Administrative 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. 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.)

Portada de Paquete Administrativo

Este archivo contiene los siguientes documentos:

1. Resumen en lenguaje sencillo (PLS, por sus siglas en inglés) de la actividad propuesta
   - Inglés
   - Idioma alternativo (español)
2. Primer aviso (NORI, el Aviso de Recepción de Solicitud e Intención de Obtener un Permiso)
   - Inglés
   - Idioma alternativo (español)
3. Solicitud original (**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.)

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

This template is a guide to assist applicant's in developing a plain language summary as required by 30 Texas Administrative Code Chapter 39 Subchapter H. Applicant's may modify the template as necessary to accurately describe their facility as long as the summary includes the following information: (1) the function of the proposed plant or facility; (2) the expected output of the proposed plant or facility; (3) the expected pollutants that may be emitted or discharged by the proposed plant or facility; and (4) how the applicant will control those pollutants, so that the proposed plant will not have an adverse impact on human health or the environment.

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

If you are subject to the alternative language notice requirements in 30 Texas Administrative Code §39.426, **you must provide a translated copy of the completed plain language summary in the appropriate alternative language as part of your application package**. For your convenience, a Spanish template has been provided below.

ENGLISH TEMPLATE FOR TPDES or TLAP NEW/RENEWAL/AMENDMENT APPLICATIONS INDUSTRIAL WASTEWATER/STORMWATER

The following summary is provided for this pending water quality permit application being reviewed by the Texas Commission on Environmental Quality as required by 30 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.

Lamberti USA, Incorporated (CN600650709) operates the Wharton Chemical Complex RN101206803. a facility for the production of industrial chemicals (oil well drilling mud additives, corrosion inhibitors, surfactants, blends, etc.). The facility is located at the intersection of U.S.59 and County Road 212, in Hungerford, Wharton County, Texas 77448. The application is a renewal for effluent discharges from Outfalls 001 and 002. Outfall 001 is permitted for a daily average maximum flow of 0.0471 million gallons per day (mgd) of process wastewater commingled with scrubber water, cooling tower blowdown, boiler blowdown, and stormwater. Outfall 002 is permitted to discharged stormwater.

Discharges from the facility are expected to contain: Outfall 001 – total suspended solids (TSS), carbonaceous biological oxygen demand (CBOD), chemical oxygen demand (COD), oil and grease (O&G), ammonia nitrogen, barium, total phenols, and *e. Coli.* Outfall 002 – COD and O&G. .Industrial wastewater is treated after entering the process waste sump followed by an oil skimmer and then through three surge tanks. Stormwater is collected in the stormwater storage pond. Both industrial wastewater and stormwater are mixed in the equalization tank. From the equalization tank, wastewater enters the activated sludge plant with further treatment in clarifier followed by gravity filtration and chlorination/dichlorination prior to discharge at the outfall. Sludge generated from the process is treated dried in the sludge drying beds prior to off-site disposal. Sanitary waste is treated in the on-site sewage facility followed by land application of treated liquids and off-site disposal of sludge.

PLANTILLA EN ESPAÑOL PARA SOLICITUDES NUEVAS/RENOVACIONES/ENMIENDAS DE TPDES o TLAP AGUAS RESIDUALES INDUSTRIALES/AGUAS PLUVIALES

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.

Lamberti USA, Incorporated (CN600650709) opera el Wharton Chemical Complex RN101206803. una instalación para la producción de productos químicos industriales (aditivos para lodos de perforación de pozos petroleros, inhibidores de corrosión, tensioactivos, mezclas, etc.). La instalación está ubicada en la intersección de U.S.59 y County Road 212, en Hungerford, condado de Wharton, Texas 77448. La solicitud es una renovación para las descargas de efluentes de los emisarios 001 y 002. El emisario 001 está permitido para un flujo máximo promedio diario de 0.0471 millones de galones por día (mgd) de aguas residuales de

proceso mezcladas con agua de depuración, purga de torres de enfriamiento, purga de calderas y aguas pluviales. Se permite que el emisario 002 descargue aguas pluviales.

Se espera que las descargas de la instalación contengan: Emisario 001: sólidos suspendidos totales (TSS), demanda biológica de oxígeno carbonoso (CBOD), demanda química de oxígeno (DQO), aceite y grasa (O&G), nitrógeno amoniacal, bario, fenoles totales y mi. coli. Emisario 002 – DQO y O&G. Las aguas residuales industriales se tratan después de ingresar al sumidero de desechos del proceso, seguido de un skimmer de aceite y luego a través de tres tanques de compensación. Las aguas pluviales se recogen en el estanque de almacenamiento de aguas pluviales. En el tanque de compensación se mezclan tanto las aguas residuales industriales como las pluviales. Desde el tanque de ecualización, las aguas residuales ingresan a la planta de lodos activados con un tratamiento adicional en un clarificador seguido de filtración por gravedad y cloración/dicloración antes de su descarga en el emisario. El lodo generado en el proceso se trata y seca en los lechos de secado de lodos antes de su eliminación fuera del sitio. Los desechos sanitarios se tratan en la instalación de aguas residuales del sitio, seguido de la aplicación al suelo de los líquidos tratados y la eliminación de los lodos fuera del sitio.

INSTRUCTIONS

1. Enter the name of applicant in this section. The applicant name should match the name associated with the customer number.
2. Enter the Customer Number in this section. Each Individual or Organization is issued a unique 11-digit identification number called a CN (e.g. CN123456789).
3. Choose “operates” in this section for existing facility applications or choose “proposes to operate” for new facility applications.
4. Enter the name of the facility in this section. The facility name should match the name associated with the regulated entity number.
5. Enter the Regulated Entity number in this section. Each site location is issued a unique 11-digit identification number called an RN (e.g. RN123456789).
6. Choose the appropriate article (a or an) to complete the sentence.
7. Enter a description of the facility in this section. For example: steam electric generating facility, nitrogenous fertilizer manufacturing facility, etc.
8. Choose “is” for an existing facility or “will be” for a new facility.
9. Enter the location of the facility in this section.
10. Enter the City nearest the facility in this section.
11. Enter the County nearest the facility in this section.
12. Enter the zip code for the facility address in this section.
13. Enter a summary of the application request in this section. For example: renewal to discharge 25,000 gallons per day of treated domestic wastewater, new application to discharge process wastewater and stormwater on an intermittent and flow-variable basis, or major amendment to reduce monitoring frequency for pH, etc. If more than one outfall is included in the application, provide applicable information for each individual outfall.
14. List all pollutants expected in the discharge from this facility in this section. If applicable, refer to the pollutants from any federal numeric effluent limitations that apply to your facility.
15. Enter the discharge types from your facility in this section (e.g., stormwater, process wastewater, once through cooling water, etc.)
16. Choose the appropriate verb tense to complete the sentence.
17. Enter a description of the wastewater treatment used at your facility. Include a description of each process, starting with initial treatment and finishing with the outfall/point of disposal. Use additional lines for individual discharge types if necessary.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PERMIT NO. WQ0002469000

APPLICATION. Lamberti USA, Incorporated, P.O. Box 1000, Hungerford, Texas 77448, which owns a facility that produces specialty chemicals for various industrial applications, has applied to the Texas Commission on Environmental Quality (TCEQ) to renew Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002469000 (EPA I.D. No. TX0086363) to authorize the discharge of treated wastewater and stormwater at a volume not to exceed a daily average flow of 47,100 gallons per day via Outfall 001 and the discharge of stormwater at an intermittent and flow-variable volume via Outfall 002. The facility is located at the intersection of County Road 212 and U.S. Highway 59, near the city of Kendleton, in Wharton County, Texas 77448. The discharge route is from the plant site via Outfalls 001 and 002 directly to San Bernard River Above Tidal. TCEQ received this application on March 18, 2024. The permit application will be available for viewing and copying at Wharton County Library, 1920 North Fulton Street, Wharton, in Wharton County, Texas and at Albert George Library, 9320 Gene Street, Needville, in Fort Bend 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=-96.029166,29.431111&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. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. All public comments and requests must be submitted either electronically at **https://www14.tceq.texas.gov/epic/eComment/**, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Lamberti USA, Incorporated at the address stated above or by calling Ms. Kathy Dimataris, Environmental & Product Compliance Manager, at 281-342-5675, extension 119.

Issuance Date: May 3, 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. WQ0002469000

SOLICITUD. Lamberti USA, Incorporated, P.O. Box 1000, Hungerford, Texas 77448, propietaria de una instalación química, ha solicitado a la Comisión de Calidad Ambiental del Estado de Texas (TCEQ) para renovar el Permiso No. WQ0002469000 (EPA I.D. No. TX0086363) 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 sobrepasa un flujo promedio diario de 47,100 galones por día via Emisario 001 y la descarga de aguas pluviales a un volumen intermitente y de caudal variable a través de Emisario 002. La planta está ubicada en la intersección de County Road 212 y U.S. Highway 59, cerca de la ciudad de Kendleton en el Condado de Wharton, Texas 77448. La ruta de descarga es del sitio de la planta a Emisarios 001 y 002 directamente al río San Bernardo por encima de la marea. La TCEQ recibió esta solicitud el 18 de marzo de 2024. La solicitud para el permiso estará disponible para leerla y copiarla en Wharton County Library, 1920 North Fulton Street, Wharton, en el condado de Wharton, Texas y en Albert George Library, 9320 Gene Street, Needville, en el condado de Fort Bend, 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=-96.029166,29.431111&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 mas 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 especifico. Si desea que se agrega 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 Lamberti USA, Incorporated a la dirección indicada arriba o llamando a Sra. Kathy Dimataris al 281-342-5675, extensión 119.

Fecha de emisión 3 de mayo de 2024

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

RENEWAL

Permit No. WQ0002469000

APPLICATION AND PRELIMINARY DECISION. Lamberti USA, Incorporated, P.O. Box 1000, Hungerford, Texas 77448, which operates the Wharton Chemical Complex, a production facility that produces specialty chemicals for various industrial applications, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002469000, to authorize the discharge of process wastewater commingled with scrubber water, cooling tower blowdown, boiler blowdown, and stormwater at a daily average flow not to exceed 47,100 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 the intersection of U.S. Highway 59 and County Road 212, approximately 2,400 feet southwest of the San Bernard River/U.S. Highway 59 bridge and approximately 3.5 miles northeast of the City of Hungerford in Wharton County, Texas 77448. 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=-96.029166,29.431111&level=18

The effluent is discharged via Outfalls 001 and 002 directly to San Bernard River Above Tidal in Segment No. 1302 of the Brazos-Colorado Coastal Basin. The designated uses for Segment No. 1302 are primary contact recreation, public water supply, and high aquatic life use.

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 the Wharton County Library, 1920 North Fulton Street, Wharton, in Wharton County, Texas and at the Albert George Library, 9320 Gene Street, Needville, in Fort Bend County, Texas. The application, including any updates, and associated notices are available electronically at the following webpage: https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications

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 Lamberti USA, Incorporated at the address stated above or by calling Ms. Kathy Dimataris, Environmental & Product Compliance Manager, at 281-342-5675, ext. 119.

Issued: February 25, 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. WQ0002469000

SOLICITUD Y DECISIÓN PRELIMINAR. Lamberti USA, Incorporated, P.O. Box 1000, Hungerford, Texas 77448, , que opera el Wharton Chemical Complex, ha solicitado a la Comisión de Calidad Ambiental del Estado de Texas (TCEQ) una renovación para autorizar la descarga de aguas residuales de proceso mezcladas con agua de depuración, purga de torres de enfriamiento, purga de calderas y aguas pluviales a un flujo promedio diario que no exceda los 47,100 galones por día a través del Emisario 001, y aguas pluviales de forma intermitente y de flujo variable a través del Emisario 002. La TCEQ recibió esta solicitud el March 18, 2024.

La planta está ubicada en la intersección de la autopista U.S. 59 y la carretera County 212, aproximadamente a 2,400 pies al suroeste del río San Bernard/U.S. Puente de la autopista 59 y aproximadamente 3,5 millas al noreste de la ciudad de Hungerford en el Condado de Wharton, Texas. El efluente tratado es descargado al a través de los emisarios 001 y 002 directamente al río San Bernard por encima de Tidal en el Segmento No. 1302 de la Cuenca del Río Brazos-Colorado Coastal Basin. Los usos no clasificados de las aguas receptoras son elevados usos de la vida acuática para río San Bernard por encima de Tidal. Los usos designados para el Segmento No. 1302 son elevados de vida acuática; abastecimiento de agua potable, provisión de agua a la industria, agua para ostras, navegación y recreación sin contacto.

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 the Wharton County Library, 1920 North Fulton Street, Wharton, in Wharton County, Texas and at the Albert George Library, 9320 Gene Street, Needville, in Fort Bend County, Texas. La solicitud (cualquier actualización y aviso inclusive) está disponible electrónicamente en la siguiente página web: https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications. 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://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications

AVISO DE IDIOMA ALTERNATIVO. El aviso de idioma alternativo en español está disponible en https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices.

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. 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. Si desea información en español, puede llamar al 1-800-687-4040.

También se puede obtener información adicional del Lamberti USA, Incorporated a la dirección indicada arriba o llamando a Ms. Kathy Dimataris, Gerente de Cumplimiento Ambiental y de Productos al 281-342-5675, ext. 119.

Fecha de emission: 25 de febrero de 2025

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

DESCRIPTION OF APPLICATION

Applicant:	Lamberti USA, Incorporated; Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002469000 (EPA I.D. No. TX0086363)
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 Wharton Chemical Complex, a facility that produces specialty chemicals for various industrial applications (SIC 2899).

Industrial wastewater is generated from miscellaneous utility waters such as cooling tower and boiler blowdown, equipment rinsate, water from liquid processing area, lab drains, and softener back wash brine. Process wastewater is generated from the liquid process area at a rate of between zero and 30,000 gallons per day, depending on production rates. Process wastewaters commingle with approximately 5,000 gallons per day of utility wastewater, including cooling tower and boiler blowdown, at the process area sump where the combined wastestreams are skimmed, thence routed to one of four surge tanks (three at 27,500 gallons and one at 150,000 gallons). Effluent from these surge tanks is routed to the equalization tank (150,000-gallons). The wastewater is aerated in the equalization tank and possibly pre-treated with some of the excess sludge from the decanters. These aerated wastewaters enter either of the twin aeration basins; thence flow to either of the twin clarifiers/gravity filtration systems; and thence to separate chlorination and de-chlorination tanks. To avoid bacteria, the gravity filtration units are sanitized with chlorine. Sand beds are present for sludge drying, and the treated wastewaters discharge through Outfall 001. Stormwater is collected in a 280,000-gallon retention pond and is intermittently released to Outfall 002. Stormwater can also be transferred to the equalization tank and undergo activated sludge treatment, if such treatment is deemed necessary. Water used at the site is drawn from an onsite well. An on-site sanitary sewer facility, regulated by local authorities, treats the domestic wastewater and use it for land application.

The facility is located at the intersection of U.S. Highway 59 and County Road 212, approximately 2,400 feet southwest of the San Bernard River/U.S. Highway 59 bridge and approximately 3.5 miles northeast of the City of Hungerford in Wharton County, Texas.

Discharge Routes and Designated Uses
The effluent is discharged via Outfalls 001 and 002 to San Bernard River Above Tidal, in Segment No. 1302 of the Brazos-Colorado Coastal Basin. The designated uses for Segment No. 1302 are primary contact recreation, public water supply, and high aquatic life use. The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions.

Endangered Species Review
The Houston Toad (*Bufo houstonensis* Sanders), an endangered aquatic-dependent species of critical concern, occurs within the Segment 1302 watershed as well as the United States Geological Survey hydrologic unit code 12090401. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998, October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only consider aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. Species distribution information for the Segment 1302 watershed is provided by the United States Fish and Wildlife Service and documents the toad's presence solely in the vicinity of Hayes Creek in Colorado County, which is farther up the watershed from the facility associated with this permit action. Based upon this information, it is determined that the facility's discharge is not expected to impact the Houston Toad. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Impaired Water Bodies
Segment No. 1302 is currently listed on the State's inventory of impaired and threatened waters, the 2022 Clean Water Act Section 303(d) list. The listing is for bacteria in water from the confluence with the Intracoastal Waterway in Brazoria County upstream to the confluence with Coushatta Creek (AUs 1302_01, 1302_02 and 1302_03). Existing effluent limitations for E. coli are continued at Outfall 001. The effluent limitations are equivalent to the most stringent primary contact recreation standard; therefore, existing uses will be maintained. No source(s) of bacteria were identified in the application for Outfall 002. The discharge from this facility is not expected to contribute to the listed impairment for bacteria.

Completed Total Maximum Daily Loads (TMDLs)
There are no completed TMDLs for Segment No. 1302.

Dissolved Oxygen
The applicant is proposing to renew its permit authorizing the discharge of process wastewater commingled with scrubber water, cooling tower blowdown, boiler blowdown, and stormwater via Outfall 001, and stormwater via Outfall 002 into the watershed of San Bernard River above Tidal (Segment No. 1302). Only Outfall 001 is expected to have significant potential to affect dissolved oxygen in the receiving waters. The existing permit contains one effluent flow phase of 0.0471 MGD at Outfall 001.

A dissolved oxygen modeling analysis was previously performed for this permit on February 21, 2019, by Kristin L. Arnold. Applicable water body uses and criteria, proposed permitted flow conditions, and modeling analytical procedures pertaining to this discharge situation remain unchanged from the previous review. Therefore, the existing effluent limits of 7.7 lbs/day $CBOD_5$ and 5 mg/L NH_3-N (daily

max) are applicable to this permit.

SUMMARY OF EFFLUENT DATA

The following is a quantitative description of the discharge described in the monthly effluent report data for the period January 2019 through December 2024. The "Avg of Daily Avg" values presented in the following table are the average of all daily average values for the reporting period for each pollutant. The "Max of Daily Max" values presented in the following table are the individual maximum values for the reporting period for each pollutant. Flows are expressed in million gallons per day (MGD). All pH values are expressed in standard units (SU). Bacteria values are expressed in colony forming units (cfu) or most probable number (MPN) per 100 milliliters (mL).

Flow

Outfall	Frequency	Avg of Daily Avg, MGD	Max of Daily Max, MGD
001	Continuous	0.016 MGD	0.056 MGD
002	Intermittent	0.081 MGD	19.6 MGD

Effluent Characteristics

Outfall	*Pollutant*	*Avg of Daily Avg*		*Max of Daily Max*	
		mg/L	*lbs/day*	*mg/L*	*lbs/day*
001	Total Suspended Solids (TSS)	-	1.0585	-	6.89
	Carbonaceous Biochemical Oxygen Demand, 5-day ($CBOD_5$)	-	1.23	-	7.12
	Chemical Oxygen Demand (COD)	-	26.385	-	64.75
	Oil and Grease	5.643	N/A	82.1	-
	E. coli (colonies/100mL)	5.494		11240	
	Ammonia Nitrogen	-	-	8.69	-
	Total Barium	-	-	0.264	-
	Total Phenols	-	-	0.269	-
	pH	6.620 SU Minimum		9.220 SU Maximum	
002	Chemical Oxygen Demand	-	-	6810	-
	Oil and Grease	-	-	19.6	-
	pH	6.32 SU Minimum		8.810 SU Maximum	

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	*E. coli* (colonies/100mL)	8/31/2020	-	-	394	3,266
		12/31/2021	-	-	394	9,870
		9/30/2022	-	-	394	548
		1/31/2024	-	-	394	3,922
		1/31/2024	-	-	394	11,240
	Oil and Grease (mg/L)	7/31/2021	-	-	20	21
		10/21/2023	15	24.08	20	82.1
		11/30/2023	-	-	20	20.9
		9/30/2024	15	21.8	20	73.9

Effluent Limitation Violations

Outfall	*Pollutant (units)*	*Report Date*	*Daily Average*		*Daily Maximum*	
			Limit	*Reported*	*Limit*	*Reported*
	Nitrogen, ammonia total [as N] (mg/L)	6/30/2024	-	-	5	8.69
002	Oil and Grease (mg/L)	11/30/2023	-	-	15	19.6
	COD (mg/L)	8/31/2022	-	-	200	6810
		9/30/2022	-	-	200	233
		12/31/2022	-	-	200	206
		6/30/2024	-	-	200	301

The draft permit was not changed to address these effluent limit violations because the exceedances are intermittent and not indicative of a continuing trend of non-compliance.

DRAFT PERMIT CONDITIONS

The draft permit authorizes the discharge of process wastewater commingled with scrubber water, cooling tower blowdown, boiler blowdown, and stormwater at a daily average flow not to exceed 0.0471 MGD via Outfall 001, and stormwater on an intermittent and flow-variable basis via Outfall 002.

See Appendix D for final draft effluent limitations.

OUTFALL LOCATIONS

Outfall	Latitude	Longitude
001	29.437373 N	96.017618 W
002	29.437373 N	96.017618 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 commingled with scrubber water, cooling tower blowdown, boiler blowdown, and stormwater associated with industrial activities via Outfall 001 and stormwater on an intermittent and flow-variable basis via Outfall 002 are not subject to any federal effluent limitation guidelines.

The daily maximum effluent limitations for TSS and pH were originally carried forward from 40 CFR §414.81, based on BPJ. The existing limits for TSS are more stringent than the recalculated technology-based limits (see Appendix A). Thus, the existing limits for TSS and pH are carried forward from the draft permit based on EPA's anti-backsliding regulations in 40 CFR §122.44(l) and TCEQ practice for establishing effluent limitations for discharges of industrial stormwater associated with industrial activities.

Effluent limitations for COD, oil and grease, and pH at Outfall 001 and Outfall 002 were originally based on BPJ and are carried forward from the existing permit based on anti-backsliding regulations in 40 CFR §122.44(l) and TCEQ practice for establishing effluent limitations for discharges of industrial stormwater associated with industrial activities.

Effluent limitations for total phenols have been in the permit since at least 1993 and are carried forward in the draft permit based on anti-backsliding regulations in 40 CFR §122.44(l).

The existing daily maximum limit for of total barium is based on the hazardous metals standard for a grab sample at 30 Texas Administrative Code (TAC) §319.22. This limit is still protective and is carried forward from the existing permit based on anti-backsliding regulations in 40 CFR §122.44(l).

Water Quality-Based Effluent Limitations
Calculations of water quality-based effluent limitations for the protection of aquatic life and human health are presented in Appendix B. Aquatic life criteria established in Table 1 and human health criteria established in Table 2 of 30 TAC Chapter 307 are incorporated into the calculations, as are recommendations in the Water Quality Assessment Team's memorandum dated May 16, 2024. TCEQ practice for determining significant potential is to compare the reported analytical data from the facility against percentages of the calculated daily average water quality-based effluent limitation. Permit limitations are required when analytical data reported in the application exceeds 85 percent of the calculated daily average water quality-based effluent limitation. Monitoring and reporting is required when analytical data reported in the application exceeds 70 percent of the calculated daily average water quality-based effluent limitation.

Data reported in the application was screened against the calculated water quality-based effluent limitations. None of the parameters analyzed for the application exceeded 70 or 85 percent of the calculated water quality-based effluent limitations; therefore, no additional monitoring and reporting requirements or effluent limitations were included in the draft permit based on the water quality screening.

Effluent limitations for *E. coli* were originally based on water quality considerations and are carried forward in the draft permit based on anti-backsliding regulations in 40 CFR §122.44(l).

Total Dissolved Solids (TDS), Chloride, and Sulfate Screening
The average concentration of TDS and chloride in the effluent is greater than the segment criterion. Screening procedures and effluent limitations for TDS, chloride, and sulfate are calculated using the methodology in the *Procedures to Implement the Texas Surface Water Quality Standards*, June 2010, and criteria in the *Texas Surface Water Quality Standards* (30 TAC Chapter 307). Detailed calculations are presented in Appendix C. Based on the screening, no effluent limitations are needed for TDS, chloride, or sulfate.

Dissolved Oxygen
A dissolved oxygen analysis of the discharge from Outfall 001 was conducted using a default QUAL-TX model. Based on model results, the existing permitted effluent set of 0.0471 MGD, 7.7 lbs/day CBOD5, 5 mg/L Ammonia-Nitrogen (daily max.), modeled with 2 mg/L DO is predicted to be adequate to ensure that the dissolved oxygen level in the receiving stream will be maintained above the criterion (5 mg/L).

pH Screening
The existing permit includes pH limits of 6.0 – 9.0 SU at Outfall 001, which discharges directly into San Bernard River Above Tidal, Segment No. 1302. Screening was performed to ensure that these existing pH limits would not cause a violation of the 6.5 – 9.0 SU pH criteria for San Bernard River Above Tidal (see Appendix C). The existing effluent limits of 6.0 – 9.0 SU are adequate to ensure that the discharge will not violate the pH criteria in San Bernard River Above Tidal.

316(b) Cooling Water Intake Structures
The facility obtains water from a groundwater well located on facility property, for cooling purposes. Groundwater is not considered waters of the United States (WOTUS), and the facility does not own and operate any CWIS that withdraws from a WOTUS or other waters that may be considered WOTUS; therefore, the facility is not subject to Section 316(b) of the CWA or the rules applicable to cooling water intake structures. Per Other Requirement No. 4, the permittee shall notify the agency if the source of cooling water for the facility changes.

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

SUMMARY OF CHANGES FROM APPLICATION
No changes were made from the application.

SUMMARY OF CHANGES FROM EXISTING PERMIT
The following additional changes have been made to the draft permit.

1. Pages 3-13 were updated (May 2021 version).
2. Other Requirement No. 9 in the existing permit was removed because the language is no longer used per TCEQ policy and procedure.
3. Other Requirement No. 9 was added to the draft permit to address that this permit does not authorize the discharge of domestic wastewater.

BASIS FOR DRAFT PERMIT
The following items were considered in developing the draft permit:

1. Application received on March 18, 2024.
2. Existing permits: TPDES Permit No. WQ0002469000 issued on September 20, 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.
12. EPA Effluent Guidelines: N/A.
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. General Guidance – Industrial Permits: Uncontaminated Stormwater Runoff, EPA, January 1997.

PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the chief clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the chief clerk instructs the applicant to place a copy of the application in a public place for reviewing and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The chief clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.
Once a draft permit is completed, it is sent to the chief clerk, along with the executive director's preliminary decision contained in the technical summary or fact sheet. At that time, the Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the executive director's preliminary decision and draft permit in the public place with the application.

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

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

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

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.

Seif Deiab

January 15, 2025
Date

Appendix A
Calculated Technology-Based Effluent Limits

The following Best Practicable Control Technology Currently Available (BPT) requirements at 40 CFR §414.81 were used as BPJ to develop the following limits.

Outfall	Parameter	Daily Average (mg/L)	Daily Maximum (mg/L)
001	Total Suspended Solids	57	183
	pH (Standard Units, SU)	6.0 SU, min	9.0 SU

The process wastewater flow of 0.03 MGD was used to determine the mass allocations allowed using the BPT values listed above and the conversion factor of 8.345 lbs/gallon.

Daily Average
TSS 57 mg/L * 0.03 MGD * 8.345 = 14.27 lbs/day
pH between 6.0-9.0 S.U.

Daily Maximum
TSS 183 mg/L * 0.03 MGD * 8.345 = 45.81 lbs/day
pH between 6.0-9.0 S.U.

The mass based limits for the utility wastewaters were continued from the existing permit, based on a flow of 5,000 gallons per day, and were calculated as follows:

Daily Average
TSS 50 mg/L * 0.005 MGD * 8.345 = 2.09 lbs/day

Daily Maximum
TSS 100 mg/L * 0.005 MGD * 8.345 = 4.17 lbs/day

Summing the technology-based loadings from the process wastewater and the utility wastewater produces the following total allowable limits.

Outfall	Parameter	Daily average (lbs/day)	Daily maximum (lbs/day)
001	TSS	16.36	49.98
	pH	6.0 SU, min	9.0 SU

The TSS limits in the existing permit are more stringent and are carried forward in the draft permit.

Appendix B
Calculated Water Quality-Based Effluent Limits

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

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

PERMIT INFORMATION

Permittee Name:	Lamberti USA, Incorporated
TPDES Permit No.:	WQ0002469000
Outfall No.:	001
Prepared by:	Seif Deiab
Date:	11/20/2024

DISCHARGE INFORMATION

Receiving Waterbody:	San Bernard River Above Tidal
Segment No.:	1302
TSS (mg/L):	8
pH (Standard Units):	6.9
Hardness (mg/L as $CaCO_3$):	32
Chloride (mg/L):	39
Effluent Flow for Aquatic Life (MGD):	0.03
Critical Low Flow [7Q2] (cfs):	5.2
% Effluent for Chronic Aquatic Life (Mixing Zone):	0.88
% Effluent for Acute Aquatic Life (ZID):	3.45
Effluent Flow for Human Health (MGD):	0.01
Harmonic Mean Flow (cfs):	12.4
% Effluent for Human Health:	0.12
Human Health Criterion (select: PWS, FISH, or INC)	**PWS**

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

Stream/River Metal	*Intercept (b)*	*Slope (m)*	*Partition Coefficient (Kp)*	*Dissolved Fraction (Cd/Ct)*	*Source*	*Water Effect Ratio (WER)*	*Source*
Aluminum	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Arsenic	5.68	-0.73	104892.47	0.544		1.00	Assumed
Cadmium	6.60	-1.13	379759.21	0.248		1.00	Assumed
Chromium (total)	6.52	-0.93	478769.32	0.207		1.00	Assumed
Chromium (trivalent)	6.52	-0.93	478769.32	0.207		1.00	Assumed
Chromium (hexavalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	6.02	-0.74	224757.09	0.357		1.00	Assumed
Lead	6.45	-0.80	533983.71	0.190		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	5.69	-0.57	149705.83	0.455		1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	6.38	-1.03	281719.76	0.307		1.00	Assumed
Zinc	6.10	-0.70	293654.74	0.299		1.00	Assumed

AQUATIC LIFE
CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*FW Acute Criterion (µg/L)*	*FW Chronic Criterion (µg/L)*	*WLAa (µg/L)*	*WLAc (µg/L)*	*LTAa (µg/L)*	*LTAc (µg/L)*	*Daily Avg. (µg/L)*	*Daily Max. (µg/L)*
Aldrin	3.0	N/A	87.02	N/A	49.86	N/A	73.30	155.08
Aluminum	991	N/A	28746	N/A	16472	N/A	24213	51226

Arsenic	340	150	18138	31181	10393	24010	15278	32323
Cadmium	2.8	0.111	331.6	50.80	190.0	39.12	57.50	121.65
Carbaryl	2.0	N/A	58.01	N/A	33.24	N/A	48.87	103.38
Chlordane	2.4	0.004	69.62	0.4521	39.89	0.3481	0.5117	1.0827
Chlorpyrifos	0.083	0.041	2.408	4.634	1.380	3.568	2.028	4.290
Chromium (trivalent)	224	29	31396	15914	17990	12254	18013	38109
Chromium (hexavalent)	15.7	10.6	455.4	1198.1	261.0	922.5	383.6	811.6
Copper	4.9	3.6	394.0	1131.1	225.7	870.9	331.8	702
Cyanide (free)	45.8	10.7	1328.5	1209.4	761.2	931.2	1119.0	2367.5
4,4'-DDT	1.1	0.001	31.91	0.1130	18.283	0.0870	0.1279	0.2707
Demeton	N/A	0.1	N/A	11.303	N/A	8.703	12.794	27.067
Diazinon	0.17	0.17	4.931	19.215	2.826	14.795	4.154	8.788
Dicofol [Kelthane]	59.3	19.8	1720.1	2238.0	985.6	1723.2	1448.9	3065.3
Dieldrin	0.24	0.002	6.962	0.2261	3.989	0.1741	0.2559	0.5413
Diuron	210	70	6092	7912	3490	6092	5131	10855
Endosulfan I (*alpha*)	0.22	0.056	6.382	6.330	3.657	4.874	5.375	11.372
Endosulfan II (*beta*)	0.22	0.056	6.382	6.330	3.657	4.874	5.375	11.372
Endosulfan sulfate	0.22	0.056	6.382	6.330	3.657	4.874	5.375	11.372
Endrin	0.086	0.002	2.495	0.2261	1.429	0.1741	0.2559	0.5413
Guthion [Azinphos Methyl]	N/A	0.01	N/A	1.130	N/A	0.870	1.279	2.707
Heptachlor	0.52	0.004	15.08	0.4521	8.643	0.3481	0.5117	1.0827
Hexachlorocyclohexane (*gamma*) [Lindane]	1.126	0.08	32.66	9.042	18.715	6.963	10.235	21.654
Lead	18	0.71	2801	425.4	1605	327.5	481.5	1019
Malathion	N/A	0.01	N/A	1.130	N/A	0.870	1.279	2.707
Mercury	2.4	1.3	69.62	146.94	39.89	113.14	58.64	124.06
Methoxychlor	N/A	0.03	N/A	3.391	N/A	2.611	3.838	8.120
Mirex	N/A	0.001	N/A	0.1130	N/A	0.0870	0.1279	0.2707
Nickel	179	19.8	11384	4927	6523	3794	5577	11798
Nonylphenol	28	6.6	812.2	746.0	465.4	574.41	684.1	1447.4
Parathion (ethyl)	0.065	0.013	1.885	1.469	1.080	1.131	1.588	3.360
Pentachlorophenol	7.9	6.1	228.8	684.1	131.1	526.8	192.8	407.8
Phenanthrene	30	30	870.2	3390.9	498.6	2611.0	733.0	1550.8
Polychlorinated Biphenyls [PCBs]	2.0	0.014	58.01	1.582	33.24	1.218	1.791	3.789
Selenium	20	5	580.1	565.14	332.4	435.16	488.7	1033.8
Silver	0.8	N/A	265.35	N/A	152.05	N/A	223.51	472.9
Toxaphene	0.78	0.0002	22.626	0.02261	12.964	0.01741	0.02559	0.05413
Tributyltin [TBT]	0.13	0.024	3.771	2.713	2.161	2.089	3.070	6.496
2,4,5 Trichlorophenol	136	64	3945	7234	2260.5	5570.1	3323	7030
Zinc	45	45	4335	17031	2484	13114	3652	7726

HUMAN HEALTH

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	***Water and Fish Criterion (µg/L)***	***Fish Only Criterion (µg/L)***	***Incidental Fish Criterion (µg/L)***	***WLAh (µg/L)***	***LTAh (µg/L)***	***Daily Avg. (µg/L)***	***Daily Max. (µg/L)***
Acrylonitrile	1.0	115	1150	802.44	746.27	1097.01	2320.89
Aldrin	1.146E-05	1.147E-05	1.147E-04	9.20E-03	8.55E-03	1.26E-02	2.66E-02
Anthracene	1109	1317	13170	889902	827609	1216586	2573865
Antimony	6	1071	10710	4814.6	4477.6	6582.1	13925.3
Arsenic	10	N/A	N/A	14757.9	13724.9	20175.6	42684
Barium	2000	N/A	N/A	1604874	1492532	2194023	4641776
Benzene	5	581	5810	4012.2	3731.3	5485.1	11604.4
Benzidine	0.0015	0.107	1.07	1.2037	1.1194	1.6455	3.4813
Benzo(*a*)anthracene	0.024	0.025	0.25	19.258	17.910	26.328	55.701
Benzo(*a*)pyrene	0.0025	0.0025	0.025	2.0061	1.8657	2.743	5.802
Bis(chloromethyl)ether	0.0024	0.2745	2.745	1.9258	1.7910	2.633	5.570
Bis(2-chloroethyl)ether	0.60	42.83	428.3	481.46	447.76	658.21	1392.53
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	6	7.55	75.5	4814.6	4477.6	6582.1	13925.3

Bromodichloromethane [Dichlorobromomethane]	10.2	275	2750	8184.9	7611.9	11189.5	23673
Bromoform [Tribromomethane]	66.9	1060	10600	53683	49925	73390	155267
Cadmium	5	N/A	N/A	16201.5	15067.4	22149.1	46860
Carbon Tetrachloride	4.5	46	460	3611.0	3358.2	4936.6	10444.0
Chlordane	0.0025	0.0025	0.025	2.0061	1.8657	2.743	5.802
Chlorobenzene	100	2737	27370	80244	74627	109701	232089
Chlorodibromomethane [Dibromochloromethane]	7.5	183	1830	6018.3	5597.0	8227.6	17406.7
Chloroform [Trichloromethane]	70	7697	76970	56171	52239	76791	162462
Chromium (hexavalent)	62	502	5020	49751	46269	68015	143895
Chrysene	2.45	2.52	25.2	1965.97	1828.35	2687.7	5686.2
Cresols [Methylphenols]	1041	9301	93010	835337	776863	1141989	2416044
Cyanide (free)	200	N/A	N/A	160487	149253	219402	464178
4,4'-DDD	0.002	0.002	0.02	1.6049	1.4925	2.1940	4.6418
4,4'-DDE	0.00013	0.00013	0.0013	0.10432	0.09701	0.14261	0.3017
4,4'-DDT	0.0004	0.0004	0.004	0.3210	0.2985	0.4388	0.9284
2,4'-D	70	N/A	N/A	56171	52239	76791	162462
Danitol [Fenpropathrin]	262	473	4730	210238	195522	287417	608073
1,2-Dibromoethane [Ethylene Dibromide]	0.17	4.24	42.4	136.414	126.865	186.492	394.55
m-Dichlorobenzene [1,3-Dichlorobenzene]	322	595	5950	258385	240298	353238	747326
o-Dichlorobenzene [1,2-Dichlorobenzene]	600	3299	32990	481462	447760	658207	1392533
p-Dichlorobenzene [1,4-Dichlorobenzene]	75	N/A	N/A	60183	55970	82276	174067
3,3'-Dichlorobenzidine	0.79	2.24	22.4	633.93	589.55	866.64	1833.50
1,2-Dichloroethane	5	364	3640	4012.2	3731.3	5485.1	11604.4
1,1-Dichloroethylene [1,1-Dichloroethene]	7	55114	551140	5617.1	5223.9	7679.1	16246.2
Dichloromethane [Methylene Chloride]	5	13333	133330	4012.2	3731.3	5485.1	11604.4
1,2-Dichloropropane	5	259	2590	4012.2	3731.3	5485.1	11604.4
1,3-Dichloropropene [1,3-Dichloropropylene]	2.8	119	1190	2246.82	2089.55	3071.6	6498.5
Dicofol [Kelthane]	0.30	0.30	3	240.73	223.880	329.10	696.27
Dieldrin	2.0E-05	2.0E-05	2.0E-04	1.60E-02	1.49E-02	2.19E-02	4.64E-02
2,4-Dimethylphenol	444	8436	84360	356282	331342	487073	1030474
Di-*n*-Butyl Phthalate	88.9	92.4	924	71337	66343	97524	206327
Dioxins/Furans [TCDD Equivalents]	7.80E-08	7.97E-08	7.97E-07	6.26E-05	5.82E-05	8.56E-05	1.81E-04
Endrin	0.02	0.02	0.2	16.049	14.925	21.940	46.418
Epichlorohydrin	53.5	2013	20130	42930	39925	58690	124168
Ethylbenzene	700	1867	18670	561706	522386	767908	1624622
Ethylene Glycol	46744	1.68E+07	1.68E+08	37509106	34883468	51278699	108487587
Fluoride	4000	N/A	N/A	3209747	2985065	4388045	9283552
Heptachlor	8.0E-05	0.0001	0.001	0.06419	0.05970	0.08776	0.18567
Heptachlor Epoxide	0.00029	0.00029	0.0029	0.2327	0.2164	0.3181	0.6731
Hexachlorobenzene	0.00068	0.00068	0.0068	0.5457	0.5075	0.7460	1.5782
Hexachlorobutadiene	0.21	0.22	2.2	168.512	156.716	230.372	487.39
Hexachlorocyclohexane (*alpha*)	0.0078	0.0084	0.084	6.259	5.821	8.557	18.103
Hexachlorocyclohexane (*beta*)	0.15	0.26	2.6	120.366	111.940	164.552	348.13
Hexachlorocyclohexane (*gamma*) [Lindane]	0.2	0.341	3.41	160.487	149.253	219.402	464.18
Hexachlorocyclopentadiene	10.7	11.6	116	8586.1	7985.0	11738.0	24834
Hexachloroethane	1.84	2.33	23.3	1476.48	1373.13	2018.50	4270.4
Hexachlorophene	2.05	2.90	29	1645.00	1529.85	2248.87	4757.8
4,4'-Isopropylidenediphenol [Bisphenol A]	1092	15982	159820	876261	814923	1197936	2534410
Lead	1.15	3.83	38.3	4864.9	4524.4	6650.8	14070.7
Mercury	0.0122	0.0122	0.122	9.790	9.104	13.384	28.315
Methoxychlor	2.92	3.0	30	2343.1	2179.10	3203.3	6777.0
Methyl Ethyl Ketone	13865	9.92E+05	9.92E+06	11125786	10346981	15210062	32179112
Methyl *tert*-butyl ether [MTBE]	15	10482	104820	12036.6	11194.0	16455.2	34813
Nickel	332	1140	11400	585473	544490	800400	1693363
Nitrate-Nitrogen (as Total Nitrogen)	10000	N/A	N/A	8024368	7462662	10970113	23208880
Nitrobenzene	45.7	1873	18730	36671	34104	50133	106065
N-Nitrosodiethylamine	0.0037	2.1	21	2.969	2.761	4.059	8.587
N-Nitroso-di-*n*-Butylamine	0.119	4.2	42	95.490	88.806	130.544	276.19
Pentachlorobenzene	0.348	0.355	3.55	279.25	259.70	381.76	807.67
Pentachlorophenol	0.22	0.29	2.9	176.536	164.179	241.34	510.60

Polychlorinated Biphenyls [PCBs]	6.4E-04	6.4E-04	6.40E-03	0.5136	0.4776	0.7021	1.4854
Pyridine	23	947	9470	18456.0	17164.1	25231	53380
Selenium	50	N/A	N/A	40122	37313	54851	116044
1,2,4,5-Tetrachlorobenzene	0.23	0.24	2.4	184.560	171.641	252.31	533.80
1,1,2,2-Tetrachloroethane	1.64	26.35	263.5	1316.00	1223.88	1799.10	3806.3
Tetrachloroethylene [Tetrachloroethylene]	5	280	2800	4012.2	3731.3	5485.1	11604.4
Thallium	0.12	0.23	2.3	96.292	89.552	131.641	278.51
Toluene	1000	N/A	N/A	802437	746266	1097011	2320888
Toxaphene	0.011	0.011	0.11	8.827	8.209	12.067	25.530
2,4,5-TP [Silvex]	50	369	3690	40122	37313	54851	116044
1,1,1-Trichloroethane	200	784354	7843540	160487	149253	219402	464178
1,1,2-Trichloroethane	5	166	1660	4012.2	3731.3	5485.1	11604.4
Trichloroethylene [Trichloroethene]	5	71.9	719	4012.2	3731.3	5485.1	11604.4
2,4,5-Trichlorophenol	1039	1867	18670	833732	775371	1139795	2411403
TTHM [Sum of Total Trihalomethanes]	80	N/A	N/A	64195	59701	87761	185671
Vinyl Chloride	0.23	16.5	165	184.560	171.641	252.313	533.804

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

Aquatic Life ***Parameter***	***70% of Daily Avg. (µg/L)***	***85% of Daily Avg. (µg/L)***
Aldrin	51.31	62.30
Aluminum	16949	20581
Arsenic	10695	12986
Cadmium	40.25	48.87
Carbaryl	34.21	41.54
Chlordane	0.3582	0.4350
Chlorpyrifos	1.420	1.724
Chromium (trivalent)	12609	15311
Chromium (hexavalent)	268.5	326.1
Copper	232.3	282.1
Cyanide (free)	783.3	951.2
4,4'-DDT	0.0896	0.1087
Demeton	8.956	10.875
Diazinon	2.908	3.531
Dicofol [Kelthane]	1014.2	1231.5
Dieldrin	0.1791	0.2175
Diuron	3592	4361
Endosulfan I (*alpha*)	3.763	4.569
Endosulfan II (*beta*)	3.763	4.569
Endosulfan sulfate	3.763	4.569
Endrin	0.1791	0.2175
Guthion [Azinphos Methyl]	0.896	1.087
Heptachlor	0.3582	0.4350
Hexachlorocyclohexane (*gamma*) [Lindane]	7.164	8.700
Lead	337.0	409.3
Malathion	0.896	1.087
Mercury	41.05	49.84
Methoxychlor	2.687	3.262
Mirex	0.0896	0.1087
Nickel	3904	4740
Nonylphenol	478.89	581.5
Parathion (ethyl)	1.112	1.350
Pentachlorophenol	134.9	163.8
Phenanthrene	513.1	623.0
Polychlorinated Biphenyls [PCBs]	1.254	1.522
Selenium	342.06	415.36

Silver	156.46	189.98
Toxaphene	0.01791	0.02175
Tributyltin [TBT]	2.149	2.610
2,4,5 Trichlorophenol	2326.0	2824
Zinc	2556	3104

Human Health	***70% of Daily Avg.***	***85% of Daily Avg.***
Parameter	***(µg/L)***	***(µg/L)***
Acrylonitrile	767.91	932.46
Aldrin	8.80E-03	1.07E-02
Anthracene	851610	1034098
Antimony	4607.4	5594.8
Arsenic	14122.9	17149.2
Barium	1535816	1864919
Benzene	3839.5	4662.3
Benzidine	1.1519	1.3987
Benzo(*a*)anthracene	18.430	22.379
Benzo(*a*)pyrene	1.9198	2.3311
Bis(chloromethyl)ether	1.8430	2.2379
Bis(2-chloroethyl)ether	460.74	559.48
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	4607.4	5594.8
Bromodichloromethane [Dichlorobromomethane]	7832.7	9511.1
Bromoform [Tribromomethane]	51373	62382
Cadmium	15504.3	18826.7
Carbon Tetrachloride	3455.6	4196.1
Chlordane	1.9198	2.3311
Chlorobenzene	76791	93246
Chlorodibromomethane [Dibromochloromethane]	5759.3	6993.4
Chloroform [Trichloromethane]	53754	65272
Chromium (hexavalent)	47610	57812
Chrysene	1881.37	2284.53
Cresols [Methylphenols]	799392	970690
Cyanide (free)	153582	186492
4,4'-DDD	1.5358	1.8649
4,4'-DDE	0.09983	0.12122
4,4'-DDT	0.3072	0.3730
2,4'-D	53754	65272
Danitol [Fenpropathrin]	201192	244304
1,2-Dibromoethane [Ethylene Dibromide]	130.544	158.518
m-Dichlorobenzene [1,3-Dichlorobenzene]	247266	300252
o-Dichlorobenzene [1,2-Dichlorobenzene]	460745	559476
p-Dichlorobenzene [1,4-Dichlorobenzene]	57593	69934
3,3'-Dichlorobenzidine	606.65	736.64
1,2-Dichloroethane	3839.5	4662.3
1,1-Dichloroethylene [1,1-Dichloroethene]	5375.4	6527.2
Dichloromethane [Methylene Chloride]	3839.5	4662.3
1,2-Dichloropropane	3839.5	4662.3
1,3-Dichloropropene [1,3-Dichloropropylene]	2150.14	2610.9
Dicofol [Kelthane]	230.372	279.74
Dieldrin	1.54E-02	1.86E-02
2,4-Dimethylphenol	340951	414012
Di-*n*-Butyl Phthalate	68267	82896
Dioxins/Furans [TCDD Equivalents]	5.99E-05	7.27E-05
Endrin	15.358	18.649
Epichlorohydrin	41083	49887
Ethylbenzene	537536	652722
Ethylene Glycol	35895089	43586894
Fluoride	3071632	3729839
Heptachlor	0.06143	0.07460

Heptachlor Epoxide	0.22269	0.27041
Hexachlorobenzene	0.5222	0.6341
Hexachlorobutadiene	161.261	195.817
Hexachlorocyclohexane (*alpha*)	5.990	7.273
Hexachlorocyclohexane (*beta*)	115.186	139.869
Hexachlorocyclohexane (*gamma*) [Lindane]	153.582	186.492
Hexachlorocyclopentadiene	8216.6	9977.3
Hexachloroethane	1412.95	1715.73
Hexachlorophene	1574.21	1911.54
4,4'-Isopropylidenediphenol [Bisphenol A]	838555	1018246
Lead	4655.6	5653.2
Mercury	9.368	11.376
Methoxychlor	2242.29	2722.8
Methyl Ethyl Ketone	10647044	12928553
Methyl *tert*-butyl ether [MTBE]	11518.6	13986.9
Nickel	560280	680340
Nitrate-Nitrogen (as Total Nitrogen)	7679079	9324596
Nitrobenzene	35093	42613
N-Nitrosodiethylamine	2.841	3.450
N-Nitroso-di-*n*-Butylamine	91.381	110.963
Pentachlorobenzene	267.23	324.50
Pentachlorophenol	168.940	205.141
Polychlorinated Biphenyls [PCBs]	0.4915	0.5968
Pyridine	17661.9	21446.6
Selenium	38395	46623
1,2,4,5-Tetrachlorobenzene	176.619	214.466
1,1,2,2-Tetrachloroethane	1259.37	1529.23
Tetrachloroethylene [Tetrachloroethylene]	3839.5	4662.3
Thallium	92.149	111.895
Toluene	767908	932460
Toxaphene	8.447	10.257
2,4,5-TP [Silvex]	38395	46623
1,1,1-Trichloroethane	153582	186492
1,1,2-Trichloroethane	3839.5	4662.3
Trichloroethylene [Trichloroethene]	3839.5	4662.3
2,4,5-Trichlorophenol	797856	968826
TTHM [Sum of Total Trihalomethanes]	61433	74597
Vinyl Chloride	176.619	214.466

Appendix C
TDS, Chloride, and Sulfate Screening Calculations

Screening Calculations for Total Dissolved Solids, Chloride, and Sulfate

Menu 3 - Discharge to a Perennial Stream or River

Applicant Name:	**Lamberti USA, Incorporated**
Permit Number, Outfall:	**0002469000, 001**
Segment Number:	**1302**

Enter values needed for screening:			**Data Source (edit if different)**
QE - Average effluent flow	**0.0471**	MGD	Permit application
QS - Perennial stream harmonic mean flow	**12.40**	cfs	Critical conditions memo
QE - Average effluent flow	**0.0729**	cfs	Calculated
CA - TDS - ambient segment concentration	**232**	mg/L	2010 IP, Appendix D
CA - chloride - ambient segment concentration	**39**	mg/L	2010 IP, Appendix D
CA - sulfate - ambient segment concentration	**14**	mg/L	2010 IP, Appendix D
CC - TDS - segment criterion	**500**	mg/L	2010 TSWQS, Appendix A
CC - chloride - segment criterion	**200**	mg/L	2010 TSWQS, Appendix A
CC - sulfate - segment criterion	**100**	mg/L	2010 TSWQS, Appendix A
CE - TDS - average effluent concentration	**3420**	mg/L	Permit application
CE - chloride - average effluent concentration	**1200**	mg/L	Permit application
CE - sulfate - average effluent concentration	**38**	mg/L	Permit application

Screening Equation

$$CC \geq [(QS)(CA) + (QE)(CE)]/[QE + QS]$$

Permit Limit Calculations

TDS

Calculate the WLA	WLA= [CC(QE+QS) - (QS)(CA)]/QE	46101.66
Calculate the LTA	LTA = WLA * 0.93	42874.55
Calculate the daily average	Daily Avg. = LTA * 1.47	**63025.59**
Calculate the daily maximum	Daily Max. = LTA * 3.11	**133339.84**
Calculate 70% of the daily average	70% of Daily Avg. =	44117.91

Calculate 85% of the daily average	85% of Daily Avg. =			53571.75	
No permit limitations needed if:	**3420**	**≤**	**44117.91**		
Reporting needed if:	**3420**	**>**	**44117.91**	**but ≤**	**53571.75**
Permit limits may be needed if:	**3420**	**>**	**53571.75**		

No permit limitations needed for TDS

Chloride

Calculate the WLA	WLA= [CC(QE+QS) - (QS)(CA)]/QE			27595.03	
Calculate the LTA	LTA = WLA * 0.93			25663.38	
Calculate the daily average	Daily Avg. = LTA * 1.47			**37725.17**	
Calculate the daily maximum	Daily Max. = LTA * 3.11			**79813.10**	
Calculate 70% of the daily average	70% of Daily Avg. =			26407.62	
Calculate 85% of the daily average	85% of Daily Avg. =			32066.39	
No permit limitations needed if:	**1200**	**≤**	**26407.62**		
Reporting needed if:	**1200**	**>**	**26407.62**	**but ≤**	**32066.39**
Permit limits may be needed if:	**1200**	**>**	**32066.39**		

No permit limitations needed for chloride

Sulfate

Calculate the WLA	WLA= [CC(QE+QS) - (QS)(CA)]/QE			14733.37	
Calculate the LTA	LTA = WLA * 0.93			13702.03	
Calculate the daily average	Daily Avg. = LTA * 1.47			**20141.99**	
Calculate the daily maximum	Daily Max. = LTA * 3.11			**42613.33**	
Calculate 70% of the daily average	70% of Daily Avg. =			14099.39	
Calculate 85% of the daily average	85% of Daily Avg. =			17120.69	
No permit limitations needed if:	**38**	**≤**	**14099.39**		
Reporting needed if:	**38**	**>**	**14099.39**	**but ≤**	**17120.69**
Permit limits may be needed if:	**38**	**>**	**17120.69**		

No permit limitations needed for sulfate

pH Screening

INPUT			
1. DILUTION FACTOR AT MIXING ZONE BOUNDARY	114.04		114.04
RECEIVING WATER CHARACTERISTICS			
2. Temperature (deg C):	25.00		30.00
3. pH:	7.00		7.00
4. Alkalinity (mg CaCO3/L):	96.00		96.00
EFFLUENT CHARACTERISTICS			
5. Temperature (deg C):	25.00		35.00
6. pH:	6.00		9.00
7. Alkalinity (mg CaCO3/L):	100.00	*	200.00

OUTPUT		
1. IONIZATION CONSTANTS		
Upstream/Background pKa:	6.35	6.32
Effluent pKa:	6.35	6.30
2. IONIZATION FRACTIONS		
Upstream/Background Ionization Fraction:	0.82	0.83
Effluent Ionization Fraction:	0.31	1.00
3. TOTAL INORGANIC CARBON		
Upstream/Background Total Inorganic Carbon (mg CaCO3/L):	117.49	116.24
Effluent Total Inorganic Carbon (mg CaCO3/L):	323.87	200.40
4. CONDITIONS AT MIXING ZONE BOUNDARY		
Temperature (deg C):	25.00	30.04
Alkalinity (mg CaCO3/L):	96.04	96.91
Total Inorganic Carbon (mg CaCO3/L):	119.30	116.98
pKa:	6.35	6.32
pH at Mixing Zone Boundary:	**6.97**	**7.01**

Appendix D
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 A*				*Water Quality-Based*				*Existing Permit*			
		Daily Avg		*Daily Max*		*Daily Avg*		*Daily Max*		*Daily Avg*		*Daily Max*	
		lbs/day	*mg/L*	*lbs/day*	*mg/L*	*lbs/day*	*mg/L*	*lbs/day*	*mg/L*	*lbs/day*	*mg/L*	*lbs/day*	*mg/L*
001	Flow	Report MGD		Report MGD		-	-	-	-	**0.0471 MGD**		**0.0600 MGD**	
	Total Suspended Solids	16.36	-	49.98	-	-	-	-	-	**7.9**	-	**11.8**	-
	Carbonaceous Biochemical Oxygen Demand (5-day)	-	-	-	-	7.7	-	-	-	**7.7**	-	**11.8**	-
	Chemical Oxygen Demand	-	-	-	-	-	-	-	-	**100**	-	**150**	-
	Oil and Grease	-	-	-	-	-	-	-	-	**N/A**	**15**	**N/A**	**20**
	E. Coli	126		399		-		-		**126**		**394**	
	Ammonia Nitrogen	-	-	-	-	-	-	-	5	-	-	-	**5**
	Total Barium	-	-	-	-	-	2194.02	-	4641.78	-	-	-	**4**
	Total Phenols	-	-	-	-	-	-	-	-	-	-	-	**1.0**
	pH	6.0 SU (min)		9.0 SU (max)		-	-	-	-	**6.0 SU (min)**		**9.0 SU (max)**	
002	Flow	Report MGD		Report MGD		-	-	-	-	**Report MGD**		**Report MGD**	
	Chemical Oxygen Demand	-	-	-	-	-	-	-	-	-	-	-	**200**
	Oil and Grease	-	-	-	-	-	-	-	-	-	-	-	**15**
	pH	6.0 SU (min)		9.0 SU (max)						**6.0 SU (min)**		**9.0 SU (max)**	

TPDES PERMIT NO.
WQ0002469000
[For TCEQ office use only -
EPA I.D. No. TX0086363]

This renewal replaces TPDES Permit No. WQ0002469000, issued on September 20, 2019.

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

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

Lamberti USA, Incorporated

whose mailing address is

P.O. Box 1000
Hungerford, Texas 77448

is authorized to treat and discharge wastes from Wharton Chemical Complex, which produces specialty chemicals for various industrial applications (SIC 2899)

located at the intersection of U.S. Highway 59 and County Road 212, approximately 2,400 feet southwest of the San Bernard River/U.S. Highway 59 bridge and approximately 3.5 miles northeast of the City of Hungerford in Wharton County, Texas 77448

via Outfalls 001 and 002 directly to San Bernard River Above Tidal in Segment No. 1302 of the Brazos-Colorado 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:

_____
For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS — Outfall 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 commingled with scrubber water, cooling tower blowdown, boiler blowdown, and stormwater subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.0471 million gallons per day (MGD). The daily maximum flow shall not exceed 0.0600 MGD.

Effluent Characteristics	Discharge Limitations					Minimum Self-Monitoring Requirements	
	Daily Average		Daily Maximum		Single Grab	Report Daily Average and Daily Maximum	
	lbs/day	mg/L	lbs/day	mg/L	mg/L	Measurement Frequency	Sample Type
Flow	0.0471 MGD		0.0600 MGD		N/A	Continuous	Record
Total Suspended Solids	7.9	N/A	11.8	N/A	40	1/week	Composite
Carbonaceous Biochemical Oxygen Demand (5-day)	7.7	N/A	11.8	N/A	40	1/week	Composite
Chemical Oxygen Demand	100	N/A	150	N/A	450	1/week	Composite
Oil and Grease	N/A	15	N/A	20	20	1/week	Grab
E. coli	126 [1]		394 [1]		394	1/week	Grab
Ammonia Nitrogen	N/A	N/A	N/A	5	5	1/week	Grab
Total Barium	N/A	N/A	N/A	4	4	1/week	Grab
Total Phenols	N/A	N/A	N/A	1.0 [2]	1.0 [2]	1/6 months	Grab

2. The pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored continuously [3] 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, at the flume located at the discharge from the final treatment system and prior to discharge to the San Bernard River.

[1] Units are in cfu or MPN per 100 mL. The daily average must be calculated as a geometric mean.
[2] If this limitation is exceeded, the permittee shall obtain grab samples 1/day until the analytical results show the phenol concentrations to be below 1.0 mg/L.
[3] See Other Requirement No. 5.

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

   Volume: Intermittent and flow-variable

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	Report MGD	Report MGD	N/A	1/day [1]	Instantaneous
Chemical Oxygen Demand	N/A	200	200	1/day [1]	Grab
Oil and Grease	N/A	15	15	1/day [1]	Grab

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day [1] by grab sample.

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

4. Effluent monitoring samples shall be taken at the following location: At Outfall 002, where stormwater discharges from the retention pond or where stormwater discharges directly from the sump, if it is not routed to neutralization pond.

   [1] When discharge occurs. Initial grab samples shall be obtained within 15 minutes after initiation of discharge and then 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 nth root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of bacteria equaling zero, a substitute value of one shall be made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as (Flow, MGD × Concentration, mg/L × 8.34).

g. Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.

3. Sample Type

   a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9(a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and 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.

TCEQ Revision 05/2021

OTHER REQUIREMENTS

1. Monitoring results must be provided at the intervals specified in the permit. For pollutants which are monitored annually, effluent reports must be submitted in September of each year. For pollutants which are monitored twice per year, the first effluent report must be submitted six months after the date of permit issuance and subsequent reports every six months thereafter. For pollutants which are monitored four times per year, the first effluent report must be submitted three months after the date of permit issuance and subsequent reports every three months thereafter.

   In accordance with the MONITORING AND REPORTING REQUIREMENTS, 1. Self-Reporting, a monthly effluent report shall be submitted each month, to the Enforcement Division (MC-224), by the 20th day of the following month for each discharge which is described by this permit whether or no a discharge is made from that month.

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 the Enforcement Division (MC 224):

Pollutant	MAL* (mg/L)
Total Barium	0.010
Total Phenols	0.010

* Minimum analytical level

   Test methods utilized shall be sensitive enough to demonstrate compliance with the permit effluent limitations. Permit compliance/noncompliance determinations will be based on the effluent limitations contained in this permit with consideration given to the MAL for the parameters specified above.

   When an analysis of an effluent sample for any of the parameters 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 (0) shall be used for that measurement when determining calculations and reporting requirements 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 (0) 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 (0) for [list parameter(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 parameter 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 parameter, the level of detection achieved shall be used for that measurement when determining calculations and reporting requirements for the self-reporting form. A zero (0) may not be used.

3. The sludge from the treatment process must be digested, dewatered and disposed of in accordance

with all the applicable rules of the TCEQ. The permittee shall ensure that the disposal of sludge does not cause any contamination of the ground or surface waters in the state. The permittee shall keep records of all sludges removed from the wastewater treatment plant site. Such records will include the following information:

a. Volume of sludge disposed
b. Date of disposal
c. Identity of hauler
d. Location of disposal site
e. Method of final disposal

The above records must be maintained on a monthly basis and be available at the plant site for inspection by authorized representatives of the TCEQ for at least three (3) years.

4. 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.
5. The permittee shall maintain the pH within the range specified on Page 2 of this permit. Excursions from the range are permitted. An excursion is an unintentioned and temporary incident in which the pH value of the wastewater exceeds the range set forth on Page 2. A pH excursion is not a violation and a non-compliance report is not required for pH excursions provided:

   A. The excursion does not exceed the range of 5-11 standard pH units; and

   B. The individual excursion does not exceed 60 minutes; and

   C. The sum of all excursions does not exceed 7 hours and 26 minutes in any calendar month.

6. The mixing zone is defined as 300 feet downstream and 100 feet upstream from the point of discharge. Chronic toxic criteria apply at the edge of the mixing zone.

7. There shall be no discharge of formaldehyde. Any spills of formaldehyde shall be contained at the site, and wastewaters contaminated with this pollutant shall be disposed of in accordance with 30 TAC Chapter 335.

   The permittee shall provide written notice to the TCEQ's Industrial Permits Team (MC-148) and Region 12 Office within 24-Hours after an discharge of formaldehyde. This notice shall contain the date(s), time, and volume of discharge.

8. <u>POND REQUIREMENTS</u>

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

   A. This subsection is intentionally left blank.

   B. An **existing** wastewater pond must be maintained to meet or exceed the original approved design and liner requirements; or, in the absence of original approved requirements, must be

maintained to prevent unauthorized discharges of wastewater into or adjacent to water in the state. The permittee shall maintain copies of all liner construction and testing documents at the facility or in a reasonably accessible location and make the information available to the executive director upon request.

C. A **new** wastewater pond constructed after the issuance date of this permit must be lined in compliance with one of the following requirements if it will contain process wastewater as defined in 40 CFR §122.2. The executive director will review ponds that will contain only non-process wastewater on a case-by-case basis to determine whether the pond must be lined. If a pond will contain only non-process wastewater, the owner shall notify the Industrial Permits Team (MC-148) to obtain a written determination at least 90 days before the pond is placed into service and copy the TCEQ Compliance Monitoring Team (MC-224). The permittee must submit all information about the proposed pond contents that is reasonably necessary for the executive director to make a determination. If the executive director determines that a pond does not need to be lined, then the pond is exempt from C(1) through C(3) and D through G of POND REQUIREMENTS.

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

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

(2) Synthetic membrane: The liner must be a synthetic membrane liner at least 40 mils in thickness that completely covers the sides and the bottom of the pond. The liner material used must be compatible with the wastewater and be resistant to degradation (e.g., from ultraviolet light, chemical reactions, wave action, erosion, etc.). The liner material must be installed and maintained in accordance with the manufacturer's guidelines. A wastewater pond with a synthetic membrane liner must include an underdrain with a leak detection and collection system.

(3) Alternate liner: The permittee shall submit plans signed and sealed by a Texas-licensed professional engineer for any other equivalently protective pond lining method to the Industrial Permits Team (MC-148) and copy the Compliance Monitoring Team (MC-224).

D. For a pond that must be lined according to subparagraph C (including ponds with in-situ soil liners), the permittee shall provide certification, signed and sealed by a Texas-licensed professional engineer, stating that the completed pond lining and any required underdrain with leak detection and collection system for the pond meet the requirements in subparagraph C(1) – C(3) before using the pond. The certification shall include the following minimum details about the pond lining system: (1) pond liner type (in-situ soil, amended in-situ soil, imported soil, synthetic membrane, or alternative), (2) materials used, (3) thickness of materials, and (4) either permeability test results or a leak detection and collection system description, as applicable.

The certification must be provided to the TCEQ Water Quality Assessment Team (MC-150), Industrial Permits Team (MC-148), Compliance Monitoring Team (MC-224) and regional office.

A copy of the liner certification and construction details (i.e., as-built drawings, construction QA/QC documentation, and post construction testing) must be kept on-site or in a reasonably accessible location (in either hardcopy or digital format) until the pond is closed.

E. Protection and maintenance requirements for a pond subject to subparagraph B or C (including ponds with in-situ soil liners).

(1) The permittee shall maintain a liner to prevent the unauthorized discharge of wastewater into or adjacent to water in the state.

(2) A liner must be protected from damage caused by animals. Fences or other protective devices or measures may be used to satisfy this requirement.

(3) The permittee shall maintain the structural integrity of the liner and shall keep the liner and embankment free of woody vegetation, animal burrows, and excessive erosion.

(4) The permittee shall inspect each pond liner and each leak detection system at least once per month. Evidence of damage or unauthorized discharge must be evaluated by a Texas-licensed professional engineer or Texas-licensed professional geoscientist within 30 days. The permittee is not required to drain an operating pond or to inspect below the waterline during these routine inspections.

a. A Texas-licensed professional engineer or Texas-licensed professional geoscientist must evaluate damage to a pond liner, including evidence of an unauthorized discharge without visible damage.

b. Pond liner damage must be repaired at the recommendation of a Texas-licensed professional engineer or Texas-licensed professional geoscientist. If the damage is significant or could result in an unauthorized discharge, then the repair must be documented and certified by a Texas-licensed professional engineer. Within 60 days after a repair is completed, the liner certification must be provided to the TCEQ Water Quality Assessment Team (MC-150), Compliance Monitoring Section (MC-224), and regional office. A copy of the liner certification must be maintained at the facility or in a reasonably accessible location and made available to the executive director upon request.

c. A release determination and subsequent corrective action will be based on 40 CFR Part 257 or the Texas Risk Reduction Program (30 TAC Chapter 350), as applicable. If evidence indicates that an unauthorized discharge occurred, including evidence that the actual permeability exceeds the design permeability, the matter may also be referred to the TCEQ Enforcement Division to ensure the protection of the public and the environment.

F. For a pond subject to subparagraph B or C (including ponds with in-situ soil liners), the permittee shall have a Texas-licensed professional engineer perform an evaluation of each pond that requires a liner at least once every five years. The evaluation must include: (1) a physical inspection of the pond liner to check for structural integrity, damage, and evidence of leaking; (2) a review of the liner documentation for the pond; and (3) a review of all documentation related to liner repair and maintenance performed since the last evaluation. For the purposes of this evaluation, evidence of leaking also includes evidence that the actual permeability exceeds the design permeability. The permittee is not required to drain an operating pond or to inspect below the waterline during the evaluation. A copy of the engineer's evaluation report must be maintained at the facility or in a reasonably accessible location and made available to the executive director upon request.

G. For a pond subject to subparagraph B or C (including ponds with in-situ soil liners), the permittee shall maintain at least 2.0 feet of freeboard in the pond except when:

(1) the freeboard requirement temporarily cannot be maintained due to a large storm event that requires the additional retention capacity to be used for a limited period of time;

(2) the freeboard requirement temporarily cannot be maintained due to upset plant conditions that require the additional retention capacity to be used for treatment for a limited period of time; or

(3) the pond was not required to have at least 2.0 feet of freeboard according to the requirements at the time of construction.

9. This permit does not authorize the discharge of domestic wastewater. All domestic wastewater must be disposed of in an approved manner, such as routing to an approved on-site septic tank and drainfield system or to an authorized third party for treatment and disposal.