b>         | <b>15</b>          |
|         | Total Zinc     | N/A              | 6.0              | -                   | -         | <b>N/A</b>         | <b>3.5</b>         |
|         | pH             | 6.0 SU (minimum) | 9.0 SU (maximum) | -                   | -         | <b>6.0 SU, min</b> | <b>9.0 SU</b>      |

<sup>1</sup> Bacteria values are expressed in colony forming units (cfu) or most probable number (MPN) per 100 milliliters (mL). The value is geometric mean.