Technical Package Cover Page

This file contains the following documents:

1. Summary of application (in plain language)
2. First notice (NORI-Notice of Receipt of Application and Intent to Obtain a Permit)
3. Second notice (NAPD-Notice of Preliminary Decision)
4. Application materials
5. Draft permit
6. Technical summary or fact sheet

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PLAIN LANGUAGE SUMMARY FOR TPDES OR TLAP PERMIT APPLICATIONS

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

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

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

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

ENGLISH TEMPLATE FOR TPDES or TLAP NEW/RENEWAL/AMENDMENT APPLICATIONS
Enter 'INDUSTRIAL' or 'DOMESTIC' here WASTEWATER/STORMWATER
The following summary is provided for this pending water quality permit application being reviewed by the Texas Commission on Environmental Quality as required by 30 TAC Chapter 39. The information provided in this summary may change during the technical review of the application and is not a federal enforceable representation of the permit application.

Port Comfort Power LLC. (CN 605189018) operates Point Comfort Peaking Facility (RN 108462102), a natural gas combustion turbine generator for electricity. The facility is located at 135 Diebel Lane, in Point Comfort, Calhoun County, Texas 77978. Port Comfort Power LLC is applying for its 5-year renewal without modifications. .

Discharges from the facility are expected to contain no known chemicals. Contaminated wastewater may be generated from stormwater/ washdown water that encounters incidental quantities of oil from equipment operations or maintenance. The canal is hydraulically connected to the Lavaca Bay Ship Channel Area via conduit is treated by a wastewater treatment plant consisting of an oil/water separator before discharge on an intermittent basis to Outfall 001. The wastewater will flow through a pipe from the property south for 600 feet through Outfall 001 to an inactive intake canal.

PLANTILLA EN ESPAÑOL PARA SOLICITUDES NUEVAS/RENOVACIONES/ENMIENDAS DE TPDES o TLAP

AGUAS RESIDUALES Introduzca 'INDUSTRIALES' o 'DOMÉSTICAS' aquí **/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 es una representación ejecutiva fedérale de la solicitud de permiso.

1. Introduzca el nombre del solicitante aquí (2. Introduzca el número de cliente aquí (es decir, CN6########).) 3. Elija del menú desplegable 4. Introduzca el nombre de la instalación aquí 5. Introduzca el número de entidad regulada aquí (es decir, RN1########), 6. Elija del menú desplegable 7. Introduzca la descripción de la instalación aquí. La instalación 8. Elija del menú desplegable. ubicada en 9. Introduzca la ubicación aquí, en 10. Introduzca el nombre de la ciudad aquí, Condado de 11. Introduzca el nombre del condado aquí, Texas 12. Introduzca el código postal aquí. 13. Introduzca el resumen de la petición de solicitud aquí. *<<Para las solicitudes de TLAP incluya la siguiente oración, de lo contrario, elimine:>>* Este permiso no autorizará una descarga de contaminantes en el agua en el estado.

Se espera que las descargas de la instalación contengan 14. Liste todos los contaminantes esperados aquí. 15. Introduzca los tipos de aguas residuales descargadas aquí. 16. Elija del menú desplegable tratado por 17. Introduzca una descripción del tratamiento de aguas residuales utilizado en la instalación aquí.

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.

Questions or comments concerning this form may be directed to the Water Quality Division’s Application Review and Processing Team by email at WQ-ARPTeam@tceq.texas.gov or by phone at (512) 239-4671.

Example

Individual Industrial Wastewater Application

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

ABC Corporation (CN600000000) operates the Starr Power Station (RN10000000000), a two-unit gas-fired electric generating facility. Unit 1 has a generating capacity of 393 megawatts (MWs) and Unit 2 has a generating capacity of 528 MWs. The facility is located at 1356 Starr Street, near the City of Austin, Travis County, Texas 78753.

This application is for a renewal to discharge 870,000,000 gallons per day of once through cooling water, auxiliary cooling water, and also authorizes the following waste streams monitored inside the facility (internal outfalls) before it is mixed with the other wastewaters authorized for discharge via main Outfall 001, referred to as "previously monitored effluents" (low-volume wastewater, metal-cleaning waste, and stormwater (from diked oil storage area yards and storm drains)) via Outfall 001. Low-volume waste sources, metal-cleaning waste, and stormwater drains on a continuous and flow-variable basis via internal Outfall 101.

The discharge of once through cooling water via Outfall 001 and low-volume waste and metal-cleaning waste via Outfall 101 from this facility is subject to federal effluent limitation guidelines at 40 CFR Part 423. The pollutants expected from these discharges based on 40 CFR Part 423 are: free available chlorine, total residual chlorine, total suspended solids, oil and grease, total iron, total copper, and pH. Temperature is also expected from these discharges. Additional potential pollutants are included in the Industrial Wastewater Application Technical Report, Worksheet 2.0.

Cooling water and boiler make-up water are supplied by Lake Starr Reservoir. The City of Austin municipal water plant (CN600000000, PWS 00000) supplies the facility's potable water and serves as an alternate source of boiler make-up water. Water from the Lake Starr Reservoir is withdrawn at the intake structure and treated with sodium hypochlorite to prevent biofouling and sodium bromide as a chlorine enhancer to improve efficacy and then passed through condensers and auxiliary equipment on a once-through basis to cool equipment and condense exhaust steam.

Low-volume wastewater from blowdown of boiler Units 1 and 2 and metal-cleaning wastes receive no treatment prior to discharge via Outfall 101. Plant floor and equipment drains and stormwater runoff from diked oil storage areas, yards, and storm drains are routed through an oil and water separator prior to discharge via Outfall 101. Domestic wastewater, blowdown, and backwash water from the service water filter, clarifier, and sand filter are routed to the Starr Creek Domestic Sewage Treatment Plant, TPDES Permit No. WQ0010000001, for treatment and disposal. Metal-cleaning waste from equipment cleaning is generally disposed of off-site.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PERMIT NO. WQ0005220000

APPLICATION. Port Comfort Power LLC, 135 Diebel Lane, Point Comfort, Texas 77978, which owns an electricity generation facility, has applied to the Texas Commission on Environmental Quality (TCEQ) to renew Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005220000 (EPA I.D. No. TX0137511) to authorize the discharge of treated wastewater and stormwater at a volume not to exceed a daily average flow of 108,000 gallons per day. The facility is located at 135 Diebel Lane, near the city of Point Comfort, in Calhoun County, Texas 77978. The discharge route is from the plant site via pipe to an inactive canal; thence to a subsurface conduit; thence to Lavaca Bay/Chocolate Bay. TCEQ received this application on August 13, 2024. The permit application will be available for viewing and copying at Calhoun County Library, 200 West Mahan Street, Port Lavaca, Texas prior to the date this notice is published in the newspaper. 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. 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=-96.545555,28.647777&level=18

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

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

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

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

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

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.

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

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

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

Further information may also be obtained from Port Comfort Power LLC at the address stated above or by calling Mr. Kurt Lammrish at 979-248-8026.

Issuance Date: September 24, 2024

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

RENEWAL

Permit No. WQ0005220000

APPLICATION AND PRELIMINARY DECISION. Port Comfort Power LLC, 135 Diebel Lane, Point Comfort, Texas 77978, which operates Point Comfort Peaking Facility, a natural gas combustion turbine electricity generation facility, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005220000, which authorizes the discharge of water treatment wastes and stormwater/washdown water at a daily average flow not to exceed 108,000 gallons per day via outfall 001. TCEQ received this application on August 13, 2024.

The facility is located at 135 Diebel Lane, near the City of Point Comfort, in Calhoun County, Texas 77978. 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=-96.545555,28.647777&level=18

The effluent is discharged via pipe to an inactive intake canal, thence to a subsurface conduit, thence to Lavaca Bay/Chocolate Bay in Segment No. 2453 of the Bays and Estuaries. The unclassified receiving water uses are high aquatic life use for the inactive intake canal. The designated uses for Segment No. 2453 are primary contact recreation exceptional aquatic life use, and oyster waters.

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 Calhoun County Library, 200 West Mahan Street, Port Lavaca, Texas. The application, including any updates, and associated notices are available electronically at the following webpage:
https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit written or oral comments 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 Port Comfort Power LLC at the address stated above or by calling Mr. Carl Burch, Senior Environmental Manager, NRG Energy, at 713-537-2333.

Issued: October 28, 2025

PORT COMFORT POWER

August 13, 2024

Port Comfort Power LLC
135 Diebel Lane
Point Comfort, TX 77978

Texas Commission on Environmental Quality
Water Quality Division
Applications Review and Processing Team, MC 148
PO Box 13087
Austin, TX 78711-3087

Subject: Port Comfort Power, LLC.
TPDES Renewal Application
Permit No. WQ0005220000

Dear Sir or Madam,

On behalf of Port Comfort Power LLC, Port Comfort Peaking Facility is submitting the enclosed Industrial Wastewater Discharge Permit renewal application for Permit No. WQ0005220000.

The submittal is performed through the TCEQ file transfer protocol (FTP) server along with an original hardcopy and 2 copies to the address listed above.

If you have any questions, please contact Kurt Lammrish by phone (979)-248-8026 or email kurt.lammrish@peakerpowerholdings.com.

Warm regards,

Kurt Lammrish
Plant Manager
(979) 248-8026
kurt.lammrish@peakerpowerholdings.com

PORT COMFORT POWER

Attachments:

ATTACHMENT A – Core Data Form 10400 (01/08/2024)
ATTACHMENT B - TCEQ 10053 and TCEQ 10411 Industrial Wastewater Application Admin. Report 1.0
ATTACHMENT C – **Plain Language Summary Template (TCEQ 20971)**
ATTACHMENT D - SPIF 20971
ATTACHMENT E – Technical Report 1 (TCEQ 10055)
ATTACHMENT F – Lease Agreement
ATTACHMENT G – USGS Topographic Map
ATTACHMENT H – Process Flow Diagram
ATTACHMENT I – **TCEQ e-Pay**

ATTACHMENT A
Core Data Form
TCEQ 10400

TCEQ Use Only

TCEQ Core Data Form

For detailed instructions on completing this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (*If other is checked please describe in space provided.*)

☐ New Permit, Registration or Authorization (*Core Data Form should be submitted with the program application.*)

☒ Renewal *(Core Data Form should be submitted with the renewal form)* ☒ Other

2. Customer Reference Number *(if issued)*	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number *(if issued)*
CN 605189018		RN 108462102

SECTION II: Customer Information

4. General Customer Information	5. Effective Date for Customer Information Updates (mm/dd/yyyy)	8/12/2024

☐ New Customer ☒ Update to Customer Information ☐ Change in Regulated Entity Ownership
☐ Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)

The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).

6. Customer Legal Name *(If an individual, print last name first: eg: Doe, John)* *If new Customer, enter previous Customer below:*

Port Comfort Power LLC

7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number *(if applicable)*
0802419719	32059942634	811946350	

11. Type of Customer: ☒ Corporation ☐ Individual Partnership: ☐ General ☐ Limited
Government: ☐ City ☐ County ☐ Federal ☐ Local ☐ State ☐ Other ☐ Sole Proprietorship ☒ Other: LLC

12. Number of Employees
☒ 0-20 ☐ 21-100 ☐ 101-250 ☐ 251-500 ☐ 501 and higher

13. Independently Owned and Operated?
☒ **Yes** ☐ **No**

14. Customer Role (Proposed or Actual) – *as it relates to the Regulated Entity listed on this form. Please check one of the following*

☐ Owner ☐ Operator ☒ Owner & Operator
☐ Occupational Licensee ☐ Responsible Party ☐ VCP/BSA Applicant ☐ Other:

15. Mailing Address:							
	24 Waterway Ave.						
	Suite 400						
	City	The Woodlands	**State**	TX	**ZIP**	77380	**ZIP + 4**

16. Country Mailing Information *(if outside USA)*	17. E-Mail Address *(if applicable)*

18. Telephone Number	19. Extension or Code	20. Fax Number *(if applicable)*

(713) 380-4747		( ) -

SECTION III: Regulated Entity Information

21. General Regulated Entity Information *(If 'New Regulated Entity" is selected, a new permit application is also required.)*

☐ New Regulated Entity ☐ Update to Regulated Entity Name ☒ Update to Regulated Entity Information

The Regulated Entity Name submitted may be updated, in order to meet TCEQ Core Data Standards (removal of organizational endings such as Inc, LP, or LLC).

22. Regulated Entity Name *(Enter name of the site where the regulated action is taking place.)*

Point Comfort Peaking Facility

23. Street Address of the Regulated Entity: ***(No PO Boxes)***	135 Diebel Lane							
	City	Point Comfort	**State**	TX	**ZIP**	77978	**ZIP + 4**	
24. County	Calhoun							

If no Street Address is provided, fields 25-28 are required.

25. Description to Physical Location:	From Victoria; Take US 87 South to Port Lavaca; Turn left on Texas 35 and travel 8 miles to Point Comfort; Turn right on FM 1593 and travel south 2 miles to Port Gate 2.

26. Nearest City	**State**	**Nearest ZIP Code**
Point Comfort	TX	77978

Latitude/Longitude are required and may be added/updated to meet TCEQ Core Data Standards. (Geocoding of the Physical Address may be used to supply coordinates where none have been provided or to gain accuracy).

27. Latitude (N) In Decimal:	28.64777		**28. Longitude (W) In Decimal:**	-96.54583	
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
28	38	52.34	96	32	44.34

29. Primary SIC Code (4 digits)	**30. Secondary SIC Code** (4 digits)	**31. Primary NAICS Code** (5 or 6 digits)	**32. Secondary NAICS Code** (5 or 6 digits)
4911		221112	

33. What is the Primary Business of this entity? *(Do not repeat the SIC or NAICS description.)*

Electric Generation

34. Mailing Address:	**24 Waterway Ave.**							
	Suite 400							
	City	**The Woodlands**	**State**	**TX**	**ZIP**	**77380**	**ZIP + 4**	
35. E-Mail Address:								

36. Telephone Number	**37. Extension or Code**	**38. Fax Number** *(if applicable)*
(713) 380-4747		( ) -

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

☐ Dam Safety	☐ Districts	☐ Edwards Aquifer	☒ Emissions Inventory Air	☒ Industrial Hazardous Waste
			CBA006F, RN108462102	SWR-97234
☐ Municipal Solid Waste	☐ New Source Review Air	☐ OSSF	☐ Petroleum Storage Tank	☐ PWS
☐ Sludge	☐ Storm Water	☒ Title V Air	☐ Tires	☐ Used Oil
		O3917, Standard Permit 133367		
☐ Voluntary Cleanup	☒ Wastewater	☐ Wastewater Agriculture	☐ Water Rights	☒ Other: TIER II
	WQ0005220000 TX0137511			TXT2-101296

SECTION IV: Preparer Information

40. Name:	Chris Lussier		41. Title:	Environmental Specialist
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address	
(901) 651-6930		( ) -	christopher.lussier@naes.com	

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	Port Comfort Power LLC	Job Title:	Plant Manager
Name *(In Print)*:	Kirt Lammrish	Phone:	(797) 248- 8026
Signature:	Kurt Lammrish	Date:	8-12-24

ATTACHMENT B

TCEQ 10053 and 10411 and
Industrial Wastewater Permit
Application Adm Report 1.0

F{TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

INDUSTRIAL WASTEWATER PERMIT APPLICATION CHECKLIST

Complete and submit this checklist with the industrial wastewater permit application.

APPLICANT NAME: Port Comfort Power. L.L.C.

PERMIT NUMBER (If new, leave blank): WQ00 05220000

Indicate if each of the following items is included in your application.

	Y	N		Y	N
Administrative Report 1.0	☒	☐	Worksheet 8.0	☐	☒
Administrative Report 1.1	☒	☐	Worksheet 9.0	☐	☒
SPIF	☒	☐	Worksheet 10.0	☐	☒
Core Data Form	☒	☐	Worksheet 11.0	☐	☒
Public Involvement Plan Form	☐	☒	Worksheet 11.1	☐	☒
Plain Language Summary	☒	☐	Worksheet 11.2	☐	☒
Technical Report 1.0	☒	☐	Worksheet 11.3	☐	☒
Worksheet 1.0	☒	☐	Original USGS Map	☒	☐
Worksheet 2.0	☒	☐	Affected Landowners Map	☐	☒
Worksheet 3.0	☐	☒	Landowner Disk or Labels	☐	☒
Worksheet 3.1	☐	☒	Flow Diagram	☒	☐
Worksheet 3.2	☐	☒	Site Drawing	☒	☐
Worksheet 3.3	☐	☒	Original Photographs	☐	☒
Worksheet 4.0	☒	☐	Design Calculations	☐	☒
Worksheet 4.1	☐	☒	Solids Management Plan	☐	☒
Worksheet 5.0	☒	☐	Water Balance	☒	☐
Worksheet 6.0	☐	☒			
Worksheet 7.0	☒	☐			

For TCEQ Use Only

Segment Number _____County _____
Expiration Date _____Region _____
Permit Number _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

INDUSTRIAL WASTEWATER PERMIT APPLICATION ADMINISTRATIVE REPORT 1.0

This report is required for all applications for TPDES permits and TLAPs, except applications for oil and gas extraction operations subject to 40 CFR Part 435. Contact the Applications Review and Processing Team at 512-239-4671 with any questions about completing this report.

Applications for oil and gas extraction operations subject to 40 CFR Part 435 must use the Oil and Gas Exploration and Production Administrative Report (TCEQ Form-20893 and 20893-inst[1]).

Item 1. Application Information and Fees (Instructions, Page 26)

a. Complete each field with the requested information, if applicable.

Applicant Name: Port Comfort Power, L.L.C.

Permit No.: WQ0005220000

EPA ID No.: TX0137511

Expiration Date: 02/10/2025

b. Check the box next to the appropriate authorization type.

☒ Industrial Wastewater (wastewater and stormwater)

☐ Industrial Stormwater (stormwater only)

c. Check the box next to the appropriate facility status.

☒ Active ☐ Inactive

d. Check the box next to the appropriate permit type.

☒ TPDES Permit ☐ TLAP ☐ TPDES with TLAP component

e. Check the box next to the appropriate application type.

☐ New

☐ Renewal with changes ☒ Renewal without changes

☐ Major amendment with renewal ☐ Major amendment without renewal

☐ Minor amendment without renewal

☐ Minor modification without renewal

f. If applying for an amendment or modification, describe the request: Click to enter text.

For TCEQ Use Only

Segment Number _____County _____
Expiration Date _____Region _____
Permit Number _____

[1] https://www.tceq.texas.gov/publications/search_forms.html

g. Application Fee

EPA Classification	New	Major Amend. (with or without renewal)	Renewal (with or without changes)	Minor Amend. / Minor Mod. (without renewal)
Minor facility not subject to EPA categorical effluent guidelines (40 CFR Parts 400-471)	☐ $350	☐ $350	☒ $315	☐ $150
Minor facility subject to EPA categorical effluent guidelines (40 CFR Parts 400-471)	☐ $1,250	☐ $1,250	☐ $1,215	☐ $150
Major facility	N/A [2]	☐ $2,050	☐ $2,015	☐ $450

h. Payment Information

Mailed

Check or money order No.: Click to enter text.

Check or money order amt.: Click to enter text.

Named printed on check or money order: Click to enter text.

Epay

Voucher number: 716942

Attachment: I

Item 2. Applicant Information (Instructions, Pages 26)

a. Customer Number, if applicant is an existing customer: CN605189018

Note: Locate the customer number using the TCEQ's Central Registry Customer Search[3].

b. Legal name of the entity (applicant) applying for this permit: Port Comfort Power LLC.

Note: The owner of the facility must apply for the permit. The legal name must be spelled exactly as filed with the TX SOS, Texas Comptroller of Public Accounts, County, or in the legal documents forming the entity.

c. Name and title of the person signing the application. (**Note:** The person must be an executive official that meets signatory requirements in 30 TAC § 305.44.)

Prefix: Mr. Full Name (Last/First Name): Kurt Lammrish

Title: Plant Manager Credential: NA

d. Will the applicant have overall financial responsibility for the facility?

☒ Yes ☐ No

[2] All facilities are designated as minors until formally classified as a major by EPA.

[3] https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch

Note: The entity with overall financial responsibility for the facility must apply as a co-applicant, if not the facility owner.

Item 3. Co-applicant Information (Instructions, Page 27)

☒ Check this box if there is no co-applicant.; otherwise, complete the below questions.

a. Legal name of the entity (co-applicant) applying for this permit: Click to enter text.

Note: The legal name must be spelled exactly as filed with the TX SOS, Texas Comptroller of Public Accounts, County, or in the legal documents forming the entity.

b. Customer Number (if applicant is an existing customer): CNClick to enter text.

Note: Locate the customer number using the TCEQ's Central Registry Customer Search.

c. Name and title of the person signing the application. (**Note:** The person must be an executive official that meets signatory requirements in 30 TAC § 305.44.)

Prefix: Full Name (Last/First Name): Click to enter text.

Title: Click to enter text. Credential: Click to enter text.

d. Will the co-applicant have overall financial responsibility for the facility?

☐ Yes ☐ No

Note: The entity with overall financial responsibility for the facility must apply as a co-applicant, if not the facility owner.

Item 4. Core Data Form (Instructions, Pages 27)

a. Complete one Core Data Form (TCEQ Form 10400) for each customer (applicant and co-applicant(s)) and include as an attachment. If the customer type selected on the Core Data Form is Individual, complete Attachment 1 of the Administrative Report. Attachment: B

Item 5. Application Contact Information (Instructions, Page 27)

Provide names of two individuals who can be contact for additional information about this application. Indicate if the individual can be contact about administrative or technical information, or both.

a. ☒ Administrative Contact . ☒ Technical Contact

Prefix: Mr. Full Name (Last/First Name): Kurt Lammrish

Title: Plant Manger Credential: NA

Organization Name: Port Comfort Power LLC.

Mailing Address: 135 Diebel Lane City/State/Zip: Point Comfort, TX 77978

Phone No: 979-248-8026 Email: **kurt.lammrish@peakerpowerholdings.com**

b. ☒ Administrative Contact ☐ Technical Contact

Prefix: Mr. Full Name (Last/First Name): Chris Lussier

Title: Environmental Specialist Credential: Click to enter text.

Organization Name: NAES Corporation

Mailing Address: 135 Diebel Lane City/State/Zip: Point Comfort, TX., 77978

Phone No: 9001-651-6930 Email: Christopher.lussier@naes.com

Attachment: N.A.

Item 6. Permit Contact Information (Instructions, Page 28)

Provide two names of individuals that can be contacted throughout the permit term.

a. Prefix: Mr. Full Name (Last/First Name): Kurt Lammrish

Title: Plant Manager Credential: N.A.

Organization Name: Port Comfort Power LLC

Mailing Address: 135 Diebel Lane City/State/Zip: Point Comfort, TX 77978

Phone No: 979-248-8026 Email: **kurt.lammrish@peakerpowerholdings.com**

b. Prefix: Mr. Full Name (Last/First Name): Chris Lussier

Title: Environmental Specialist Credential: NA

Organization Name: NAES Corporation

Mailing Address: 135 Diebel Lane City/State/Zip: Point Comfort, TX 77978

Phone No: 901-651-6930 Email: Christopher.lussier@naes.com

Attachment: NA

Item 7. Billing Contact Information (Instructions, Page 28)

The permittee is responsible for paying the annual fee. The annual fee will be assessed for permits **in effect on September 1 of each year**. The TCEQ will send a bill to the address provided in this section. The permittee is responsible for terminating the permit when it is no longer needed (form TCEQ-20029).

Provide the complete mailing address where the annual fee invoice should be mailed and the name and phone number of the permittee's representative responsible for payment of the invoice.

Prefix: Mr. Full Name (Last/First Name): Kurt Lammarish

Title: Plant Manager Credential: NA

Organization Name: Port Comfort Power LLC

Mailing Address: 135 Diebel Land City/State/Zip: Point Comfort, TX., 77978

Phone No: 979-248-8026 Email: **kurt.lammrish@peakerpowerholdings.com**

Item 8. DMR/MER Contact Information (Instructions, Page 28)

Provide the name and mailing address of the person delegated to receive and submit DMRs or MERs. **Note:** DMR data must be submitted through the NetDMR system. An electronic reporting account can be established once the facility has obtained the permit number.

Prefix: Mr. Full Name (Last/First Name): Kurt Lammrish

Title: Plant Manager Credential: NA

Organization Name: Port Comfort Power LLC

Mailing Address: 135 Diebel Lane City/State/Zip: Point Comfort, TX 77978

Phone No: 979-248-8026 Email: **kurt.lammrish@peakerpowerholdings.com**

Item 9. Notice Information (Instructions, Pages 28)

a. Individual Publishing the Notices

Prefix: Mr. Full Name (Last/First Name): Caleb Avila

Title: Director Credential: NA

Organization Name: El Perica Spanish Newspaper

Mailing Address: P.O. Box 279 City/State/Zip: Port Neches, TX. 77651

Phone No: 409-724-0814 Email: pericomail@gmail.com

b. Method for Receiving Notice of Receipt and Intent to Obtain a Water Quality Permit Package (only for NORI, NAPD will be sent via regular mail)

☒ E-mail: **kurt.lammrish@peakerpowerholdings.com**

☐ Fax: Click to enter text.

☐ Regular Mail (USPS)

Mailing Address: Click to enter text.

City/State/Zip Code: Click to enter text.

c. Contact in the Notice

Prefix: Mr. Full Name (Last/First Name): Kurt Lammrish

Title: Plant Manager Credential: NA

Organization Name: Port Comfort Power LLC

Phone No: 979-248-8026 Email: **kurt.lammrish@peakerpowerholdings.com**

d. Public Viewing Location Information

Note: If the facility or outfall is located in more than one county, provide a public viewing place for each county.

Public building name: Calhoun County Public LibraryLocation within the building: Point Comfort Branch Library

Physical Address of Building: 01 Lamar Street

City: Point Comfort County: Calhoun

e. Bilingual Notice Requirements

This information is required for new, major amendment, minor amendment or minor modification, and renewal applications.

This section of the application is only used to determine if alternative language notices will be needed. Complete instructions on publishing the alternative language notices will be in your public notice package.

Call the bilingual/ESL coordinator at the nearest elementary and middle schools and obtain the following information to determine if an alternative language notice(s) is required.

1. Is a bilingual education program required by the Texas Education Code at the elementary or middle school nearest to the facility or proposed facility?

☐ Yes ☒ No

If no, publication of an alternative language notice is not required; skip to Item 8 (Regulated Entity and Permitted Site Information.)

2. Are the students who attend either the elementary school or the middle school enrolled in a bilingual education program at that school?

   ☐ Yes ☒ No

3. Do the students at these schools attend a bilingual education program at another location?

   ☐ Yes ☒ No

4. Would the school be required to provide a bilingual education program, but the school has waived out of this requirement under 19 TAC §89.1205(g)?

   ☐ Yes ☐ No ☒ N/A

5. If the answer is yes to question 1, 2, 3, or 4, public notices in an alternative language are required. Which language is required by the bilingual program? NA

f. Plain Language Summary Template – Complete the Plain Language Summary (TCEQ Form 20972) and include as an attachment. Attachment: C

g. Complete one Public Involvement Plan (PIP) Form (TCEQ Form 20960) for each application for a new permit or major amendment and include as an attachment. Attachment: NA

Item 10. Regulated Entity and Permitted Site Information (Instructions Page 29)

a. TCEQ issued Regulated Entity Number (RN), if available: RN1084621002

Note: If your business site is part of a larger business site, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search the TCEQ's Central Registry to determine the RN or to see if the larger site may already be registered as a Regulated Entity. If the site is found, provide the assigned RN.

b. Name of project or site (the name known by the community where located): Port Comfort Power LLC

c. Is the location address of the facility in the existing permit the same?

☒ Yes ☐ No ☐ N/A (new permit)

Note: If the facility is located in Bexar, Comal, Hays, Kinney, Medina, Travis, Uvalde, or Williamson County, additional information concerning protection of the Edwards Aquifer may be required.

d. Owner of treatment facility:

Prefix: Mr. Full Name (Last/First Name): Charles Hausmann

or Organization Name: Consolidated Asset Management Services

Mailing Address: P.O. Box 397 City/State/Zip: Point Comfort, TX 77978

Phone No: 361-987-2813 Email: crh@calhounport.com

e. Ownership of facility: ☐ Public ☒ Private ☐ Both ☐ Federal

f. Owner of land where treatment facility is or will be: Calhoun Port Authority

Prefix: Mr. Full Name (Last/First Name): Charles Hausmann

or Organization Name: Consolidated Asset Management Services

Mailing Address: P.O. Box 397 City/State/Zip: Point Comfort, TX., 77978

Phone No: 361-987-2813 Email: crh@calhounport.com

Note: If not the same as the facility owner, attach a long-term lease agreement in effect for at least six years (In some cases, a lease may not suffice - see instructions). Attachment: D

g. Owner of effluent TLAP disposal site (if applicable): Click to enter text.

Prefix: Click to enter text. Full Name (Last/First Name): Click to enter text.

or Organization Name: Click to enter text.

Mailing Address: Click to enter text. City/State/Zip: Click to enter text.

Phone No: Click to enter text. Email: Click to enter text.

Note: If not the same as the facility owner, attach a long-term lease agreement in effect for at least six years. Attachment: Click to enter text.

h. Owner of sewage sludge disposal site (if applicable):

Prefix: Click to enter text. Full Name (Last/First Name): Click to enter text.

or Organization Name: Click to enter text.

Mailing Address: Click to enter text. City/State/Zip: Click to enter text.

Phone No: Click to enter text. Email: Click to enter text.

Note: If not the same as the facility owner, attach a long-term lease agreement in effect for at least six years. Attachment: Click to enter text.

Item 11. TDPES Discharge/TLAP Disposal Information (Instructions, Page 31)

a. Is the facility located on or does the treated effluent cross Native American Land?

☐ Yes ☒ No

b. Attach an original full size USGS Topographic Map (or an 8.5"×11" reproduced portion for renewal or amendment applications) with all required information. Check the box next to each item below to confirm it has been included on the map.

☒ One-mile radius

☒ Applicant's property boundaries

☒ Labeled point(s) of discharge

☒ Effluent disposal site boundaries

☐ Sewage sludge disposal site

☒ Three-miles downstream information

☐ Treatment facility boundaries

☒ Highlighted discharge route(s)

☐ All wastewater ponds

☐ New and future construction

Attachment: E

c. Is the location of the sewage sludge disposal site in the existing permit accurate?

☐ Yes ☒ No or New Permit

If no, or a new application, provide an accurate location description: Click to enter text.

d. Are the point(s) of discharge in the existing permit correct?

☒ Yes ☐ No or New Permit

If no, or a new application, provide an accurate location description: Click to enter text.

e. Are the discharge route(s) in the existing permit correct?

☒ Yes ☐ No or New Permit

If no, or a new permit, provide an accurate description of the discharge route: Click to enter text.

f. City nearest the outfall(s): Point Comfort

g. County in which the outfalls(s) is/are located: Calhoun

h. Is or will the treated wastewater discharge to a city, county, or state highway right-of-way, or a flood control district drainage ditch?

☐ Yes ☒ No

If yes, indicate by a check mark if: ☐ Authorization granted ☐ Authorization pending

For new and amendment applications, attach copies of letters that show proof of contact and provide the approval letter upon receipt. Attachment: Click to enter text.

For all applications involving an average daily discharge of 5 MGD or more, provide the names of all counties located within 100 statute miles downstream of the point(s) of discharge: Click to enter text.

i. For TLAPs, is the location of the effluent disposal site in the existing permit accurate?

☐ Yes No or New Permit ☐

If no, or a new application, provide an accurate location description: Click to enter text.

j. City nearest the disposal site: Click to enter text.

k. County in which the disposal site is located: Click to enter text.

l. For TLAPs, describe how effluent is/will be routed from the treatment facility to the disposal site: Click to enter text.

m. For TLAPs, identify the nearest watercourse to the disposal site to which rainfall runoff might flow if not contained: Click to enter text.

Item 12. Miscellaneous Information (Instructions, Page 33)

a. Did any person formerly employed by the TCEQ represent your company and get paid for service regarding this application?

☐ Yes ☒ No

If yes, list each person: Click to enter text.

b. Do you owe any fees to the TCEQ?

☐ Yes ☒ No

If yes, provide the following information:

Account no.: Click to enter text.

Total amount due: Click to enter text.

c. Do you owe any penalties to the TCEQ?

☐ Yes ☒ No

If yes, provide the following information:

Enforcement order no.: Click to enter text.

Amount due: Click to enter text.

The National Weather Service categorizes hurri...

Item 13. Signature Page (Instructions, Page 33)

Permit No: WQ0005022000

Applicant Name: Port Comfort Power, LLC.

Certification: I, Kurt Lammrish, certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code §305.44 to sign and submit this document and can provide documentation in proof of such authorization upon request.

Signatory name (typed or printed): Kurt Lammrish

Signatory title: Plant Manager

Signature: Kurt Lammrish Date: 8-12-24

(Use blue ink)

Subscribed and Sworn to before me by the said Kurt Arthur JR. Lammrish

on this 12 day of August, 2024.

My commission expires on the 4/15/2028 day of _____, 20____.

bernadette marie cano

Notary Public

victoria

County, Texas

[SEAL]

NOTARY PUBLIC STATE OF TEXAS
BERNADETTE MARIE CANO
ID #132438334
My Commission Expires
April 15, 2028

Note: *If co-applicants are necessary, each entity must submit an original, separate signature page.*

INDUSTRIAL WASTEWATER PERMIT APPLICATION ADMINISTRATIVE REPORT 1.1

The following information is required for new and amendment applications.

Item 1. Affected Landowner Information (Instructions, Page 35)

a. Attach a landowner map or drawing, with scale, as applicable. Check the box next to each item to confirm it has been provided.

☐ The applicant's property boundaries.

☐ The facility site boundaries within the applicant's property boundaries.

☐ The distance the buffer zone falls into adjacent properties and the property boundaries of the landowners located within the buffer zone.

☐ The property boundaries of all landowners surrounding the applicant's property. (Note: if the application is a major amendment for a lignite mine, the map must include the property boundaries of all landowners adjacent to the new facility (ponds).)

☐ The point(s) of discharge and highlighted discharge route(s) clearly shown for one mile downstream.

☐ The property boundaries of the landowners located on both sides of the discharge route for one full stream mile downstream of the point of discharge.

☐ The property boundaries of the landowners along the watercourse for a one-half mile radius from the point of discharge if the point of discharge is into a lake, bay, estuary, or affected by tides.

☐ The boundaries of the effluent disposal site (e.g., irrigation area or subsurface drainfield site) and all evaporation/holding ponds within the applicant's property.

☐ The property boundaries of all landowners surrounding the applicant's property boundaries where the effluent disposal site is located.

☐ The boundaries of the sludge land application site (for land application of sewage sludge for beneficial use) and the property boundaries of landowners within one-quarter mile of the applicant's property boundaries where the sewage sludge land application site is located.

☐ The property boundaries of landowners within one-half mile in all directions from the applicant's property boundaries where the sewage sludge disposal site (e.g., sludge surface disposal site or sludge monofil) is located.

Attachment: Click to enter text.

b. Check the box next to the format of the landowners list:

☐ Readable/Writeable CD ☐ Four sets of labels

Attachment: Click to enter text.

d. Provide the source of the landowners' names and mailing addresses: Click to enter text.

e. As required by Texas Water Code § 5.115, is any permanent school fund land affected by this application?

☐ Yes ☐ No

If yes, provide the location and foreseeable impacts and effects this application has on the land(s): Click to enter text.

Item 2. Original Photographs (Instructions, Page 37)

Provide original ground level photographs. Check the box next to each of the following items to indicate it is included.

☐ At least one original photograph of the new or expanded treatment unit location.

☐ At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.

☐ At least one photograph of the existing/proposed effluent disposal site.

☐ A plot plan or map showing the location and direction of each photograph.

Attachment: Click to enter text.

INDUSTRIAL WASTEWATER PERMIT APPLICATION

SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)

This form applies to TPDES permit applications only. Complete and attach the Supplemental Permit information Form (SPIF) (TCEQ Form 20971).

Attachment: D

WATER QUALITY PERMIT

PAYMENT SUBMITTAL FORM

Use this form to submit the Application Fee, if mailing the payment. (Instructions, Page 36-37)

- Complete items 1 through 5 below.
- Staple the check or money order in the space provided at the bottom of this document.
- Do not mail this form with the application form.
- Do not mail this form to the same address as the application.
- Do not submit a copy of the application with this form as it could cause duplicate permit entries.

Mail this form and the check or money order to:

BY REGULAR U.S. MAIL

Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
P.O. Box 13088
Austin, Texas 78711-3088

BY OVERNIGHT/EXPRESS MAIL

Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
12100 Park 35 Circle
Austin, Texas 78753

Fee Code: WQP **Permit No:** WQ0005022000

1. Check or Money Order Number: Sent VIA EPay
2. Check or Money Order Amount: Click to enter text.
3. Date of Check or Money Order: Click to enter text.
4. Name on Check or Money Order: Click to enter text.
5. APPLICATION INFORMATION

   Name of Project or Site: Click to enter text.

   Physical Address of Project or Site: Click to enter text.

   If the check is for more than one application, attach a list which includes the name of each Project or Site (RE) and Physical Address, exactly as provided on the application.
   Attachment: Click to enter text.

Staple Check or Money Order in This Space

ATTACHMENT 1

INDIVIDUAL INFORMATION

Item 1. Individual information (Instructions, Page 38)

Complete this attachment if the facility applicant or co-applicant is an individual. Make additional copies of this attachment if both are individuals.

Prefix (Mr., Ms., or Miss): Click to enter text.

Full legal name (first, middle, and last): Click to enter text.

Driver's License or State Identification Number: Click to enter text.

Date of Birth: Click to enter text.

Mailing Address: Click to enter text.

City, State, and Zip Code: Click to enter text.

Phone No.: Click to enter text.

Fax No.: Click to enter text.

E-mail Address: Click to enter text.

CN: Click to enter text.

INDUSTRIAL WASTEWATER PERMIT APPLICATION CHECKLIST OF COMMON DEFICIENCIES

Below is a list of common deficiencies found during the administrative review of industrial wastewater permit applications. To ensure the timely processing of this application, please review the items below and indicate each item is complete and in accordance applicable rules at 30 TAC Chapters 21, 281, and 305 by checking the box next to the item. If an item is not required this application, indicate by checking N/A where appropriate. Please do not submit the application until all items below are addressed.

☒ Core Data Form (TCEQ Form No. 10400)
(Required for all applications types. Must be completed in its entirety and signed. Note: Form may be signed by applicant representative.)

☒ Correct and Current Industrial Wastewater Permit Application Forms
(TCEQ Form Nos. 10055 and 10411. Version dated 5/10/2019 or later.)

☒ Water Quality Permit Payment Submittal Form (Page 14)
(Original payment sent to TCEQ Revenue Section. See instructions for mailing address.)

☒ 7.5 Minute USGS Quadrangle Topographic Map Attached
(Full-size map if seeking "New" permit. 8 ½ x 11 acceptable for Renewals and Amendments.)

☐ N/A ☐ Current/Non-Expired, Executed Lease Agreement or Easement Attached

☒ N/A ☐ Landowners Map
(See instructions for landowner requirements.)

Things to Know:

- All the items shown on the map must be labeled.
- The applicant's complete property boundaries must be delineated which includes boundaries of contiguous property owned by the applicant.
- The applicant cannot be its own adjacent landowner. You must identify the landowners immediately adjacent to their property, regardless of how far they are from the actual facility.
- If the applicant's property is adjacent to a road, creek, or stream, the landowners on the opposite side must be identified. Although the properties are not adjacent to applicant's property boundary, they are considered potentially affected landowners. If the adjacent road is a divided highway as identified on the USGS topographic map, the applicant does not have to identify the landowners on the opposite side of the highway.

☐ N/A ☐ Landowners Cross Reference List
(See instructions for landowner requirements.)

☐ N/A ☐ Landowners Labels or CD-RW attached
(See instructions for landowner requirements.)

☒ Original signature per 30 TAC § 305.44 – Blue Ink Preferred
(If signature page is not signed by an elected official or principle executive officer, a copy of signature authority/delegation letter must be attached.)

☒ Plain Language Summary

ATTACHMENT C
Plan Language
Summary TCEQ 20972

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PLAIN LANGUAGE SUMMARY FOR TPDES OR TLAP PERMIT APPLICATIONS

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

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

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

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

ENGLISH TEMPLATE FOR TPDES or TLAP NEW/RENEWAL/AMENDMENT APPLICATIONS
Enter 'INDUSTRIAL' or 'DOMESTIC' here WASTEWATER/STORMWATER
The following summary is provided for this pending water quality permit application being reviewed by the Texas Commission on Environmental Quality as required by 30 TAC Chapter 39. The information provided in this summary may change during the technical review of the application and is not a federal enforceable representation of the permit application.

Port Comfort Power LLC. (CN 605189018) operates Port Comfort Power LLC. (RN 108462102), a natural gas combustion turbine generator for electricity. The facility is located at 135 Diebel Lane, in Point Comfort, Calhoun County, Texas 77978. Port Comfort Power LLC is applying for its 5-year renewal without modifications. .

Discharges from the facility are expected to contain no known chemicals. Contaminated wastewater may be generated from stormwater/ washdown water that encounters incidental quantities of oil from equipment operations or maintenance. The canal is hydraulically connected to the Lavaca Bay Ship Channel Area via conduit. is treated by a wastewater treatment plant consisting of an oil/water separator before discharge on an intermittent basis to Outfall 001. The wastewater will flow through a pipe from the property south for 600 feet through Outfall 001 to an inactive intake canal.

ATTACHMENT D
SPIF TCEQ 20971

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)

FOR AGENCIES REVIEWING DOMESTIC OR INDUSTRIAL TPDES WASTEWATER PERMIT APPLICATIONS

TCEQ USE ONLY:

Application type: ____Renewal ____Major Amendment ____Minor Amendment ____New

County: _____ Segment Number: _____

Admin Complete Date: _____

Agency Receiving SPIF:

_____ Texas Historical Commission _____ U.S. Fish and Wildlife

_____ Texas Parks and Wildlife Department _____ U.S. Army Corps of Engineers

This form applies to TPDES permit applications only. (Instructions, Page 53)

Complete this form as a separate document. TCEQ will mail a copy to each agency as required by our agreement with EPA. If any of the items are not completely addressed or further information is needed, we will contact you to provide the information before issuing the permit. Address each item completely.

Do not refer to your response to any item in the permit application form. Provide each attachment for this form separately from the Administrative Report of the application. The application will not be declared administratively complete without this SPIF form being completed in its entirety including all attachments. Questions or comments concerning this form may be directed to the Water Quality Division's Application Review and Processing Team by email at WQ-ARPTeam@tceq.texas.gov or by phone at (512) 239-4671.

The following applies to all applications:

1. Permittee: Port Comfort Power, LLC.

   Permit No. WQ00 0522000 EPA ID No. TX 0137511

   Address of the project (or a location description that includes street/highway, city/vicinity, and county):

   135 Diebel Lane, Point Comfort TX 77978. Approximately 2 miles south of the intersection of FM 1593 and TX-35A

Provide the name, address, phone and fax number of an individual that can be contacted to answer specific questions about the property.

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Kurt Lammrish

Credential (P.E, P.G., Ph.D., etc.): NA

Title: Plant Manager

Mailing Address: 135 Diebel Lane

City, State, Zip Code: Point Comfort, TX 77978

Phone No.: 979-248-8026 Ext.: Click here to enter text. Fax No.: Click here to enter text.

E-mail Address: **kurt.lammrish@peakerpowerholdings.com**

2. List the county in which the facility is located: Calhoun
3. If the property is publicly owned and the owner is different than the permittee/applicant, please list the owner of the property.

Calhoun Port Authority

4. Provide a description of the effluent discharge route. The discharge route must follow the flow of effluent from the point of discharge to the nearest major watercourse (from the point of discharge to a classified segment as defined in 30 TAC Chapter 307). If known, please identify the classified segment number.

Wastewater flows from the plant site via pipeline; thence to an inactive intake canal; thence to Lavaca Bay Ship Channel Area Segment No. 2453D.

5. Please provide a separate 7.5-minute USGS quadrangle map with the project boundaries plotted and a general location map showing the project area. Please highlight the discharge route from the point of discharge for a distance of one mile downstream. (This map is required in addition to the map in the administrative report).

Provide original photographs of any structures 50 years or older on the property.

Does your project involve any of the following? Check all that apply.

☐ Proposed access roads, utility lines, construction easements

☐ Visual effects that could damage or detract from a historic property's integrity

☐ Vibration effects during construction or as a result of project design

☐ Additional phases of development that are planned for the future

☐ Sealing caves, fractures, sinkholes, other karst features

☐ Disturbance of vegetation or wetlands

1. List proposed construction impact (surface acres to be impacted, depth of excavation, sealing of caves, or other karst features):

None; this site is developed for industrial use

2. Describe existing disturbances, vegetation, and land use:

Project area has been developed since 1970 as a power plant (now inactive)

THE FOLLOWING ITEMS APPLY ONLY TO APPLICATIONS FOR NEW TPDES PERMITS AND MAJOR AMENDMENTS TO TPDES PERMITS

3. List construction dates of all buildings and structures on the property:

Existing buildings constructed in 1970-1971.

4. Provide a brief history of the property, and name of the architect/builder, if known.

The site was developed and operated as the ES Joslin power plant until 2002. The facility was purchased in 2004 by the Calhoun Port Authority for redevelopment. The E.S. Joslin power plant is inactive.

ATTACHMENT E
Technical Report 1
TCEQ 10055

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

INDUSTRIAL WASTEWATER PERMIT APPLICATION TECHNICAL REPORT 1.0

The following information **is required** for all applications for a TLAP or an individual TPDES discharge permit.

For **additional information** or clarification on the requested information, please refer to the Instructions for Completing the Industrial Wastewater Permit Application[1] available on the TCEQ website. Please contact the Industrial Permits Team at 512-239-4671 with any questions about this form.

If more than one outfall is included in the application, provide applicable information for each individual outfall. **If an item does not apply to the facility, enter N/A** to indicate that the item has been considered. Include separate reports or additional sheets as **clearly cross-referenced attachments** and provide the attachment number in the space provided for the item the attachment addresses.

NOTE: This application is for an industrial wastewater permit only. Additional authorizations from the TCEQ Waste Permits Division or the TCEQ Air Permits Division may be needed.

Item 1. Facility/Site Information (Instructions, Page 39)

a. Describe the general nature of the business and type(s) of industrial and commercial activities. Include all applicable SIC codes (up to 4).

Electricity Generation

b. Describe all wastewater-generating processes at the facility.

The applicant operates a natural gas combustion turbine generator for electricity, which the facility operates during periods of peak electricity demand. The process generates reverse osmosis (RO)reject water and will intermittently discharge without treatment to Outfall 001.Contaminated wastewater may be generated from stormwater/ washdown water that encounters incidental quantities of oil from equipment operations or maintenance. The wastewater will be treated in a wastewater treatment plant consisting of an oil/water separator before discharge on an intermittent basis to Outfall 001. The wastewater will flow through a pipe from the property south for 600 feet through Outfall 001 to an inactive intake canal. The canal is hydraulically connected to the Lavaca Bay Ship Channel Area via conduit.

[1] https://www.tceq.texas.gov/permitting/wastewater/industrial/TPDES_industrial_wastewater_steps.html

c. Provide a list of raw materials, major intermediates, and final products handled at the facility.

Materials List

Raw Materials	Intermediate Products	Final Products
Natural Gas		Electric Power

Attachment: Click to enter text.

d. Attach a facility map (drawn to scale) with the following information:

- Production areas, maintenance areas, materials-handling areas, waste-disposal areas, and water intake structures.
- The location of each unit of the WWTP including the location of wastewater collection sumps, impoundments, outfalls, and sampling points, if significantly different from outfall locations.

Attachment: G

e. Is this a new permit application for an existing facility?

☐ Yes ☒ No

If **yes**, provide background discussion: Click to enter text.

f. Is/will the treatment facility/disposal site be located above the 100-year frequency flood level.

☒ Yes ☐ No

List source(s) used to determine 100-year frequency flood plain: FEMA No. 48057-C0075E – Area of Minimal Flood Hazard

If **no**, provide the elevation of the 100-year frequency flood plain and describe what protective measures are used/proposed to prevent flooding (including tail water and rainfall run-on controls) of the treatment facility and disposal area: Click to enter text.

Attachment: Click to enter text.

g. For **new** or **major amendment** permit applications, will any construction operations result in a discharge of fill material into a water in the state?

☐ Yes ☒ No ☐ N/A (renewal only)

h. If **yes** to Item 1.g, has the applicant applied for a USACE CWA Chapter 404 Dredge and Fill permit?

☐ Yes ☐ No

If **yes**, provide the permit number: Click to enter text.

If **no**, provide an approximate date of application submittal to the USACE: Click to enter text.

Item 2. Treatment System (Instructions, Page 40)

a. List any physical, chemical, or biological treatment process(es) used/proposed to treat wastewater at this facility. Include a description of each treatment process, starting with initial treatment and finishing with the outfall/point of disposal.

The facility operates a natural gas combustion turbine generator for electricity. The process generates reverse osmosis (RO) reject water and will intermittently discharge without treatment to Outfall 001.
Contaminated wastewater may be generated from stormwater/washdown water that encounters incidental quantities of oil from equipment operations or maintenance. The wastewater will be treated in a wastewater treatment plant consisting of an oil/water separator before discharge on an intermittent basis to Outfall 001. The wastewater will flow through a pipe from the property south for 600 feet through Outfall 001 into an inactive intake canal. The canal is hydraulically connected to the Lavaca Bay Ship Channel Area via conduit.

b. Attach a flow schematic **with a water balance** showing all sources of water and wastewater flow into the facility, wastewater flow into and from each treatment unit, and wastewater flow to each outfall/point of disposal.

Attachment: Click to enter text.

Item 3. Impoundments (Instructions, Page 40)

Does the facility use or plan to use any wastewater impoundments (e.g., lagoons or ponds?)

☐ Yes ☒ No

If **no**, proceed to Item 4. If **yes**, complete **Item 3.a** for **existing** impoundments and **Items 3.a - 3.e** for **new or proposed** impoundments. **NOTE:** See instructions, Pages 40-42, for additional information on the attachments required by Items 3.a – 3.e.

a. Complete the table with the following information for each existing, new, or proposed impoundment. Attach additional copies of the Impoundment Information table, if needed.

Use Designation: Indicate the use designation for each impoundment as Treatment (**T**), Disposal (**D**), Containment (**C**), or Evaporation (**E**).

Associated Outfall Number: Provide an outfall number if a discharge occurs or will occur.

Liner Type: Indicate the liner type as Compacted clay liner (**C**), In-situ clay liner (**I**), Synthetic/plastic/rubber liner (**S**), or Alternate liner (**A**). **NOTE:** See instructions for further detail on liner specifications. If an alternate liner (A) is selected, include an attachment that provides a description of the alternate liner and any additional technical information necessary for an evaluation.

Leak Detection System: If any leak detection systems are in place/planned, enter **Y** for yes. Otherwise, enter **N** for no.

Groundwater Monitoring Wells and Data: If groundwater monitoring wells are in place/planned, enter **Y** for yes. Otherwise, enter **N** for no. Attach any existing groundwater monitoring data.

Dimensions: Provide the dimensions, freeboard, surface area, storage capacity of the impoundments, and the maximum depth (not including freeboard). For impoundments with irregular shapes, submit surface area instead of length and width.

Compliance with 40 CFR Part 257, Subpart D: If the impoundment is required to be in compliance with 40 CFR Part 257, Subpart D, enter **Y** for yes. Otherwise, enter **N** for no.

Date of Construction: Enter the date construction of the impoundment commenced (mm/dd/yy).

Impoundment Information

Parameter	**Pond #**	**Pond #**	**Pond #**	**Pond #**
Use Designation: (T) (D) (C) or (E)				
Associated Outfall Number				
Liner Type (C) (I) (S) or (A)				
Alt. Liner Attachment Reference				
Leak Detection System, Y/N				
Groundwater Monitoring Wells, Y/N				
Groundwater Monitoring Data Attachment				
Pond Bottom Located Above The Seasonal High-Water Table, Y/N				
Length (ft)				
Width (ft)				
Max Depth From Water Surface (ft), Not Including Freeboard				
Freeboard (ft)				
Surface Area (acres)				
Storage Capacity (gallons)				
40 CFR Part 257, Subpart D, Y/N				
Date of Construction				

Attachment: Click to enter text.

The following information (**Items 3.b – 3.e**) is required only for **new or proposed** impoundments.

b. For new or proposed impoundments, attach any available information on the following items. If attached, check **yes** in the appropriate box. Otherwise, check **no** or **not yet designed**.

1. Liner data

☐ Yes ☐ No ☐ Not yet designed

2. Leak detection system or groundwater monitoring data

☐ Yes ☐ No ☐ Not yet designed

3. Groundwater impacts

☐ Yes ☐ No ☐ Not yet designed

NOTE: Item b.3 is required if the bottom of the pond is not above the seasonal high-water table in the shallowest water-bearing zone.

Attachment: Click to enter text.

For TLAP applications: Items 3.c – 3.e are **not required**, continue to Item 4.

c. Attach a USGS map or a color copy of original quality and scale which accurately locates and identifies all known water supply wells and monitor wells within ½-mile of the impoundments.

Attachment: Click to enter text.

d. Attach copies of State Water Well Reports (e.g., driller's logs, completion data, etc.), and data on depths to groundwater for all known water supply wells including a description of how the depths to groundwater were obtained.

Attachment: Click to enter text.

e. Attach information pertaining to the groundwater, soils, geology, pond liner, etc. used to assess the potential for migration of wastes from the impoundments or the potential for contamination of groundwater or surface water.

Attachment: Click to enter text.

Item 4. Outfall/Disposal Method Information (Instructions, Page 42)

Complete the following tables to describe the location and wastewater discharge or disposal operations for each outfall for discharge, and for each point of disposal for TLAP operations.

If there are more outfalls/points of disposal at the facility than the spaces provided, copies of pages 6 and/0r numbered accordingly (i.e., page 6a, 6b, etc.) may be used to provide information on the additional outfalls.

For TLAP applications: Indicate the disposal method and each individual irrigation area **I**, evaporation pond **E**, or subsurface drainage system **S** by providing the appropriate letter designation for the disposal method followed by a numerical designation for each disposal

area in the space provided for **Outfall** number (e.g. **E1** for evaporation pond 1, **I2** for irrigation area No. 2, etc.).

Outfall Longitude and Latitude

Outfall No.	Latitude (Decimal Degrees)	Longitude (Decimal Degrees)
001	28 deg. 38 min. 45.46 sec.	96 deg. 32 min. 46.13 sec.

Outfall Location Description

Outfall No.	Location Description
001	Inactive Intake Canal

Description of Sampling Point(s) (if different from Outfall location)

Outfall No.	Description of sampling point

Outfall Flow Information – Permitted and Proposed

Outfall No.	Permitted Daily Avg Flow (MGD)	Permitted Daily Max Flow (MGD)	Proposed Daily Avg Flow (MGD)	Proposed Daily Max Flow (MGD)	Anticipated Discharge Date (mm/dd/yy)
001	0.108	0.144	0.108	0.144	

Outfall Discharge – Method and Measurement

Outfall No.	Pumped Discharge? Y/N	Gravity Discharge? Y/N	Type of Flow Measurement Device Used
001	N	Y	Totalizer or equivalent

Outfall Discharge – Flow Characteristics

Outfall No.	Intermittent Discharge? Y/N	Continuous Discharge? Y/N	Seasonal Discharge? Y/N	Discharge Duration (hrs/day)	Discharge Duration (days/mo)	Discharge Duration (mo/yr)
001	Y	N	Y	24	0-30	12

Outfall No.	Intermittent Discharge? Y/N	Continuous Discharge? Y/N	Seasonal Discharge? Y/N	Discharge Duration (hrs/day)	Discharge Duration (days/mo)	Discharge Duration (mo/yr)

Outfall Wastestream Contributions

Outfall No. Click to enter text.

Contributing Wastestream	Volume (MGD)	Percent (%) of Total Flow
RO Reject Water	0.1026	95
Stormwater / Washdown after Treatment	0.0054	5

Outfall No. Click to enter text.

Contributing Wastestream	Volume (MGD)	Percent (%) of Total Flow

Outfall No. Click to enter text.

Contributing Wastestream	Volume (MGD)	Percent (%) of Total Flow

Contributing Wastestream	Volume (MGD)	Percent (%) of Total Flow

Attachment: Click to enter text.

Item 5. Blowdown and Once-Through Cooling Water Discharges (Instructions, Page 43)

a. Indicate if the facility currently or proposes to:

☐ Yes ☒ No Use cooling towers that discharge blowdown or other wastestreams

☐ Yes ☒ No Use boilers that discharge blowdown or other wastestreams

☐ Yes ☒ No Discharge once-through cooling water

NOTE: If the facility uses or plans to use cooling towers or once-through cooling water, Item 12 **is required**.

b. If **yes** to any of the above, attach an SDS with the following information for each chemical additive.

- Manufacturers Product Identification Number
- Product use (e.g., biocide, fungicide, corrosion inhibitor, etc.)
- Chemical composition including CASRN for each ingredient
- Classify product as non-persistent, persistent, or bioaccumulative
- Product or active ingredient half-life
- Frequency of product use (e.g., 2 hours/day once every two weeks)
- Product toxicity data specific to fish and aquatic invertebrate organisms
- Concentration of whole product or active ingredient, as appropriate, in wastestream.

In addition to each SDS, attach a summary of the above information for each specific wastestream and the associated chemical additives. Specify which outfalls are affected.

Attachment: Click to enter text.

c. Cooling Towers and Boilers

If the facility currently or proposes to use cooling towers or boilers that discharge blowdown or other wastestreams to the outfall(s), complete the following table.

Cooling Towers and Boilers

Type of Unit	Number of Units	Daily Avg Blowdown (gallons/day)	Daily Max Blowdown (gallons/day)
Cooling Towers			
Boilers			

Item 6. Stormwater Management (Instructions, Page 44)

Will any existing/proposed outfalls discharge stormwater associated with industrial activities, as defined at *40 CFR § 122.26(b)(14)*, commingled with any other wastestream?

☒ Yes ☐ No

If **yes**, briefly describe the industrial processes and activities that occur outdoors or in a manner which may result in exposure of the activities or materials to stormwater: The facility operates a natural gas combustion turbine generator for electricity. The process generates reverse osmosis (RO) reject water and will intermittently discharge without treatment to Outfall 001

Item 7. Domestic Sewage, Sewage Sludge, and Septage Management and Disposal (Instructions, Page 44)

Domestic Sewage - Waste and wastewater from humans or household operations that is discharged to a wastewater collection system or otherwise enters a treatment works.

a. Check the box next to the appropriate method of domestic sewage and domestic sewage sludge treatment or disposal. Complete Worksheet 5.0 or Item 7.b if directed to do so.

☐ Domestic sewage is routed (i.e., connected to or transported to) to a WWTP permitted to receive domestic sewage for treatment, disposal, or both. Complete Item 7.b.

☐ Domestic sewage disposed of by an on-site septic tank and drainfield system. Complete Item 7.b.

☐ Domestic and industrial treatment sludge ARE commingled prior to use or disposal.

☐ Industrial wastewater and domestic sewage are treated separately, and the respective sludge IS NOT commingled prior to sludge use or disposal. Complete Worksheet 5.0.

☐ Facility is a POTW. Complete Worksheet 5.0.

☒ Domestic sewage is not generated on-site.

☐ Other (e.g., portable toilets), specify and Complete Item 7.b: Click to enter text.

b. Provide the name and TCEQ, NPDES, or TPDES Permit No. of the waste-disposal facility which receives the domestic sewage/septage. If hauled by motorized vehicle, provide the name and TCEQ Registration No. of the hauler.

Domestic Sewage Plant/Hauler Name

Plant/Hauler Name	Permit/Registration No.

Item 8. Improvements or Compliance/Enforcement Requirements (Instructions, Page 45)

a. Is the permittee currently required to meet any implementation schedule for compliance or enforcement?

☐ Yes ☒ No

b. Has the permittee completed or planned for any improvements or construction projects?

☐ Yes ☒ No

c. If **yes** to either 8.a **or** 8.b, provide a brief summary of the requirements and a status update: Click to enter text.

Item 9. Toxicity Testing (Instructions, Page 45)

Have any biological tests for acute or chronic toxicity been made on any of the discharges or on a receiving water in relation to the discharge within the last three years?

☐ Yes ☒ No

If **yes**, identify the tests and describe their purposes: Click to enter text.

Additionally, attach a copy of all tests performed which **have not** been submitted to the TCEQ or EPA. **Attachment:** Click to enter text.

Item 10. Off-Site/Third Party Wastes (Instructions, Page 45)

a. Does or will the facility receive wastes from off-site sources for treatment at the facility, disposal on-site via land application, or discharge via a permitted outfall?

☐ Yes ☒ No

If **yes**, provide responses to Items 10.b through 10.d below.

If **no**, proceed to Item 11.

b. Attach the following information to the application:

- List of wastes received (including volumes, characterization, and capability with on-site wastes).
- Identify the sources of wastes received (including the legal name and addresses of the generators).
- Description of the relationship of waste source(s) with the facility's activities.

Attachment: Click to enter text.

c. Is or will wastewater from another TCEQ, NPDES, or TPDES permitted facility commingled with this facility's wastewater after final treatment and prior to discharge via the final outfall/point of disposal?

☐ Yes ☐ No

If **yes**, provide the name, address, and TCEQ, NPDES, or TPDES permit number of the contributing facility and a copy of any agreements or contracts relating to this activity.

Attachment: Click to enter text.

d. Is this facility a POTW that accepts/will accept process wastewater from any SIU and has/is required to have an approved pretreatment program under the NPDES/TPDES program?

☐ Yes ☐ No

If **yes**, **Worksheet 6.0** of this application **is required**.

Item 11. Radioactive Materials (Instructions, Page 46)

a. Are/will radioactive materials be mined, used, stored, or processed at this facility?

☐ Yes ☐ No

If **yes**, use the following table to provide the results of one analysis of the effluent for all radioactive materials that may be present. Provide results in pCi/L.

Radioactive Materials Mined, Used, Stored, or Processed

Radioactive Material Name	Concentration (pCi/L)

b. Does the applicant or anyone at the facility have any knowledge or reason to believe that radioactive materials may be present in the discharge, including naturally occurring radioactive materials in the source waters or on the facility property?

☐ Yes ☐ No

If **yes**, use the following table to provide the results of one analysis of the effluent for all radioactive materials that may be present. Provide results in pCi/L. Do not include information provided in response to Item 11.a.

Radioactive Materials Present in the Discharge

Radioactive Material Name	Concentration (pCi/L)

Item 12. Cooling Water (Instructions, Page 46)

a. Does the facility use or propose to use water for cooling purposes?

☐ Yes ☒ No

If **no**, stop here. If **yes**, complete Items 12.b thru 12.f.

b. Cooling water is/will be obtained from a groundwater source (e.g., on-site well).

☐ Yes ☐ No

If **yes**, stop here. If **no**, continue.

c. Cooling Water Supplier

1. Provide the name of the owner(s) and operator(s) for the CWIS that supplies or will supply water for cooling purposes to the facility.

Cooling Water Intake Structure(s) Owner(s) and Operator(s)

CWIS ID				
Owner				
Operator				

2. Cooling water is/will be obtained from a Public Water Supplier (PWS)

   ☐ Yes ☐ No

   If **no**, continue. If **yes**, provide the PWS Registration No. and stop here: PWS No. Click to enter text.

3. Cooling water is/will be obtained from a reclaimed water source?

   ☐ Yes ☐ No

   If **no**, continue. If **yes**, provide the Reuse Authorization No. and stop here: Click to enter text.

4. Cooling water is/will be obtained from an Independent Supplier

   ☐ Yes ☐ No

   If **no**, proceed to Item 12.d. If **yes**, provide the actual intake flow of the Independent Supplier's CWIS that is/will be used to provide water for cooling purposes and proceed: Click to enter text.

d. 316(b) General Criteria

1. The CWIS(s) used to provide water for cooling purposes to the facility has or will have a cumulative design intake flow of 2 MGD or greater.

   ☐ Yes ☐ No

2. At least 25% of the total water withdrawn by the CWIS is/will be used at the facility exclusively for cooling purposes on an annual average basis.

   ☐ Yes ☐ No

3. The CWIS(s) withdraw(s)/propose(s) to withdraw water for cooling purposes from surface waters that meet the definition of Waters of the United States in *40 CFR § 122.2*.

   ☐ Yes ☐ No

   If **no**, provide an explanation of how the waterbody does not meet the definition of Waters of the United States in *40 CFR § 122.2*: Click to enter text.

If **yes** to all three questions in Item 12.d, the facility **meets** the minimum criteria to be subject to the full requirements of Section 316(b) of the CWA. Proceed to **Item 12.f**.

If **no** to any of the questions in Item 12.d, the facility **does not meet** the minimum criteria to be subject to the full requirements of Section 316(b) of the CWA; however, a determination is required based upon BPJ. Proceed to **Item 12.e**.

e. The facility does not meet the minimum requirements to be subject to the fill requirements of Section 316(b) **and uses**/proposes **to use cooling towers**.

☐ Yes ☐ No

If **yes**, stop here. If **no**, complete Worksheet 11.0, Items 1.a, 1.b.1-3 and 6, 2.b.1, and 3.a to allow for a determination based upon BPJ.

f. Oil and Gas Exploration and Production

1. The facility is subject to requirements at 40 CFR Part 435, Subparts A or D.

☐ Yes ☐ No

If **yes**, continue. If **no**, skip to Item 12.g.

2. The facility is an existing facility as defined at 40 CFR § 125.92(k) or a new unit at an existing facility as defined at 40 CFR § 125.92(u).

☐ Yes ☐ No

If **yes**, complete Worksheet 11.0, Items 1.a, 1.b.1-3 and 6, 2.b.1, and 3.a to allow for a determination based upon BPJ. If **no**, skip to Item 12.g.3.

g. Compliance Phase and Track Selection

1. Phase I – New facility subject to 40 CFR Part 125, Subpart I

☐ Yes ☐ No

If **yes**, check the box next to the compliance track selection, attach the requested information, and complete Worksheet 11.0, Items 2 and 3, and Worksheet 11.2.

☐ Track I – AIF greater than 2 MGD, but less than 10 MGD

- Attach information required by *40 CFR §§ 125.86(b)(2)-(4)*.

☐ Track I – AIF greater than 10 MGD

- Attach information required by *40 CFR § 125.86(b)*.

☐ Track II

- Attach information required by *40 CFR § 125.86(c)*.

Attachment: Click to enter text.

2. Phase II – Existing facility subject to 40 CFR Part 125, Subpart J

☐ Yes ☐ No

If **yes**, complete Worksheets 11.0 through 11.3, as applicable.

3. Phase III – New facility subject to 40 CFR Part 125, Subpart N

☐ Yes ☐ No

If **yes**, check the box next to the compliance track selection and provide the requested information.

☐ Track I – Fixed facility

- Attach information required by 40 CFR § 125.136(b) and complete Worksheet 11.0, Items 2 and 3, and Worksheet 11.2.

☐ Track I – Not a fixed facility

- Attach information required by 40 CFR § 125.136(b) and complete Worksheet 11.0, Item 2 (except CWIS latitude/longitude under Item 2.a).

☐ Track II – Fixed facility

- Attach information required by 40 CFR § 125.136(c) and complete Worksheet 11.0, Items 2 and 3.

Attachment: Click to enter text.

Item 13. Permit Change Requests (Instructions, Page 48)

This item is only applicable to existing permitted facilities.

a. Is the facility requesting a **major amendment** of an existing permit?

☐ Yes ☒ No

If **yes**, list each request individually and provide the following information: 1) detailed information regarding the scope of each request and 2) a justification for each request. Attach any supplemental information or additional data to support each request.

Click to enter text.

b. Is the facility requesting any **minor amendments** to the permit?

☐ Yes ☒ No

If **yes**, list and describe each change individually.

Click to enter text.

c. Is the facility requesting any **minor modifications** to the permit?

☐ Yes ☒ No

If **yes**, list and describe each change individually.

Click to enter text.

Item 14. Laboratory Accreditation (Instructions, Page 49)

All laboratory tests performed must meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification*, which includes the following general exemptions from National Environmental Laboratory Accreditation Program (NELAP) certification requirements:

- The laboratory is an in-house laboratory and is:
  - periodically inspected by the TCEQ; or
  - located in another state and is accredited or inspected by that state; or
  - performing work for another company with a unit located in the same site; or
  - performing pro bono work for a governmental agency or charitable organization.
- The laboratory is accredited under federal law.
- The data are needed for emergency-response activities, and a laboratory accredited under the Texas Laboratory Accreditation Program is not available.
- The laboratory supplies data for which the TCEQ does not offer accreditation.

The applicant should review *30 TAC Chapter 25* for specific requirements.

The following certification statement shall be signed and submitted with every application. See the *Signature Page* section in the Instructions, for a list of designated representatives who may sign the certification.

CERTIFICATION:

I certify that all laboratory tests submitted with this application meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.*

Printed Name: Click to enter text.

Title: Click to enter text.

Signature: _____

Date: _____

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 1.0: EPA CATEGORICAL EFFLUENT GUIDELINES

This worksheet **is required** for all applications for TPDES permits for discharges of wastewaters subject to EPA categorical effluent limitation guidelines (ELGs).

Item 1. Categorical Industries (Instructions, Page 53)

Is this facility subject to any 40 CFR categorical ELGs outlined on page 53 of the instructions?

☐ Yes ☒ No

If **no**, this worksheet is not required. If **yes**, provide the appropriate information below.

40 CFR Effluent Guideline

Industry	40 CFR Part

Item 2. Production/Process Data (Instructions, Page 54)

NOTE: For all TPDES permit applications requesting individual permit coverage for discharges of oil and gas exploration and production wastewater (discharges into or adjacent to water in the state, falling under the Oil and Gas Extraction Effluent Guidelines – 40 CFR Part 435), see Worksheet 12.0, Item 2 instead.

a. Production Data

Provide appropriate data for effluent guidelines with production-based effluent limitations.

Production Data

Subcategory	Actual Quantity/Day	Design Quantity/Day	Units

b. Organic Chemicals, Plastics, and Synthetic Fibers Manufacturing Data (40 CFR Part 414)

Provide each applicable subpart and the percent of total production. Provide data for metal-bearing and cyanide-bearing wastestreams, as required by *40 CFR Part 414, Appendices A and B*.

Percentage of Total Production

Subcategory	Percent of Total Production	Appendix A and B - Metals	Appendix A - Cyanide

c. Refineries (40 CFR Part 419)

Provide the applicable subcategory and a brief justification.

Click to enter text.

Item 3. Process/Non-Process Wastewater Flows (Instructions, Page 54)

Provide a breakdown of wastewater flow(s) generated by the facility, including both process and non-process wastewater flow(s). Specify which wastewater flows are to be authorized for discharge under this permit and the disposal practices for wastewater flows, excluding domestic, which are not to be authorized for discharge under this permit.

Click to enter text.

Item 4. New Source Determination (Instructions, Page 54)

Provide a list of all wastewater-generating processes subject to EPA categorical ELGs, identify the appropriate guideline Part and Subpart, and provide the date the process/construction commenced.

Wastewater Generating Processes Subject to Effluent Guidelines

Process	EPA Guideline Part	EPA Guideline Subpart	Date Process/ Construction Commenced

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 2.0: POLLUTANT ANALYSIS

Worksheet 2.0 **is required** for all applications submitted for a TPDES permit. Worksheet 2.0 is not required for applications for a permit to dispose of all wastewater by land disposal or for discharges solely of stormwater associated with industrial activities.

Item 1. General Testing Requirements (Instructions, Page 55)

a. Provide the date range of all sampling events conducted to obtain the analytical data submitted with this application (e.g., 05/01/2018-05/30/2018): Click to enter text.

b. ☐ Check the box to confirm all samples were collected no more than 12 months prior to the date of application submittal.

c. Read the general testing requirements in the instructions for important information about sampling, test methods, and MALs. If a contact laboratory was used, attach a list which includes the name, contact information, and pollutants analyzed for each laboratory/firm. **Attachment:** Click to enter text.

Item 2. Specific Testing Requirements (Instructions, Page 56)

Attach correspondence from TCEQ approving submittal of less than the required number of samples, if applicable. **Attachment:** Click to enter text.

TABLE 1 and TABLE 2 (Instructions, Page 58)

Completion of Tables 1 and 2 is required for all external outfalls for all TPDES permit applications.

Table 1 for Outfall No.: 001 **Samples are (check one): ☐ Composite ☒ Grab**

Pollutant	Sample 1 (mg/L)	Sample 2 (mg/L)	Sample 3 (mg/L)	Sample 4 (mg/L)
BOD (5-day)				
CBOD (5-day)				
Chemical oxygen demand				
Total organic carbon				
Dissolved oxygen				
Ammonia nitrogen				
Total suspended solids				
Nitrate nitrogen				
Total organic nitrogen				
Total phosphorus				
Oil and grease				
Total residual chlorine				

Pollutant	Sample 1 (mg/L)	Sample 2 (mg/L)	Sample 3 (mg/L)	Sample 4 (mg/L)
Total dissolved solids				
Sulfate				
Chloride				
Fluoride				
Total alkalinity (mg/L as CaCO3)				
Temperature (˚F)				
pH (standard units)				

Table 2 for Outfall No.: 001 **Samples are (check one): ☐ Composite ☒ Grab**

Pollutant	Sample 1 (µg/L)	Sample 2 (µg/L)	Sample 3 (µg/L)	Sample 4 (µg/L)	MAL (µg/L)
Aluminum, total					2.5
Antimony, total					5
Arsenic, total					0.5
Barium, total					3
Beryllium, total					0.5
Cadmium, total					1
Chromium, total					3
Chromium, hexavalent					3
Chromium, trivalent					N/A
Copper, total					2
Cyanide, available					2/10
Lead, total					0.5
Mercury, total					0.005/0.0005
Nickel, total					2
Selenium, total					5
Silver, total					0.5
Thallium, total					0.5
Zinc, total					5.0

TABLE 3 (Instructions, Page 58)

Completion of Table 3 **is required** for all **external outfalls** which discharge process wastewater.

Partial completion of Table 3 **is required** for all **external outfalls** which discharge non-process wastewater and stormwater associated with industrial activities commingled with other wastestreams (see instructions for additional guidance).

Table 3 for Outfall No.: 001 **Samples are (check one): ☐ Composite ☒ Grab**

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)*
Acrylonitrile					50
Anthracene					10
Benzene					10
Benzidine					50
Benzo(a)anthracene					5
Benzo(a)pyrene					5
Bis(2-chloroethyl)ether					10
Bis(2-ethylhexyl)phthalate					10
Bromodichloromethane [Dichlorobromomethane]					10
Bromoform					10
Carbon tetrachloride					2
Chlorobenzene					10
Chlorodibromomethane [Dibromochloromethane]					10
Chloroform					10
Chrysene					5
m-Cresol [3-Methylphenol]					10
o-Cresol [2-Methylphenol]					10
p-Cresol [4-Methylphenol]					10
1,2-Dibromoethane					10
m-Dichlorobenzene [1,3-Dichlorobenzene]					10
o-Dichlorobenzene [1,2-Dichlorobenzene]					10
p-Dichlorobenzene [1,4-Dichlorobenzene]					10
3,3'-Dichlorobenzidine					5
1,2-Dichloroethane					10

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)*
1,1-Dichloroethene [1,1-Dichloroethylene]					10
Dichloromethane [Methylene chloride]					20
1,2-Dichloropropane					10
1,3-Dichloropropene [1,3-Dichloropropylene]					10
2,4-Dimethylphenol					10
Di-n-Butyl phthalate					10
Ethylbenzene					10
Fluoride					500
Hexachlorobenzene					5
Hexachlorobutadiene					10
Hexachlorocyclopentadiene					10
Hexachloroethane					20
Methyl ethyl ketone					50
Nitrobenzene					10
N-Nitrosodiethylamine					20
N-Nitroso-di-n-butylamine					20
Nonylphenol					333
Pentachlorobenzene					20
Pentachlorophenol					5
Phenanthrene					10
Polychlorinated biphenyls (PCBs) (**)					0.2
Pyridine					20
1,2,4,5-Tetrachlorobenzene					20
1,1,2,2-Tetrachloroethane					10
Tetrachloroethene [Tetrachloroethylene]					10
Toluene					10
1,1,1-Trichloroethane					10
1,1,2-Trichloroethane					10
Trichloroethene [Trichloroethylene]					10

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)*
2,4,5-Trichlorophenol					50
TTHM (Total trihalomethanes)					10
Vinyl chloride					10

(*) Indicate units if different from µg/L.

(**) Total of detects for PCB-1242, PCB-1254, PCB-1221, PCB-1232, PCB-1248, PCB-1260, and PCB-1016. If all non-detects, enter the highest non-detect preceded by a "<".

TABLE 4 (Instructions, Pages 58-59)

Partial completion of Table 4 **is required** for each **external outfall** based on the conditions below.

a. **Tributyltin**

Is this facility an industrial/commercial facility which currently or proposes to directly dispose of wastewater from the types of operations listed below or a domestic facility which currently or proposes to receive wastewater from the types of industrial/commercial operations listed below?

☐ Yes ☒ No

If **yes**, check the box next to each of the following criteria which apply and provide the appropriate testing results in Table 4 below (check all that apply).

☐ Manufacturers and formulators of tributyltin or related compounds.

☐ Painting of ships, boats and marine structures.

☐ Ship and boat building and repairing.

☐ Ship and boat cleaning, salvage, wrecking and scaling.

☐ Operation and maintenance of marine cargo handling facilities and marinas.

☐ Facilities engaged in wood preserving.

☐ Any other industrial/commercial facility for which tributyltin is known to be present, or for which there is any reason to believe that tributyltin may be present in the effluent.

b. **Enterococci (discharge to saltwater)**

This facility discharges/proposes to discharge directly into saltwater receiving waters **and** Enterococci bacteria are expected to be present in the discharge based on facility processes.

☐ Yes ☒ No

Domestic wastewater is/will be discharged.

☐ Yes ☒ No

If **yes to either** question, provide the appropriate testing results in Table 4 below.

c. E. coli (discharge to freshwater)

This facility discharges/proposes to discharge directly into freshwater receiving waters **and** *E. coli* bacteria are expected to be present in the discharge based on facility processes.

☐ Yes ☒ No

Domestic wastewater is/will be discharged.

☐ Yes ☒ No

If **yes to either** question, provide the appropriate testing results in Table 4 below.

Table 4 for Outfall No.: Click to enter text. **Samples are (check one):** ☐ **Composite** ☐ **Grab**

Pollutant	**Sample 1**	**Sample 2**	**Sample 3**	**Sample 4**	**MAL**
Tributyltin (µg/L)					0.010
Enterococci (cfu or MPN/100 mL)					N/A
E. coli (cfu or MPN/100 mL)					N/A

TABLE 5 (Instructions, Page 59)

Completion of Table 5 **is required** for all **external outfalls** which discharge process wastewater from a facility which manufactures or formulates pesticides or herbicides or other wastewaters which may contain pesticides or herbicides.

If this facility does not/will not manufacture or formulate pesticides or herbicides and does not/will not discharge other wastewaters that may contain pesticides or herbicides, check N/A.

☒ N/A

Table 5 for Outfall No.: Click to enter text. **Samples are (check one):** ☐ **Composite** ☐ **Grab**

Pollutant	**Sample 1 (µg/L)***	**Sample 2 (µg/L)***	**Sample 3 (µg/L)***	**Sample 4 (µg/L)***	**MAL (µg/L)***
Aldrin					0.01
Carbaryl					5
Chlordane					0.2
Chlorpyrifos					0.05
4,4'-DDD					0.1
4,4'-DDE					0.1
4,4'-DDT					0.02
2,4-D					0.7
Danitol [Fenpropathrin]					—
Demeton					0.20
Diazinon					0.5/0.1
Dicofol [Kelthane]					1
Dieldrin					0.02
Diuron					0.090

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)*
Endosulfan I (*alpha*)					0.01
Endosulfan II (*beta*)					0.02
Endosulfan sulfate					0.1
Endrin					0.02
Guthion [Azinphos methyl]					0.1
Heptachlor					0.01
Heptachlor epoxide					0.01
Hexachlorocyclohexane (*alpha*)					0.05
Hexachlorocyclohexane (*beta*)					0.05
Hexachlorocyclohexane (*gamma*) [Lindane]					0.05
Hexachlorophene					10
Malathion					0.1
Methoxychlor					2.0
Mirex					0.02
Parathion (ethyl)					0.1
Toxaphene					0.3
2,4,5-TP [Silvex]					0.3

* Indicate units if different from µg/L.

TABLE 6 (Instructions, Page 59)

Completion of Table 6 **is required** for all **external outfalls**.

Table 6 for Outfall No.: Click to enter text. **Samples are (check one):** ☐ **Composite** ☐ **Grab**

Pollutants	**Believed Present**	**Believed Absent**	**Sample 1 (mg/L)**	**Sample 2 (mg/L)**	**Sample 3 (mg/L)**	**Sample 4 (mg/L)**	**MAL (µg/L)***
Bromide	☐	☐					400
Color (PCU)	☐	☐					—
Nitrate-Nitrite (as N)	☐	☐					—
Sulfide (as S)	☐	☐					—
Sulfite (as SO3)	☐	☐					—
Surfactants	☐	☐					—
Boron, total	☐	☐					20
Cobalt, total	☐	☐					0.3
Iron, total	☐	☐					7
Magnesium, total	☐	☐					20
Manganese, total	☐	☐					0.5
Molybdenum, total	☐	☐					1
Tin, total	☐	☐					5
Titanium, total	☐	☐					30

TABLE 7 (Instructions, Page 60)

Check the box next to any of the industrial categories applicable to this facility. If no categories are applicable, check N/A. If GC/MS testing is required, check the box provided to confirm the testing results for the appropriate parameters are provided with the application.

☒ N/A

Table 7 for Applicable Industrial Categories

Industrial Category	40 CFR Part	Volatiles Table 8	Acids Table 9	Bases/ Neutrals Table 10	Pesticides Table 11
☐ Adhesives and Sealants		☐ Yes	☐ Yes	☐ Yes	No
☐ Aluminum Forming	467	☐ Yes	☐ Yes	☐ Yes	No
☐ Auto and Other Laundries		☐ Yes	☐ Yes	☐ Yes	☐ Yes
☐ Battery Manufacturing	461	☐ Yes	No	☐ Yes	No
☐ Coal Mining	434	No	No	No	No
☐ Coil Coating	465	☐ Yes	☐ Yes	☐ Yes	No
☐ Copper Forming	468	☐ Yes	☐ Yes	☐ Yes	No
☐ Electric and Electronic Components	469	☐ Yes	☐ Yes	☐ Yes	☐ Yes
☐ Electroplating	413	☐ Yes	☐ Yes	☐ Yes	No
☐ Explosives Manufacturing	457	No	☐ Yes	☐ Yes	No
☐ Foundries		☐ Yes	☐ Yes	☐ Yes	No
☐ Gum and Wood Chemicals - Subparts A,B,C,E	454	☐ Yes	☐ Yes	No	No
☐ Gum and Wood Chemicals - Subparts D,F	454	☐ Yes	☐ Yes	☐ Yes	No
☐ Inorganic Chemicals Manufacturing	415	☐ Yes	☐ Yes	☐ Yes	No
☐ Iron and Steel Manufacturing	420	☐ Yes	☐ Yes	☐ Yes	No
☐ Leather Tanning and Finishing	425	☐ Yes	☐ Yes	☐ Yes	No
☐ Mechanical Products Manufacturing		☐ Yes	☐ Yes	☐ Yes	No
☐ Nonferrous Metals Manufacturing	421,471	☐ Yes	☐ Yes	☐ Yes	☐ Yes
☐ Oil and Gas Extraction - Subparts A, D, E, F, G, H	435	☐ Yes	☐ Yes	☐ Yes	No
☐ Ore Mining - Subpart B	440	No	☐ Yes	No	No
☐ Organic Chemicals Manufacturing	414	☐ Yes	☐ Yes	☐ Yes	☐ Yes
☐ Paint and Ink Formulation	446,447	☐ Yes	☐ Yes	☐ Yes	No
☐ Pesticides	455	☐ Yes	☐ Yes	☐ Yes	☐ Yes
☐ Petroleum Refining	419	☐ Yes	No	No	No
☐ Pharmaceutical Preparations	439	☐ Yes	☐ Yes	☐ Yes	No
☐ Photographic Equipment and Supplies	459	☐ Yes	☐ Yes	☐ Yes	No
☐ Plastic and Synthetic Materials Manufacturing	414	☐ Yes	☐ Yes	☐ Yes	☐ Yes
☐ Plastic Processing	463	☐ Yes	No	No	No
☐ Porcelain Enameling	466	No	No	No	No
☐ Printing and Publishing		☐ Yes	☐ Yes	☐ Yes	☐ Yes
☐ Pulp and Paperboard Mills - Subpart C	430	☐ *	☐ Yes	☐ *	☐ Yes
☐ Pulp and Paperboard Mills - Subparts F, K	430	☐ *	☐ Yes	☐ *	☐ *
☐ Pulp and Paperboard Mills - Subparts A, B, D, G, H	430	☐ Yes	☐ Yes	☐ *	☐ *
☐ Pulp and Paperboard Mills - Subparts I, J, L	430	☐ Yes	☐ Yes	☐ *	☐ Yes
☐ Pulp and Paperboard Mills - Subpart E	430	☐ Yes	☐ Yes	☐ Yes	☐ *
☐ Rubber Processing	428	☐ Yes	☐ Yes	☐ Yes	No
☐ Soap and Detergent Manufacturing	417	☐ Yes	☐ Yes	☐ Yes	No
☐ Steam Electric Power Plants	423	☐ Yes	☐ Yes	No	No
☐ Textile Mills (Not Subpart C)	410	☐ Yes	☐ Yes	☐ Yes	No
☐ Timber Products Processing	429	☐ Yes	☐ Yes	☐ Yes	☐ Yes

* Test if believed present.

TABLES 8, 9, 10, and 11 (Instructions, Page 60)

Completion of Tables 8, 9, 10, and 11 **is required** as specified in Table 7 for all **external outfalls** that contain process wastewater.

Completion of Tables 8, 9, 10, and 11 **may be required** for types of industry not specified in Table 7 for specific parameters that are believed to be present in the wastewater.

Table 8 for Outfall No.: Click to enter text. **Samples are (check one):** ☐ **Composite** ☐ **Grab**

Pollutant	**Sample 1 (µg/L)***	**Sample 2 (µg/L)***	**Sample 3 (µg/L)***	**Sample 4 (µg/L)***	**MAL (µg/L)**
Acrolein					50
Acrylonitrile					50
Benzene					10
Bromoform					10
Carbon tetrachloride					2
Chlorobenzene					10
Chlorodibromomethane					10
Chloroethane					50
2-Chloroethylvinyl ether					10
Chloroform					10
Dichlorobromomethane [Bromodichloromethane]					10
1,1-Dichloroethane					10
1,2-Dichloroethane					10
1,1-Dichloroethylene [1,1-Dichloroethene]					10
1,2-Dichloropropane					10
1,3-Dichloropropylene [1,3-Dichloropropene]					10
Ethylbenzene					10
Methyl bromide [Bromomethane]					50
Methyl chloride [Chloromethane]					50
Methylene chloride [Dichloromethane]					20
1,1,2,2-Tetrachloroethane					10
Tetrachloroethylene [Tetrachloroethene]					10
Toluene					10
1,2-Trans-dichloroethylene [1,2-Trans-dichloroethene]					10

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)
1,1,1-Trichloroethane					10
1,1,2-Trichloroethane					10
Trichloroethylene [Trichloroethene]					10
Vinyl chloride					10

* Indicate units if different from µg/L.

Table 9 for Outfall No.: Click to enter text. **Samples are (check one):** ☐ **Composite** ☐ **Grab**

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)
2-Chlorophenol					10
2,4-Dichlorophenol					10
2,4-Dimethylphenol					10
4,6-Dinitro-o-cresol					50
2,4-Dinitrophenol					50
2-Nitrophenol					20
4-Nitrophenol					50
p-Chloro-m-cresol					10
Pentachlorophenol					5
Phenol					10
2,4,6-Trichlorophenol					10

* Indicate units if different from µg/L.

Table 10 for Outfall No.: Click to enter text. **Samples are (check one):** ☐ **Composite** ☐ **Grab**

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)
Acenaphthene					10
Acenaphthylene					10
Anthracene					10
Benzidine					50
Benzo(a)anthracene					5
Benzo(a)pyrene					5
3,4-Benzofluoranthene [Benzo(b)fluoranthene]					10
Benzo(ghi)perylene					20
Benzo(k)fluoranthene					5
Bis(2-chloroethoxy)methane					10

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)
Bis(2-chloroethyl)ether					10
Bis(2-chloroisopropyl)ether					10
Bis(2-ethylhexyl)phthalate					10
4-Bromophenyl phenyl ether					10
Butylbenzyl phthalate					10
2-Chloronaphthalene					10
4-Chlorophenyl phenyl ether					10
Chrysene					5
Dibenzo(a,h)anthracene					5
1,2-Dichlorobenzene [o-Dichlorobenzene]					10
1,3-Dichlorobenzene [m-Dichlorobenzene]					10
1,4-Dichlorobenzene [p-Dichlorobenzene]					10
3,3'-Dichlorobenzidine					5
Diethyl phthalate					10
Dimethyl phthalate					10
Di-n-butyl phthalate					10
2,4-Dinitrotoluene					10
2,6-Dinitrotoluene					10
Di-n-octyl phthalate					10
1,2-Diphenylhydrazine (as Azobenzene)					20
Fluoranthene					10
Fluorene					10
Hexachlorobenzene					5
Hexachlorobutadiene					10
Hexachlorocyclopentadiene					10
Hexachloroethane					20
Indeno(1,2,3-cd)pyrene					5
Isophorone					10
Naphthalene					10
Nitrobenzene					10
N-Nitrosodimethylamine					50

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)
N-Nitrosodi-n-propylamine					20
N-Nitrosodiphenylamine					20
Phenanthrene					10
Pyrene					10
1,2,4-Trichlorobenzene					10

* Indicate units if different from µg/L.

Table 11 for Outfall No.: Click to enter text. **Samples are (check one):** ☐ **Composite** ☐ **Grab**

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)
Aldrin					0.01
alpha-BHC [alpha-Hexachlorocyclohexane]					0.05
beta-BHC [beta-Hexachlorocyclohexane]					0.05
gamma-BHC [gamma-Hexachlorocyclohexane]					0.05
delta-BHC [delta-Hexachlorocyclohexane]					0.05
Chlordane					0.2
4,4'-DDT					0.02
4,4'-DDE					0.1
4,4'-DDD					0.1
Dieldrin					0.02
Endosulfan I (alpha)					0.01
Endosulfan II (beta)					0.02
Endosulfan sulfate					0.1
Endrin					0.02
Endrin aldehyde					0.1
Heptachlor					0.01
Heptachlor epoxide					0.01
PCB 1242					0.2
PCB 1254					0.2
PCB 1221					0.2
PCB 1232					0.2
PCB 1248					0.2

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)
PCB 1260					0.2
PCB 1016					0.2
Toxaphene					0.3

* Indicate units if different from µg/L.

Attachment: Click to enter text.

TABLE 12 (DIOXINS/FURAN COMPOUNDS)

Complete of Table 12 **is required** for **external outfalls**, as directed below. (Instructions, Pages 59-60)

Indicate which compound(s) are manufactured or used at the facility and provide a brief description of the conditions of its/their presence at the facility (check all that apply).

☐ 2,4,5-trichlorophenoxy acetic acid (2,4,5-T) CASRN 93-76-5

☐ 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5-TP) CASRN 93-72-1

☐ 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dichloropropionate (Erbon) CASRN 136-25-4

☐ 0,0-dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel) CASRN 299-84-3

☐ 2,4,5-trichlorophenol (TCP) CASRN 95-95-4

☐ hexachlorophene (HCP) CASRN 70-30-4

☒ None of the above

Description: Click to enter text.

Does the applicant or anyone at the facility know or have any reason to believe that 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) or any congeners of TCDD may be present in the effluent proposed for discharge?

☐ Yes ☒ No

Description: Click to enter text.

If **yes** to either Items a **or** b, complete Table 12 as instructed.

Table 12 for Outfall No.: Click to enter text. **Samples are (check one):** ☐ **Composite** ☐ **Grab**

Compound	Toxicity Equivalent Factors	Wastewater Concentration (ppq)	Wastewater Toxicity Equivalents (ppq)	Sludge Concentration (ppt)	Sludge Toxicity Equivalents (ppt)	MAL (ppq)
2,3,7,8-TCDD	1					10
1,2,3,7,8-PeCDD	1.0					50
2,3,7,8-HxCDDs	0.1					50
1,2,3,4,6,7,8-HpCDD	0.01					50

Compound	Toxicity Equivalent Factors	Wastewater Concentration (ppq)	Wastewater Toxicity Equivalents (ppq)	Sludge Concentration (ppt)	Sludge Toxicity Equivalents (ppt)	MAL (ppq)
2,3,7,8-TCDF	0.1					10
1,2,3,7,8-PeCDF	0.03					50
2,3,4,7,8-PeCDF	0.3					50
2,3,7,8-HxCDFs	0.1					50
2,3,4,7,8-HpCDFs	0.01					50
OCDD	0.0003					100
OCDF	0.0003					100
PCB 77	0.0001					500
PCB 81	0.0003					500
PCB 126	0.1					500
PCB 169	0.03					500
Total						

TABLE 13 (HAZARDOUS SUBSTANCES)

Complete Table 13 **is required** for all **external outfalls** as directed below. (Instructions, Pages 60-61)

Are there any pollutants listed in the instructions (pages 55-62) believed present in the discharge?

☐ Yes ☒ No

Are there pollutants listed in Item 1.c. of Technical Report 1.0 which are believed present in the discharge and have not been analytically quantified elsewhere in this application?

☐ Yes ☒ No

If **yes** to either Items a **or** b, complete Table 13 as instructed.

Table 13 for Outfall No.: Click to enter text. **Samples are (check one):** ☐ **Composite** ☐ **Grab**

Pollutant	CASRN	Sample 1 (µg/L)	Sample 2 (µg/L)	Sample 3 (µg/L)	Sample 4 (µg/L)	Analytical Method

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 3.0: LAND APPLICATION OF EFFLUENT

This worksheet **is required** for all applications for a permit to disposal of wastewater by land application (i.e., TLAP)).

Item 1. Type of Disposal System (Instructions, Page 69)

Check the box next to the type of land disposal requested by this application:

- ☐ Irrigation
- ☐ Evaporation
- ☐ Evapotranspiration beds
- ☐ Drip irrigation system
- ☐ Subsurface application
- ☐ Subsurface soils absorption
- ☐ Surface application
- ☐ Other, specify: Click to enter text.

Item 2. Land Application Area (Instructions, Page 69)

Land Application Area Information

Effluent Application (gallons/day)	Irrigation Acreage (acres)	Describe land use & indicate type(s) of crop(s)	Public Access? (Y/N)

Item 3. Annual Cropping Plan (Instructions, Page 69)

Attach the required cropping plan that includes each of the following:

- Cool and warm season plant species
- Breakdown of acreage and percent of total acreage for each crop
- Crop growing season
- Harvesting method/number of harvests
- Minimum/maximum harvest height
- Crop yield goals
- Soils map
- Nitrogen requirements per crop
- Additional fertilizer requirements
- Supplemental watering requirements
- Crop salt tolerances
- Justification for not removing existing vegetation to be irrigated

Attachment:

Item 4. Well and Map Information (Instructions, Page 70)

a. Check each box to confirm the required information is shown and labeled on the attached USGS map:

☐ The exact boundaries of the land application area

☐ On-site buildings

☐ Waste-disposal or treatment facilities

☐ Effluent storage and tailwater control facilities

☐ Buffer zones

☐ All surface waters in the state onsite and within 500 feet of the property boundaries

☐ All water wells within ½-mile of the disposal site, wastewater ponds, or property boundaries

☐ All springs and seeps onsite and within 500 feet of the property boundaries

Attachment: Click to enter text.

b. List and cross reference all water wells located on or within 500 feet of the disposal site, wastewater ponds, or property boundaries in the following table. Attach additional pages as necessary to include all of the wells.

Well and Map Information Table

Well ID	Well Use	Producing? Y/N/U	Open, cased, capped, or plugged?	Proposed Best Management Practice

Attachment: Click to enter text.

c. Groundwater monitoring wells or lysimeters are/will be installed around the land application site or wastewater ponds.

☐ Yes ☐ No

If **yes**, provide the existing/proposed location of the monitoring wells or lysimeters on the site map attached for Item 4.a. Additionally, attach information on the depth of the wells or lysimeters, sampling schedule, and monitoring parameters for TCEQ review, possible modification, and approval.

Attachment: Click to enter text.

d. Attach a short groundwater technical report using *30 TAC § 309.20(a)(4)* as guidance.
Attachment:

Item 5. Soil Map and Soil Information (Instructions, Page 71)

Check each box to confirm that the following information is attached:

a. ☐ USDA NRCS Soil Survey Map depicting the area to be used for land application with the locations identified by fields and crops.

b. ☐ Breakdown of acreage and percent of total acreage for each soil type.

c. ☐ Copies of laboratory soil analyses. **Attachment:** Click to enter text.

Item 6. Effluent Monitoring Data (Instructions, Page 72)

a. Completion of Table 14 **is required** for all **renewal** and **major amendment** applications. Complete the table with monitoring data for the previous two years for all parameters regulated in the current permit. An additional table has been provided with blank headers for parameters regulated in the current permit which are not listed in Table 14.

Table 14 for Outfall No.: Click to enter text. **Samples are (check one):** ☐ **Composite** ☐ **Grab**

Date (mo/yr)	Daily Avg Flow (gpd)	BOD5 (mg/L)	TSS (mg/L)	Nitrogen (mg/L)	Conductivity (mmhos/cm)	Total acres irrigated	Hydraulic Application rate (acre-feet/month)

Date (mo/yr)	Daily Avg Flow (gpd)	BOD5 (mg/L)	TSS (mg/L)	Nitrogen (mg/L)	Conductivity (mmhos/cm)	Total acres irrigated	Hydraulic Application rate (acre-feet/month)

b. Use this table to provide effluent analysis for parameters regulated in the current permit which are not listed in Table 14.

Additional Parameter Effluent Analysis

Date (mo/yr)							

c. Attach an explanation of all persistent excursions to permitted parameters and corrective actions taken. **Attachment:** Click to enter text.

Item 7. Pollutant Analysis (Instructions, Page 72)

a. Provide the date range of all sampling events conducted to obtain the analytical data submitted with this application (e.g., 05/01/2018-05/30/2018): Click to enter text.

b. ☐ Check the box to confirm all samples were collected no more than 12 months prior to the date of application submittal.

c. Complete Tables 15 and 16.

Table 15 for Outfall No.: Click to enter text. **Samples are (check one):** ☐ **Composite** ☐ **Grab**

Pollutant	**Sample 1 (mg/L)**	**Sample 2 (mg/L)**	**Sample 3 (mg/L)**	**Sample 4 (mg/L)**
BOD (5-day)				
CBOD (5-day)				
Chemical oxygen demand				
Total organic carbon				
Dissolved oxygen				
Ammonia nitrogen				
Total suspended solids				
Nitrate nitrogen				
Total organic nitrogen				
Total phosphorus				
Oil and grease				
Total residual chlorine				
Total dissolved solids				
Sulfate				
Chloride				
Fluoride				
Total alkalinity (mg/L as CaCO3)				
Temperature (˚F)				
pH (standard units)				

Table 16 for Outfall No.: Click to enter text. **Samples are (check one):** ☐ **Composite** ☐ **Grab**

Pollutant	**Sample 1 (µg/L)**	**Sample 2 (µg/L)**	**Sample 3 (µg/L)**	**Sample 4 (µg/L)**	**MAL (µg/L)**
Aluminum, total					2.5
Antimony, total					5
Arsenic, total					0.5
Barium, total					3

Pollutant	Sample 1 (µg/L)	Sample 2 (µg/L)	Sample 3 (µg/L)	Sample 4 (µg/L)	MAL (µg/L)
Beryllium, total					0.5
Cadmium, total					1
Chromium, total					3
Chromium, hexavalent					3
Chromium, trivalent					N/A
Copper, total					2
Cyanide, available					2/10
Lead, total					0.5
Mercury, total					0.005/0.0005
Nickel, total					2
Selenium, total					5
Silver, total					0.5
Thallium, total					0.5
Zinc, total					5.0

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 3.1: SURFACE LAND APPLICATION AND APPLICATION

This worksheet **is required** for all applications for a permit to disposal of wastewater by surface land application or evaporation.

Item 1. Edwards Aquifer (Instructions, Page 73)

a. Is the facility subject to *30 TAC Chapter 213*, Edwards Aquifer Rules?

☐ Yes ☐ No

If **no**, proceed to Item 2. If **yes**, complete Items 1.b **and** 1.c.

b. Check the box next to the subchapter applicable to the facility.

☐ 30 TAC Chapter 213, Subchapter A

☐ 30 TAC Chapter 213, Subchapter B

c. If *30 TAC Chapter 213, Subchapter A* applies, attach **either**: 1) a Geologic Assessment (if conducted in accordance with *30 TAC § 213.5*) **or** 2) a report that contains the following:

- A description of the surface geological units within the proposed land application site and wastewater pond area.
- The location and extent of any sensitive recharge features in the land application site and wastewater pond area
- A list of any proposed BMPs to protect the recharge features.

Attachment: Click to enter text.

Item 2. Surface Spray/Irrigation (Instructions, Page 73)

a. Provide the following information on the irrigation operations:

Area under irrigation (acres): Click to enter text.

Design application rate (acre-ft/acre/yr): Click to enter text.

Design application frequency (hours/day): Click to enter text.

Design application frequency (days/week): Click to enter text.

Design total nitrogen loading rate (lbs nitrogen/acre/year): Click to enter text.

Average slope of the application area (percent): Click to enter text.

Maximum slope of the application area (percent): Click to enter text.

Irrigation efficiency (percent): Click to enter text.

Effluent conductivity (mmhos/cm): Click to enter text.

Soil conductivity (mmhos/cm): Click to enter text.

Curve number: Click to enter text.

Describe the application method and equipment: Click to enter text.

b. Attach a detailed engineering report which includes a water balance, storage volume calculations, and a nitrogen balance. **Attachment:** Click to enter text.

Item 3. Evaporation Ponds (Instructions, Page 74)

a. Daily average effluent flow into ponds: Click to enter text. gallons per day

b. Attach a separate engineering report of evaporation calculations for average long-term and worst-case critical conditions. **Attachment:** Click to enter text.

Item 4. Evapotranspiration Beds (Instructions, Page 74)

a. Provide the following information on the evapotranspiration beds:

Number of beds: Click to enter text.

Area of bed(s) (acres): Click to enter text.

Depth of bed(s) (feet): Click to enter text.

Void ratio of soil in the beds: Click to enter text.

Storage volume within the beds (include units): Click to enter text.

Description of any lining to protect groundwater: Click to enter text.

b. Attach a certification by a licensed Texas professional engineer that the liner meets TCEQ requirements. **Attachment:** Click to enter text.

c. Attach a separate engineering report with water balance, storage volume calculations, and description of the liner. **Attachment:** Click to enter text.

Item 5. Overland Flow (Instructions, Page 74)

a. Provide the following information on the overland flow:

Area used for application (acres): Click to enter text.

Slopes for application area (percent): Click to enter text.

Design application rate (gpm/foot of slope width): Click to enter text.

Slope length (feet): Click to enter text.

Design BOD5 loading rate (lbs BOD5/acre/day): Click to enter text.

Design application frequency (hours/day): Click to enter text.

Design application frequency (days/week): Click to enter text.

b. Attach a separate engineering report with the method of application and design requirements according to *30 TAC § 217.212*. **Attachment:** Click to enter text.

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 3.2: SUBSURFACE IRRIGATION (NON-DRIP)

This worksheet **is required** for all applications for a permit to disposal of wastewater by subsurface land application.

☐ Check the box to confirm the Class V Injection Well Inventory/Authorization Form (Worksheet 9.0) has been submitted to the TCEQ UIC Permits Team as directed.

Item 1. Edwards Aquifer (Instructions, Page 75)

a. The subsurface system is/will be located on the Edwards Aquifer Recharge Zone, as mapped by TCEQ?

☐ Yes ☐ No

b. The subsurface system is/will be located on the Edwards Aquifer Transition Zone, as mapped by TCEQ?

☐ Yes ☐ No

If **yes** to Item 1.a **or** 1.b, the subsurface system may be prohibited by *30 TAC § 213.8*. Contact the Water Quality Assessment Section at (512) 239-4671 for a preapplication meeting.

Item 2. Subsurface Application (Instructions, Page 75)

a. Check the box next to the type of subsurface land disposal system requested:

☐ Conventional drainfield, beds, or trenches

☐ Low pressure dosing

☐ Other: Click to enter text.

b. Provide the following information on the irrigation operations:

Application area (acres): Click to enter text.

Area of drainfield (square feet): Click to enter text.

Application rate (gal/square ft/day): Click to enter text.

Depth to groundwater (feet): Click to enter text.

Area of trench (square feet): Click to enter text.

Dosing duration per area (hours): Click to enter text.

Number of beds: Click to enter text.

Dosing amount per area (inches/day): Click to enter text.

Soil infiltration rate (inches/hour): Click to enter text.

Storage volume (gallons): Click to enter text.

Area of bed(s) (square feet): Click to enter text.

Soil classification: Click to enter text.

c. Attach a separate engineering report using *30 TAC § 309.20, Subchapter C, Land Disposal of Sewage Effluent* as guidance, excluding items b(3)(A) and b(3)(B). Include a description of the schedule of dosing basin rotation. **Attachment:** Click to enter text.

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 3.3: SUBSURFACE AREA DRIP DISPERSAL SYSTEMS

This worksheet **is required** for all applications for a permit to dispose of wastewater using a subsurface area drip dispersal system (SADDS).

☐ Check the box to confirm the Class V Injection Well Inventory/Authorization Form (Worksheet 9.0) has been submitted to the TCEQ UIC Permits Team as directed.

Item 1. Edwards Aquifer (Instructions, Page 76)

a. The subsurface system is/will be located on the Edwards Aquifer Recharge Zone, as mapped by TCEQ?

☐ Yes ☐ No

b. The subsurface system is/will be located on the Edwards Aquifer Transition Zone, as mapped by TCEQ?

☐ Yes ☐ No

If **yes** to Item 1.a **or** 1.b, the subsurface system may be prohibited by *30 TAC § 213.8*. Contact the Water Quality Assessment Section at (512) 239-4671 for a preapplication meeting.

Item 2. Administrative Information (Instructions, Page 76)

a. Provide the legal name of all corporations or other business entities managed, owned, or otherwise closely related to the owner of the treatment facility: Click to enter text.

b. The owner of the land where the WWTF is/will be located is the same as the owner of the WWTF.

☐ Yes ☐ No

If **no**, provide the legal name of all corporations or other business entities managed, owned, or otherwise closely related to the owner of the land where the WWTF is/will be located: Click to enter text.

c. Provide the legal name of the owner of the SADDS: Click to enter text.

d. The owner of the SADDS is the same as the owner of the WWTF or the site where the WWTF is/will be located.

☐ Yes ☐ No

If **no**, identify the legal name of all corporations or other business entities managed, owned, or otherwise closely related to the entity identified in Item 1.c: Click to enter text.

e. Provide the legal name of the owner of the land where the SADDS is located: Click to enter text.

f. The owner of the land where the SADDS is/will be located is the same as owner of the WWTF, the site where the WWTF is located, or the owner of the SADDS.

☐ Yes ☐ No

If **no**, provide the legal name of all corporations or other business entities managed, owned, or otherwise closely related to the entity identified in item 1.e: Click to enter text.

Item 3. SADDS (Instructions, Page 77)

a. Check the box next to the type SADDS requested by this application:

☐ Subsurface drip/trickle irrigation

☐ Surface drip irrigation

☐ Other: Click to enter text.

b. Attach a description of the SADDS proposed/used by the facility (see instructions for guidance). **Attachment:** Click to enter text.

c. Provide the following information on the SADDS:

Application area (acres): Click to enter text.

Soil infiltration rate (inches/hour): Click to enter text.

Average slope of the application area: Click to enter text.

Maximum slope of the application area: Click to enter text.

Storage volume (gallons): Click to enter text.

Major soil series: Click to enter text.

Depth to groundwater (feet): Click to enter text.

Effluent conductivity (mmhos/cm): Click to enter text.

d. The facility is/will be located west of the boundary shown in *30 TAC § 222.83* **and** using a vegetative cover of non-native grasses over seeded with cool-season grasses.

☐ Yes ☐ No

If **yes**, the facility may propose a hydraulic application rate up to, but not to exceed, 0.1 gal/ft^2/day.

e. The facility is/will be located east of the boundary shown in *30 TAC § 222.83* **or** is the facility proposing any crop other than non-native grasses.

☐ Yes ☐ No

If **yes**, the facility must use the formula in *30 TAC § 222.83* to calculate the maximum hydraulic application rate.

f. The facility has or plans to submit an alternative method to calculate the hydraulic application rate for approval by the ED.

☐ Yes ☐ No

If **yes**, provide the following information on the hydraulic application rates:

- Hydraulic application rate (gal/square foot/day): Click to enter text.
- Nitrogen application rate (gal/square foot/day): Click to enter text.

g. Provide the following dosing information:

Number of doses per day: Click to enter text.

Dosing duration per area (hours): Click to enter text.

Rest period between doses (hours): Click to enter text.

Dosing amount per area (inches/day): Click to enter text.

Number of zones: Click to enter text.

h. The system is/will be a surface drip irrigation system using existing native vegetation as a crop?

☐ Yes ☐ No

If **yes**, attach the following information:

- A vegetation survey by a certified arborist describing the percent canopy cover and relative percentage of major overstory and understory plant species.

  Attachment: Click to enter text.

- Attach a separate engineering report using *30 TAC § 309.20, Subchapter C, Land Disposal of Sewage Effluent* as guidance, excluding items b(3)(A) and b(3)(B). Include a description of the schedule of dosing basin rotation.

  Attachment: Click to enter text.

Item 4. Required Plans (Instructions, Page 78)

a. Attach a Soil Evaluation with all information required in *30 TAC § 222.73*.

Attachment: Click to enter text.

b. Attach a Site Preparation Plan with all information required in *30 TAC § 222.75*.

Attachment: Click to enter text.

c. Attach a Recharge Feature Plan with all information required in *30 TAC § 222.79*.

Attachment: Click to enter text.

d. Provide soil sampling and testing with all information required in *30 TAC § 222.157*.

Attachment: Click to enter text.

Item 5. Flood and Run-On Protection (Instructions, Page 79)

a. Is the existing/proposed SADDS located within the 100-year frequency flood level?

☐ Yes ☐ No

Source: Click to enter text.

If **yes**, describe how the site will be protected from inundation: Click to enter text.

b. Is the existing/proposed SADDS within a designated floodway?

☐ Yes ☐ No

If **yes**, attach either the FEMA flood map or alternate information used to make this determination. **Attachment:** Click to enter text.

Item 6. Surface Waters in The State (Instructions, Page 79)

a. Attach a buffer map which shows the appropriate buffers on surface waters in the state, water wells, and springs/seeps. **Attachment:** Click to enter text.

b. The facility has or plans to request a buffer variance from water wells or waters in the state?

☐ Yes ☐ No

If **yes**, attach the additional information required in *30 TAC § 222.81(c)*. **Attachment:** Click to enter text.

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 4.0: RECEIVING WATERS

This worksheet **is required** for all TPDES permit applications.

Item 1. Domestic Drinking Water Supply (Instructions, Page 80)

a. There is a surface water intake for domestic drinking water supply located within 5 (five) miles downstream from the point/proposed point of discharge.

☐ Yes ☐ No

If **no**, stop here and proceed to Item 2. If **yes**, provide the following information:

1. The legal name of the owner of the drinking water supply intake: Click to enter text.
2. The distance and direction from the outfall to the drinking water supply intake: Click to enter text.

b. Locate and identify the intake on the USGS 7.5-minute topographic map provided for Administrative Report 1.0.

☐ Check this box to confirm the above requested information is provided.

Item 2. Discharge Into Tidally Influenced Waters (Instructions, Page 80)

If the discharge is to tidally influenced waters, complete this section. Otherwise, proceed to Item 3.

a. Width of the receiving water at the outfall: Click to enter text. feet

b. Are there oyster reefs in the vicinity of the discharge?

☐ Yes ☐ No

If **yes**, provide the distance and direction from the outfall(s) to the oyster reefs: Click to enter text.

c. Are there sea grasses within the vicinity of the point of discharge?

☐ Yes ☐ No

If **yes**, provide the distance and direction from the outfall(s) to the grasses: Click to enter text.

Item 3. Classified Segment (Instructions, Page 80)

The discharge is/will be directly into (or within 300 feet of) a classified segment.

☐ Yes ☐ No

If **yes**, stop here and do not complete Items 4 and 5 of this worksheet or Worksheet 4.1.

If **no**, complete Items 4 and 5 and Worksheet 4.1 may be required.

Item 4. Description of Immediate Receiving Waters (Instructions, Page 80)

a. Name of the immediate receiving waters: Click to enter text.

b. Check the appropriate description of the immediate receiving waters:

☐ Lake or Pond

- Surface area (acres): Click to enter text.
- Average depth of the entire water body (feet): Click to enter text.
- Average depth of water body within a 500-foot radius of the discharge point (feet): Click to enter text.

☐ Man-Made Channel or Ditch

☐ Stream or Creek

☐ Freshwater Swamp or Marsh

☐ Tidal Stream, Bayou, or Marsh

☐ Open Bay

☐ Other, specify:

If **Man-Made Channel or Ditch** or **Stream or Creek** were selected above, provide responses to Items 4.c – 4.g below:

c. For **existing discharges**, check the description below that best characterizes the area **upstream** of the discharge.

For **new discharges**, check the description below that best characterizes the area **downstream** of the discharge.

☐ Intermittent (dry for at least one week during most years)

☐ Intermittent with Perennial Pools (enduring pools containing habitat to maintain aquatic life uses)

☐ Perennial (normally flowing)

Check the source(s) of the information used to characterize the area upstream (existing discharge) or downstream (new discharge):

☐ USGS flow records

☐ personal observation

☐ historical observation by adjacent landowner(s)

☐ other, specify: Click to enter text.

d. List the names of all perennial streams that join the receiving water within three miles downstream of the discharge point: Click to enter text.

e. The receiving water characteristics change within three miles downstream of the discharge (e.g., natural or man-made dams, ponds, reservoirs, etc.).

☐ Yes ☐ No

If **yes**, describe how: Click to enter text.

f. General observations of the water body during normal dry weather conditions: Click to enter text.

Date and time of observation: Click to enter text.

g. The water body was influenced by stormwater runoff during observations.

☐ Yes ☐ No

If **yes**, describe how: Click to enter text.

Item 5. General Characteristics of Water Body (Instructions, Page 81)

a. Is the receiving water upstream of the existing discharge or proposed discharge site influenced by any of the following (check all that apply):

☐ oil field activities
☐ agricultural runoff
☐ upstream discharges
☐ urban runoff
☐ septic tanks
☐ other, specify: Click to enter text.

b. Uses of water body observed or evidence of such uses (check all that apply):

☐ livestock watering
☐ non-contact recreation
☐ domestic water supply
☐ contact recreation
☐ fishing
☐ industrial water supply
☐ irrigation withdrawal
☐ navigation
☐ picnic/park activities
☐ other, specify: Click to enter text.

c. Description which best describes the aesthetics of the receiving water and the surrounding area (check only one):

☐ **Wilderness:** outstanding natural beauty; usually wooded or un-pastured area: water clarity exceptional

☐ **Natural Area:** trees or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored

☐ **Common Setting:** not offensive, developed but uncluttered; water may be colored or turbid

☐ **Offensive:** stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 4.1: WATERBODY PHYSICAL CHARACTERISTICS

The following information **is required** for new applications, EPA-designated Major facilities, and major amendment applications requesting to add an outfall if the receiving waters are perennial or intermittent with perennial pools (including impoundments) for a TDPES permit.

Complete the transects downstream of the existing or proposed discharges.

Item 1. Data Collection (Instructions, Page 82)

a. Date of study: Click to enter text. Time of study: Click to enter text.

Waterbody name: Click to enter text.

General location: Click to enter text.

b. Type of stream upstream of an existing discharge or downstream of a proposed discharge (check only one):

☐ perennial ☐ intermittent with perennial pools ☐ impoundment

c. No. of defined stream bends:

Well: Click to enter text. Moderately: Click to enter text. Poorly: Click to enter text.

d. No. of riffles: Click to enter text.

e. Evidence of flow fluctuations (check one):

☐ Minor ☐ Moderate ☐ Severe

f. Provide the observed stream uses and where there is evidence of channel obstructions/modifications: Click to enter text.

g. Complete the following table with information regarding the transect measurements.

Stream Transect Data

Transect Location	Habitat Type*	Water Surface Width (ft)	Stream Depths (ft)**								

* riffle, run, glide, or pool

** channel bed to water surface

Item 2. Summarize Measurements (Instructions, Page 83)

Provide the following information regarding the transect measurements:

Streambed slope of entire reach (from USGS map in ft. /ft.): Click to enter text.

Approximate drainage area above the most downstream transect from USGS map or county highway map (square miles): Click to enter text.

Length of stream evaluated (ft): Click to enter text.

Number of lateral transects made: Click to enter text.

Average stream width (ft): Click to enter text.

Average stream depth (ft): Click to enter text.

Average stream velocity (ft/sec): Click to enter text.

Instantaneous stream flow (ft^3/sec): Click to enter text.

Indicate flow measurement method (VERY IMPORTANT – type of meter, floating chip timed over a fixed distance, etc.): Click to enter text.

Flow fluctuations (i.e., minor, moderate, or severe): Click to enter text.

Size of pools (i.e., large, small, moderate, or none): Click to enter text.

Maximum pool depth (ft): Click to enter text.

Total number of stream bends: Click to enter text.

Number well defined: Click to enter text.

Number moderately defined: Click to enter text.

Number poorly defined: Click to enter text.

Total number of riffles: Click to enter text.

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 5.0: SEWAGE SLUDGE MANAGEMENT AND DISPOSAL

The following information **is required** for all TPDES permit applications that meet the conditions as outlined in Technical Report 1.0, Item 7.

Item 1. Sewage Sludge Solids Management Plan (Instructions, Page 84)

a. Is this a new permit application or an amendment permit application?

☐ Yes ☐ No

b. Does or will the facility discharge in the Lake Houston watershed?

☐ Yes ☐ No

If **yes** to either Item 1.a **or** 1.b, attach a solids management plan. **Attachment:** Click to enter text.

Item 2. Sewage Sludge Management and Disposal (Instructions, Page 84)

a. Check the box next to the sludge disposal method(s) authorized under the facility's existing permit (check all that apply).

☐ Permitted landfill

☐ Marketing and distribution by the permittee, attach Form TCEQ-00551

☐ Registered land application site, attach Form TCEQ-00565

☐ Processed by the permittee, attach Form TCEQ-00744

☐ Surface disposal site (sludge monofill), attach Form TCEQ-00744

☐ Transported to another WWTP

☐ Beneficial land application, attach Form TCEQ-10451

☐ Incineration, attach Form TCEQ-00744

Based on the selection(s) made above, complete and attach the required TCEQ forms as directed. Failure to submit the required TCEQ form will result in delays in processing the application

Attachment: Click to enter text.

b. Provide the following information for each disposal site:

Disposal site name: Click to enter text.

TCEQ Permit/Registration Number: Click to enter text.

County where disposal site is located: Click to enter text.

c. Method of sewage sludge transportation:

☐ truck ☐ train ☐ pipe ☐ other: Click to enter text.

TCEQ Hauler Registration Number: Click to enter text.

d. Sludge is transported as a:

☐ liquid ☐ semi-liquid ☐ semi-solid ☐ solid

e. Purpose of land application: ☐ reclamation ☐ soil conditioning ☐ N/A

f. If sewage sludge is transported to another WWTP for treatment, attach a written statement or copy of contractual agreements confirming that the WWTP identified above will accept and be responsible for the sludge from this facility for the life of the permit (at least 5 years).

Attachment: Click to enter text.

Item 3. Authorization for Sewage Sludge Disposal (Instructions, Page 85)

If this is a new or major amendment application which requests authorization of a new sewage sludge disposal method, check the new sewage disposal method(s) requested for authorization (check all that apply):

☐ Marketing and distribution by the permittee, attach Form TCEQ-00551

☐ Processed by the permittee, attach Form TCEQ-00744

☐ Surface disposal site (sludge monofill), attach Form TCEQ-00744

☐ Beneficial land application, attach Form TCEQ-10451

☐ Incineration, attach Form TCEQ-00744

Based on the selection(s) made above, complete and attach any required TCEQ forms, as directed. Failure to submit the required TCEQ form will result in delays in processing the application.

Attachment: Click to enter text.

NOTE: New authorization for beneficial land application, incineration, processing, or disposal in the TPDES permit or TLAP **requires a major amendment to the permit**. New authorization for composting may require a major amendment to the permit. See the instructions to determine if a major amendment is required or if authorization for composting can be added through the renewal process.

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 6.0: INDUSTRIAL WASTE CONTRIBUTION

The following information **is required** for all applications for publicly-owned treatment works (POTWs).

For an explanation of the terms used in this worksheet, refer to the General Definitions on pages 4-12 and the Definitions Relating to Pretreatment on pages 13-14 of the Instructions.

Item 1. All POTWs (Instructions, Page 86)

a. Complete the following table with the number of each type of industrial users (IUs) that discharge to the POTW and the daily average flows from each.

Industrial User Information

Type of Industrial User	Number of Industrial Users	Daily Average Flow (gallons per day)
CIU		
SIU – Non-categorical		
Other IU		

b. In the past three years, has the POTW experienced treatment plant interference?

☐ Yes ☐ No

If **yes**, identify the date(s), duration, nature of interference, and probable cause(s) and possible source(s) of each interference event. Include the names of the IU(s) that may have caused the interference: Click to enter text.

c. In the past three years, has the POTW experienced pass-through?

☐ Yes ☐ No

If **yes**, identify the date(s), duration, pollutants passing through the treatment plant, and probable cause(s) and possible source(s) of each pass-through event. Include the names of the IU(s) that may have caused the pass-through: Click to enter text.

d. Does the POTW have, or is it required to develop, an approved pretreatment program?

☐ Yes ☐ No

If **yes**, answer all questions in Item 2 and skip Item 3.

If **no**, skip Item 2 and answer all questions in Item 3 for each SIU and CIU.

Item 2. POTWs With Approved Pretreatment Programs or Those Required To Develop A Pretreatment Program (Instructions, Page 86)

a. Have there been any substantial modifications to the POTW's approved pretreatment program that have not been submitted to the Approval Authority (TCEQ) for approval according to *40 CFR § 403.18*?

☐ Yes ☐ No

If **yes**, include an attachment which identifies all substantial modifications that have not been submitted to the TCEQ and the purpose of the modifications.

Attachment: Click to enter text.

b. Have there been any non-substantial modifications to the POTW's approved pretreatment program that have not been submitted to the Approval Authority (TCEQ)?

☐ Yes ☐ No

If **yes**, include an attachment which identifies all non-substantial modifications that have not been submitted to the TCEQ and the purpose of the modification.

Attachment: Click to enter text.

c. List all parameters measured above the MAL in the POTW's effluent monitoring during the last three years:

Effluent Parameters Measured Above the MAL

Pollutant	Concentration	MAL	Units	Date

Attachment: Click to enter text.

d. Has any SIU, CIU, or other IU caused or contributed to any other problems (excluding interference or pass-through) at the POTW in the past three years?

☐ Yes ☐ No

If **yes**, provide a description of each episode, including date(s), duration, description of problems, and probable pollutants. Include the name(s) of the SIU(s)/CIU(s)/other IU(s) that may have caused or contributed to any of the problems: Click to enter text.

Item 3. Significant Industrial User and Categorical Industrial User Information (Instructions, Pages 88-87)

POTWs that **do not** have an approved pretreatment program **are required** to provide the following information for each SIU and CIU:

a. Mr. or Ms.: Click to enter text. First/Last Name: Click to enter text.

Organization Name: Click to enter text. SIC Code: Click to enter text.

Phone number: Click to enter text. Email address: Click to enter text.

Physical Address: Click to enter text. City/State/ZIP Code: Click to enter text.

Attachment: Click to enter text.

b. Describe the industrial processes or other activities that affect or contribute to the SIU(s) or CIU(s) discharge (e.g., process and non-process wastewater): Click to enter text.

c. Provide a description of the principal products(s) or service(s) performed: Click to enter text.

d. Flow rate information

Flow Rate Information

Effluent Type	Discharge Day (gallons per day)	Discharge Frequency (Continuous, batch, or intermittent)
Process Wastewater		
Non-process Wastewater		

e. Pretreatment Standards

1. Is the SIU or CIU subject to technology-based local limits as defined in the application instructions?

   ☐ Yes ☐ No

2. Is the SIU subject to categorical pretreatment standards?

   ☐ Yes ☐ No

If **yes**, provide the category and subcategory or subcategories in the SIUs Subject To Categorical Pretreatment Standards table.

SIUs Subject to Categorical Pretreatment Standards

Category in 40 CFR	Subcategory in 40 CFR	Subcategory in 40 CFR	Subcategory in 40 CFR	Subcategory in 40 CFR

f. Has the SIU or CIU caused or contributed to any problem(s) (e.g., interferences, pass through, odors, corrosion, blockages) at the POTW in the past three years?

☐ Yes ☐ No

If **yes**, provide a description of each episode, including dates, duration, description of problems, and probable pollutants, and include the name(s) of the SIU(s)/CIU(s) that may have caused or contributed to the problem(s): Click to enter text.

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 7.0: STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES

This worksheet **is required** for all TPDES permit applications requesting individual permit coverage for discharges consisting of **either**: 1) solely of stormwater discharges associated with industrial activities, as defined in *40 CFR § 122.26(b)(14)(i-xi)*, **or** 2) stormwater discharges associated with industrial activities and any of the listed allowable non-stormwater discharges, as defined in the MSGP (TXR05000), Part II, Section A, Item 6.

Discharges of stormwater as defined in *40 CFR § 122.26 (b)(13)* are not required to obtain authorization under a TPDES permit (see exceptions at *40 CFR §§ 122.26(a)(1)* and *(9)*). Authorization for discharge may be required from a local municipal separate storm sewer system.

Item 1. Applicability (Instructions, Page 89)

Do discharges from any of the existing/proposed outfalls consist either 1) solely of stormwater discharges associated with industrial activities **or** 2) stormwater discharges associated with industrial activities and any of the allowable non-stormwater discharges?

☐ Yes ☒ No

If **no**, stop here. If **yes**, proceed as directed.

Item 2. Stormwater Coverage (Instructions, Page 89)

List each existing/proposed stormwater outfall at the facility and indicate which type of authorization covers or is proposed to cover discharges.

Authorization Coverage

Outfall	Authorization under MSGP	Authorized Under Individual Permit
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐

If **all** existing/proposed outfalls which discharge stormwater associated with industrial activities (and any of the allowable non-stormwater discharges) are **authorized under the MSGP**, **stop** here.

If **seeking authorization** for any outfalls which discharge stormwater associated with industrial activities (and any of the allowable non-stormwater discharges) **under an individual permit**, **proceed**.

NOTE: The following information is required for each existing/proposed stormwater outfall for which the facility is seeking individual permit authorization under this application

Item 3. Site Map (Instructions, Page 90)

Attach a site map or maps (drawn to scale) of the entire facility with the following information.

- the location of each stormwater outfall to be covered by the permit
- an outline of the drainage area that is within the facility's boundary and that contributes stormwater to each outfall to be covered by the permit
- connections or discharge points to municipal separate storm sewer systems
- locations of all structures (e.g. buildings, garages, storage tanks)
- structural control devices that are designed to reduce pollution in discharges of stormwater associated with industrial activities
- process wastewater treatment units (including ponds)
- bag house and other air treatment units exposed to stormwater (stormwater runoff, snow melt runoff, and surface runoff and drainage)
- landfills; scrapyards; surface water bodies (including wetlands)
- vehicle and equipment maintenance areas
- physical features of the site that may influence discharges of stormwater associated with industrial activities or contribute a dry weather flow
- locations where spills or leaks of reportable quality (as defined in *30 TAC § 327.4*) have occurred during the three years before this application was submitted to obtain coverage under an individual permit
- processing areas, storage areas, material loading/unloading areas, and other locations where significant materials are exposed to stormwater (stormwater runoff, snow melt runoff, and surface runoff and drainage)

☐ Check the box to confirm all above information was provided on the facility site map(s).

Attachment: Click to enter text.

Item 4. Facility/Site Information (Instructions, Page 90)

a. Provide the area of impervious surface and the total area drained by each stormwater outfall requested for authorization by this permit application.

Impervious Surfaces

Outfall	Area of Impervious Surface (include units)	Total Area Drained (include units)

b. Provide the following local area rainfall information and the source of the information.

Wettest month: Click to enter text.

Average rainfall for wettest month (total inches): Click to enter text.

25-year, 24-hour rainfall (inches): Click to enter text.

Source: Click to enter text.

c. Attach an inventory, or list, of materials currently handled at the facility that may be exposed to precipitation. **Attachment:** Click to enter text.

d. Attach narrative descriptions of the industrial processes and activities involving the materials in the above-listed inventory that occur outdoors or in some manner that may result in exposure of the materials to precipitation or runoff (see instructions for guidance). **Attachment:** Click to enter text.

e. Describe any BMPs and controls the facility uses/proposes to prevent or effectively reduce pollution in stormwater discharges from the facility: Click to enter text.

Item 5. Pollutant Analysis (Instructions, Page 91)

a. Provide the date range of all sampling events conducted to obtain the analytical data submitted with this application (e.g., 05/01/2018-05/30/2018): Click to enter text.

b. ☐ Check the box to confirm all samples were collected no more than 12 months prior to the date of application submittal.

c. Complete Table 17 as directed on page 92 of the Instructions.

Table 17 for Outfall No.: Click to enter text.

Pollutant	Grab Sample* Maximum (mg/L)	Composite Sample** Maximum (mg/L)	Grab Sample* Average (mg/L)	Composite Sample** Average (mg/L)	Number of Storm Events Sampled	MAL (mg/L)
pH (standard units)	(max)	—	(min)	—		—
Total suspended solids						—
Chemical oxygen demand						—
Total organic carbon						—
Oil and grease						—
Arsenic, total						0.0005
Barium, total						0.003
Cadmium, total						0.001
Chromium, total						0.003
Chromium, trivalent						—
Chromium, hexavalent						0.003
Copper, total						0.002

Pollutant	Grab Sample* Maximum (mg/L)	Composite Sample** Maximum (mg/L)	Grab Sample* Average (mg/L)	Composite Sample** Average (mg/L)	Number of Storm Events Sampled	MAL (mg/L)
Lead, total						0.0005
Mercury, total						0.000005
Nickel, total						0.002
Selenium, total						0.005
Silver, total						0.0005
Zinc, total						0.005

* Taken during first 30 minutes of storm event

** Flow-weighted composite sample

d. Complete Table 18 as directed on pages 92-94 of the Instructions.

Table 18 for Outfall No.: Click to enter text.

Pollutant	Grab Sample* Maximum (mg/L)	Composite Sample** Maximum (mg/L)	Grab Sample* Average (mg/L)	Composite Sample** Average (mg/L)	Number of Storm Events Sampled

* Taken during first 30 minutes of storm event

** Flow-weighted composite sample

Attachment: Click to enter text.

Item 6. Storm Event Data (Instructions, Page 93)

Provide the following data for the storm event(s) which resulted in the maximum values for the analytical data submitted:

Date of storm event: Click to enter text.

Duration of storm event (minutes): Click to enter text.

Total rainfall during storm event (inches): Click to enter text.

Number of hours the between beginning of the storm measured and the end of the previous measurable storm event (hours): Click to enter text.

Maximum flow rate during rain event (gallons/minute): Click to enter text.

Total stormwater flow from rain event (gallons): Click to enter text.

Provide a description of the method of flow measurement or estimate:

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 8.0: AQUACULTURE

This worksheet **is required** for all TPDES permit applications requesting individual permit coverage for discharges of aquaculture wastewater.

Item 1. Facility/Site Information (Instructions, Page 94)

a. Complete the following table with information regarding production ponds, raceways, and fabricated tanks at the facility.

Production Pond Descriptions

Number of Ponds	Dimensions (include units)	Area of Each Pond (include units)	Number of Ponds x Area of Ponds (include Units)

Total surface area of all ponds: Click to enter text.

Raceway Descriptions

Number of Raceways	Dimensions (include units)

Fabricated Tank Descriptions

Number of Tanks	Dimensions (include units)

b. Does the facility have a TPWD-approved emergency plan?

☐ Yes ☐ No

If **yes**, attach a copy of the approved plan.

Attachment: Click to enter text.

c. Does the facility have an aquatic plant transplant authorization?

☐ Yes ☐ No

If **yes**, attach a copy of the authorization letter.

Attachment: Click to enter text.

d. Provide the number of aquaculture facilities located within 25-miles of this facility: Click to enter text.

Item 2. Species Identification (Instructions, Page 95)

Complete the following table regarding each species raised, source, origin, and disease status of the stock. Identify and attach copies of any current relevant authorizations or permits that authorize the species.

Stock Species Information

Species	Source of Stock	Origin of Stock	Disease Status	Authorizations

Attachment: Click to enter text.

Item 3. Stock Management Plan (Instructions, Page 95)

Attach a detailed stock management plan: Click to enter text.

Item 4. Water Treatment and Discharge Description (Instructions, Page 96)

Attach a detailed description of the discharge practices and water treatment process(es): Click to enter text.

Item 5. Solid Waste Management (Instructions, Page 96)

Attach a description of the solid waste-disposal practices: Click to enter text.

Item 6. Site Assessment Report (Instructions, Page 96)

All new and expanding commercial shrimp facilities located/to be located within the coastal zone must attach a detailed site assessment report which identifies sensitive aquatic habitats within the coastal zone: Click to enter text.

WORKSHEET 9.0

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CLASS V INJECTION WELL INVENTORY/AUTHORIZATION FORM

Submit the completed form to:
TCEQ
IUC Permits Team
Radioactive Materials Division
MC-233
PO Box 13087
Austin, Texas 78711-3087
512-239-6466

For TCEQ Use Only
Reg. No._____
Date Received_____
Date Authorized_____

Item 1. General Information (Instructions Page 99)

1. **TCEQ Program Area**

   Program Area (PST, VCP, IHW, etc.): Click to enter text.

   Program ID: Click to enter text.

   Contact Name: Click to enter text.

   Phone Number: Click to enter text.

2. **Agent/Consultant Contact Information**

   Contact Name: Click to enter text.

   Address: Click to enter text.

   City, State, and Zip Code: Click to enter text.

   Phone Number: Click to enter text.

3. **Owner/Operator Contact Information**

   ☐ Owner ☐ Operator

   Owner/Operator Name: Click to enter text.

   Contact Name: Click to enter text.

   Address: Click to enter text.

   City, State, and Zip Code: Click to enter text.

   Phone Number: Click to enter text.

4. **Facility Contact Information**

   Facility Name: Click to enter text.

   Address: Click to enter text.

   City, State, and Zip Code: Click to enter text.

   Location description (if no address is available): Click to enter text.

   Facility Contact Person: Click to enter text.

   Phone Number: Click to enter text.

5. **Latitude and Longitude, in degrees-minutes-seconds**

   Latitude: Click to enter text.

   Longitude: Click to enter text.

   Method of determination (GPS, TOPO, etc.): Click to enter text.

   Attach topographic quadrangle map as attachment A.

6. **Well Information**

   Type of Well Construction, select one:

   - ☐ Vertical Injection
   - ☐ Subsurface Fluid Distribution System
   - ☐ Infiltration Gallery
   - ☐ Temporary Injection Points
   - ☐ Other, Specify: Click to enter text.

   Number of Injection Wells: Click to enter text.

7. **Purpose**

   Detailed Description regarding purpose of Injection System:

   Click to enter text.

   Attach a Site Map as Attachment B (Attach the Approved Remediation Plan, if appropriate.)

8. **Water Well Driller/Installer**

   Water Well Driller/Installer Name: Click to enter text.

   City, State, and Zip Code: Click to enter text.

   Phone Number: Click to enter text.

   License Number: Click to enter text.

Item 2. Proposed Down Hole Design

Attach a diagram signed and sealed by a licensed engineer as Attachment C.

Down Hole Design Table

Name of String	Size	Setting Depth	Sacks Cement/Grout – Slurry Volume – Top of Center	Hole Size	Weight (lbs/ft) PVC/Steel
Casing					
Tubing					
Screen					

Item 3. Proposed Trench System, Subsurface Fluid Distribution System, or Infiltration Gallery

Attach a diagram signed and sealed by a licensed engineer as Attachment D.

System(s) Dimensions: Click to enter text.

System(s) Construction: Click to enter text.

Item 4. Site Hydrogeological and Injection Zone Data

1. Name of Contaminated Aquifer: Click to enter text.
2. Receiving Formation Name of Injection Zone: Click to enter text.
3. Well/Trench Total Depth: Click to enter text.
4. Surface Elevation: Click to enter text.
5. Depth to Ground Water: Click to enter text.
6. Injection Zone Depth: Click to enter text.
7. Injection Zone vertically isolated geologically? ☐ Yes ☐ No

   Impervious Strata between Injection Zone and nearest Underground Source of Drinking Water:

   Name: Click to enter text.

   Thickness: Click to enter text.
8. Attach a list of contaminants and the levels (ppm) in contaminated aquifer as Attachment E.
9. Attach the Horizontal and Vertical extent of contamination and injection plume as Attachment F.
10. Attach Formation (Injection Zone) Water Chemistry (Background levels) TDS, etc., as Attachment G.
11. Injection Fluid Chemistry in PPM at point of injection. Attach as Attachment H.
12. Lowest Known Depth of Ground Water with < 10,000 PPM TDS: Click to enter text.
13. Maximum injection Rate/Volume/Pressure: Click to enter text.
14. Water wells within 1/4 mile radius (attach map as Attachment I): Click to enter text.
15. Injection wells within 1/4 mile radius (attach map as Attachment J): Click to enter text.
16. Monitor wells within 1/4 mile radius (attach drillers logs and map as Attachment K): Click to enter text.
17. Sampling frequency: Click to enter text.
18. Known hazardous components in injection fluid: Click to enter text.

Item 5. Site History

1. Type of Facility: Click to enter text.
2. Contamination Dates: Click to enter text.
3. Original Contamination (VOCs, TPH, BTEX, etc.) and Concentrations. Attach as Attachment L.
4. Previous Remediation. Attach results of any previous remediation as Attachment M.

NOTE: Authorization Form should be completed in detail and authorization given by the TCEQ before construction, operation, and/or conversion can begin. Attach additional pages as necessary.

Item 6. CLASS V INJECTION WELL DESIGNATIONS

5A07 Heat Pump/AC return (IW used for groundwater to heat or cool buildings)

5A19 Industrial Cooling Water Return Flow (IW used to cool industrial process equipment)

5B22 Salt Water Intrusion Barrier (IW used to inject fluids to prevent the intrusion of salt water into an aquifer)

5D02 Stormwater Drainage (IW designed for the disposal of rain water)

5D04 Industrial Stormwater Drainage Wells (IW designed for the disposal of rain water associated with industrial facilities)

5F01 Agricultural Drainage (IW that receive agricultural runoff)

5R21 Aquifer Recharge (IW used to inject fluids to recharge an aquifer)

5S23 Subsidence Control Wells (IW used to control land subsidence caused by groundwater withdrawal)

5W09 Untreated Sewage

5W10 Large Capacity Cesspools (Cesspools that are designed for 5,000 gpd or greater)

5W11 Large Capacity Septic systems (Septic systems designed for 5,000 gpd or greater)

5W12 WTTP disposal

5W20 Industrial Process Waste-disposal Wells

5W31 Septic System (Well Disposal method)

5W32 Septic System Drainfield Disposal

5X13 Mine Backfill (IW used to control subsidence, dispose of mining byproducts, or fill sections of a mine)

5X25 Experimental Wells (Pilot Test) (IW used to test new technologies or tracer dye studies)

5X26 Aquifer Remediation (IW used to clean up, treat, or prevent contamination of a USDW)

5X27 Other Wells

5X28 Motor Vehicle Waste-disposal Wells (IW used to dispose of waste from a motor vehicle site - These are currently banned)

5X29 Abandoned Drinking Water Wells (waste disposal)

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 10.0: QUARRIES IN THE JOHN GRAVES SCENIC RIVERWAY

This worksheet **is required** for all applications for individual permits for a municipal solid waste facility or mining facility located within a Water Quality Protection Area in the John Graves Scenic Riverway. **Note: Review 30 TAC §§ 311.71-311.82 thoroughly prior to completing any portion of this worksheet.**

Item 1. Exclusions (Instructions, Page 100)

a. Is this a municipal solid waste facility?

☐ Yes ☐ No

b. Has this quarry been in operation since January 1, 1994 without cessation of operation for more than 30 consecutive days and under the same ownership?

☐ Yes ☐ No

c. Is this a coal mine?

☐ Yes ☐ No

d. Is this facility mining clay and/or shale for use in manufacturing structural clay products?

☐ Yes ☐ No

If **yes** to **any** above question, **stop here**. The facility is required to maintain documentation, as outlined in *30 TAC § 311.72(c)*, at the facility to demonstrate the exclusion(s).

Item 2. Location of the Quarry (Instructions, Page 101)

Check the box next to the distance between the quarry and the nearest navigable water body:

☐ < 200 feet ☐ 200 feet – 1,500 feet ☐ 1,500 feet – 1 mile ☐ > 1 mile

NOTE: The construction or operation of any new quarry or expansion of any existing quarry **is prohibited** within 200 feet of any water body located within a Water Quality Protection Area in the John Graves Scenic Riverway.

Item 3. Additional Requirements (Instructions, Page 101)

Use the table in the Instructions to determine if additional application requirements apply to the facility based on distance between the quarry and the nearest waterway. Attach as appropriate or enter N/A.

a. Attach a Restoration Plan: Click to enter text.

b. Amount of Financial Assurance for Restoration: $ Click to enter text.

Mechanism: Click to enter text.

c. Attach a Technical Demonstration: Click to enter text.

d. Attach a Reclamation Plan: Click to enter text.

e. Amount of Financial Assurance for Reclamation: $ Click to enter text.

Mechanism: Click to enter text.

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 11.0: COOLING WATER SYSTEM INFORMATION

This worksheet **is required** for all TPDES permit applications **that meet the conditions outlined in Technical Report 1.0, Item 12.**

Item 1. Cooling Water System Data (Instructions, Page 104)

a. Complete the following table with information regarding the cooling water system.

Cooling Water System Data

Parameter	Volume (include units)
Total DIF	
Total AIF	
Intake Flow Use(s) (%)	
Contact cooling	
Non-contact cooling	
Process Wastewater	
Other	

b. Attach the following information:

1. A narrative description of the design and annual operation of the facility's cooling water system and its relationship to the CWIS(s).

2. A scaled map depicting the location of each CWIS, impoundment, intake pipe, and canals, pipes, or waterways used to convey cooling water to, or within, the cooling water system. Provide the latitude and longitude for each CWIS and any intake pipe(s) on the map. Indicate the position of the intake pipe within the water column.

3. A description of water reuse activities, if applicable, reductions in total water withdrawals, if applicable, and the proportion of the source waterbody withdrawn (on a monthly basis).

4. Design and engineering calculations prepared by a qualified professional and data to support the information provided in above item a.

5. Previous year (a minimum of 12 months) of AIF data.

6. A narrative description of existing or proposed impingement and entrainment technologies or operation measures and a summary of their performance, including, but not limited to, reductions in impingement mortality and entrainment due to intake location and reductions in total water withdrawals and usage.

Attachment: Click to enter text.

Item 2. Cooling Water Intake Structure(s) Data (Instructions, Page 105)

a. Complete the following table with information regarding each cooling water intake structure (this includes primary and make-up CWIS(s)).

Cooling Water Intake Structure(s) Data

CWIS ID				
DIF (include units)				
AIF (include units)				
Intake Flow Use(s) (%)				
Contact cooling				
Non-contact cooling				
Process Wastewater				
Other				
Latitude (decimal degrees)				
Longitude (decimal degrees)				

b. Attach the following information regarding the CWIS(s):

1. A narrative description of the configuration of each CWIS, annual and daily operation, including any seasonal changes, and where it is located in the water body and in the water column.

2. Engineering calculations for each CWIS.

Attachment: Click to enter text.

Item 3. Source Water Physical Data (Instructions, Page 105)

a. Complete the following table with information regarding the CWIS(s) source waterbody (this includes primary and make-up CWIS(s)).

Source Waterbody Data

CWIS ID				
Source Waterbody				
Mean Annual Flow				
Source				

b. Attach the following information regarding the source waterbody.

1. A narrative description of the source water for each CWIS, including areal dimensions, depths, salinity and temperature regimes, and other documentation that supports this determination of the water body type where each cooling water intake structure is located.

2. A narrative description of the source waterbody's hydrological and geomorphological features.

3. Scaled drawings showing the physical configuration of all source water bodies used by the facility, including the source waterbody's hydrological and geomorphological features. **NOTE:** The source waterbody's hydrological and geomorphological features may be included on the map submitted for item 1.b.ii of this worksheet.

4. A description of the methods used to conduct any physical studies to determine the intake's area of influence within the waterbody and the results of such studies.

Attachment: Click to enter text.

Item 4. Operational Status (Instructions, Page 106)

a. Is this application for a power production or steam generation facility?

☐ Yes ☐ No

If **no**, proceed to Item 4.b. If **yes**, provide the following information as an attachment:

1. Describe the operating status of each individual unit, including age, capacity utilization rate (or equivalent) for the previous five years (a minimum of 60 months), and any seasonal changes in operation.

2. Describe any extended or unusual outages or other factors which significantly affect current data for flow, impingement, entrainment.

3. Identify any operating unit with a capacity utilization rate of less than 8 percent averaged over a contiguous period of two years (a minimum of 24 months).

4. Describe any major upgrades completed within the last 15 years, including but not limited to boiler replacement, condenser replacement, turbine replacement, or changes of fuel type.

Attachment: Click to enter text.

b. Process Units

1. Is this application for a facility which has process units that use cooling water (other than for power production or steam generation)?

☐ Yes ☐ No

If **no**, proceed to Item 4.c. If **yes**, continue.

2. Does the facility use or intend to use reductions in flow or changes in operations to meet the requirements of *40 CFR § 125.94(c)*?

☐ Yes ☐ No

If **no**, proceed to Item 4.c. If **yes**, attach descriptions of the following information:

- Individual production processes and product lines
- The operating status, including age of each line and seasonal operation
- Any extended or unusual outages that significantly affect current data for flow, impingement, entrainment, or other factors

- Any major upgrades completed within the last 15 years and plans or schedules for decommissioning or replacement of process units or production processes and product lines.

Attachment: Click to enter text.

c. Is this an application for a nuclear power production facility?

☐ Yes ☐ No

If **no**, proceed to Item 4.d. If **yes**, attach a description of completed, approved, or scheduled upgrades and the Nuclear Regulatory Commission relicensing status for each unit at the facility.

Attachment: Click to enter text.

d. Is this an application for a manufacturing facility?

☐ Yes ☐ No

If **no**, proceed to Worksheet 11.1. If **yes**, attach descriptions of current and future production schedules and any plans or schedules for any new units planned within the next five years (a minimum of 60 mos)

Attachment: Click to enter text.

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 11.1: IMPINGEMENT MORTALITY

This worksheet **is required** for all TPDES permit applications **that meet the conditions outlined in Technical Report 1.0, Item 12.** Complete one copy of this worksheet for **each** individual CWIS the facility uses or proposes to use.

CWIS ID: Click to enter text.

Item 1. Impingement Compliance Technology Selection (Instructions, Page 107)

Check the box next to the method of compliance for the Impingement Mortality Standard selected by the facility.

☐ Closed-cycle recirculating system(CCRS) [*40 CFR § 125.94(c)(1)*]
☐ 0.5 ft/s Through-Screen Design Velocity [*40 CFR § 125.94(c)(2)*] – Proceed to Worksheet 11.2
☐ 0.5 ft/s Through Screen Actual Velocity [*40 CFR § 125.94(c)(3)*]
☐ Existing offshore velocity cap [*40 CFR § 125.94(c)(4)*] – Proceed to Worksheet 11.2
☐ Modified traveling screens [*40 CFR § 125.94(c)(5)*]
☐ System of technologies [*40 CFR § 125.94(c)(6)*]
☐ Impingement mortality performance standard [*40 CFR § 125.94(c)(7)*]
☐ De minimis rate of impingement [*40 CFR § 125.94(c)(11)*]
☐ Low capacity utilization power-generation facilities [*40 CFR § 125.94(c)(12)*]

If 0.5 ft/s Through-Screen Design Velocity [*40 CFR § 125.94(c)(2)*] or existing offshore velocity cap [*40 CFR § 125.94(c)(4)*] was selected, proceed to Worksheet 11.2. Otherwise, continue to Item 2.

Item 2. Impingement Compliance Technology Information (Instructions, Page 107)

Complete the following sections based on the selection made for item 1 above.

a. CCRS [*40 CFR § 125.94(c)(1)*]

☐ Check this box to confirm the CWS meets the definition of CCRS located at *40 CFR § 125.91(c)* and provide a response to the following questions.

1. Does the facility use or propose to use a CWIS to replenish water losses to the CWS?

   ☐ Yes ☐ No

   If **no**, proceed to item a.2. If **yes**, provide the following information as an attachment and continue.

   - CWIS ID
   - 12 months of intake flow data for any CWIS used for make-up intake flows to replenish cooling water losses, excluding intakes for losses due to blowdown, drift, or evaporation.

- A narrative description of any physical or operational measures taken to minimize make-up withdraws.

Attachment: Click to enter text.

NOTE: Do not complete a separate Worksheet 11.1 for a make-up CWIS.

2. Does the facility use or propose to use cooling towers?

☐ Yes ☐ No

If **no**, proceed to Worksheet 11.2. If **yes**, provide the following information and proceed to Worksheet 11.2.

- Average number of cycles of concentration (COCs) prior to blowdown:

Average COCs Prior to Blowdown

Cooling Tower ID				
COCs				

- Attach COC monitoring data for each cooling tower from the previous year (a minimum of 12 months): Click to enter text.
- Maximum number of COCs each cooling tower can accomplish based on design of the system.

Calculated COCs Prior to Blowdown

Cooling Tower ID				
COCs				

- Describe conditions that may limit the number of COCs prior to blowdown, if any, including but not limited to permit conditions: Click to enter text.

b. 0.5 ft/s Through Screen Actual Velocity [*40 CFR § 125.94(c)(3)*]

Provide daily intake flow measurement monitoring data from the previous year (a minimum of 12 months) as an attachment and proceed to Worksheet 11.2.

Attachment: Click to enter text.

c. Modified traveling screens [*40 CFR § 125.94(c)(5)*]

Provide the following information as an attachment and proceed to Worksheet 11.2.

1. A description of the modified traveling screens and associated equipment.
2. A site-specific impingement technology performance optimization study that includes a narrative description of the biological data collection methods
3. Biological sampling data from the previous two years (a minimum of 24 months).

Attachment: Click to enter text.

d. System of technologies [*40 CFR § 125.94(c)(6)*] or impingement mortality performance standard [*40 CFR § 125.94(c)(7)]*

Provide the following information as an attachment and proceed to Worksheet 11.2.

1. A description of the system of technologies used or proposed for use by the facility to

achieve compliance with the impingement mortality standard.

2. A site-specific impingement technology performance optimization study that includes a narrative description of the biological data collection methods.

3. Biological sampling data from the previous two years (a minimum of 24 months).

Attachment: Click to enter text.

e. De minimis rate of impingement [*40 CFR § 125.94(c)(11)*]

Provide the following information and proceed to Worksheet 11.2.

1. Attach monitoring data from the previous year (a minimum of 12 months) of intake flow measured at a frequency of 1/day on days of operation.

   Attachment: Click to enter text.

2. If the rate of impingement caused by the CWIS is extremely low (at an organism or age-one equivalent count), attach supplemental information to Worksheet 11.0, item 1.b.6. to support this determination.

   Attachment: Click to enter text.

f. Low capacity utilization power-generation facilities [*40 CFR § 125.94(c)(12)*]

Attach monthly utilization data from the previous 2 years (a minimum of 24 months) for each operating unit and proceed to Worksheet 11.2.

Attachment: Click to enter text.

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 11.2: SOURCE WATER BIOLOGICAL DATA

This worksheet **is required** for all TPDES permit applications that **meet the conditions outlined in Technical Report 1.0, Item 12**. Complete one copy of this worksheet for **each** source waterbody of a CWIS for which a facility has selected an Impingement Mortality Technology Option described at *40 CFR §§ 125.94(c)(1)-(7)*.

Name of source waterbody: Click to enter text.

Item 1. Species Management (Instructions, Page 109)

a. The facility has obtained an incidental take permit for its cooling water intake structure(s) from the USFWS or the NMFS.

☐ Yes ☐ No

If yes, attach any information submitted in order to obtain that permit, which may be used to supplement the permit application information requirements of paragraph *40 CFR § 125.95(f)*.

Attachment: Click to enter text.

b. Is the facility requesting a waiver from application requirements at *40 CFR § 122.21(r)(4)* in accordance with *40 CFR § 125.95* for any CWIS(s) that withdraw from a man-made reservoir that is stocked and managed by a state or federal natural resources agency or the equivalent?

☐ Yes ☐ No

If **yes**, attach a copy of the most recent managed fisheries report to TPWD, or equivalent.

Attachment: Click to enter text.

c. There are no federally listed threatened or endangered species or critical habitat designations within the source water body.

☐ True ☐ False

Item 2. Source Water Biological Data (Instructions, Page 109)

New Facilities (Phase I, Track I and II)

- Provide responses to all items in this section and stop.

Existing Facilities (Phase II)

- If the answer to **1.b.** above was **no**, provide responses to all items in this section and proceed to Worksheet 11.3.
- If the answer to **1.b.** was **yes** and **1.c.** was **true**, do not complete any items in this section and proceed to Worksheet 11.3.
- If the answer to **1.b.** was **yes** and **1.c.** was **false**, attach a response for any item in this section that is not contained within the most recent TPWD, or equivalent and proceed to Worksheet 11.3.

Attachment: Click to enter text.

a. A list of the data requested at *40 CFR § 122.21(r)(4)(ii)* through *(vi)* that are not available, and efforts made to identify sources of the data.

b. Provide a list of species (or relevant taxa) in the vicinity of the CWIS and identify the following information regarding each species listed.
   - all life stages and their relative abundance,
   - identification of all species and life stages that would be most susceptible to impingement and entrainment,
   - forage base,
   - significance to commercial fisheries,
   - significance to recreational fisheries,
   - primary period of reproduction,
   - larval recruitment, and
   - period of peak abundance for relevant taxa.

c. Data representative of the seasonal and daily activities (e.g., feeding and water column migration) of biological organisms in the vicinity of the CWIS(s).

d. Identify all threatened, endangered, and other protected species that might be susceptible to impingement and entrainment at the CWIS(s).

e. Documentation of any public participation or consultation with federal or state agencies undertaken.

The following is required for existing facilities only. Include the following information with the above listed attachment.

f. Identify any protective measures and stabilization activities that have been implemented and provide a description of how these measures and activities affected the baseline water condition in the vicinity of the intake.

g. A list of fragile species, as defined at *40 CFR § 125.92(m)*, at the facility. The applicant need only identify those species not already identified as fragile at *40 CFR § 125.92(m)*.

NOTE: New units at an existing facility are not required to resubmit this information if the cooling water withdrawals for the operation of the new unit are from an existing intake.

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 11.3: ENTRAINMENT

This worksheet **is required** for all TPDES permit applications that **meet the conditions outlined in Technical Report 1.0, Item 12**. Complete one copy of this worksheet for **each** individual CWIS the facility uses or proposes to use.

CWIS ID: Click to enter text.

Item 1. Applicability (Instructions, Page 111)

Is the AIF of the CWIS identified above greater than, or equal to, 125 MGD?

☐ Yes ☐ No

- If **no** or the facility has selected **CCRS** [*40 CFR § 125.94(c)(1)*] for the impingement mortality compliance method, complete Item 2 and stop here.
- If **yes** and the facility is **seeking a waiver** from application requirements in accordance with *40 CFR § 125.95* for any CWIS(s) that withdraw from a man-made reservoir that is stocked and managed by a state or federal natural resources agency or the equivalent, complete item 2 and stop.
- If **yes** and the facility is **not seeking a waiver** from application requirements in accordance *with 40 CFR § 125.95*, complete item 2 and provide any required and completed studies listed in item 3. For any required studies in item 3 that are not complete, provide a detailed explanation for the delay and an anticipated schedule for completion and submittal.

Item 2. Existing Entrainment Performance Studies (Instructions, Page 111)

Attach any previously conducted studies or studies obtained from other facilities addressing technology efficacy, through-facility entrainment survival, and other entrainment studies.

Attachment: Click to enter text.

Item 3. Facility Entrainment Performance Studies (Instructions, Page 111)

a. Attach an entrainment characterization study, as described at *40 CFR § 122.21(r)(9)*: Click to enter text.

b. Attach a comprehensive feasibility study, as described as *40 CFR § 122.21(r)(10)*: Click to enter text.

c. Attach a benefits valuation study, as described as *40 CFR § 122.21(r)(11)*: Click to enter text.

d. Attach a non-water quality environmental and other impacts study, as described as *40 CFR § 122.21(r)(12)*: Click to enter text.

e. Attach a peer review analysis, as described as *40 CFR § 122.21(r)(13)*: Click to enter text.

INDUSTRIAL WASTEWATER PERMIT APPLICATION WORKSHEET 12.0: OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION WASTEWATER DISCHARGES

This worksheet **is required** for all TPDES permit applications that are subject to Effluent Limitation Guidelines in 40 CFR Part 435.

Item 1. Operational Information (Instructions, Page 112)

a. Is the wastewater from an oil and gas exploration, development, or production facility located west of the 98th meridian?

☐ Yes ☐ No

If yes, continue to the next question. If no, skip to Item 2 relating to Production/Process Data.

b. Provide justification for how the wastewater is/will be used for agriculture or wildlife propagation.

Click to enter text.

Item 2. Production/Process Data (Instructions, Page 112)

a. Provide the applicable 40 CFR Part 435 Subpart(s).

Click to enter text.

b. Describe if the permit being sought is for discharges from exploration, development, production, or for a combination of more than one of those activities.

Click to enter text.

c. Provide information on all waste-streams generated and specify which waste-streams you are requesting to be authorized for discharge.

Wastestreams Generated

Wastestream	Requesting authorization to discharge? (Yes/No)	Volume (MGD)	% of Total Flow

d. Describe how the facility will manage wastestreams for which discharge authorization is not being sought.

Click to enter text.

Attachment: Click to enter text.

e. Provide information on miscellaneous discharges.

Click to enter text.

Attachment: Click to enter text.

f. List of chemicals that are in use, or will be used, downhole. Provide the category, concentration used/to be used, and purpose of using the chemical. Attach a safety data sheet for each chemical listed.

Chemicals List

Category	Chemical Name	Concentration (include units)	Purpose

Attachment: Click to enter text.

g. **List of chemicals that are in use, or will be used, to treat the wastewater to be discharged under this authorization. Provide the concentration used/to be used and purpose of using the chemical. Attach a safety data sheet for each chemical listed.**

Water Treatment Chemicals List

Category	Chemical Name	Concentration (include units)	Purpose

Attachment: Click to enter text.

Item 3. Pollutant Analysis (Instructions, Page 113)

Tables 1, 2, 6, and 7 located in Worksheet 2.0 are required. In addition, Table 19 below is required and must be completed for each outfall and submitted with this application. The remaining tables in Worksheet 2.0, are required as applicable.

a. Provide the date range of all sampling events conducted to obtain the analytical data submitted with this application (e.g., 05/01/2018-05/30/2018): Click to enter text.

b. ☐ Check the box to confirm all samples were collected no more than 12 months prior to the date of application submittal.

c. Read the general testing requirements in the instructions for important information about sampling, test methods, and MALs. If a contact laboratory was used, attach a list which includes the name, contact information, and pollutants analyzed for each laboratory/firm. **Attachment:** Click to enter text.

d. Attach correspondence from TCEQ approving submittal of less than the required number of samples, if applicable. **Attachment:** Click to enter text.

Table 19 for Outfall No.: Click to enter text. **Samples are (check one):** ☐ **Composite** ☐ **Grab**

Pollutant	**Sample 1 (mg/L)***	**Sample 2 (mg/L)***	**Sample 3 (mg/L)***	**Sample 4 (mg/L)***
Calcium				
Potassium				
Sodium				

*Indicate units if different from mg/L.

ATTACHMENT F
Lease Agreement

GROUND LEASE AGREEMENT

THIS AGREEMENT CONTAINS EXPRESS NEGLIGENCE INDEMNIFICATION

THIS LEASE AGREEMENT (hereinafter referred to as "Lease") is entered as of May 11, 2016 (the "Effective Date") between Calhoun Port Authority, a body politic and a governmental subdivision of the State of Texas (hereinafter referred to as "Port"), and Castleman Power Development, LLC, with its place of business at 5850 San Felipe, Suite 650, Houston, Texas 77057 (hereinafter "Lessee" or "Castleman").

RECITALS

WHEREAS, Lessee desires to lease a tract of land consisting of approximately 1.95 acres, owned by Port, such land being described in Exhibit "A", which is attached hereto and incorporated herein for any and all purposes; and

WHEREAS, Port agrees to lease to Lessee for the purposes of constructing a peaking power plant, a natural gas fired combustion turbine(s) and related, equipment, appurtenances and Improvements to be constructed and installed upon the land comprising the Leased Premises for the purpose of generating and dispatching electric energy into the ERCOT grid (collectively "Facility"), on the Port's property described in Exhibit "A"; and

WHEREAS, Port herein agrees to also grant a drainage right of way, access easement and utility easement to Castleman; and

WHEREAS, the Port has determined that this lease to Lessee is authorized by law and constitutes a valid public use; and

WHEREAS, the parties desire to set forth in this Lease the terms and conditions under which the lease can be acquired by Castleman from the Port.

NOW, THEREFORE, the Parties hereto, in consideration of the premises and covenants herein set forth, and for other good and valuable consideration, receipt of which is hereby acknowledged, each intending to be legally bound, agree as follows:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

AGREEMENTS

In consideration of the mutual agreements herein set forth, Port and Lessee agree as follows:

Article 1. Definitions. As used in this Lease, the following terms (in addition to the terms defined elsewhere herein), and whether singular or plural thereof, shall have the following meanings when used herein with initial capital letters:

"**Affiliate**" means, with respect to any person, any other person directly or indirectly controlling, controlled by or under common control with such person. As used in the foregoing sentence, "**control**" and variations thereof will mean the power to direct the management and policies of such other person, whether through the ownership of voting securities, by contract, or otherwise. As used herein, "**person**" will mean any corporation, trust, partnership, limited liability company, unincorporated organization, association, joint venture, governmental body, or individual.

"**Award**" shall mean any payment or other compensation received or receivable from or on behalf of any governmental authority or any person or entity vested with the power of eminent domain for or as a consequence of any Taking.

"**Business Day**" shall mean a day other than Saturday, Sunday or legal holiday recognized in Port's Tariffs.

"Conditions Precedent" shall mean:

(a) Receipt of all approvals acquired by relevant regulatory agencies, including the Texas Commission on Environmental Quality and, if applicable, United States Coast Guard, relating to the Initial Improvements;

(b) Receipt of approval of all modifications to Port's operating permits necessary for the Initial Improvements, including spill protection and prevention plan, storm water discharge plan, and emissions to air required by relevant agencies;

(c) Receipt of Port's approval to changes in environmental, health and safety procedures relating to the Initial Improvements.

"**Event of Default**" shall have the meaning set forth in Section 16.01 hereof.

"Facility" shall mean the natural gas fired combustion turbine(s) and related, equipment, appurtenances and Improvements to be constructed and installed upon the land comprising the Leased Premises for the purpose of generating and dispatching electric energy into the ERCOT grid.

"Fiscal Year" shall mean the twelve month period beginning July 1st of any given year and ending June 30th of the next year.

"**Force Majeure**" shall mean:

(a) acts of God, landslides, lightning, earthquakes, hurricanes, tornadoes, blizzards and other adverse and inclement weather, fires, explosions, floods, acts of a public enemy, wars, blockades, insurrections, riots or civil disturbances, including but not limited to interruption of navigation, acts of terrorism, or other disruption of normal business conditions;

(b) labor disputes, strikes, work slowdowns, or work stoppages;

(c) orders or judgments of any federal, state or local court, administrative agency or governmental body, if not the result of willful or negligent action of the party relying thereon;

(d) power failure and outages affecting the Leased Premises; and

(e) any other cause or event that is beyond the reasonable control of the party claiming Force Majeure.

"**Hazardous Materials**" shall have the meaning ascribed to it in Section 4.04 hereof.

"Initial Improvements" shall mean a natural gas fired combustion turbine(s) and related, equipment, appurtenances and Improvements to be constructed and installed upon the land comprising the Leased Premises for the purpose of generating and dispatching electric energy into the ERCOT grid.

"**Impositions**" shall mean (a) all real estate, personal property, rental, water, sewer, transit, use, occupancy, and other taxes, assessments, charges, excises, and levies which are imposed upon or with respect to (1) the Leased Premises or any portion thereof, or the sidewalks, streets or alley ways adjacent thereto, or the ownership, use, occupancy, or enjoyment thereof or (2) this Lease and the Rent payable hereunder; and (b) all charges for any easement, license, permit, or agreement maintained for the benefit of the Leased Premises.

"**Improvements**" shall mean all improvements constructed on the Leased Premises during the term of this Lease. Improvements shall not include any existing structures or personal property presently located on the Leased Premises, regardless if such structures have been modified, refurbished, enhanced, replaced, or in any manner been altered by Lessee.

"**Land Rent**" shall mean the annual Land Rent and all other amounts provided for under this Lease to be paid by Lessee, whether as additional Rent or otherwise.

"**Leased Premises**" shall mean (a) the property leased by Lessee pursuant to this Lease and further described in Exhibit "A" hereto, and (b) all Improvements thereon or hereafter added to the property described in Exhibit "A".

"**Legal Requirements**" shall mean any and all (a) judicial decisions, orders, injunctions, writs, statutes, rulings, rules, regulations, promulgations, directives, permits, certificates, or ordinances of any governmental authority in any way applicable to Lessee or the Leased Premises, including zoning, environmental, and utility conservation matters, (b) Port's Tariffs, (c) insurance requirements and (d) other written recorded documents, instruments or agreements relating to the Leased Premises or to which the Leased Premises may be bound or encumbered.

"**Lessee**" shall mean Castleman, and its successors and assigns.

"**Permitted Use**" shall mean the development, construction, operation, repair and replacement of the Facility and any and all ancillary uses related thereto.

"**Port**" shall mean the Calhoun Port Authority, the body politic and governmental subdivision identified in the opening recital of this Lease, and its successors and assigns and subsequent owners of the Leased Premises.

"**Port Facilities**" shall mean all channels, waterways, docks, slips, and other facilities and improvements owned, operated, or controlled by Port (other than the Facility) which are necessary for access to, or the use and operation of, the Facility as contemplated hereunder.

"**Port's Tariffs**" shall mean the rates, rules, regulations, policies and tariffs issued, adopted, amended and reissued by Port from time to time (including, without limitation, Tariff No. 003).

"**Rent**" shall mean Land Rent and any other tariffs or other amounts payable hereunder.

"**Right-of-Ways**" shall mean right-of-ways, now or hereafter defined and granted in separate instruments, to Port's dock(s), railroad spur(s), and other rights-of-way across and throughout the Port Facilities as may be required or convenient for Lessee's use of the Leased Premises.

"Taking" shall mean the taking, damaging or destroying of all or any portion of the Leased Premises by or on behalf of any governmental authority or any other person or entity pursuant to its power of eminent domain.

"Total Taking" shall mean any Taking of all or substantially all of the Leased Premises, or of so much of the Leased Premises that the portion remaining cannot, in Lessee's good faith judgment reasonably exercised, be economically restored so as to permit economically sound operation.

"Partial Taking" shall mean any Taking of less than all of the Leased Premises such that the portion remaining can, in Lessee's good faith judgment reasonably exercised, be economically restored so as to permit economically sound operation.

"**Term**" shall mean the Initial Term and any Renewal Term(s).

Article 2. Leased Premises.

Section 2.01. Description of the Leased Premises. Subject to the provisions of this Lease, Port hereby leases, demises and lets to Lessee and Lessee hereby leases from Port, the Leased Premises. Both parties acknowledge that Port shall have the right to use the Leased Premises in any manner that will not, in Lessee's discretion, reasonably exercised, interfere with Lessee's Permitted Use thereof.

Section 2.0. Right-of-Ways. Both Parties acknowledge and agree that certain nonexclusive rights-of-way shall be granted for the benefit of Lessee and the Facility, including, without limitation, (i) a .90 acre access easement as described on Exhibit A-1 attached hereto and incorporated herein by reference (".90 Acre Access Easement"); (ii) a .37 acre drainage easement as described on Exhibit A-2 attached hereto and incorporated herein by reference ("Drainage Easement"), (iii) 2.07 acre access easement as described on Exhibit A-3 attached hereto and incorporated herein by reference ("2.07 Acre Access Easement"); and (iv) a .38 Acre utility easement as described on Exhibit A-4 attached hereto and incorporated herein by reference ("Utility Easement"). The .90 Acre Access Easement, the Drainage Easement, the 2.07 Acre Access Easement and the .38 Acre Utility Easement are sometimes hereinafter collectively referred to as the "Easements". The form of the Easements to be granted as contemplated hereunder shall be in such form as is reasonably acceptable to Lessee's lender and the Port's approval.

Term.

Section 2.01. The initial term of this Lease is for seven (7) years commencing on the Effective Date ("Initial Term"). Following the Initial Term, Lessee shall have the unilateral right, at its sole discretion, to renew this Lease for up to three (3) additional seven (7) year terms (each a "Renewal Term").

Section 2.02. Notwithstanding anything herein to the contrary, Lessee shall have the right to terminate this Lease at any time during the Term upon 180 days prior written notice to Port. Lessee's right to terminate this Lease pursuant to this Section 3.02 is conditioned upon the payment in full by Lessee to Port on or before the effective termination date of an amount equal to $50,000 (the "Termination Payment"). After Port's receipt of the Termination Payment, and so long as Lessee has surrendered the Leased Premises in the condition required under Section 6.05, neither Party shall have any further obligations or liabilities hereunder following the

date of such termination, except those which, by the provisions of this Lease, expressly survive the termination of this Lease. Termination of this Lease pursuant to any right Lessee may have to so terminate other than pursuant to this Section 3.02 shall not require a Termination Payment.

Article 3. Use.

Section 3.01. Permitted Use. Lessee shall use the Leased Premises for the development and operation of the Facility and any Permitted Uses under this Lease and any ancillary uses thereto. Lessee shall also use the Port Facilities to the extent necessary or convenient and related to its Permitted Use of the Leased Premises.

Section 3.02. Continuous Operation. Lessee will occupy and use the Leased Premises solely for any or all of the Permitted Uses and any ancillary uses thereto and in strict compliance with all Legal Requirements. This Lease shall terminate in the event Lessee abandons the use of the Leased Premises for a continuous period of 180 days unless excused by Force Majeure. This Lease shall not be considered abandoned by Lessee so long as Lessee's power generation equipment remains located on the Leased Premises and Lessee's interconnection agreement for the Facility with the local electric transmission utility or ERCOT remains active. Castleman is prohibited from dispatching or delivering power to any delivery point other than the Facility's interconnection with the ERCOT Grid.

Section 4.03. Specifically Prohibited Use. Lessee will not (a) use, occupy or permit the use or occupancy of the Leased Premises or use Port's other property for any purpose or in any manner which is or may be (1) inconsistent with the requirements of this Lease, (2) violative of any of the Legal Requirements, (3) dangerous to life, health, the environment or property, or a public or private nuisance or (4) disruptive to the activities of any other tenant or occupant of property adjacent to the Leased Premises, (b) commit any waste to the Leased Premises or (c) commit, or permit to be committed, any action or circumstance in or about the Leased Premises which, directly or indirectly, would or could reasonably be expected to justify any insurance carrier in canceling the insurance policies maintained by Lessee on the Leased Premises and Improvements thereon. Port hereby confirms to Lessee that the use of the Leased Premises for the Permitted Use shall not constitute a prohibited use hereunder so long as the same is conducted in compliance with applicable Legal Requirements.

Section 4.04. Environmental Restrictions. Other than in connection with the Permitted Use, Lessee shall not cause or permit any Hazardous Materials or industrial solid wastes to be generated, manufactured, disposed or released on or about the Leased Premises in contravention of any Legal Requirements. Any use of Hazardous Materials by any person on the Leased Premises shall be in material conformance with all Legal Requirements. The terms "Hazardous Materials" shall

mean any explosives, radioactive materials, hazardous waste and hazardous constituents, toxic substances or related materials, including substances defined as "hazardous substances," "hazardous materials," "toxic substances" or "solid wastes" in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C.A. Sec. 9601, et seq.; the Hazardous Materials Transportation Act, 49 U.S.C.A. Sec. 5101, et seq.; the Resources Conservation and Recovery Act, 42 U.S.C.A. Sec. 6901, et seq.; the Toxic Substance Control Act, as amended, 15 U.S.C.A. Sec. 2601 et seq.; Grantor's Tariffs; the Solid Waste Disposal Act, Chapter 361 of the Health and Safety Code of Texas; or any other Legal Requirement.

Section 4.05. Notification of Potential Liability Triggering Event. Within five (5) business days following receipt thereof, Lessee shall notify and provide Port with all copies of written notices, demands, lawsuits, or other correspondence from any federal, state or local governmental agency, including, but not limited to, written notices, demands, lawsuits or other correspondence regarding the following:

(a) The violation of any federal, state, or local statute or regulation on the Leased Premises;

(b) The loss of any operating permit relating to the Leased Premises;

(c) Any enforcement action undertaken by any federal, state or local governmental agency, or any private party in connection with Lessee's activities on the Leased Premises;

(d) The institution of any lawsuit against Lessee by any governmental entity relating to the Leased Premises; or

(e) The service upon Lessee of a potentially responsible party demand letter from any private or governmental party in connection with Lessee's activities on the Leased Premises.

Section 4.06. Consequences of Lessee's Violation of Environmental Legal Requirements. In the event Lessee's violation of any environmental Legal Requirements expose Port to fines or penalties as the owner of the Leased Premises, Lessee shall provide the defense of the Port with respect to such fines and penalties under the appropriate regulatory, administrative, or judicial procedures, and will pay any such fines or penalties timely and promptly after completion of any such defensive or mitigative proceedings, including appeals, if any. In the event of Lessee's unreasonably repeated violation of the same environmental Legal Requirements within any twelve month period, Port may re-open negotiations regarding the Term and Land Rent under this Lease.

Section 4.07. INDEMNIFICATION. IT IS EXPRESSLY AGREED AND UNDERSTOOD THAT LESSEE SHALL INDEMNIFY, DEFEND AND HOLD HARMLESS PORT, ITS EMPLOYEES, AGENTS, OFFICERS, DIRECTORS, AND BOARD MEMBERS, FROM ANY AND ALL CLAIMS, CAUSES OF ACTION, DEMANDS, DAMAGES (INCLUDING WITHOUT LIMITATION REASONABLE LEGAL FEES, COSTS AND EXPENSES), ENFORCEMENT ACTIONS, OR PENALTIES (COLLECTIVELY "CLAIMS"), ARISING OUT OF THE PLACEMENT, TRANSPORTATION, USE, MANUFACTURE, HANDLING, CREATION, STORAGE, TREATMENT, DISCHARGE, OR RELEASE OF ANY HAZARDOUS MATERIALS TO, ON OR FROM THE LEASED PREMISES DURING THE TERM OF THIS LEASE BY LESSEE, OR LESSEE'S AGENTS, SERVANTS, EMPLOYEES, CONTRACTORS, SUB-CONTRACTORS OR INVITEES. NOTWITHSTANDING ANYTHING IN THIS SECTION 4.07 TO THE CONTRARY, IN NO EVENT SHALL LESSEE BE LIABLE FOR ANY AND ALL CLAIMS ARISING OUT OF (I) ANY HAZARDOUS MATERIALS EXISTING ON THE LEASED PREMISES AS OF THE EFFECTIVE DATE OR (II) THE PLACEMENT, TRANSPORTATION, USE, MANUFACTURE, HANDLING, CREATION, STORAGE, TREATMENT, DISCHARGE, OR RELEASE OF ANY HAZARDOUS MATERIALS TO, ON OR FROM THE LEASED PREMISES BEFORE THE TERM OF THIS LEASE OR DURING THE TERM OF THIS LEASE BY PORT OR ANY THIRD PARTY NOT UNDER THE CONTROL OF LESSEE OR LESSEE'S AGENTS, SERVANTS, EMPLOYEES, CONTRACTORS, SUB-CONTRACTORS OR INVITEES.

Article 4. Rent.

Section 4.01. Land Rent. Lessee shall lease from Port the land described in Exhibit "A", or as adjusted in an addendum to this contract after a survey has been completed, for an annual rent of $25,000 per acre per year. Rent shall be due and payable on an annual basis, with the first years' rent being due and payable upon execution of this Agreement and a like annual rent payment due on the anniversary date year this lease is in effect. On each fiscal year anniversary of this Lease, Port may increase the annual Land Rent to reflect its then prevailing Land Rent rate as set by the Board, but such increases may not exceed two percent (2%) per year. Additionally, in the event Castleman installs additional generating unit(s) exceeding sixty (60) megawatts, the land rent shall be increased by a factor 1.5. Castleman shall also pay to Port fifteen cents ($.15) per megawatt hour generated by Castleman. Said generation fee shall be due and payable on or before ten (10) days after the sale of the power by Castleman.

Section 5.02. Place of Payment. Rental due hereunder shall be paid to Port at its address for notice hereunder or to such other person or at such other address in

Calhoun County, Texas, as Port may from time to time designate in writing. Rent shall be paid in legal tender of the United States of America without notice, demand, abatement, deduction or offset except as herein provided.

Section 5.03. Delinquent Payments. All Rent and other payments required of Lessee hereunder which are not paid within thirty (30) days following receipt of written notice from Port shall bear interest at the maximum rate allowed by law or, if there is no maximum rate, at ten percent (10%) per annum from the date due until the date paid). In no event, however, shall the charges permitted under this Section or elsewhere in this Lease, to the extent any or all of the same are considered to be interest under applicable law, exceed the maximum rate of interest allowable under applicable law.

Section 5.04. Other Charges: Lessee shall comply with and shall pay all local, state, and federal taxes (including without limitation, its own income, franchise, gross receipts, sales, use, and excise and personal property taxes), payments in lieu of taxes, assessments, special assessments, licenses, registration fees, freight and transportation charges, and any other charges imposed, assessed, levied, or liabilities incurred with respect to the possession, or the use of the Leased Premises or pipelines, by Lessee and any penalties, fines, or interest imposed on any of the foregoing (collectively, the "Charges") during the Term. Additionally, Castleman shall gift to the Calhoun County Independent School District an annual payment of $12,000.00 so long as this lease is in effect, said payment to be made under terms and conditions acceptable to the School District.

Section 5.05. Lessee to Control Charges. Port shall, to the maximum extent permitted by law, permit Lessee to pay directly to the relevant taxing or other authorities or third parties all charges due under this Article 5, if Lessee so requests.

a. Lessee may, at Lessee's expense and in Lessee's or Port's name, in good faith contest any charges (and Port shall cooperate fully in any such contest) and, in the event of any such contest, may permit such charges so contested to remain unpaid during the period of such contest and any appeal therefrom unless Port shall notify Lessee that, in the reasonable opinion of Port, by nonpayment of any such charges the interest of Port in the Lease will be materially endangered or any part thereof will be subject to loss or forfeiture, in which event Lessee shall promptly pay any such charges.

b. Lessee agrees to conduct any such contest or appeal in a reasonable manner and further agrees that it will not enter into any settlement or compromise that would, without the prior written consent of Port, obligate Port to make any payment or to take or refrain from taking any action, other than ministerial acts.

c. All rebates, refunds or other return of charges shall be paid directly to Lessee, or if received by the Port, shall be promptly paid over to Lessee.

Article 5. Construction, Ownership and Operation of Improvements.

Section 6.01. Ownership and Removal of Improvements. All Improvements are the property of Lessee except as otherwise provided herein below. Lessee may upon written notice to Port remove such Improvements upon the expiration or earlier termination of this Lease; and Lessee shall repair all damage to the Leased Premises caused by such removal at Lessee's cost, expense, and liability. At the time of removal Lessee shall be required to restore the Leased Premises to as near as practicable the condition they were in at the beginning of the Lease. In the event that Lessee fails to remove its Improvements (except as aforesaid) within one hundred and eighty (180) days of the expiration or earlier termination of the Lease, then, at Port's election, either (i) Lessee's rights, title, and interest in and to such Improvements shall be vested in Port without the necessity of executing any conveyance instruments, or (ii) Port shall be entitled to remove and dispose of such Improvements, in a commercially reasonable manner, at Lessee's cost, expense, and liability.

Section 6.02. Permits. Lessee shall obtain and maintain in effect at all times during the Term all permits, licenses, and consents required or necessary for the construction, installation, maintenance, use, and operation of the Improvements and Lessee's use and occupancy of and operations at the Leased Premises.

Section 6.03. Condition of Leased Premises. Lessee acknowledges that it has independently and personally inspected the Leased Premises and that it has entered into this Lease based upon such examination and inspection. Lessee accepts the Leased Premises in their present condition, **"AS IS, WITH ALL FAULTS, IF ANY, AND WITHOUT ANY WARRANTY WHATSOEVER, EXPRESS OR IMPLIED,"** other than the warranty of quiet enjoyment; specifically, without limiting the generality of the foregoing, Lessee accepts the Leased Premises without any warranty of (a) the nature or quality of any construction, structural design or engineering of any Improvements currently located at or constituting a portion of the Leased Premises, (b) the quality of the labor and materials included in any such Improvements, or (c) the suitability of the Leased Premises for any particular purpose or developmental potential. Port shall not be required to make any Improvements to the Leased Premises or to repair any damages to the Leased Premises. **NOTWITHSTANDING ANYTHING IN THIS AGREEMENT TO THE CONTRARY, IN NO EVENT SHALL LESSEE BE LIABLE FOR ANY AND ALL CLAIMS ARISING OUT (I) ANY HAZARDOUS MATERIALS EXISTING ON THE LEASED PREMISES AS OF THE EFFECTIVE DATE OR (II) THE PLACEMENT, TRANSPORTATION, USE, MANUFACTURE, HANDLING, CREATION, STORAGE, TREATMENT, DISCHARGE, OR**

RELEASE OF ANY HAZARDOUS MATERIALS TO, ON OR FROM THE LEASED PREMISES BEFORE THE TERM OF THIS LEASE OR DURING THE TERM OF THIS LEASE BY PORT OR ANY THIRD PARTY NOT UNDER THE CONTROL OF LESSEE OR LESSEE'S AGENTS, SERVANTS, EMPLOYEES, CONTRACTORS, SUB-CONTRACTORS OR INVITEES.

Section 6.04. Repair and Maintenance. Lessee shall maintain the Leased Premises at all times during the Term in a good, clean, safe, operable and well kept condition.

Section 6.05. Laborers and Mechanics. Lessee shall pay for all labor and services performed for, materials used by or furnished to Lessee, or used by or furnished to any contractor employed by Lessee with respect to the Leased Premises and hold Port and the Leased Premises harmless and free from any liens, claims, encumbrances, or judgments created or suffered by Lessee. If Lessee elects to post a payment or performance bond or is required to post an improvement bond with a public agency in connection with the above, Lessee agrees to include Port as an additional obligee thereunder.

Article 7. Fencing and Utilities. Lessee shall, at its sole cost and expense, provide for appropriate chain link fencing for the Leased Premises. Lessee shall, at its sole cost and expense, provide for whatever additional services and utilities it may desire, including but not limited to water, both potable and nonpotable, fire water, gas, electricity, telephone, sewage treatment, waste water collection, and drainage and any other utilities or similar services used in or on the Leased Premises, but shall have no obligation to provide such services or utilities except as needed by Lessee. Lessee may, at its sole option, receive railroad services for the Leased Premises. Lessee shall be responsible for all costs and charges in connection therewith and agrees to pay the same promptly as such charges accrue, and to protect, indemnify and hold Port harmless from and against any and all liability for any such costs or charges. To the extent Port provides any such services to the Leased Premises or pays the cost for any such services, Lessee shall pay to Port the cost of such services upon receiving an invoice therefor.

Article 8. Impositions. During the Term, Lessee shall pay or cause to be paid as and when the same shall become due, all Impositions. Impositions that are payable by Lessee for the tax year in which Commencement Date occurs as well as during the year in which the Term ends shall be apportioned so that Lessee shall pay its proportionate share of the Impositions payable for such periods of time. Where any Imposition that Lessee is obligated to pay may be paid pursuant to law in installments, Lessee may pay such Imposition in installments as and when such installments become due. Upon written request received from Port, Lessee shall deliver to Port evidence of payment of all Impositions Lessee is obligated to pay hereunder, concurrently with the making of such payment. Upon written request received from Port, Lessee shall, within 60 days after

payment of any Imposition, deliver to Port copies of the receipted bills or other evidence reasonably satisfactory to Port showing such payment.

Article 9. Transfer by Lessee.

Section 9.01. General. Provided that such assignment will not relieve or release Lessee from any obligations under this Lease which accrued prior to such assignment, Lessee may assign this Lease, by assignment or at law, or sublet all or any portion of the Leased Premises (collectively "Transfer") without Port's consent to any persons or entities: (1) that are an Affiliate of Lessee; (2) to which substantially all of the assets of Lessee may hereafter be transferred; or (3) into which Lessee may be merged or consolidated. In all other circumstances, Lessee may assign this Lease, by assignment or at law, or sublet all or any portion of the Leased Premises with Port's consent, which consent may not be unreasonably withheld, provided that assignment will not relieve or release Lessee from any obligations under this Lease which accrued prior to such assignment. Any attempted Transfer without such consent (if necessary pursuant to this Section 9.01) shall be void and of no effect. If Lessee desires to effect a Transfer that requires the Port's consent, it shall deliver to Port written notice thereof in advance of the date on which Lessee proposes to make the Transfer, together with all of the terms of the proposed Transfer and the identity of the proposed transferee. Port shall have thirty (30) days following receipt of the notice and information within which to notify Lessee in writing whether Port elects either (a) to refuse to consent to the Transfer and to continue this Lease in full force and effect as to the entire Leased Premises, or (b) to permit Lessee to effect the proposed Transfer. If Port fails to notify Lessee of its election within said thirty (30) day period, Port shall be deemed to have elected option (b). The consent by Port to a particular Transfer shall not be deemed a consent to any other Transfer that requires the Port's consent. If a Transfer occurs without the prior written consent of Port, Port may nevertheless collect Rent from the transferee and apply the net amount collected to the Rent payable hereunder, but such collection and application shall not constitute a waiver of the provisions hereof or a release of Lessee from the further performance of its obligations hereunder. The parties acknowledge herein that they may enter into a letter agreement pre-approving any potential assignees.

Section 9.02. Liens. Without in any way limiting the generality of the foregoing, but subject to the following Section 9.03, Lessee shall not grant, place or suffer, or permit to be granted, placed or suffered, against all or any part of the Leased Premises or Lessee's leasehold estate created hereby, any lien, security interest, pledge, conditional sale contract, claim, charge or encumbrance (whether constitutional, contractual or otherwise) and if any of the aforesaid does arise or is asserted, Lessee will, promptly upon demand by Port and at Lessee's expense, cause same to be released.

Section 9.03. Financing and Leasehold Mortgages. In the event the Improvements and/or Lessee's leasehold estate created by this Lease are used as collateral for construction or other financing relating to the Facility or Improvements, Lessee shall give notice of such lien to the Port within 30 days of creation of such lien and the provisions of Exhibit B attached hereto and made a part hereof shall apply.

Article 10. Access by Port. Port, its employees, contractors, agents, and representatives (collectively "Port Personnel") shall have the right (and Port, for itself and such persons and firms, hereby reserves the right) to enter the Leased Premises during reasonable business hours and upon reasonable notice (a) to inspect the Leased Premises, (b) to show the Leased Premises to prospective purchasers or tenants, (c) to determine whether Lessee is performing its obligations hereunder and, if it is not, to perform same at Port's option and Lessee's expense or (d) for any other reasonable purpose. Entry into the Leased Premises by Port Personnel for any purpose permitted herein and subject to the requirements of this Article 10 shall not constitute a trespass or an eviction (constructive or otherwise), or entitle Lessee to any abatement or reduction of Rent, or constitute grounds for any claim (and Lessee hereby waives any claim) for damages for any injury to or interference with Lessee's business, for loss of occupancy or for consequential damages, and Port shall not unreasonably interfere with Lessee's use or quiet enjoyment of the Leased Premises. All Port Personnel accessing the Leased Premises shall comply with all (a) rules, procedures, and regulations as Lessee shall in its reasonable discretion determine to be necessary for the safe and efficient operation of the Leased Premises (the "Rules") and (b) applicable Legal Requirements, including Legal Requirements relating to health, safety, and the environment, as well as those of any Texas state agencies with jurisdiction over any Permitted Use. No Port Personnel will be deemed to be employees, agents, or borrowed servants of Lessee for any purpose whatsoever. In addition, Lessee shall have the right at any time to deny access to the Leased Premises to any Port Personnel if Lessee determines, in its reasonable discretion, that said Port Personnel has violated the Rules or applicable Legal Requirements (or that their entry of such Port Personnel onto the Leased Premises would cause a violation of the Rules or applicable Legal Requirements), or which constitutes a risk to health, safety, or the environment. In such event, Lessee shall notify Port in writing of the specific violation and the action required, in the reasonable judgment of Lessee, to correct the violation. Upon correction of the violation, Lessee shall permit said Port Personnel to access the Leased Premises.

Article 11. Insurance. Lessee shall procure and maintain continuously in effect with respect to the Leased Premises, insurance against liability for injuries to or death of any persons or damage to or loss of property arising out of or in any way relating to the maintenance, use or operation of the Leased Premises or any part thereof, providing coverage with a combined single limit of $10,000,000 for injuries to or death of persons or damage to property per occurrence, or in such other amounts and with such other coverages as shall at the time be in accordance with general industry practice for similar facilities and operations of the type and scope of the Leased Premises. In the event of a dispute between

the Port and Lessee as to general industry practice for insurance coverages, the matter may be referred by either party to an independent insurance broker reasonably acceptable to the other party with expertise in industrial insurance for such broker's independent determination of the prudent insurance requirements for such facilities and such determination shall be final and binding on the parties hereto for a period of five years. All such policies of insurance shall designate the Port as a named or additional insured. Lessee shall furnish to Port a copy of the policy of insurance designating the Port as a named insured or additional within thirty (30) days of the date of execution hereof. In the event Lessee changes policies, a copy of the new policy designating the Port as a named insured shall be furnished to the Port within thirty (30) days.

ARTICLE 12. INDEMNITY.

LESSEE HEREBY RELEASES AND DISCHARGES PORT, ITS SUCCESSORS AND ASSIGNS, AND ALL OF ITS RESPECTIVE OFFICERS, DIRECTORS, COMMISSIONERS, AND THEIR SUCCESSORS IN OFFICE, EMPLOYEES, ATTORNEYS, DESIGNEES, REPRESENTATIVES AND AGENTS, HEREINAFTER COLLECTIVELY AND SEVERALLY REFERRED TO AS "INDEMNITEES" FROM AND AGAINST ALL LIABILITY FOR, AND ASSUMES THE RISK OF ALL LOSSES, EXPENSES, LIENS, CLAIMS, DEMANDS, DAMAGES AND CAUSES OF ACTION OF EVERY KIND AND CHARACTER WHATSOEVER FOR DAMAGE TO THE PROPERTY OF INDEMNITEE AND OF LESSEE, AND FOR THE PERSONAL INJURY TO OR DEATH OF ANY PERSONS (INCLUDING BUT NOT LIMITED TO PORT, ITS OFFICERS, DIRECTORS, COMMISSIONERS, EMPLOYEES, ATTORNEYS, DESIGNEES, REPRESENTATIVES, TENANTS, SUBCONTRACTORS, SUPPLIERS, INVITEES OR LICENSEES AND AGENTS OF PORT) AND/OR DAMAGE TO ANY PROPERTY (INCLUDING BUT NOT LIMITED TO PROPERTY BELONGING TO PORT, ITS OFFICERS, DIRECTORS, COMMISSIONERS, EMPLOYEES, ATTORNEYS, DESIGNEES, REPRESENTATIVES, TENANTS, SUBCONTRACTORS, SUPPLIERS, INVITEES OR LICENSEES AND AGENTS) AND FOR ANY OTHER LIABILITY, DAMAGES, FINES OR PENALTIES (EXCEPT WHERE REIMBURSEMENT FOR FINES OR PENALTIES IS PROHIBITED BY APPLICABLE LAW), INCLUDING COSTS, EXPENSES, PENALTIES AND INTEREST, ATTORNEY FEES AND SETTLEMENTS HEREINAFTER REFERRED TO COLLECTIVELY AND SEVERALLY AS "CLAIMS", TO THE EXTENT ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS AGREEMENT OR THE PERFORMANCE OR FAILURE TO PERFORM THE COVENANTS OF THIS LEASE AGREEMENT, SUBJECT TO THE NEGLIGENCE OR WILFUL MISCONDUCT OF THE INDEMNITEES. THIS INDEMNITY SHALL INCLUDE CLAIMS ARISING OUT OF, BROUGHT BY OR CAUSED, IN WHOLE OR IN PART BY LESSEE, ITS OFFICERS,

DIRECTORS, EMPLOYEES, TENANTS, SUBCONTRACTORS, SUPPLIERS, INVITEES OR LICENSEES AND AGENTS OF LESSEE, AND LESSEE EXPRESSLY AGREES TO DEFEND, INDEMNIFY, REIMBURSE AND HOLD PORT, ITS OFFICERS, DIRECTORS, COMMISSIONERS, EMPLOYEES, ATTORNEYS, DESIGNEES, REPRESENTATIVES, TENANTS, SUBCONTRACTORS, SUPPLIERS, INVITEES OR LICENSEES AND AGENTS, HARMLESS FROM ALL "CLAIMS" OF ANY KIND OR CHARACTER, INCLUDING BUT NOT LIMITED TO CLAIMS IN ANY MATTER RESULTING FROM, ARISING OUT OF OR CAUSED, IN WHOLE OR IN PART, BY LESSEE'S, (INCLUDING ITS OFFICERS, DIRECTORS, COMMISSIONERS, EMPLOYEES, TENANTS, SUBCONTRACTORS, SUPPLIERS, INVITEES OR LICENSEES AND AGENTS) WILLFUL MISCONDUCT, NEGLIGENCE, GROSS NEGLIGENCE, DELIBERATE ACTS, STRICT LIABILITY IN TORT OR BREACH OF WARRANTY, EXPRESSED OR IMPLIED.

THE FOREGOING INDEMNIFICATION SHALL NOT BE APPLICABLE TOWARD OR ENFORCEABLE IN FAVOR OF ANY INDIVIDUAL INDEMNITEE FOR A PARTICULAR CLAIM, INSOFAR AS THAT PARTICULAR CLAIM IS ADJUDICATED BY A COURT OF COMPETENT JURISDICTION, TO RESULT EXCLUSIVELY FROM THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF THAT INDEMNITEE SEEKING TO ENFORCE THE INDEMNIFICATION.

PORT AND LESSEE ACKNOWLEDGE THAT THIS STATEMENT AND THE FOREGOING INDEMNIFICATION UNDER THIS ARTICLE 12 COMPLIES WITH THE EXPRESS NEGLIGENCE RULE AND IS CONSPICUOUS AND HAS BEEN REVIEWED AND APPROVED BY EACH PARTIES OWN RESPECTIVE INDEPENDENT LEGAL COUNSEL. THE INDEMNIFICATION ARISING HEREIN SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

Article 13. Casualty Loss.

Section 13.01. Obligation to Restore.

(a) If all or any part of the Improvements located on (or constituting a part of) the Leased Premises are destroyed or damaged by any casualty during the Term, Lessee shall not have the obligation to rebuild such Improvements. In the event Lessee decides, at its sole discretion, to restore such Improvements, Lessee will perform such restoration in accordance with at least as good workmanship and quality as the Improvements being restored, and in compliance with the provisions of Article 6 hereof. Notwithstanding the foregoing provisions of this subparagraph (a) to the contrary, if all such Improvements are wholly destroyed by any casualty, or

are so damaged or destroyed that, in Lessee's sole discretion reasonably exercised it would be uneconomic to cause the same to be restored (such determination to be made within 90 Business Days after the date the casualty occurred), then Lessee shall have the option to terminate this Lease as of the date the Improvements are removed and the property is restored in accordance with Section 6.04.

(b) If a casualty loss affecting the Leased Premises occurs, all insurance proceeds arising from policies maintained by Lessee for the damages arising from such casualty shall be distributed and paid directly to the Party actually performing the restoration of the Leased Premises under Sections 6.04 and 13.01(a), as their interest may appear, for all damages to the Leased Premises or for costs incurred for the restoration of the Leased Premises to its unimproved condition as provided in Section 6.04.

Section 13.02. Notice of Damage. Lessee shall immediately notify Port of any destruction of or damage to the Leased Premises.

Article 14. Condemnation.

Section 14.01. Total Taking. If a Total Taking of the Leased Premises occurs, then this Lease shall terminate as of the date the condemning authority is awarded the right to take lawful possession of the Leased Premises and the Parties shall be entitled to receive and retain the Award for the Taking of the Leased Premises as their interests may appear. For example, it is anticipated under the present terms of this Lease that the Award in respect of the land comprising the Leased Premises would inure to the Port and the Award with respect to value of the leasehold estate would inure to Lessee, and the award with respect to the value of the Improvements would inure to the respective parties as their interests might then appear, in accordance with the provisions of Section 6.04 above. In addition, upon a Total Taking, the Land Rent payable during the remainder of the Term (after the condemning authority is awarded the right to take lawful possession of the portion taken) shall be abated.

Section 14.02. Partial Taking. If a Partial Taking of the Leased Premises occurs, as defined in Article 1 above, (a) Lessee shall have the option to either i) terminate this Lease as of the date of the Partial Taking or ii) to continue the Lease in effect as to the portion of the Leased Premises not Taken. If Lessee decides to continue the Lease in effect as to the portion of the Leased Premises not taken, it shall promptly commence and thereafter prosecute diligently to completion the restoration of the remainder of Improvements located in (or constituting a part of) the Leased Premises to an economically viable unit with at least as good workmanship and quality as existed prior to the Taking. In the event of a Partial Taking of the Leased Premises, the Parties shall be entitled to receive and retain the Award for the portion of the Leased Premises Taken, as interest may appear. For

example, it is anticipated under the present terms of this lease that the award in respect of the land comprising the Lease Premises would inure to the Port, the Award with respect to value of the leasehold estate would inure to Lessee, and the Award with respect to the value of the Improvements would inure to the respective parties as their interests might then appear, in accordance with the provisions of Section 6.04 above. In addition, upon a Partial Taking, the Land Rent payable during the remainder of the Term (after the condemning authority is awarded the right to take lawful possession of the portion taken) shall be reduced proportionally giving due regard to the relative value of the portion of the Premises Taken as compared to the remainder thereof.

Section 14.03. Notice of Proposed Taking. Lessee and Port shall promptly notify the other upon receipt of any notice of any Proposed Taking of any portion of the Leased Premises.

Article 15. Quiet Enjoyment. Lessee, on paying the Rent and all other sums called for herein and performing all of Lessee's other obligations contained herein, shall and may peaceably and quietly have, hold, occupy, use, and enjoy the Leased Premises and Right-of-Ways during the Term subject to the provisions of this Lease. Port agrees to warrant and forever defend Lessee's right to occupancy and use of the Leased Premises and non-exclusive use of the Right-of-Ways against the claims of any and all persons whomsoever lawfully claiming the same or any part thereof, by, through or under Port (but not otherwise), subject to the provisions of this Lease, all matters of record in the Official Records of Calhoun County, Texas, and any unrecorded easements or licenses executed by Port to the extent the foregoing are validly existing and applicable to the Leased Premises. Port further covenants and warrants that there are no restrictive covenants, zoning ordinances, or other regulations that could prevent Lessee from conducting the Permitted Use on the Leased Premises. If at any time during the Term, the use of the Leased Premises for such Permitted Use should ever be prohibited or prevented by Legal Requirements or otherwise, then Lessee will have the right at any time thereafter to terminate this Lease by giving written notice to Port.

Article 16. Default.

Section 16.01. Events of Default. Each of the following occurrences shall constitute an Event of Default by a party under this Lease:

(a) The failure of a Party to pay any amount due under this Lease, and the continuance of such failure for a period of ten (10) days after receipt of notice from the other Party;

(b) The failure by a Party to perform, comply with, or observe any other agreement, obligation, or undertaking of such Party as required by this Lease, and the continuance of such failure for a period of thirty (30) days after receipt of notice from the non-defaulting Party specifying such failure,

except that if cure is not reasonably possible within such thirty (30) day period, a Party shall not be in default if it promptly commences cure within such period and thereafter diligently pursues cure until completion;

(c) The filing of a petition by or against a party in any bankruptcy or other insolvency proceeding, or seeking any relief under the federal Bankruptcy Code or any similar debtor relief laws; or

(d) Use of the Leased Premises by Lessee or its successors or assigns for any purpose other than those described in Article 4, and Lessee's failure to cease such impermissible use within thirty (30) days of receipt of notice of such violation from Landlord.

Section 16.02. Remedies. Upon the occurrence of an Event of Default, the non-defaulting Party may, in addition to its other remedies at law or in equity, terminate this Lease upon thirty (30) days' notice to the other Party; however, such notice shall not be effective if the defaulting party cures the Event of Default within the meaning of Section 16.01(b) above.

Section 16.03. No Waiver; No Implied Surrender. Provisions of this Lease may not be waived orally or impliedly, but only by the party entitled to the benefit of the provision evidencing the waiver in writing. No waiver of any breach by a party shall constitute a waiver of any subsequent breach.

Article 17. Right of Reentry. Upon the expiration or termination of the Term for whatever cause, or upon the exercise by Port of any right to re-enter the Leased Premises without terminating this Lease, Lessee shall immediately, quietly, and peaceably surrender to Port possession of the Leased Premises in the condition and state of repair required under the Lease and Lessee shall remove the Improvements in accordance with Section 6.04 hereof. If Lessee fails to surrender possession as herein required, Port may initiate any and all legal action as Port may elect to dispossess Lessee and all persons or firms claiming by, through or under Lessee from the Leased Premises, and may remove from the Leased Premises and store (without any liability for loss, theft, damage or destruction thereto) any such Improvements at Lessee's cost and expense. For so long as Lessee remains in possession of the Leased Premises after such expiration, termination or exercise by Port of its re-entry right, Lessee shall be deemed to be occupying the Leased Premises as a tenant-at-sufferance, subject to all of the obligations of Lessee under this Lease. No such holding over shall extend the Term. If Lessee fails to surrender possession of the Leased Premises in the condition herein required. Port may, at Lessee's expense, restore the Leased Premises to such condition.

Article 18. Miscellaneous.

Section 18.01. No Offset. Lessee shall have no right, and Lessee hereby waives and relinquishes all rights which it might otherwise have, to claim any nature of lien against the Leased Premises or, except as may be expressly otherwise set forth in this Lease, to withhold, deduct from or offset against any Rent or other sums to be paid to Port by Lessee.

Section 18.02. Applicable Law. This Lease shall be governed by, construed and shall be enforceable in accordance with the laws of the State of Texas without giving effect to the principles of conflict of laws. Venue for any action brought hereunder shall lie in the State District Courts of Calhoun County, Texas.

Section 18.03. Estoppel Certificates. From time to time at the request of Port, Lessee will promptly and without compensation or consideration execute, have acknowledged and deliver a certificate stating (a) the rights (if any) of Lessee to extend the Term or to expand the Leased Premises, (b) the Rent (or any components of the Rent) currently payable hereunder, (c) whether this lease has been amended in any respect and, if so, submitting copies of or otherwise identifying the amendments, (d) whether, within the knowledge of Lessee after due investigation, there are any existing breaches or defaults by Port hereunder and, if so, stating the defaults with reasonable particularity and (e) such other information pertaining to this Lease as Port may reasonably request.

Section 18.04. Signs. Lessee may install any signs, placards or other advertising or identifying marks upon the Leased Premises or upon the exterior of any Improvements to or constituting a part of the Leased Premises without the prior written consent of Port. Lessee agrees to remove promptly and to the satisfaction of Port (at Lessee's sole cost and expense) upon the expiration or earlier termination of the Term any and all such signs, placards or other advertising or identifying marks.

Section 18.05. Relation of the Parties, No Third Party Beneficiaries. It is the intention of the parties to create hereby the relationship of lessor and lessee, and no other relation is hereby created. Nothing in this Lease shall be construed to make the parties partners or joint venturers or to render either party liable for any obligation of the other. It is the intent of the parties that no person or entity besides Port, Lessee, and their respective successors and permitted assigns shall be entitled to enforce any provision of this Lease and that the covenants and obligations set forth in this Lease are solely for the benefit of Port, Lessee, and their respective successors and permitted assigns.

Section 18.06. Public Disclosure. Port is a governmental authority subject to the requirements of the Texas Open Meetings Act and the Texas Open Records Act (Texas Government Code Chapters 551 and 552), and as such Port is required to disclose to the public (upon request) this Lease and certain other information and

documents relating to the consummation of the transactions contemplated hereby. In this regard, Lessee agrees that the disclosure of this Lease or any other information or materials related to the consummation of the transactions contemplated hereby to the public by Port as required by the Texas Open Meetings Act, Texas Open Records Act, or any other Legal Requirement will not expose Port (or any party acting by, through or under Port) to any claim, liability or action by Lessee.

Section 18.07. Notices and Billing Address. All notices and other communications given pursuant to this Lease shall be in writing and shall either be mailed by first class United States mail, postage prepaid, registered or certified with return receipt requested, and addressed as set forth in this Lease, or delivered in person to the intended addressee, or sent by prepaid telegram, cable or telex followed by an confirmatory letter. Notice mailed in the aforesaid manner shall become effective three Business Days after deposit; notice given in any other manner, and any notice given to Port, shall be effective only upon receipt by the intended addressee. For the purposes of notice and/or billing, the address of

(a) Port shall be:
Calhoun Port Authority
P. O. Box 397
Point Comfort, Texas 77978
Attention: Port Director

and

(b) Lessee shall be:
Castleman Power Development, LLC
5850 San Felipe, Suite 650
Houston, Texas 77057
Attention: Matt Whitaker

Each party shall have the continuing right to change its address for notice hereunder by the giving of written notice to the other party provided however, if Lessee vacates the location that constitutes its address for notice hereunder without changing its address for notice pursuant to this Lease, then Lessee's address for notice shall be deemed to be the Leased Premises.

Section 18.08. Severability. This Lease is intended to be performed in accordance with and only to the extent permitted by all Legal Requirements. If any provision of this Lease or the application thereof to any person or circumstance shall, for any reason and to any extent, be invalid or unenforceable, but the extent of the invalidity or unenforceability does not destroy the basis of the bargain between the parties as contained herein, the remainder of this Lease and the application of such provision

to other persons or circumstances shall not be affected thereby, but rather shall be enforced to the greatest extent permitted by law.

Section 18.9. Construction. Unless the context of this Lease clearly requires otherwise, (a) pronouns, wherever used herein, and of whatever gender, shall include natural persons and corporations and associations of every kind and character; (b) the singular shall include the plural wherever and as often as may be appropriate; (c) the term "include," "includes," or "including" shall mean "including without limitation"; (d) the word "or" has the inclusive meaning represented by the phrase "and/or"; and (e) the words "hereof" or "herein" refer to this entire Lease and not merely the Section or Article number in which such words appear. Article and Section headings in this Lease are for convenience of reference and shall not affect the construction or interpretation of this Lease. Any reference to a particular "Article" or "Section" shall be construed as referring to the indicated article or section of this Lease.

Section 18.10. Authority. Each party represents and warrants to the other that: (1) it has full authority and power to enter into and perform its obligations under this Lease; (2) the person executing this Lease is fully empowered to do so; and (3) no consent or authorization is necessary from any third party. Either party may request that the other party provide the requesting party evidence of such party's authority.

Section 18.11. Entire Agreement. This Lease, together with the exhibits attached hereto, constitutes the entire agreement between the parties pertaining to its subject matter. All prior and contemporaneous written or oral agreements and communications between the parties are superseded by and merged into this Lease. This Lease may not be supplemented or modified except in a written agreement properly executed by the parties. All exhibits are incorporated into this Lease by reference and are an integral part of this Lease.

Section 18.12. Force Majeure. Port and Lessee shall be entitled to rely upon Force Majeure as an excuse for timely performance hereunder only as expressly provided herein and shall not be entitled to rely upon Force Majeure as an excuse for timely performance unless the party seeking to rely on Force Majeure (a) uses commercially reasonable efforts to overcome the effects of the event of Force Majeure, (b) gives written notice to the other party within 5 days after the occurrence of the event describing with reasonable particularity the nature thereof or as soon thereafter as reasonable communications will permit, (c) commences performance of its obligation hereunder as soon as is reasonably practical upon the cessation of the Force Majeure event, and (d) gives written notice to the other party within 5 days after the cessation of the event advising the other party of the date upon which the event ceased to constitute an event of Force Majeure.

Section 18.13. Interpretation. Both Port and Lessee and their respective legal counsel have reviewed and have participated in the preparation of this Lease.

Accordingly, no presumption will apply in favor of either Port or Lessee in the interpretation of this Lease or in the resolution of the ambiguity of any provision hereof.

Section 18.14. Multiple Counterparts. This Lease may be executed in two or more counterparts, each of which shall be an original, but all of which shall constitute but one instrument.

Section 18.15. Attorneys' Fees. In any suit, action, or other proceeding, including arbitration or bankruptcy, arising out of or in any manner relating to this Lease, the prevailing party, as determined by the court or arbitrator, will be entitled to recover from the losing party reasonable attorneys' fees, court costs, and expenses incurred.

Section 18.16. Consequential Damages. Neither party will be liable to the other, and each party releases the other party from liability for any consequential, incidental, special, indirect, exemplary, punitive, or speculative damages of any nature whatsoever related to this Lease, including damages for lost profits, lost revenue, or lost business opportunities.

Section 18.17 Further Assurances. From time to time after the Effective Date, the parties shall execute and deliver further documents and instruments, and take such other and further actions, as may be reasonably requested by each party in order to carry out the intent of this Lease.

Section 18.18 Recording of Lease or Memorandum of Lease. If requested by Lessee, Port agrees that this Lease may be recorded by Lessee at Lessee's expense. Alternatively, if requested by Lessee Port agrees to execute and deliver a memorandum of this Lease in a form reasonably acceptable to Lessee and any lenders providing financing to Lessee and in sufficient form for recording (at Lessee's expense) in the real property records of Calhoun County, Texas.

[Signature page follows]

EXECUTED this 24th day of May, 2016, but effective on May 11th, 2016.

CALHOUN PORT AUTHORITY:

Randy L. Boyd, Board Chair
Calhoun Port Authority

ATTEST:

H. C. Wehmeyer, Jr., Board Secretary
Calhoun Port Authority

CASTLEMAN POWER DEVELOPMENT, LLC

By:
Name: RYAN L. CASTLEMAN
Title: CEO

STATE OF TEXAS §
§
COUNTY OF CALHOUN §

This instrument was acknowledged before me on the 24 day of May, 2016, by Randy L. Boyd, Board Chair of the Calhoun Port Authority.

SANDRA KAY WITTE
My Notary ID # 3043922
Expires May 13, 2020

Notary Public in and for the State of Texas

STATE OF TEXAS §
§
COUNTY OF Harris §

This instrument was acknowledged before me on the 7th day of June, 2016, by Ryan L. Castleman of Castleman Power Development, LLC.

KAREN SUE TOUSEK
Notary Public, State of Texas
My Commission Expires
November 20, 2016

Notary Public in and for the State of Texas

EXHIBIT A
Description of Leased Premises

[see attached]

PROPERTY DESCRIPTION
1.95 ACRES

STATE OF TEXAS }
COUNTY OF CALHOUN }

All of that certain tract or parcel containing 1.95 acres situated in the Thomas Cox Survey, Abstract No. 10 of Calhoun County, Texas and being a part of the same property described as 169.965 acres in Exhibit A-1 of Special Warranty Deed from E. S. Joslin, LP to the Calhoun County Navigation District, recorded in Volume 376, Page 661 of the Official Records of Calhoun County, Texas. This 1.95 acres is more particularly described by metes and bounds as follows:

BEGINNING at an existing 5/8 inch iron rod (N =13,427,928.70; E = 2,755,443.05) located in the South line of the residue of a 200 acre tract recorded in Volume 256, Page 449 of the Calhoun County Deed Records and in an interior line of the above referenced 169.965 acre tract and at the Northeast corner of a 13.38 acre lease tract previously surveyed for the Northwest corner of this 1.95 acres being described;

THENCE North 87° 33' 20" East, with an interior line of the said 169.965 acre tract and a South line of the said residue tract, a distance of 121.88 feet to an existing 5/8 inch iron rod for a corner of this 1.95 acres being described;

THENCE South 02° 26' 40" East, with an interior line of the said 169.965 acre tract and an interior line of the said residue tract, a distance of 28.00 feet to an existing 5/8 inch iron rod for an interior corner of this 1.95 acres being described;

THENCE North 87° 33' 20" East, in part with an interior line of the said 169.965 acre tract and an interior line of the said residue tract, a distance of 125.69 feet to a 5/8 inch iron rod with plastic cap set in the upper West line of a 0.90 Acre Access Easement also surveyed on this day for a corner of this 1.95 acres being described;

THENCE South 02° 26' 40" East, with the upper West line of the said 0.90 Acre Access Easement, a distance of 37.11 feet to a 5/8 inch iron rod with plastic cap set at the upper Southwest corner of the said 0.90 Acre Access Easement for an interior corner of this 1.95 acres being described;

THENCE North 87° 27' 38" East, with a line of the said 0.90 Acre Access Easement, a distance of 110.24 feet to a 5/8 inch iron rod with plastic cap set at a point of curve in the line of the said 0.90 Acre Access Easement for a corner of this 1.95 acres being described;

THENCE along a curve to the right with a Radius of 40.00 feet; a delta of 90°05'42" and a Long Chord of South 47°29'31" East a distance of 56.62 feet to a 5/8 inch iron rod with plastic cap set for a corner of the said 0.90 Acre Access Easement and for a corner of this 1.95 acres being described;

PROPERTY DESCRIPTION
1.95 ACRES

(continued)

THENCE South 02° 26' 40" East, with an interior line of the said 0.90 Acre Access Easement, a distance of 103.03 feet to a 5/8 inch iron rod with plastic cap set at a point of curve in the line of the said 0.90 Acre Access Easement for a corner of this 1.95 acres being described;

THENCE along a curve to the right with a Radius of 40.00 feet; a delta of 89°54'18" and a Long Chord of South 42°30'29" West a distance of 56.52 feet to a 5/8 inch iron rod with plastic cap set for a corner of the said 0.90 Acre Access Easement and for a corner of this 1.95 acres being described;

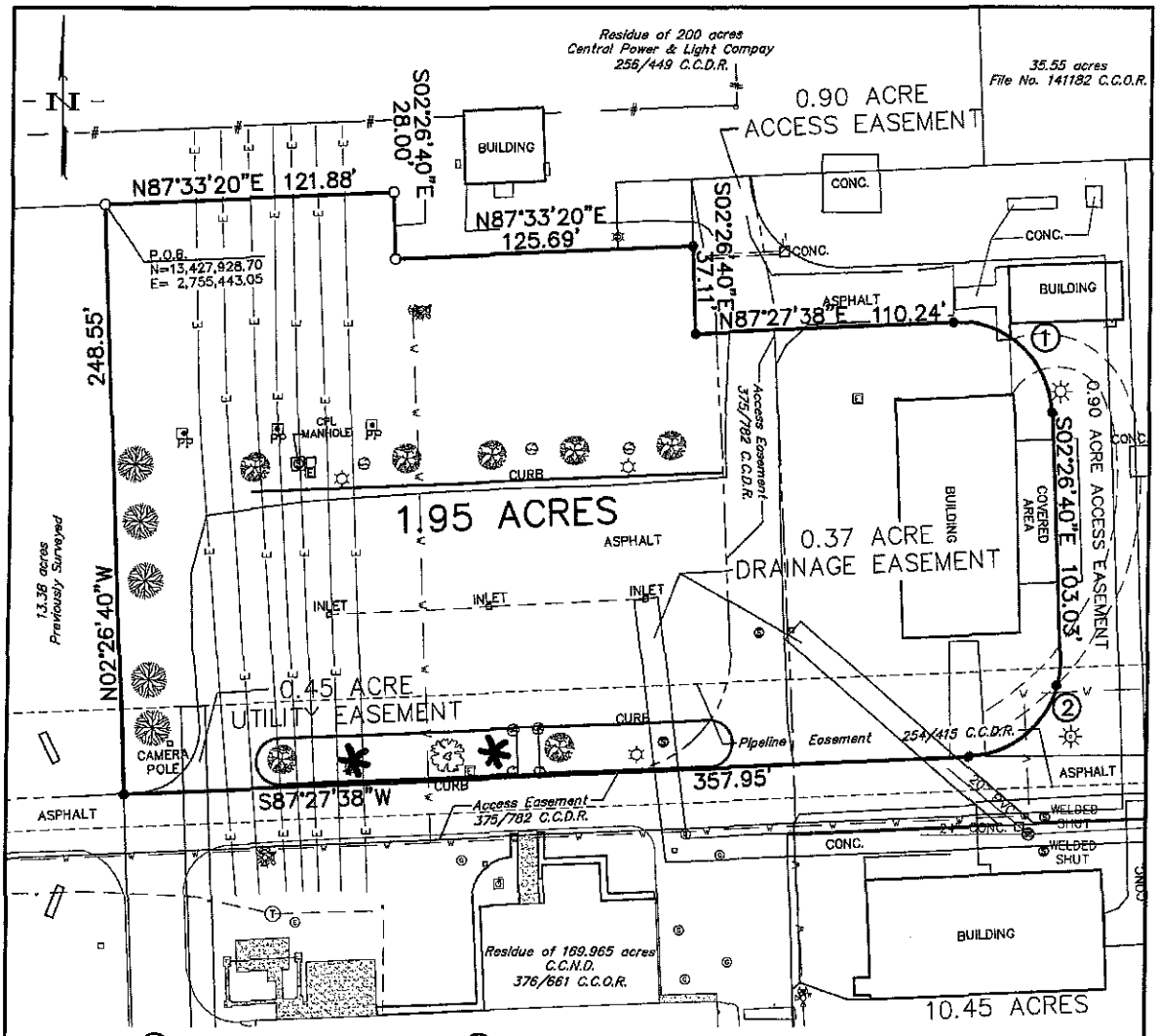
THENCE South 87° 27' 38" West, with the lower North line of the said 0.90 Acre Access Easement, a distance of 357.95 feet to a 5/8 inch iron rod with plastic cap set in the East line of the said 13.38 acre lease tract for the Southwest corner of this 1.95 acres being described;

THENCE North 02° 26' 40" West, with the East line of the said 13.38 acre lease tract, a distance of 248.55 feet to the **PLACE OF BEGINNING**, containing within these metes and bounds 1.95 acres.

Coordinates and bearings recited herein are Texas State Plane, South Central Zone NAD'83 relative to NGS Monument "Mitchell 2" (X = 2,750,669.14; Y = 13,426,969.87).

This property description and a plat were prepared from a survey made on the ground under my direction on April 5, 2016.

G & W ENGINEERS, INC.
TBPLS Firm No. 10022100
Henry A. Danysh
Registered Professional
Land Surveyor, No. 5088



① CURVE DATA
DELTA= 90°05'42"
RADIUS= 40.00'
LONG CH.= S47°29'31"E
56.62'

② CURVE DATA
DELTA= 89°54'18"
RADIUS= 40.00'
LONG CH.= S42°30'29"W
56.52'

NOTES:

1. COORDINATES AND BEARINGS SHOWN HEREON ARE TEXAS STATE PLANE, SOUTH CENTRAL ZONE NAD 83, RELATIVE TO NGS MONUMENT "MITCHELL 2" (X=2,750,669.14; Y= 13,426,969.87)
2. DISTANCES AND AREA SHOWN HEREON ARE IN GRID. (APPLY SCALE FACTOR OF 0.99993498 TO CONVERT TO SURFACE)

LEGEND

○	EXISTING 5/8" IRON ROD UNLESS NOTED
●	SET 5/8" IRON ROD WITH
C.C.D.R.	CALHOUN COUNTY DEED RECORDS
C.C.O.R.	CALHOUN COUNTY OFFICIAL RECORDS
P.O.B.	POINT OF BEGINNING
PP	POWER POLE
☼	LIGHT POLE
Ⓜ	EXISTING MANHOLE
▣	ELECTRIC JUNCTION BOX
	EXISTING PECAN TREE
	EXISTING TALLOW TREE
✱	EXISTING PALM TREE
⊖	EXISTING BUSH/SHRUBS
—E—	OVERHEAD POWERLINE
—#—	EXISTING CHAINLINK FENCE
[ ]	PLAT OR DEED CALL

1.95 ACRES
THOMAS COX LEAGUE
ABSTRACT NO. 10
CALHOUN COUNTY, TEXAS

BEING A PART OF THE SAME PROPERTY DESCRIBED AS 169.965 ACRES IN EXHIBIT "A-1" OF SPECIAL WARRANTY DEED FROM E. S. JOSLIN, LP TO CALHOUN COUNTY NAVIGATION DISTRICT, RECORDED IN VOLUME 376, PAGE 661 OF THE OFFICIAL RECORDS OF CALHOUN OUNTY, TEXAS.

I, HENRY A. DANYSH, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON AND A PROPERTY DESCRIPTION PREPARED REPRESENTS THE RESULT OF A SURVEY MADE ON THE GROUND UNDER MY DIRECTION ON APRIL 5, 2016.

G & W ENGINEERS, INC.
HENRY A. DANYSH
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5088

STATE OF TEXAS
REGISTERED
HENRY A. DANYSH
5088
PROFESSIONAL
LAND SURVEYOR

G & W ENGINEERS, INC.
ENGINEERING • SURVEYING • PLANNING

205 W. LIVE OAK STREET
PORT LAVACA, TEXAS 77979
(361) 552-4509
TBPLS FIRM NO.: 10022100

1803A 7th STREET
BAY CITY, TEXAS 77414
(979) 323-7100
TBPLS FIRM NO.: 10022101

DRAWN BY:	RECOM'D BY:	DATE:	SCALE:	JOB NO.:	DRAWING NO.:
J.H.D.	H.A.D.	APRIL 6, 2016	1" = 60'	7019-001	7019-001-A

EXHIBIT A-1
Description of .90 Acres Access Easement

[see attached]

PROPERTY DESCRIPTION
0.90 ACRE ACCESS EASEMENT

STATE OF TEXAS }
COUNTY OF CALHOUN }

All of that certain tract or parcel containing 0.90 acre situated in the Thomas Cox Survey, Abstract No. 10 of Calhoun County, Texas and being a part of the same property described as 169.965 acres in Exhibit A-1 of Special Warranty Deed from E. S. Joslin, LP to the Calhoun County Navigation District, recorded in Volume 376, Page 661 of the Official Records of Calhoun County, Texas. This 0.90 acre is more particularly described by metes and bounds as follows:

BEGINNING in the East line of a 60 Foot Wide Access Easement described in Volume 256, Page 474 of the of the Deed Records of Calhoun County, Texas and in the West line of the above referenced 169.965 acre tract with coordinates of (N =13,427,648.96; E = 2,754,745.11) for the upper West corner of this 0.90 acre being described;

THENCE North 87° 27' 38" East, passing an interior line of a 13.38 Acre Lease at a distance of 130.71 feet and passing the East line of the said 13.38 Acre Lease and the Southwest corner of a 1.95 Acre Lease tract, at a distance of 709.23 feet and continuing a total distance of 1067.18 feet to a 5/8 inch iron with plastic cap set at a point of curve for a corner of the said 1.95 acre tract and for an interior corner of this 0.90 acre being described;

THENCE along a curve to the left with a Radius of 40.00 feet; a delta of 89°54'18" and a Long Chord of North 42°30'29" East a distance of 56.52 feet to a 5/8 inch iron rod with plastic cap set for a corner of the said 1.95 acre tract and for a corner of this 0.90 acre being described;

THENCE North 02° 26' 40" West, with an interior line of the said 1.95 acre tract, a distance of 103.03 feet to a 5/8 inch iron rod with plastic cap set at a point of curve for a corner of the said 1.95 acre tract and for a corner of this 0.90 acre being described;

THENCE along a curve to the left with a Radius of 40.00 feet; a delta of 90°05'42" and a Long Chord of North 47°29'31" West a distance of 56.62 feet to a 5/8 inch iron rod with plastic cap set for a corner of the said 1.95 acre tract and for a corner of this 0.90 acre being described;

THENCE South 87°27'38" West, with a line of the said 1.95 acre tract, a distance of 110.24 feet to a 5/8 inch iron rod with plastic cap set for an interior corner of the said 1.95 acre tract and for the upper Southwest corner of this 0.09 acre being described;

PROPERTY DESCRIPTION
0.90 ACRE ACCESS EASEMENT

(continued)

THENCE North 02°26'40" West, in part with an interior line of the said 1.95 acre tract, a distance of 65.11 feet to a 5/8 inch iron rod with plastic cap set in the North line of the said 169.965 acre tract for the Northwest corner of this 0.90 acre being described;

THENCE North 87° 33' 20" East, with the North line of the said 169.965 acre tract, a distance of 25.00 feet to a 5/8 inch iron rod with plastic cap set for the Northeast corner of this 0.90 acre being described;

THENCE along a curve to the left with a Radius of 40.00 feet; a delta of 90°06'01" and a Long Chord of South 47°29'22" East a distance of 56.62 feet to a 5/8 inch iron rod with plastic cap set for a corner of this 0.90 acre being described;

THENCE North 87° 25' 27" East a distance of 110.24 feet to a 5/8 inch iron rod with plastic cap set for the lower Northeast corner of this 0.90 acre being described;

THENCE North 02° 26' 40" West a distance of 233.09 feet for the Southeast corner of this 0.90 acre being described;

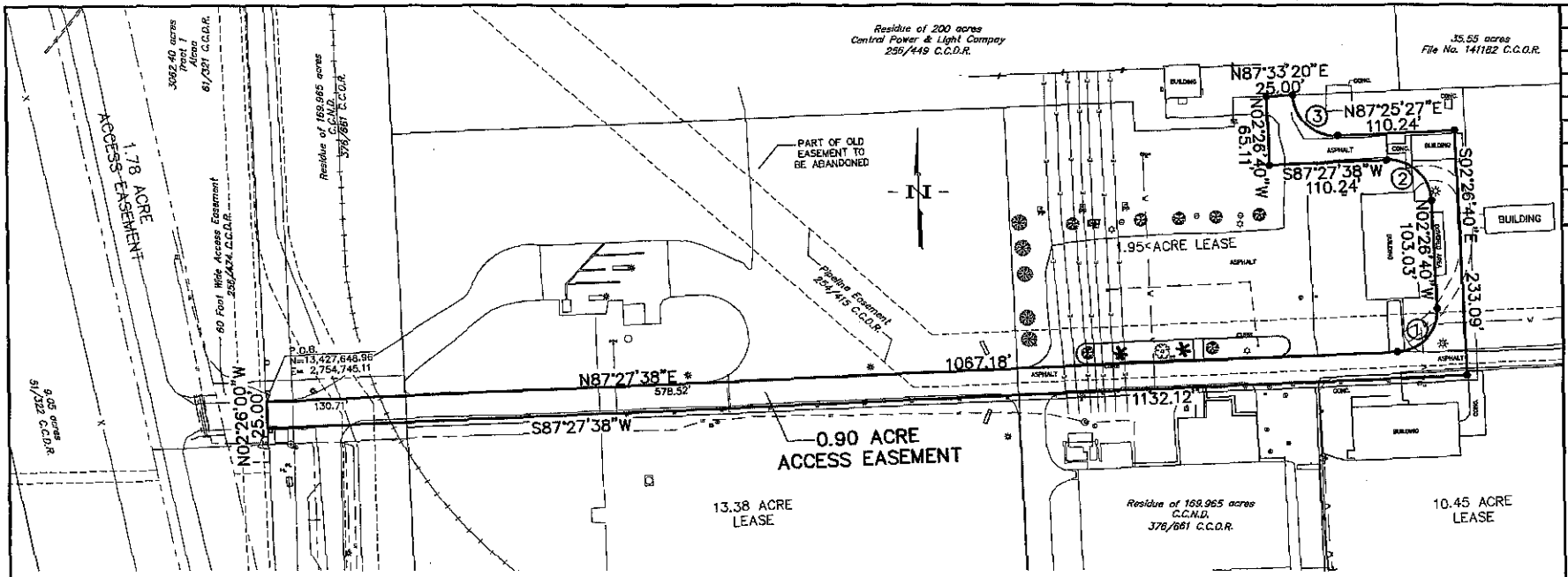
THENCE South 87° 27' 38" West, passing the East line of the said 13.38 Acre Lease at a distance of 333.77 feet and continuing a total distance of 1132.12 feet for the Southeast corner of this 0.90 acre being described;

THENCE North 02° 26' 00" West, with the East line of the said 60 Foot Wide Access Easement and the West line of the said 169.965 acre tract, a distance of 25.00 feet to the **PLACE OF BEGINNING**, containing within these metes and bounds 0.90 acre.

Coordinates and bearings recited herein are Texas State Plane, South Central Zone NAD'83 relative to NGS Monument "Mitchell 2" (X = 2,750,669.14; Y = 13,426,969.87).

This property description and a plat were prepared from a survey made on the ground under my direction on April 5, 2016.

G & W ENGINEERS, INC.
TBPLS Firm No. 10022100
Henry A. Danysh
Registered Professional
Land Surveyor, No. 5088



① CURVE DATA
DELTA= 89°54'18"
RADIUS= 40.00'
LONG CH.= N42°30'29"E
56.52'

② CURVE DATA
DELTA= 90°05'42"
RADIUS= 40.00'
LONG CH.= N47°29'31"W
56.62'

③ CURVE DATA
DELTA= 90°06'01"
RADIUS= 40.00'
LONG CH.= S47°29'22"E
56.62'

NOTES:

1. COORDINATES AND BEARINGS SHOWN HEREON ARE TEXAS STATE PLANE, SOUTH CENTRAL ZONE NAD 83, RELATIVE TO NGS MONUMENT "MITCHELL 2" (X=2,750,689.14; Y= 13,426,969.87)
2. DISTANCES AND AREA SHOWN HEREON ARE IN GRID. (APPLY SCALE FACTOR OF 0.99993498 TO CONVERT TO SURFACE)

0.90 ACRE ACCESS EASEMENT
THOMAS COX LEAGUE
ABSTRACT NO. 10
CALHOUN COUNTY, TEXAS

BEING A PART OF THE SAME PROPERTY DESCRIBED AS 169.965 ACRES IN EXHIBIT "A-1" OF SPECIAL WARRANTY DEED FROM E. S. JOSLIN, LP TO CALHOUN COUNTY NAVIGATION DISTRICT, RECORDED IN VOLUME 376, PAGE 661 OF THE OFFICIAL RECORDS OF CALHOUN OUNTY, TEXAS.

LEGEND

⊙	EXISTING 1/2" IRON ROD
•	SET 5/8" IRON ROD WITH PLASTIC CAP
C.C.D.R.	CALHOUN COUNTY DEED RECORDS
C.C.O.R.	CALHOUN COUNTY OFFICIAL RECORDS
P.O.B.	POINT OF BEGINNING
—E—	OVERHEAD POWERLINE
—#—	EXISTING CHAINLINK FENCE
—/—	EXISTING WOOD FENCE
—X—	EXISTING WIRE FENCE
[ ]	PLAT OR DEED CALL

I, HENRY A. DANYSH, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON AND A PROPERTY DESCRIPTION PREPARED REPRESENTS THE RESULT OF A SURVEY MADE ON THE GROUND UNDER MY DIRECTION ON APRIL 5, 2015.

G & W ENGINEERS, INC.
HENRY A. DANYSH
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5088

STATE OF TEXAS
REGISTERED
HENRY A. DANYSH
5088
PROFESSIONAL
LAND SURVEYOR

DRAWN BY:
J.H.D.
CHECKED BY:
H.A.D.
DATE:
APRIL 4, 2016
SCALE:
1" = 100'

G & W ENGINEERS, INC.
ENGINEERING • SURVEYING • PLANNING
205 W. LIVE OAK STREET
PORT LAVACA, TEXAS 77979
(361) 552-4509
TBPLS FIRM NO.: 10022100
1803A 7th STREET
BAY CITY, TEXAS 77414
(979) 323-7100
TBPLS FIRM NO.: 10022101

FILE NO.:
7019-001-B
JOB NO.:
7019-001
SHEET NO.:
1 OF 1

EXHIBIT A-2
Description of .37 Acre Drainage Easement

[see attached]

PROPERTY DESCRIPTION
0.37 ACRE DRAINAGE EASEMENT

STATE OF TEXAS }
COUNTY OF CALHOUN }

All of that certain tract or parcel containing 0.37 acre situated in the Thomas Cox Survey, Abstract No. 10 of Calhoun County, Texas and being a part of the same property described as 169.965 acres in Exhibit A-1 of Special Warranty Deed from E. S. Joslin, LP to the Calhoun County Navigation District, recorded in Volume 376, Page 661 of the Official Records of Calhoun County, Texas. This 0.37 acre is more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with plastic cap (N =13,427,767.01; E = 2,755,667.63) set for the Northwest corner of this 0.37 acre being described;

THENCE North 82° 32' 39" East a distance of 10.00 feet to a 5/8 inch iron rod with plastic cap set for the Northeast corner of this 0.37 acre being described;

THENCE South 07° 27' 21" East, passing the South line of a 1.95 acre lease tract also surveyed on this day, a distance of 107.33 feet to a 5/8 inch iron rod with plastic cap set for an interior corner of this 0.37 acre being described;

THENCE North 87° 33' 49" East a distance of 132.66 feet for an interior corner of this 0.37 acre being described;

THENCE North 49° 30' 20" West a distance of 125.10 feet to a 5/8 inch iron rod with plastic cap set for a corner of this 0.37 acre being described;

THENCE North 40° 29' 40" East a distance of 10.00 feet to a 5/8 inch iron rod with plastic cap set for a corner of this 0.37 acre being described;

THENCE South 49° 30' 20" East a distance of 135.85 feet for an interior corner of this 0.37 acre being described;

THENCE North 87° 33' 49" East a distance of 467.97 feet to a 5/8 inch iron rod with plastic cap set for the Northeast corner of this 0.37 acre being described;

THENCE South 02° 09' 09" East a distance of 656.12 feet to a 5/8 inch iron rod with plastic cap set for a corner of this 0.37 acre being described;

THENCE South 09° 53' 10" East a distance of 76.13 feet for the Southeast corner of this 0.37 acre being described;

PROPERTY DESCRIPTION
0.37 ACRE DRAINAGE EASEMENT

(continued)

THENCE South 80° 06' 50" West a distance of 32.28 feet for the lower Southwest corner of this 0.37 acre being described;

THENCE North 09° 53' 10" West a distance of 10.00 feet for a corner of this 0.37 acre being described;

THENCE North 80° 06 50" East a distance of 22.28 for an interior corner of this 0.37 acre being described;

THENCE North 09° 53' 10" West a distance of 66.81 feet to a 5/8 inch iron rod with plastic cap set for a corner of this 0.37 acre being described;

THENCE North 02° 09' 09" West a distance of 646.74 feet to a 5/8 inch iron rod with plastic cap set for an interior corner of this 0.37 acre being described;

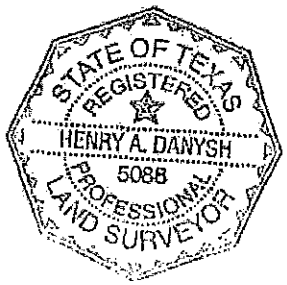
THENCE South 87° 33' 49" West a distance of 614.42 feet for the upper Southwest corner of this 0.37 acre being described;

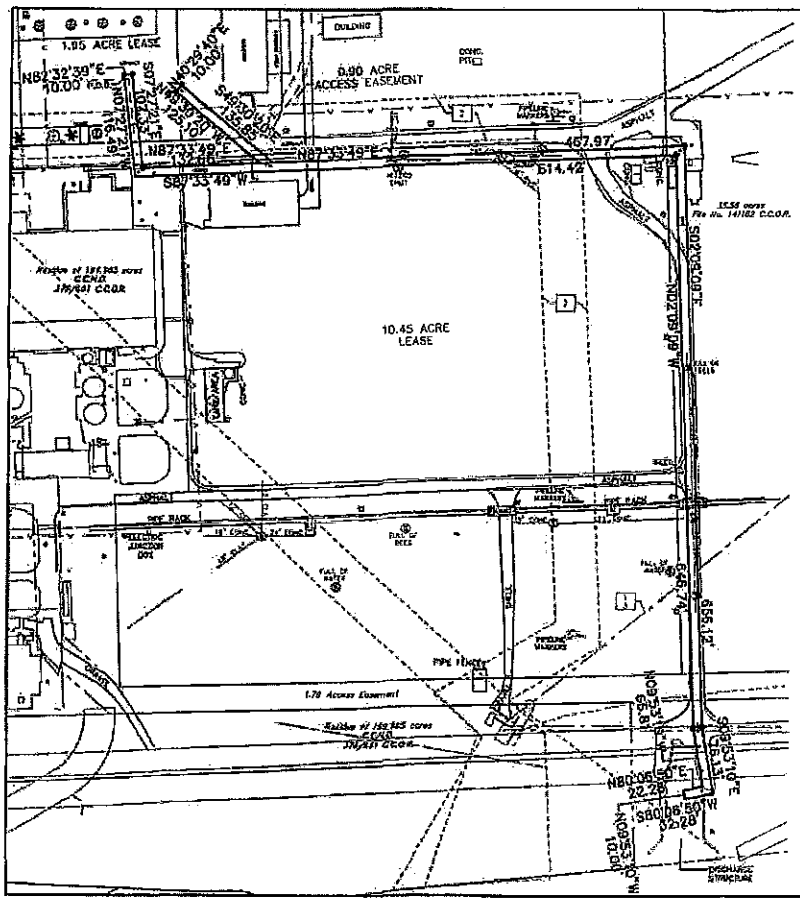
THENCE North 07° 27' 21" West a distance of 116.49 to the **PLACE OF BEGINNING**, containing within these metes and bounds 0.37 acre.

Coordinates and bearings recited herein are Texas State Plane, South Central Zone NAD'83 relative to NGS Monument "Mitchell 2" (X = 2,750,669.14; Y = 13,426,969.87).

This property description and a plat were prepared from a survey made on the ground under my direction on April 5, 2016.

G & W ENGINEERS, INC.
TBPLS Firm No. 10022100
Henry A. Danysh
Registered Professional
Land Surveyor, No. 5088





0.37 ACRE DRAINAGE EASEMENT
THOMAS COX LEAGUE
ABSTRACT NO. 10
CALHOUN COUNTY, TEXAS

BEING A PART OF THE SAME PROPERTY DESCRIBED AS 169.985 ACRES IN EXHIBIT "A-1" OF SPECIAL WARRANTY DEED FROM E. S. JOSLIN, LP TO CALHOUN COUNTY NAVIGATION DISTRICT, RECORDED IN VOLUME 378, PAGE 661 OF THE OFFICIAL RECORDS OF CALHOUN COUNTY, TEXAS.

NOTES:

1. COORDINATES AND BEARINGS SHOWN HEREON ARE TEXAS STATE PLANE, SOUTH CENTRAL ZONE NAD 83, RELATIVE TO NGS BENCHMARK "MITCHELL 2" (N=3,750,689.14; E= 13,428,949.87)
2. DISTANCES AND AREA SHOWN HEREON ARE IN GRID. (APPLY SCALE FACTOR OF 0.99993498 TO CONVERT TO SURFACE)
3. P.O.B. = (N=13,427,751.01; E=2,755,667.63)

LEGEND

○	EXISTING 5/8" IRON ROD UNLESS NOTED
●	SET 5/8" IRON ROD WITH
O.C.D.R.	CALHOUN COUNTY DEED RECORDS
O.C.O.R.	CALHOUN COUNTY OFFICIAL RECORDS
P.O.B.	POINT OF BEGINNING
⌀	POWER POLE
☼	LIGHT POLE
⊕	EXISTING MANHOLE
▣	ELECTRIC JUNCTION BOX
	EXISTING PECAN TREE
	EXISTING TALLOW TREE
	EXISTING PALM TREE
	EXISTING BUSH/SHRUBS
—I—	OVERHEAD POWERLINE
—/—	EXISTING CHAINLINK FENCE
[ ]	PLAT OR DEED CALL

I, HENRY A. DANYSH, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON AND A PROPERTY DESCRIPTION PREPARED REPRESENTS THE RESULT OF A SURVEY MADE ON THE GROUND UNDER MY DIRECTION ON APRIL 5, 2016.

G & W ENGINEERS, INC.
HENRY A. DANYSH
REGISTERED PROFESSIONAL LAND SURVEYOR NO 5065

DRAWN BY:	J.R.D.
CHECKED BY:	H.A.D.
DATE:	APRIL 4, 2016
SCALE:	1" = 100'

G & W ENGINEERS, INC.
ENGINEERING • SURVEYING • PLANNING
205 W. LIVE OAK STREET, PORT LAVACA, TEXAS 77979, (361) 552-4609, TBPLS FIRM NO.: 10022100
18034 7th STREET, HOUSTON, TEXAS 77414, (979) 323-7100, TBPLS FIRM NO.: 10022101

FILE NO.:	7019-001-D
JOB NO.:	7019--001
SHEET NO.:	1 OF 1

EXHIBIT A-3
Description of 2.07 Acre Access Easement

[see attached]

PROPERTY DESCRIPTION
2.07 ACRE ACCESS EASEMENT

STATE OF TEXAS }
COUNTY OF CALHOUN }

All of that certain tract or parcel containing 2.07 acres situated in the Thomas Cox Survey, Abstract No. 10 of Calhoun County, Texas and being a part of the same property described as 169.965 acres in Exhibit A-1 of Special Warranty Deed from E. S. Joslin, LP to the Calhoun County Navigation District, recorded in Volume 376, Page 661 of the Official Records of Calhoun County, Texas and being part of the same property described as 1.78 acre Access Easement in Exhibit "A" and as 0.451 acre Access Easement in Exhibit "B" of Road Easement Deed from Calhoun Port Authority to Formosa Plastics recorded in File No. 118143 of the Official Records of Calhoun County, Texas and part of a 60 Foot Wide Access Easement recorded in Volume 256, Page 474 of the Deed Records of Calhoun County, Texas. This 2.07 acres is more particularly described by metes and bounds as follows:

BEGINNING in the East line of F.M. No. 1593 and in the East line of a 29.7270 acre Right-of-Way Easement described in Deed recorded in Volume 157, Page 575 of the Calhoun County Deed Records and the West line of a 3062.40 acre tract described in Deed recorded in Volume 61, Page 321 of the Calhoun County Deed Records and at the Northeast corner of the above referenced 1.78 acre Access Easement with coordinates of (N =13,428,379.99; E = 2,754,537.87) for the North corner of this 2.07 acres being described;

THENCE South 12° 28' 00" East, with the East line of the said 1.78 acre Access Easement, a distance of 730.77 to the Northwest corner of the above referenced 60 Foot Wide Access Easement for an interior corner of this 2.07 acres being described;

THENCE North 87° 34' 00" East, with the North line of the said 60 Foot Wide Access Easement and the North line of the above referenced 0.451 acre Access Easement and an interior line of a 13.38 Acre Lease, passing an existing 5/8 inch iron rod located at the Northeast corner of the said 60 Foot Wide Access Easement and the Northwest corner of the said 0.451 acre Access Easement and a corner of the said 13.38 Acre Lease at a distance of 48.71 feet and continuing a total distance of 179.39 feet to an existing 5/8 inch iron rod located at an interior corner of the said 13.38 Acre Lease and at the Northeast corner of the said 0.451 acre Access Easement for a corner of this 2.07 acres being described;

THENCE South 02° 30' 43" East, with the East line of the said 0.451 acre Access Easement and an interior line of the said 13.38 Acre Lease, a distance of 19.34 feet for an interior corner of this 2.07 acres being described;

THENCE North 87° 27' 38" East, crossing the said 13.38 Acre Lease and in part with the South line of a 1.85 Acre Lease, passing the East line of the said 13.38 Acre Lease and the at the Southwest corner of the said 1.85 Acre Lease at a distance of 578.52 feet and passing the Southeast corner of the said 1.85 Acre Lease at a distance of 912.43 feet continuing a total distance of 1011.41 feet to an interior line of a 10.45 Acre Lease for the Northeast corner of this 2.07 acres being described;

PROPERTY DESCRIPTION
2.07 ACRE ACCESS EASEMENT

(continued)

THENCE South 02° 26' 40" East, with the interior line of the said 10.45 Acre Lease, a distance of 30.00 feet to a "X" chiseled in concrete at an interior corner of the said 10.45 Acre Lease for the Southeast corner of this 2.07 acres being described;

THENCE South 87° 27' 38" West, with in part with an interior line of the said 10.45 Acre Lease and crossing the said 13.38 Acre Lease, passing a corner of the said 10.45 Acre Lease at a distance of 153.09 feet and passing the East line of the said 13.38 Acre Lease at a distance of 433.52 feet and continuing a total distance of 1011.37 feet to a West line of the said 13.38 Acre Lease and the East line of the said 0.451 acre Access Easement for an interior corner of this 2.07 acres being described;

THENCE South 02° 30' 43" East, with the East line of the said 0.451 acre Access Easement and with an interior line of the said 13.38 Acre Lease, a distance of 10.66 feet to an existing 5/8 inch iron rod located at a corner of the said 0.451 acre Access Easement for a corner of this 2.07 acres being described;

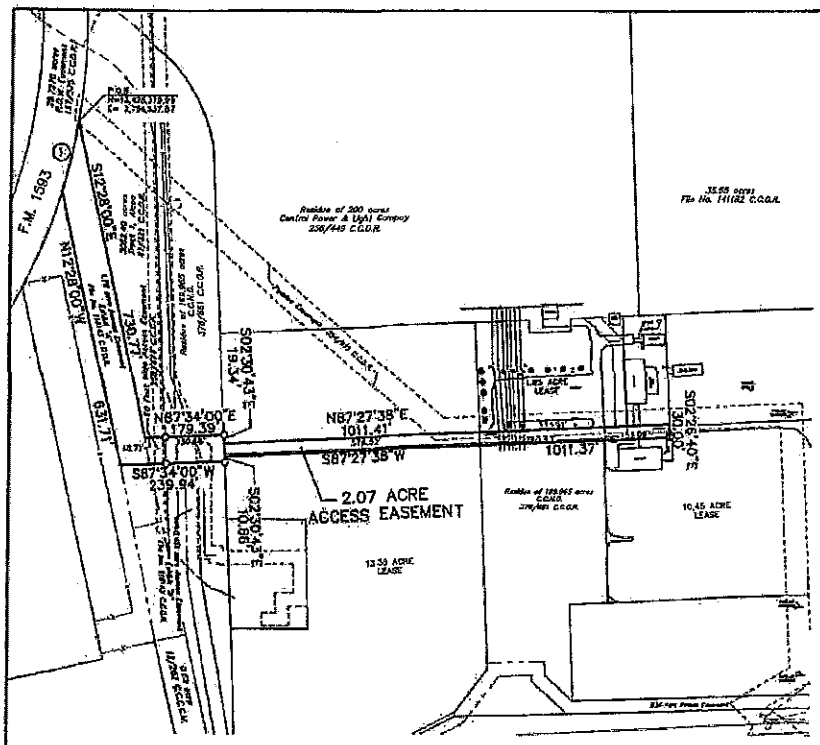
THENCE South 87° 34' 00" West, with interior lines of the said 0.451 acre Access Easement and in part with the South line of the said 60 Foot Wide Access Easement and crossing the said 1.78 acre Access Easement, a distance of 239.94 feet to the West line of the said 1.78 acre Access Easement for the Southwest corner of this 2.07 acres being described;

THENCE North 12° 28' 00" West, with the West line of the said 1.78 acre Access Easement, a distance of 631.71 feet to the East line of the said 29.7270 acre Right-of-Way Easement and the East line of F.M. No. 1593 and the Northwest corner of the said 1.78 acre Access Easement for the Northwest corner of this 2.07 acres being described;

THENCE with the East line of the said 29.7270 acre Right-of-Way Easement and the North line of the said 1.78 acre Access Easement and with the East line of East line of F.M. No. 1593, along a curve to the left with a Radius of 1316.28 feet and Delta of 07° 06' 56" and a Long Chord of North 12° 54' 18" East a distance of 163.37 feet to the **PLACE OF BEGINNING**, containing within these metes and bounds 2.07 acres.

Coordinates and bearings recited herein are Texas State Plane, South Central Zone NAD'83 relative to NGS Monument "Mitchell 2" (X = 2,750,669.14; Y = 13,426,969.87).
This fieldnote description and a plat were prepared from a survey made on the ground under my direction on September 14, 2015.

G & W ENGINEERS, INC.
TBPLS Firm No. 10022100
Henry A. Danysh
Registered Professional Land Surveyor, No. 5088



2.07 ACRE ACCESS EASEMENT
THOMAS COX LEAGUE
ABSTRACT NO. 10
CALHOUN COUNTY, TEXAS

BEING A PART OF THE SAME PROPERTY DESCRIBED AS 189.985 ACRES IN EXHIBIT A-1 OF SPECIAL WARRANTY DEED FROM E. 9. JOSLIN, LP TO THE CALHOUN COUNTY NAVIGATION DISTRICT, RECORDED IN VOLUME 376, PAGE 661 OF THE OFFICIAL RECORDS OF CALHOUN COUNTY, TEXAS AND BEING PART OF THE SAME PROPERTY DESCRIBED AS 1.78 ACRE ACCESS EASEMENT IN EXHIBIT "A" AND AS 0.451 ACRE ACCESS EASEMENT IN EXHIBIT "B" OF ROAD EASEMENT DEED FROM CALHOUN PORT AUTHORITY TO FORMOSA PLASTICS RECORDED IN FILE NO. 118143 OF THE OFFICIAL RECORDS OF CALHOUN COUNTY, TEXAS AND PART OF A 50 FOOT WIDE ACCESS EASEMENT RECORDED IN VOLUME 256, PAGE 474 OF THE DEED RECORDS OF CALHOUN COUNTY, TEXAS.

LEGEND

○	EXISTING 5/8" IRON ROD UNLESS NOTED
⊗	CHISELED/MARKED "X" IN CONC
C.C.O.R.	CALHOUN COUNTY DEED RECORDS
C.C.O.R.	CALHOUN COUNTY OFFICIAL RECORDS
P.O.B.	POINT OF BEGINNING

① CURVE DATA
DELTA= 07°06'56"
RADIUS= 1316.28'
LONG CH.= N12°54'18"E
163.37'

NOTES:

1. COORDINATES AND BEARINGS SHOWN HEREON ARE TEXAS STATE PLANE, SOUTH CENTRAL ZONE NAD 83, RELATIVE TO NGS MONUMENT "MITCHELL 2" (X=2,756,693.14; Y= 13,428,965.87)
2. DISTANCES AND AREA SHOWN HEREON ARE IN GRID. (APPLY SCALE FACTOR OF 0.99993490 TO CONVERT TO SURFACE)

I, HENRY A. DANYSH, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON AND A PROPERTY DESCRIPTION PREPARED REPRESENTS THE RESULT OF A SURVEY MADE ON THE GROUND UNDER MY DIRECTION ON SEPTEMBER 14, 2015.

G & W ENGINEERS, INC.
HENRY A. DANYSH
REGISTERED PROFESSIONAL
LAND SURVEYOR NO 5088

STATE OF TEXAS
REGISTERED
HENRY A. DANYSH
5088
PROFESSIONAL
LAND SURVEYOR

DRAWN BY:	J.H.D.
CHECKED BY:	H.A.D.
DATE:	OCT. 7, 2015
SCALE:	1" = 200'

G & W ENGINEERS, INC.
ENGINEERING • SURVEYING • PLANNING
205 W. LIVE OAK STREET
BAY CITY, TEXAS 77414
(361) 552-4508
TBPLS FIRM NO.: 10022100
1800A 7th STREET
BAY CITY, TEXAS 77414
(979) 323-1700
TBPLS FIRM NO.: 10022108

FILE NO.:	9171-302-1
JOB NO.:	9171-302
SHEET NO.:	1 OF 1

EXHIBIT A-4
Description of .38 Acre Utility Easements

[see attached]

PROPERTY DESCRIPTION
0.38 ACRE UTILITY EASEMENT

STATE OF TEXAS }
COUNTY OF CALHOUN }

All of that certain tract or parcel containing 0.38 acre situated in the Thomas Cox Survey, Abstract No. 10 of Calhoun County, Texas and being a part of the same property described as 169.965 acres in Exhibit A-1 of Special Warranty Deed from E. S. Joslin, LP to the Calhoun County Navigation District, recorded in Volume 376, Page 661 of the Official Records of Calhoun County, Texas. This 0.38 acre is more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with plastic cap (N =13,427,717.54; E = 2,755,477.34) set in the North line of a Pipeline Easement described in document recorded in Volume 254, Page 415 of the Calhoun County Official Records for the Northwest corner of this 0.38 acre being described;

THENCE North 87° 32' 10" East, with the North line of the said Pipeline Easement, a distance of 10.00 feet to a 5/8 inch iron rod with plastic cap set for the Northeast corner of this 0.38 acre being described;

THENCE South 02° 26' 40" East, passing the South line of a 1.95 acre lease tract also surveyed on this day and passing the South line of the said Pipeline Easement, a distance of 485.73 feet to a 5/8 inch iron rod with plastic cap set for a corner of this 0.38 acre being described;

THENCE South 87° 52' 40" West a distance of 15.22 feet to a 5/8 inch iron rod with plastic cap set for an interior corner of this 0.38 acre being described;

THENCE South 02° 07' 20" East a distance of 94.06 feet to a 5/8 inch iron rod with plastic cap set for a corner of this 0.38 acre being described;

THENCE South 42° 52' 40" West a distance of 133.10 feet for a corner of this 0.38 acre being described;

THENCE South 61° 39' 55" West a distance of 104.20 feet for a corner of this 0.38 acre being described;

THENCE South 87° 24' 22" West a distance of 460.41 feet to a 5/8 inch iron rod with plastic cap set for the Southwest corner of this 0.38 acre being described;

THENCE North 10° 01' 45" West a distance of 383.90 feet to a 5/8 inch iron rod with plastic cap set for a corner of this 0.38 acre being described;

PROPERTY DESCRIPTION
0.38 ACRE UTILITY EASEMENT

(continued)

THENCE North 01° 54' 58" West a distance of 104.35 feet to the South line of a Pipeline Easement described in document recorded in Volume 22, Page 795 of the Calhoun County Deed Records for a corner of this 0.38 acre being described;

THENCE North 89° 59' 48" East, with the South line of the said Pipeline Easement, a distance of 45.71 feet for an interior corner of this 0.38 acre being described;

THENCE North 00° 00' 12" West, with the terminus line of the said Pipeline Easement, a distance of 30.00 feet for a corner of this 0.38 acre being described;

THENCE North 89° 59' 48" East a distance of 10.00 feet for a corner of this 0.38 acre being described;

THENCE South 00° 00' 12" East a distance of 40.00 feet for a corner of this 0.38 acre being described;

THENCE South 89° 59' 48" West a distance of 45.37 feet for an interior corner of this 0.38 acre being described;

THENCE South 01° 54' 58" East a distance of 93.30 feet for a corner of this 0.38 acre being described;

THENCE South 10° 01' 45" East a distance of 59.05 feet for an interior corner of this 0.38 acre being described;

THENCE North 79° 58' 15" East a distance of 102.78 feet to the line of a Pipeline Easement described in document recorded in Volume 233, Page 668 of the Calhoun County Official Records for a corner of this 0.38 acre being described;

THENCE South 04° 07' 41" East, with the line of the said Pipeline Easement, a distance of 10.05 feet for a corner of this 0.38 acre being described;

THENCE South 79° 58' 15" West a distance of 101.75 feet for an interior corner of this 0.38 acre being described;

THENCE South 10° 01' 45" East a distance of 310.41 feet for an interior corner of this 0.38 acre being described;

THENCE North 87° 24' 22" East, in part with the South line of a 13.38 acre lease tract, a distance of 449.84 feet for an interior corner of this 0.38 acre being described;

PROPERTY DESCRIPTION
0.38 ACRE UTILITY EASEMENT

(continued)

THENCE North 61° 39' 55" East, with a line of the said 13.38 acre lease tract, a distance of 102.23 feet for an interior corner of this 0.38 acre being described;

THENCE North 42° 52' 40" East a distance of 84.88 feet to a 5/8 inch iron rod with plastic cap set for an interior corner of this 0.38 acre being described;

THENCE South 87° 33' 20" West a distance of 39.80 feet to a 5/8 inch iron rod with plastic cap set for a corner of this 0.38 acre being described;

THENCE North 02° 26' 40" West a distance of 10.00 feet to a 5/8 inch iron rod with plastic cap set for a corner of this 0.38 acre being described;

THENCE North 87° 33' 20" East a distance of 42.80 feet to a 5/8 inch iron rod with plastic cap set for an interior corner of this 0.38 acre being described;

THENCE North 42° 52' 40" East a distance of 34.08 feet to a 5/8 inch iron rod with plastic cap for an interior corner of this 0.38 acre being described;

THENCE North 02° 07' 20" West a distance of 99.92 feet to a 5/8 inch iron rod wit plastic cap set for a corner of this .038 acre being described;

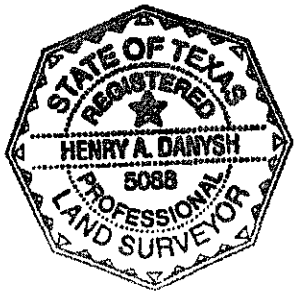
THENCE North 87° 52' 40" East a distance of 15.16 feet to a 5/8 inch iron rod with plastic cap set for an interior corner of this 0.38 acre being described;

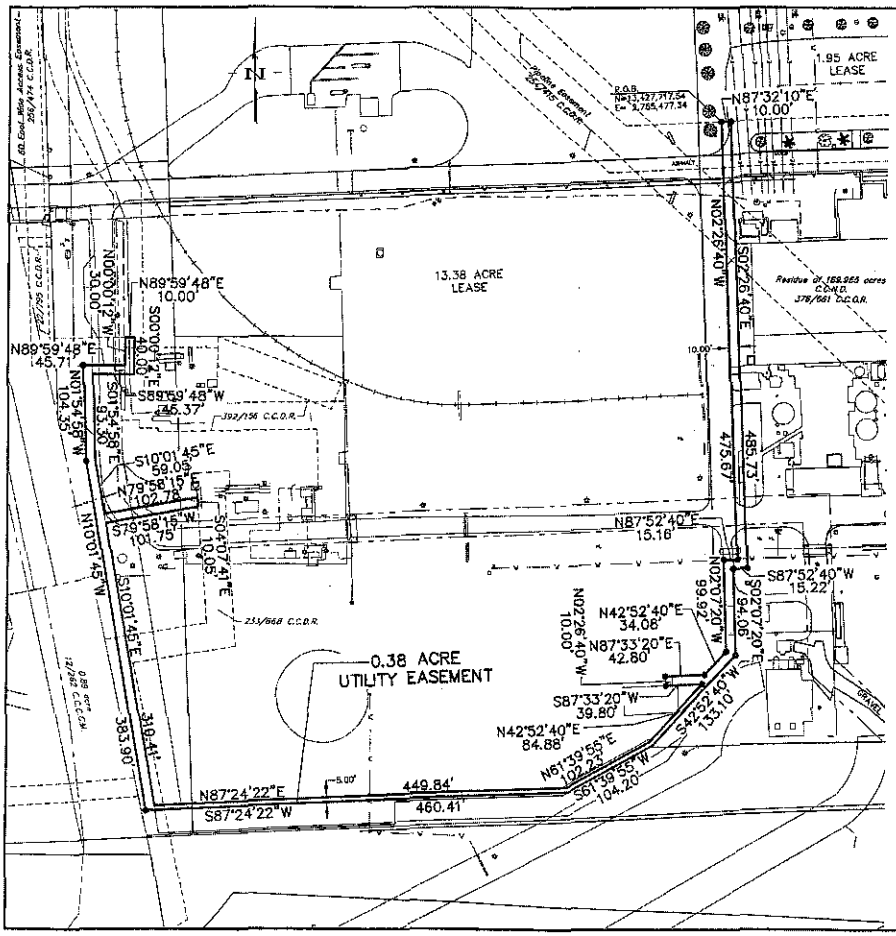
THENCE North 02° 26' 40" West, passing the South line of the said Pipeline Easement and passing the South line of the said 1.95 acre lease tract, a distance of 475.67 feet to the **PLACE OF BEGINNING**, containing within these metes and bounds 0.38 acre.

Coordinates and bearings recited herein are Texas State Plane, South Central Zone NAD'83 relative to NGS Monument "Mitchell 2" (X = 2,750,669.14; Y = 13,426,969.87).

This property description and a plat were prepared from a survey made on the ground under my direction on April 5, 2016.

G & W ENGINEERS, INC.
TBPLS Firm No. 10022100
Henry A. Danysh
Registered Professional
Land Surveyor, No. 5088





0.38 ACRE UTILITY EASEMENT
THOMAS COX LEAGUE
ABSTRACT NO. 10
CALHOUN COUNTY, TEXAS

BEING A PART OF THE SAME PROPERTY DESCRIBED AS 169.965 ACRES IN EXHIBIT "A-1" OF SPECIAL WARRANTY DEED FROM E. S. JOSLIN, LP TO CALHOUN COUNTY NAVIGATION DISTRICT, RECORDED IN VOLUME 378, PAGE 661 OF THE OFFICIAL RECORDS OF CALHOUN OUNTY, TEXAS.

NOTES:

1. COORDINATES AND BEARINGS SHOWN HEREON ARE TEXAS STATE PLANE, SOUTH CENTRAL ZONE NAD 83, RELATIVE TO NPS MONUMENT "MITCHELL 2" (X=2,750,559.14, Y= 13,428,959.87)
2. DISTANCES AND AREA SHOWN HEREON ARE IN GRID. (APPLY SCALE FACTOR OF 0.99993488 TO CONVERT TO SURFACE)

LEGEND

○	EXISTING 5/8" IRON ROD UNLESS NOTED
●	SET 5/8" IRON ROD WITH
C.C.O.R.	CALHOUN COUNTY DEED RECORDS
C.C.O.R.	CALHOUN COUNTY OFFICIAL RECORDS
P.O.B.	POINT OF BEGINNING
PP	POWER POLE
LP	LIGHT POLE
⊕	EXISTING MANHOLE
⊠	ELECTRIC JUNCTION BOX
	EXISTING PECAN TREE
	EXISTING TALLOW TREE
	EXISTING PALM TREE
⊖	EXISTING BUSH/SHRUBS
—E—	OVERHEAD POWERLINE
—/—	EXISTING CHAINLINK FENCE
[ ]	PLAT OR DEED CALL

I, HENRY A. DANYSH, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON AND A PROPERTY DESCRIPTION PREPARED REPRESENTS THE RESULT OF A SURVEY MADE ON THE GROUND UNDER MY DIRECTION ON APRIL 5, 2016.

G & W ENGINEERS, INC.
HENRY A. DANYSH
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5088

STATE OF TEXAS
REGISTERED
HENRY A DANYSH
5088
PROFESSIONAL
LAND SURVEYOR

DRAWN BY:	J.H.D.
CHECKED BY:	H.A.D.
DATE:	APRIL 4, 2016
SCALE:	1" = 100'

G & W ENGINEERS, INC.
ENGINEERING • SURVEYING • PLANNING
205 W. LIVE OAK STREET
PORT LAVACA, TEXAS 77979
(361) 552-4509
TBPLS FIRM NO.: 10022100

1803A 7th STREET
BAY CITY, TEXAS 77414
(979) 323-7100
TBPLS FIRM NO.: 10022101

FILE NO.:	7019-001-C
JOB NO.:	7019-001
SHEET NO.:	1 OF 1

EXHIBIT B

Leasehold Mortgage Provisions

(a) Notwithstanding anything to the contrary in this Lease, Lessee may at any time execute and deliver one or more mortgages or deeds of trust (a "**Leasehold Mortgage**") granting a lien or security interest in the leasehold estate and all rights hereunder without the consent of Port; provided, however, that Lessee shall remain liable hereunder for the payment of Rent payable hereunder and for performance of all the obligations of Lessee under this Lease. In no event shall any such Leasehold Mortgage encumber Port's fee interest in the Leased Premises. If either Lessee or the holder of any such Leasehold Mortgage notifies Port of the existence of such Leasehold Mortgage and the address of the holder thereunder for the service of notices, such holder shall be deemed to be a "**Leasehold Mortgagee**" as such term is used in this Exhibit B.

(b) If an Event of Default by Lessee under this Lease occurs, Port shall give written notice thereof to any Leasehold Mortgagee and Port shall take no action to terminate this Lease or to interfere with the occupancy, use or enjoyment of the Leased Premises, provided that: (i) if such Event of Default is a default in the payment of any installment of Rent, such Leasehold Mortgagee cures such default not later than thirty (30) days after receipt of such written notice; (ii) if such Event of Default is a default in observing or performing any other covenant or condition to be observed or performed by Lessee under this Lease, and such default can be cured by such Leasehold Mortgagee without obtaining possession of the Leased Premises, such Leasehold Mortgagee remedies such default within sixty (60) days after receipt of written notice; (provided, however, in the case of a default that cannot with diligence be cured, or the curing of which cannot be commenced, within such sixty (60) days, such Leasehold Mortgagee shall have such additional period as may be necessary to cure such default with diligence and continuity); or (iii) if such Event of Default is a default that can only be remedied by such Leasehold Mortgagee upon obtaining possession of the Leased Premises, such Leasehold Mortgagee obtains possession with diligence and continuity, through a receiver or otherwise, and cures such default within sixty (60) days after obtaining possession, (provided, however, in the case of a default that cannot with diligence be cured, or the curing of which cannot be commenced, within such period of sixty (60) days, such Leasehold Mortgagee shall have such additional period as may be necessary to cure such default with diligence and continuity).

(c) If any Leasehold Mortgagee or Designee (as hereinafter defined) becomes the owner of the interest of Lessee hereunder upon the exercise of any remedy provided for in the Leasehold Mortgage (or enters into a new lease with Port in accordance with (d) below), such Leasehold Mortgagee or Designee shall have the right to assign to any person such interest or such new lease. As used herein, a "**Designee**" shall mean a party designated by Leasehold Mortgagee but only if: (i) Port has received the notice required in this section, and (ii) such party is an Affiliate of Leasehold Mortgagee or a bona fide loan servicer, custodian or collateral agent of Leasehold Mortgagee, or has acquired Lessee's leasehold estate through a foreclosure, deed in lieu of foreclosure or similar means.

(d) If this Lease terminates for any reason or is rejected or disaffirmed pursuant to bankruptcy law or other law affecting creditors' rights, then, so long as: (i) Lessee, a Lessee Affiliate, or a tenant otherwise satisfactory to Port was the Lessee under this Lease immediately prior to such

termination, rejection or disaffirmance and (ii) the Leasehold Mortgagee proceeds with diligence and continuity in attempting to obtain such new lease, any Leasehold Mortgagee or Designee shall have the right, exercisable by notice to Port, within thirty (30) days after the effective date of such termination, and provided that Port and such Leasehold Mortgagee (or Designee) cooperate in good faith and execute such new lease within thirty (30) days after the date of such notice (or such longer period as may be necessary to the extent such action is precluded by the bankruptcy stay) to Port from Leasehold Mortgagee or Designee, to enter into a new lease of the Leased Premises with Port on substantially the same terms as this Lease. The term of said new lease shall begin on the date of the termination of this Lease and shall continue for the remainder of the Term (including the right to exercise any Renewal Term options). Notwithstanding any provision to the contrary and except for the foregoing, such new lease shall contain substantially the same terms and conditions as those set forth herein, except for requirements that are no longer applicable or have already been performed, provided that such Leasehold Mortgagee shall have cured all defaults on the part of Lessee hereunder that are susceptible of being cured by the payment of money, and that such new lease shall require the tenant thereunder promptly to commence, and expeditiously to continue, to cure all other defaults on the part of Lessee hereunder to the extent same are susceptible of being cured. This provision shall survive the termination of this Lease and shall continue in full force and effect thereafter to the same extent as if this provision were a separate and independent contract between Port, Tenant and each Leasehold Mortgagee.

(e) No Leasehold Mortgagee shall become personally liable for the performance or observation of any covenants or conditions to be performed or observed by Lessee unless and until such Leasehold Mortgagee becomes the owner of Lessee's interest hereunder upon the exercise of any remedy provided for in any Leasehold Mortgage (or enters into a new lease with Port in accordance with this section). Thereafter, such Leasehold Mortgagee shall be liable for: (i) the performance and observance of such covenants and conditions only so long as such Leasehold Mortgagee owns such interest or is the tenant under such new lease, and (ii) any defaults by such Leasehold Mortgagee occurring during the period it owned such interest or was the tenant under such new lease.

ATTACHMENT G

USGS Topographical and Facility Maps

SCALE 1:24 000

1 0.5 0 KILOMETERS 1 2

1000 500 0 METERS 1000 2000

1 0.5 0 1

MILES

1000 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000

FEET

ALLIANT ENVIRONMENTAL, LLC
1842 Snake River Rd
Katy, TX 77449
PH: (281)717-4392

SPIF Topographic Map

Port Comfort Power, L.L.C.

Date: 5/3/2019

Drawn By: AK

TPDES Renewal Application
Point Comfort Peaking Facility

2019 Point Comfort Quadrangle
7.5 Minute Series

Legend:

- Applicant Property Boundary
- Outfall Discharge Route for 1 Mile Downstream
- Outfall Location
- 1 Mile Radius Surrounding Property Boundary
- Oil/Water Separator

ELLIANT ENVIRONMENTAL, LLC
1842 Snake River Rd
Katy, TX 77449
PH: (281)717-4392

General Location Map

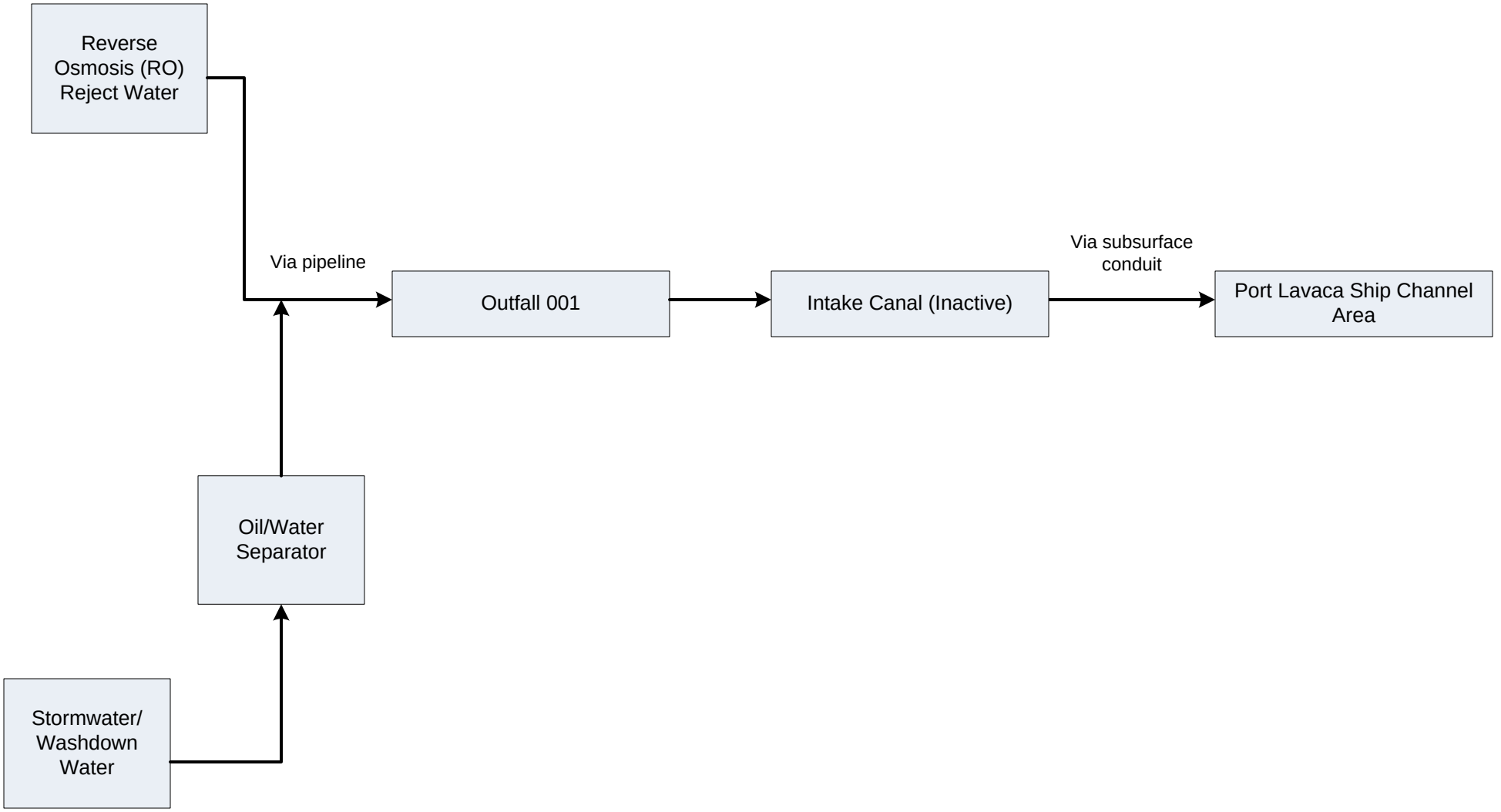
TPDES Renewal Application
Port Comfort Power, L.L.C.

Point Comfort Peaking Facility

Date:	Drawn By:	Lat/Long
5/8/2019	AK	28.64790833, -96.54583333

ATTACHMENT H

Flow Diagram



ELLIANT ENVIRONMENTAL, LLC

1842 Snake River Drive
Katy, TX 77449

Scale:	Drawn by:	Date:
Drawing Not to Scale	AK	5/10/2019

Process Flow Diagram (PFD)

Port Comfort Power, L.L.C.
Point Comfort Peaking Facility
TPDES Renewal Application

ATTACHMENT I
TCEQ e-Pay

From: steers@tceq.texas.gov
To: Russell, Tammy
Subject: TCEQ ePay Receipt for 582EA000621284
Date: Tuesday, August 13, 2024 9:30:28 AM

____

This is an automated message from the TCEQ ePay system. Please do not reply.
Trace Number: 582EA000621284
Date: 08/13/2024 09:30 AM
Payment Method: CC - Authorization 0000012207
TCEQ Amount: $315.00
Texas.gov Price: $322.34*

* This service is provided by Texas.gov, the official website of Texas. The price of this service includes funds that support the ongoing operations and enhancements of Texas.gov, which is provided by a third party in partnership with the State.

Actor: TAMMY RUSSELL
Email: tammy.russell@naes.com

Payment Contact: TAMMY RUSSELL
Phone: 832-514-9275
Company: NAES CORPORATION
Address: 18511 BEAUMONT HWY, HOUSTON, TX 77049

Fees Paid:
Fee Description AR Number Amount
WW PERMIT - MINOR FACILITY NOT SUBJECT TO 40 CFR 400-471 - RENEWAL $300.00
30 TAC 305.53B WQ RENEWAL NOTIFICATION FEE $15.00

TCEQ Amount: $315.00

==
Voucher: 716942
Trace Number: 582EA000621284
Date: 08/13/2024 09:30 AM
Payment Method: CC - Authorization 0000012207
Voucher Amount: $300.00
Fee Paid: WW PERMIT - MINOR FACILITY NOT SUBJECT TO 40 CFR 400-471 - RENEWAL
RN Number: RN108462102
Site Name: PORT COMFORT POWER LLC
Site Address: 135 DIEBEL LANE, POINT COMFORT, TX 77978
CN Number: CN605189018
Customer Name: POINT COMFORT POWER LLC
Customer Address: 135 DIEBEL LANE, POINT COMFORT, TX 77978
Program Area ID: 0005220000

Voucher: 716943
Trace Number: 582EA000621284
Date: 08/13/2024 09:30 AM
Payment Method: CC - Authorization 0000012207
Voucher Amount: $15.00
Fee Paid: 30 TAC 305.53B WQ RENEWAL NOTIFICATION FEE

==
To print out a copy of the receipt and vouchers for this transaction
either click on or copy and paste the following url into your browser:
https://nam10.safelinks.protection.outlook.com/?
url=https%3A%2F%2Fwww3.tceq.texas.gov%2Fepay%2Findex.cfm%3Ffuseaction%3Dcor.search%26trace_num_txt%3D582EA000621284&data=05%7C02%7Ctammy.russell%40naes.com%7Cf3ac3f83ef76422823ca08dcbba47746%7Cd610928ce5e9471eb392fd7ff6fa5c34%7C1%7C0%7C638591562273639246%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=egYL4n7ggq6cJPAuRrBdOF7xo1afnHmzZ72y8QVJBks%3D&reserved=0.

Your transaction is complete. Thank you for using TCEQ ePay.

Note: It may take up to 3 working days for this electronic payment to be processed and be reflected in the TCEQ ePay system. Print this receipt and the vouchers for your records. An email receipt has also been sent.

Transaction Information

Trace Number: 582EA000621284
Date: 08/13/2024 09:30 AM
Payment Method: CC - Authorization 0000012207
ePay Actor: TAMMY RUSSELL
Actor Email: tammy.russell@naes.com
IP: 50.172.165.90
TCEQ Amount: $315.00
Texas.gov Price: $322.34*

* This service is provided by Texas.gov, the official website of Texas. The price of this service includes funds that support the ongoing operations and enhancements of Texas.gov, which is provided by a third party in partnership with the State.

Payment Contact Information

Name: TAMMY RUSSELL
Company: NAES CORPORATION
Address: 18511 BEAUMONT HWY, HOUSTON, TX 77049
Phone: 832-514-9275

Cart Items

Click on the voucher number to see the voucher details.

Voucher	Fee Description	AR Number	Amount
716942	WW PERMIT - MINOR FACILITY NOT SUBJECT TO 40 CFR 400-471 - RENEWAL		$300.00
716943	30 TAC 305.53B WQ RENEWAL NOTIFICATION FEE		$15.00
		TCEQ Amount:	$315.00

ePay Again | Exit ePay

Note: It may take up to 3 working days for this electronic payment to be processed and be reflected in the TCEQ ePay system. Print this receipt for your records.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 29, 2024

Mr. Kurt Lammrish
Plant Manager
Port Comfort Power LLC
135 Diebel Lane
Point Comfort, Texas 77978

RE: Application to Renew Permit No.: WQ0005220000 (EPA I.D. No. TX0137511)
Applicant Name: Port Comfort Power LLC (CN605189018)
Site Name: Point Comfort Peaking Facility (RN108462102)
Type of Application: Renewal without changes

VIA EMAIL

Dear Mr. Lammrish:

We have received the application for the above referenced permit, and it is currently under review. Your attention to the following item(s) are requested before we can declare the application administratively complete. Please submit responses to the following items via email.

1. With the response to this letter please provide a hard copy of the complete application, including technical report and attachments. **Hard Copies have been submitted**

2. Administrative Report 1.0, Section 8, item f: According to the website, the Point Comfort Branch Library is permanently closed. The public viewing location must be available at the time the notice is published in the paper. If the library is not available, a new public viewing location in the county of Calhoun is required. If a publicly owned building cannot be found, the new location may consist of any reasonable location within the county that is accessible to the public where the application can be reviewed and copied during reasonable hours during the day. The location does not need to be a publicly owned building; however, it must be accessible to the public. Please submit another public viewing location with response to this letter.
Corrected the Section 9 - item d. to Calhoun County Library, 200 West Mahan Street, Port Lavaca, TX 77979

3. Plain Language Summary, (PLS): The PLS listed the RN name as Port Comfort Power LLC, our records indicate the RN name is, Point Comfort Peaking Facility. Please correct the PLS and resubmit with the response to this letter.
Corrected the PLS to Point Comfort Peaking Facility

4. Administrative Report 1.0, Section 9, Item b: Our records indicate the RN name is, Point Comfort Peaking Facility. Please correct the name of the project site, section 9, item b and resubmit page 8 with the response to this letter.
Corrected Section 10 item b to Point Comfort Peaking Facility

5. Administrative Report, Section 9, items d & f: The current lease you provided is not between Charles Hausman and Port Comfort Power LLC. The owner of the land and treatment facility are listed as Mr. Charles Hausman. Please clarify if Mr. Charles Hausman is the owner of the land where the facility is located. If Mr. Charles Hausman is the owner of land, you must provide acopy of a long-term lease agreement between Port Comfort Power LLC and Mr. Charles Hausman giving Port Comfort Power LLC use of the land for the duration of the permit. The lease agreement must contain a term for a least the length of the permit, identify number of acres, identify property by legal description of map, include the signatures of both parties, and clearly authorize Port Comfort Power LLC to use the land for the purpose of operating the facility. If Port Comfort Power LLC is the owner of the land where the facility is located and owner of the facility, please submit a revised page 8 indicating the owner of the land as Port Comfort Power LLC without the name of Mr. Charles Hausman.

Corrected Section 10 item d & f - Removed Charles Hausman name and entered the Organization Name: Calhoun Port Authority (Pg. 15 of complete application) and lease is Attachment F

6. The following is a portion of the NORI which contains information relevant to your application.

Please read it carefully and indicate if it contains any errors or omissions. The complete notice will be sent to you once the application is declared administratively complete.

APPLICATION. Port Comfort Power LLC, 135 Diebel Lane, Point Comfort, Texas 77978, which owns an electricity generation facility, has applied to the Texas Commission on Environmental Quality (TCEQ) to renew Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005220000 (EPA I.D. No. TX0137511) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 108,000 gallons per day. The facility is located at 135 Diebel Lane, in the city of Point Comfort, in Calhoun County, Texas 77978. The discharge route is from the plant site via pipe to an inactive canal; thence to a subsurface conduit; thence to Lavaca Bay/Chocolate Bay. TCEQ received this application on August 13, 2024. The permit application will be available for viewing and copying at **Calhoun Public Library 200 West Mahan Street, Port Lavaca, TX 77979, in Calhoun County,** Texas prior to the date this notice is published in the newspaper. 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. 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=-96.545555,28.647777&level=18

Further information may also be obtained from Port Comfort Power LLC at the address stated above or by calling Mr. Kurt Lammrish at 979-248-8026.

Please submit the complete response, addressed to my attention by September 12, 2024. If you should have any questions, please do not hesitate to contact me by phone at (512) 239-4658 or by email at rachel.ellis@tceq.texas.gov

Sincerely,

Rachel Ellis

Rachel Ellis
Applications Review and Processing Team (MC148)
Water Quality Division
Texas Commission of Environmental Quality

re

Enclosure(s)
Attachment 1-Municipal TPDES and TLAP PLS Form

Mr. Kurt Lammrish
Page 3
August 29, 2024
Permit No. WQ0005220000

cc: Mr. Chris Lussier, Environmental Specialist, NAES Corporation, 135 Diebel Lane, Point Comfort, Texas 77978

TCEQ Use Only

TCEQ Core Data Form

For detailed instructions on completing this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (*If other is checked please describe in space provided.*)

☐ New Permit, Registration or Authorization (*Core Data Form should be submitted with the program application.*)

☒ Renewal *(Core Data Form should be submitted with the renewal form)* ☒ Other

2. Customer Reference Number *(if issued)*	Follow this link to search for CN or RN numbers in Central Registry**	**3. Regulated Entity Reference Number** *(if issued)*
CN 605189018		**RN 108462102**

SECTION II: Customer Information

4. General Customer Information | **5. Effective Date for Customer Information Updates** (mm/dd/yyyy) 8/12/2024

☐ New Customer ☒ Update to Customer Information ☐ Change in Regulated Entity Ownership
☐ Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)

The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).

6. Customer Legal Name *(If an individual, print last name first: eg: Doe, John)* — *If new Customer, enter previous Customer below:*

Port Comfort Power LLC

7. TX SOS/CPA Filing Number	**8. TX State Tax ID** (11 digits)	**9. Federal Tax ID** (9 digits)	**10. DUNS Number** *(if applicable)*
0802419719	32059942634	811946350	

11. Type of Customer: ☒ Corporation ☐ Individual Partnership: ☐ General ☐ Limited
Government: ☐ City ☐ County ☐ Federal ☐ Local ☐ State ☐ Other ☐ Sole Proprietorship ☒ Other: LLC

12. Number of Employees
☒ 0-20 ☐ 21-100 ☐ 101-250 ☐ 251-500 ☐ 501 and higher

13. Independently Owned and Operated?
☒ **Yes** ☐ **No**

14. Customer Role (Proposed or Actual) – *as it relates to the Regulated Entity listed on this form. Please check one of the following*

☐ Owner ☐ Operator ☒ Owner & Operator
☐ Occupational Licensee ☐ Responsible Party ☐ VCP/BSA Applicant ☐ Other:

15. Mailing Address:

135 Diebel Lane

City	Point Comfort	**State**	TX	**ZIP**	77978	**ZIP + 4**	

16. Country Mailing Information *(if outside USA)*

17. E-Mail Address *(if applicable)*

18. Telephone Number	**19. Extension or Code**	**20. Fax Number** *(if applicable)*

(713) 380-4747		( ) -

SECTION III: Regulated Entity Information

21. General Regulated Entity Information *(If 'New Regulated Entity" is selected, a new permit application is also required.)*

☐ New Regulated Entity ☐ Update to Regulated Entity Name ☒ Update to Regulated Entity Information

The Regulated Entity Name submitted may be updated, in order to meet TCEQ Core Data Standards (removal of organizational endings such as Inc, LP, or LLC).

22. Regulated Entity Name *(Enter name of the site where the regulated action is taking place.)*

Point Comfort Peaking Facility

23. Street Address of the Regulated Entity: ***(No PO Boxes)***	135 Diebel Lane							
	City	Point Comfort	**State**	TX	**ZIP**	77978	**ZIP + 4**	
24. County	Calhoun							

If no Street Address is provided, fields 25-28 are required.

25. Description to Physical Location:	From Victoria; Take US 87 South to Port Lavaca; Turn left on Texas 35 and travel 8 miles to Point Comfort; Turn right on FM 1593 and travel south 2 miles to Port Gate 2.

26. Nearest City	**State**	**Nearest ZIP Code**
Point Comfort	TX	77978

Latitude/Longitude are required and may be added/updated to meet TCEQ Core Data Standards. (Geocoding of the Physical Address may be used to supply coordinates where none have been provided or to gain accuracy).

27. Latitude (N) In Decimal:	28.64777		**28. Longitude (W) In Decimal:**	-96.54583	
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
28	38	52.34	96	32	44.34

29. Primary SIC Code (4 digits)	**30. Secondary SIC Code** (4 digits)	**31. Primary NAICS Code** (5 or 6 digits)	**32. Secondary NAICS Code** (5 or 6 digits)
4911		221112	

33. What is the Primary Business of this entity? *(Do not repeat the SIC or NAICS description.)*

Electric Generation

34. Mailing Address:	**135 Diebel Lane**							
	City	**Point Comfort**	**State**	**TX**	**ZIP**	**77978**	**ZIP + 4**	
35. E-Mail Address:								

36. Telephone Number	**37. Extension or Code**	**38. Fax Number** *(if applicable)*
(713) 380-4747		( ) -

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

Phone No: 979-248-8026 Email: **kurt.lammrish@peakerpowerholdings.com**

Item 9. Notice Information (Instructions, Pages 28)

a. Individual Publishing the Notices

Prefix: Mr. Full Name (Last/First Name): Caleb Avila

Title: Director Credential: NA

Organization Name: El Perica Spanish Newspaper

Mailing Address: P.O. Box 279 City/State/Zip: Port Neches, TX. 77651

Phone No: 409-724-0814 Email: pericomail@gmail.com

b. Method for Receiving Notice of Receipt and Intent to Obtain a Water Quality Permit Package (only for NORI, NAPD will be sent via regular mail)

☒ E-mail: **kurt.lammrish@peakerpowerholdings.com**

☐ Fax: Click to enter text.

☐ Regular Mail (USPS)

Mailing Address: Click to enter text.

City/State/Zip Code: Click to enter text.

c. Contact in the Notice

Prefix: Mr. Full Name (Last/First Name): Kurt Lammrish

Title: Plant Manager Credential: NA

Organization Name: Port Comfort Power LLC

Phone No: 979-248-8026 Email: **kurt.lammrish@peakerpowerholdings.com**

d. Public Viewing Location Information

Note: If the facility or outfall is located in more than one county, provide a public viewing place for each county.

Public building name: Calhoun County Public Library

Physical Address of Building: 200 West Mahan Street

City: Port Lavaca, TX 77979 County: Calhoun

e. Bilingual Notice Requirements

This information is required for new, major amendment, minor amendment or minor modification, and renewal applications.

This section of the application is only used to determine if alternative language notices will be needed. Complete instructions on publishing the alternative language notices will be in your public notice package.

Call the bilingual/ESL coordinator at the nearest elementary and middle schools and obtain the following information to determine if an alternative language notice(s) is required.

1. Is a bilingual education program required by the Texas Education Code at the elementary or middle school nearest to the facility or proposed facility?

☐ Yes ☒ No

If no, publication of an alternative language notice is not required; skip to Item 8 (Regulated Entity and Permitted Site Information.)

2. Are the students who attend either the elementary school or the middle school enrolled in a bilingual education program at that school?

   ☐ Yes ☒ No

3. Do the students at these schools attend a bilingual education program at another location?

   ☐ Yes ☒ No

4. Would the school be required to provide a bilingual education program, but the school has waived out of this requirement under 19 TAC §89.1205(g)?

   ☐ Yes ☐ No ☒ N/A

5. If the answer is yes to question 1, 2, 3, or 4, public notices in an alternative language are required. Which language is required by the bilingual program? NA

f. Plain Language Summary Template – Complete the Plain Language Summary (TCEQ Form 20972) and include as an attachment. Attachment: C

g. Complete one Public Involvement Plan (PIP) Form (TCEQ Form 20960) for each application for a new permit or major amendment and include as an attachment. Attachment: NA

Item 10. Regulated Entity and Permitted Site Information (Instructions Page 29)

a. TCEQ issued Regulated Entity Number (RN), if available: RN1084621002

Note: If your business site is part of a larger business site, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search the TCEQ's Central Registry to determine the RN or to see if the larger site may already be registered as a Regulated Entity. If the site is found, provide the assigned RN.

b. Name of project or site (the name known by the community where located): Port Comfort Peaking Facility

c. Is the location address of the facility in the existing permit the same?

☒ Yes ☐ No ☐ N/A (new permit)

Note: If the facility is located in Bexar, Comal, Hays, Kinney, Medina, Travis, Uvalde, or Williamson County, additional information concerning protection of the Edwards Aquifer may be required.

d. Owner of treatment facility:

Prefix: Full Name (Last/First Name):

or Organization Name: Calhoun Port Authority

Mailing Address: P.O. Box 397 City/State/Zip: Point Comfort, TX 77978

Phone No: 361-987-2813 Email: crh@calhounport.com

e. Ownership of facility: ☐ Public ☒ Private ☐ Both ☐ Federal

f. Owner of land where treatment facility is or will be:

Prefix: Click to enter text. Full Name (Last/First Name):

or Organization Name: Calhoun Port Authority

Mailing Address: P.O. Box 397 City/State/Zip: Point Comfort, TX., 77978

Phone No: 361-987-2813 Email: crh@calhounport.com

Note: If not the same as the facility owner, attach a long-term lease agreement in effect for at least six years (In some cases, a lease may not suffice - see instructions). Attachment: D

g. Owner of effluent TLAP disposal site (if applicable): Click to enter text.

Prefix: Click to enter text. Full Name (Last/First Name): Click to enter text.

or Organization Name: Click to enter text.

Mailing Address: Click to enter text. City/State/Zip: Click to enter text.

Phone No: Click to enter text. Email: Click to enter text.

Note: If not the same as the facility owner, attach a long-term lease agreement in effect for at least six years. Attachment: Click to enter text.

h. Owner of sewage sludge disposal site (if applicable):

Prefix: Click to enter text. Full Name (Last/First Name): Click to enter text.

or Organization Name: Click to enter text.

Mailing Address: Click to enter text. City/State/Zip: Click to enter text.

Phone No: Click to enter text. Email: Click to enter text.

Note: If not the same as the facility owner, attach a long-term lease agreement in effect for at least six years. Attachment: Click to enter text.

Item 11. TDPES Discharge/TLAP Disposal Information (Instructions, Page 31)

a. Is the facility located on or does the treated effluent cross Native American Land?

☐ Yes ☒ No

b. Attach an original full size USGS Topographic Map (or an 8.5"×11" reproduced portion for renewal or amendment applications) with all required information. Check the box next to each item below to confirm it has been included on the map.

☒ One-mile radius

☒ Applicant's property boundaries

☒ Labeled point(s) of discharge

☒ Effluent disposal site boundaries

☐ Sewage sludge disposal site

☒ Three-miles downstream information

☐ Treatment facility boundaries

☒ Highlighted discharge route(s)

☐ All wastewater ponds

☐ New and future construction

Attachment: E

c. Is the location of the sewage sludge disposal site in the existing permit accurate?

☐ Yes ☒ No or New Permit

If no, or a new application, provide an accurate location description: Click to enter text.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PLAIN LANGUAGE SUMMARY FOR TPDES OR TLAP PERMIT APPLICATIONS

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

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

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

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

ENGLISH TEMPLATE FOR TPDES or TLAP NEW/RENEWAL/AMENDMENT APPLICATIONS
Enter 'INDUSTRIAL' or 'DOMESTIC' here WASTEWATER/STORMWATER
The following summary is provided for this pending water quality permit application being reviewed by the Texas Commission on Environmental Quality as required by 30 TAC Chapter 39. The information provided in this summary may change during the technical review of the application and is not a federal enforceable representation of the permit application.

Port Comfort Power LLC. (CN 605189018) operates Point Comfort Peaking Facility (RN 108462102), a natural gas combustion turbine generator for electricity. The facility is located at 135 Diebel Lane, in Point Comfort, Calhoun County, Texas 77978. Port Comfort Power LLC is applying for its 5-year renewal without modifications. .

Discharges from the facility are expected to contain no known chemicals. Contaminated wastewater may be generated from stormwater/ washdown water that encounters incidental quantities of oil from equipment operations or maintenance. The canal is hydraulically connected to the Lavaca Bay Ship Channel Area via conduit is treated by a wastewater treatment plant consisting of an oil/water separator before discharge on an intermittent basis to Outfall 001. The wastewater will flow through a pipe from the property south for 600 feet through Outfall 001 to an inactive intake canal.

PLANTILLA EN ESPAÑOL PARA SOLICITUDES NUEVAS/RENOVACIONES/ENMIENDAS DE TPDES o TLAP

AGUAS RESIDUALES Introduzca 'INDUSTRIALES' o 'DOMÉSTICAS' aquí **/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 es una representación ejecutiva fedérale de la solicitud de permiso.

1. Introduzca el nombre del solicitante aquí (2. Introduzca el número de cliente aquí (es decir, CN6########).) 3. Elija del menú desplegable 4. Introduzca el nombre de la instalación aquí 5. Introduzca el número de entidad regulada aquí (es decir, RN1########), 6. Elija del menú desplegable 7. Introduzca la descripción de la instalación aquí. La instalación 8. Elija del menú desplegable. ubicada en 9. Introduzca la ubicación aquí, en 10. Introduzca el nombre de la ciudad aquí, Condado de 11. Introduzca el nombre del condado aquí, Texas 12. Introduzca el código postal aquí. 13. Introduzca el resumen de la petición de solicitud aquí. *<<Para las solicitudes de TLAP incluya la siguiente oración, de lo contrario, elimine:>>* Este permiso no autorizará una descarga de contaminantes en el agua en el estado.

Se espera que las descargas de la instalación contengan 14. Liste todos los contaminantes esperados aquí. 15. Introduzca los tipos de aguas residuales descargadas aquí. 16. Elija del menú desplegable tratado por 17. Introduzca una descripción del tratamiento de aguas residuales utilizado en la instalación aquí.

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.

Questions or comments concerning this form may be directed to the Water Quality Division’s Application Review and Processing Team by email at WQ-ARPTeam@tceq.texas.gov or by phone at (512) 239-4671.

Example

Individual Industrial Wastewater Application

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

ABC Corporation (CN600000000) operates the Starr Power Station (RN10000000000), a two-unit gas-fired electric generating facility. Unit 1 has a generating capacity of 393 megawatts (MWs) and Unit 2 has a generating capacity of 528 MWs. The facility is located at 1356 Starr Street, near the City of Austin, Travis County, Texas 78753.

This application is for a renewal to discharge 870,000,000 gallons per day of once through cooling water, auxiliary cooling water, and also authorizes the following waste streams monitored inside the facility (internal outfalls) before it is mixed with the other wastewaters authorized for discharge via main Outfall 001, referred to as "previously monitored effluents" (low-volume wastewater, metal-cleaning waste, and stormwater (from diked oil storage area yards and storm drains)) via Outfall 001. Low-volume waste sources, metal-cleaning waste, and stormwater drains on a continuous and flow-variable basis via internal Outfall 101.

The discharge of once through cooling water via Outfall 001 and low-volume waste and metal-cleaning waste via Outfall 101 from this facility is subject to federal effluent limitation guidelines at 40 CFR Part 423. The pollutants expected from these discharges based on 40 CFR Part 423 are: free available chlorine, total residual chlorine, total suspended solids, oil and grease, total iron, total copper, and pH. Temperature is also expected from these discharges. Additional potential pollutants are included in the Industrial Wastewater Application Technical Report, Worksheet 2.0.

Cooling water and boiler make-up water are supplied by Lake Starr Reservoir. The City of Austin municipal water plant (CN600000000, PWS 00000) supplies the facility's potable water and serves as an alternate source of boiler make-up water. Water from the Lake Starr Reservoir is withdrawn at the intake structure and treated with sodium hypochlorite to prevent biofouling and sodium bromide as a chlorine enhancer to improve efficacy and then passed through condensers and auxiliary equipment on a once-through basis to cool equipment and condense exhaust steam.

Low-volume wastewater from blowdown of boiler Units 1 and 2 and metal-cleaning wastes receive no treatment prior to discharge via Outfall 101. Plant floor and equipment drains and stormwater runoff from diked oil storage areas, yards, and storm drains are routed through an oil and water separator prior to discharge via Outfall 101. Domestic wastewater, blowdown, and backwash water from the service water filter, clarifier, and sand filter are routed to the Starr Creek Domestic Sewage Treatment Plant, TPDES Permit No. WQ0010000001, for treatment and disposal. Metal-cleaning waste from equipment cleaning is generally disposed of off-site.

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

TPDES PERMIT NO.
WQ0005220000
[For TCEQ office use only -
EPA I.D. No. TX0137511]

This renewal replaces TPDES Permit No. WQ0005220000, issued on February 10, 2020.

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

Port Comfort Power LLC

whose mailing address is

135 Diebel Lane
Point Comfort, Texas 77978

is authorized to treat and discharge wastes from Point Comfort Peaking Facility, a natural gas combustion turbine electricity generation facility (SIC 4911)

located at 135 Diebel Lane, near the City of Point Comfort, in Calhoun County, Texas 77978

via pipe to an inactive intake canal, thence to a subsurface conduit, thence to Lavaca Bay/Chocolate Bay in Segment No. 2453 of the Bays and Estuaries

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

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 water treatment wastes and stormwater/washdown water subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.108 million gallons per day (MGD). The daily maximum flow shall not exceed 0.144 MGD.

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	0.108 MGD	0.144 MGD	N/A	1/day [1]	Record
Total Organic Carbon	Report	75	75	1/week [1]	Grab
Oil and Grease	N/A	15	15	1/week [1]	Grab

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

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

4. Effluent monitoring samples must be taken at the following location: At the outlet of the wastewater treatment plant immediately prior to entering the enclosed pipeline to Outfall 001.

[1] When discharging.

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, Domestic Wastewater 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, Domestic Wastewater 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. Violations of daily maximum limitations for the following pollutants shall be reported orally or by facsimile to TCEQ Region 14 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 14 and Compliance Monitoring Team (MC 224): None.

2. The Executive Director reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the General Land Office and determined that the action is consistent with the applicable CMP goals and policies.

3. The chronic aquatic life mixing zone for Outfall 001 is defined as a volume of water within a radius of 42 feet extending over the receiving water from the point where the discharge reaches the inactive intake canal. Chronic aquatic life toxic criteria apply at the edge of the chronic aquatic life mixing zone.

4. 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.

5. The width of the inactive intake canal at the point of discharge is approximately 84 feet. The zone of initial dilution (ZID) is defined as a volume within a radius of 10.5 feet from the point of discharge. The human health mixing zone is defined as a volume within a radius of 84 feet from the point of discharge.

6. The term *water treatment wastes* includes, but is not limited to, cold lime water treatment wastes, demineralizer backwash, filter backwash, ion exchange water treatment system wastes, membrane regeneration wastes, supernate, filtrate, and reverse osmosis reject water.

7. Wastewater discharged via Outfall 001 must be sampled and analyzed as directed below for those parameters listed in Tables 1, 2, and 3 of Attachment A of this permit. Analytical testing for Outfall 001 must be completed within 60 days of initial discharge. Results of the analytical testing must be submitted within 90 days of initial discharge to the TCEQ Industrial Permits Team (MC 148) and Region 14 Office. Based on a technical review of the submitted analytical results, an amendment may be initiated by TCEQ staff to include additional effluent limitations, monitoring requirements, or both.

   Table 1: Analysis is required for all pollutants in Table 1. Wastewater must be sampled and analyzed for those parameters listed in Table 1 for a minimum of four sampling events that are each at least one week apart.

   Table 2: Analysis is required for all external Outfalls that discharge any wastewater other than 1) stormwater runoff only or 2) stormwater commingled with any allowable non-stormwater wastestreams. Sampling and analysis must be conducted for a minimum of four sampling events that are each at least one week apart.

   Table 3: For all pollutants listed in Table 3, the permittee shall indicate whether each pollutant is believed to be present or absent in the discharge. Sampling and analysis must be conducted for each pollutant believed present for a minimum of one sampling event.

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

Attachment A

Table 1 – Conventionals and Non-conventionals

Outfall No.: ☐C ☐G	**Effluent Concentration (mg/L)**					
Pollutant	**Samp.**	**Samp.**	**Samp.**	**Samp.**	**Average**	
Flow (MGD)						
BOD (5-day)						
CBOD (5-day)						
Chemical Oxygen Demand						
Total Organic Carbon						
Dissolved Oxygen						
Ammonia Nitrogen						
Total Suspended Solids						
Nitrate Nitrogen						
Total Organic Nitrogen						
Total Phosphorus						
Oil and Grease						
Total Residual Chlorine						
Total Dissolved Solids						
Sulfate						
Chloride						
Fluoride						
Total Alkalinity (mg/L as $CaCO_3$)						
Temperature (°F)						
pH (Standard Units; min/max)						

Table 2 – Metals

Pollutant	**Effluent Concentration (µg/L)[1]**					**MAL[2] (µg/L)**
	Samp.	**Samp.**	**Samp.**	**Samp.**	**Average**	
Aluminum, Total						2.5
Antimony, Total						5
Arsenic, Total						0.5
Barium, Total						3
Beryllium, Total						0.5
Cadmium, Total						1
Chromium, Total						3
Chromium, Hexavalent						3
Chromium, Trivalent						N/A
Copper, Total						2

[1] Indicate units if different than µg/L.
[2] Minimum Analytical Level

Pollutant	Effluent Concentration (µg/L)[1]					MAL[2] (µg/L)
	Samp.	Samp.	Samp.	Samp.	Average	
Cyanide, Free						10
Lead, Total						0.5
Mercury, Total						0.005
Nickel, Total						2
Selenium, Total						5
Silver, Total						0.5
Thallium, Total						0.5
Zinc, Total						5.0

Table 3 – Toxic Pollutants with Water Quality Criteria

Outfall No.: ☐C ☐G Pollutant	Samp. 1 (µg/L)	Samp. 2 (µg/L)	Samp. 3 (µg/L)	Samp. 4 (µg/L)	Avg. (µg/L)	MAL (µg/L)
Acrolein						0.7
Acrylonitrile						50
Anthracene						10
Benzene						10
Benzidine						50
Benzo(*a*)anthracene						5
Benzo(*a*)pyrene						5
Bis(2-chloroethyl)ether						10
Bis(2-ethylhexyl) phthalate						10
Bromodichloromethane						10
Bromoform						10
Carbon Tetrachloride						2
Chlorobenzene						10
Chlorodibromomethane						10
Chloroform						10
Chrysene						5
Cresols						10
1,2-Dibromoethane						10
m-Dichlorobenzene						10
o-Dichlorobenzene						10
p-Dichlorobenzene						10
3,3'-Dichlorobenzidine						5
1,2-Dichloroethane						10
1,1-Dichloroethylene						10
Dichloromethane						20
1,2-Dichloropropane						10

Outfall No.: ☐C ☐G Pollutant	Samp. 1 (µg/L)	Samp. 2 (µg/L)	Samp. 3 (µg/L)	Samp. 4 (µg/L)	Avg. (µg/L)	MAL (µg/L)
1,3-Dichloropropylene						10
2,4-Dimethylphenol						10
Di-*n*-Butyl Phthalate						10
Epichlorohydrin						1,000
Ethylbenzene						10
Ethylene Glycol						—
Fluoride						500
Hexachlorobenzene						5
Hexachlorobutadiene						10
Hexachlorocyclopentadiene						10
Hexachloroethane						20
4,4′-Isopropylidenediphenol [bisphenol A]						—
Methyl Ethyl Ketone						50
Methyl *tert*-butyl ether [MTBE]						—
Nitrobenzene						10
N-Nitrosodiethylamine						20
N-Nitroso-di-*n*-Butylamine						20
Nonylphenol						333
Pentachlorobenzene						20
Pentachlorophenol						5
Phenanthrene						10
Polychlorinated Biphenyls (PCBs) [1]						0.2
Pyridine						20
1,2,4,5-Tetrachlorobenzene						20
1,1,2,2-Tetrachloroethane						10
Tetrachloroethylene						10
Toluene						10
1,1,1-Trichloroethane						10
1,1,2-Trichloroethane						10
Trichloroethylene						10
2,4,5-Trichlorophenol						50
TTHM (Total Trihalomethanes)						10
Vinyl Chloride						10

[1] Total of detects for PCB-1242, PCB-1254, PCB-1221, PCB-1232, PCB-1248, PCB-1260, PCB-1016. If all values are non-detects, enter the highest non-detect preceded by a "<" symbol.

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0005220000

DESCRIPTION OF APPLICATION

Applicant:	Port Comfort Power LLC; Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005220000 (EPA I.D. No. TX0137511)
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 Point Comfort Peaking Facility, a natural gas combustion turbine electricity generation facility.

The wastewater system consists of an oil/water separator. Contaminated wastewater may be generated from stormwater/washdown water that comes into contact with incidental quantities of oil from equipment operations or maintenance. The wastewater is treated in an oil/water separator before discharge on an intermittent basis to Outfall 001. The wastewater flows through a pipe from the property south for 600 feet through Outfall 001 to an inactive intake canal. The canal is hydraulically connected to the Lavaca Bay Ship Channel Area via a conduit. The facility operates during periods of peak electricity demand, and discharges occur primarily at the time of facility startup and operation. This process will generate reverse osmosis (RO) reject water that will be intermittently discharged, without treatment, to Outfall 001.

The facility is located at 135 Diebel Lane, near the City of Point Comfort, in Calhoun County, Texas 77978.

Discharge Route and Designated Uses

The effluent is discharged via pipe to an inactive intake canal, thence to a subsurface conduit, thence to Lavaca Bay/Chocolate Bay in Segment No. 2453 of the Bays and Estuaries. The unclassified receiving water uses are high aquatic life use for the inactive intake canal. The designated uses for Segment No. 2453 are primary contact recreation exceptional aquatic life use, and oyster waters. 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 Whooping Crane, (*Grus Americana),* an endangered aquatic dependent species has been determined to occur in Calhoun County. However, Segment No. 2454 is not a watershed of critical concern for the Whooping Crane. Though the piping plover, *Charadrius melodus Ord*, can occur in Calhoun County, the discharge is not to a watershed of high priority per Appendix A of the United States Fish and Wildlife Service's (USFWS) biological opinion. This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS's biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Impaired Water Bodies
Segment No. 2453 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 specifically for elevated bacteria (oyster waters) in the North-northeastern portion of the bay near Point Comfort and the Chocolate Bay area (AUs 2453OW_02, 2453OW_03). In addition, the Lavaca Bay Ship Channel portion of the Segment is listed for copper and for depressed dissolved oxygen (2453D_01). This discharge flows into the dissolved oxygen impaired portion of the Segment.

This application is for renewal of an existing authorization and does not represent an increase in the level of oxygen demanding substances discharged to the impaired area. There are no known sources of bacteria in the discharge, as domestic wastewater is not generated at this facility. In addition, this permit prohibits discharge of domestic wastewater (see Other Requirement No. 4). Therefore, no changes were made in the draft permit to address the 303(d) listings.

Completed Total Maximum Daily Loads (TMDLs)
There are no completed TMDLs for Segment No. 2453.

Dissolved Oxygen
Based on information provided in the application, the wastewater from this facility contains low levels of oxygen-demanding constituents. Therefore, no significant dissolved oxygen depletion is anticipated in the receiving waters as a result of this discharge.

SUMMARY OF EFFLUENT DATA

The following is a quantitative description of the discharge described in the monthly effluent report data for the period May 31, 2020 through April 30, 2025. The "Avg of Daily Avg" values presented in the following table are the average of all daily average values for the reporting period for each pollutant. The "Max of Daily Max" values presented in the following table are the individual maximum values for the reporting period for each pollutant. Flows are expressed in million gallons per day (MGD). All pH values are expressed in standard units (SU).

Flow

Outfall	Frequency	Avg of Daily Avg, MGD	Max of Daily Max, MGD
001	Intermittent	0.011	0.137

Effluent Characteristics

Outfall	Pollutant	Avg of Daily Avg	Max of Daily Max
		mg/L	mg/L
001	Total Organic Carbon (TOC)	17.51	137

Effluent Characteristics

Outfall	Pollutant	Avg of Daily Avg mg/L	Max of Daily Max mg/L
001	Oil and Grease	N/A	567
	pH, SU	7.5 SU, minimum	8.7 SU

Effluent Limitation Violations

Outfall	Pollutant (units)	Report Date	Daily Average		Daily Maximum	
			Limit	Reported	Limit	Reported
001	TOC	August 2022	-	-	75	94
		September 2022	-	-	75	85.7
		October 2022	-	-	75	137
		November 2022	-	-	75	97.3
		December 2022	-	-	75	83.2
		January 2023	-	-	75	105
		March 2023	-	-	75	119
		April 2023	-	-	75	126
		May 2023	-	-	75	134
		June 2023	-	-	75	95
	Oil and Grease	December 2020	-	-	15	37.1
		January 2021	-	-	15	88.9
		June 2024	-	-	15	567
		October 2024	-	-	15	15.1
		December 2024	-	-	15	42.9

The draft permit was not changed to address these effluent limit violations because of the infrequent nature of the exceedances. TOC exceedance of ten months out of eleven has now been two years ago without any further exceedances.

REASONABLE POTENTIAL (RP) DETERMINATION

This permit application does not meet the applicability criteria for Whole Effluent Toxicity (Biomonitoring) testing. Therefore, a reasonable potential analysis is not included.

DRAFT PERMIT CONDITIONS

The draft permit authorizes the discharge of water treatment wastes and stormwater/washdown water at a daily average flow not to exceed 0.108 MGD via Outfall 001.

Effluent limitations are established in the draft permit as follows:

Outfall	Effluent Characteristics	Daily Average mg/L	Daily Maximum mg/L
001	Flow	0.108 MGD	0.144 MGD
	Total Organic Carbon	Report	75
	Oil and Grease	N/A	15

OUTFALL LOCATIONS

Outfall	Latitude	Longitude
001	28.645961 N	96.546148 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. Discharge of water treatment wastes are not subject to any federal effluent limitations guidelines. The pH limits are based on BPJ and established in accordance with 30 TAC § 309.1. The daily maximum effluent limitations for total organic carbon (TOC) and oil and grease were included based upon BPJ and are consistent with limits for other facilities that discharge stormwater associated with industrial activities. Effluent limitations for flow, TOC, oil and grease, and pH are carried forward in the draft permit based on EPA's anti-backsliding regulations promulgated 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 A. 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 February 14, 2025. 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.

No data were reported with the application, so nothing was screened against calculated water quality-based effluent limitations. See Other Requirement No. 7 for retesting requirements.

Total Dissolved Solids (TDS), Chloride, and Sulfate Screening
Segment No. 2453, which receives the discharge from this facility, does not have criteria established for TDS, chloride, or sulfate in 30 TAC Chapter 307; therefore, no screening was performed for TDS, chloride, or sulfate in the effluent.

pH Screening
The existing permit includes pH limits of 6.0 – 9.0 SU at Outfall 001, which discharges into an unclassified water body. Consistent with the procedures for pH screening that were submitted to EPA with a letter dated May 28, 2014, and approved by EPA in a letter dated June 2, 2014, requiring a discharge to an unclassified water body to meet pH limits of 6.0 – 9.0 standard units reasonably ensures instream compliance with *Texas Surface Water Quality Standards* pH criteria. These limits have been carried forward in the draft permit.

Whole Effluent Toxicity Testing (Biomonitoring)
Biomonitoring requirements are not included in the draft permit.

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. 7, a retest clause, has been added to the draft permit.

BASIS FOR DRAFT PERMIT

The following items were considered in developing the draft permit:

1. Application received on August 13, 2024, and additional information received on August 29, 2024.
2. Existing permits: TPDES Permit No. WQ0005220000 issued on February 10, 2020.
3. TCEQ Rules.
4. *Texas Surface Water Quality Standards* – 30 TAC §§307.1-307.10, effective September 29, 2022, as approved by EPA Region 6.
5. *Texas Surface Water Quality Standards* – 30 TAC §§307.1-307.10, effective March 1, 2018, as approved by EPA Region 6, for portions of the 2022 standards not approved by EPA Region 6.
6. *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.
7. *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.
8. *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.
9. *Procedures to Implement the Texas Surface Water Quality Standards* (IPs), Texas Commission on Environmental Quality, June 2010, as approved by EPA Region 6.
10. *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.
11. Memos from the Standards Implementation Team and Water Quality Assessment Team of the Water Quality Assessment Section of the TCEQ.
12. *Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits*, TCEQ Document No. 98-001.000-OWR-WQ, May 1998.
13. EPA Effluent Guidelines: N/A.
14. 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.
15. 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).
16. Letter dated June 2, 2014, from William K. Honker, P.E., Director, Water Quality Protection Division, EPA, to L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, TCEQ (Approval of TCEQ proposed development strategy for pH evaluation procedures).

PROCEDURES FOR FINAL DECISION

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

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

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

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

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

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

For additional information about this application, contact Thomas E. Starr at (512) 239-4570.

Thomas E. Starr
Thomas E. Starr, P.E.

August 22, 2025
Date

Appendix A
Calculated Water Quality-Based Effluent Limits

TEXTOX MENU #5 - BAY OR WIDE TIDAL RIVER

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

Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Saltwater 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:	Port Comfort Power, LLC
TPDES Permit No:	WQ0005220000
Outfall No:	001
Prepared by:	Thomas E. Starr, P.E.
Date:	08/21/2025

DISCHARGE INFORMATION

Receiving Waterbody:	inactive intake canal
Segment No:	2453
TSS (mg/L):	12
Effluent Flow for Aquatic Life (MGD)	0.07
% Effluent for Chronic Aquatic Life (Mixing Zone):	36
% Effluent for Acute Aquatic Life (ZID):	100
Oyster Waters?	**yes**
Effluent Flow for Human Health (MGD):	0.01
% Effluent for Human Health:	18

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

Estuarine 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	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Cadmium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Chromium (total)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Chromium (trivalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Chromium (hexavalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	4.85	-0.72	11830.13	0.876		1.00	Assumed
Lead	6.06	-0.85	138897.98	0.375		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	5.86	-0.74	115187.64	0.420		1.00	Assumed
Zinc	5.36	-0.52	62925.37	0.570		1.00	Assumed

AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*SW Acute Criterion (µg/L)*	*SW Chronic Criterion (µg/L)*	*WLAa (µg/L)*	*WLAc (µg/L)*	*LTAa (µg/L)*	*LTAc (µg/L)*	*Daily Avg. (µg/L)*	*Daily Max. (µg/L)*
Acrolein	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Aldrin	1.3	N/A	1.30	N/A	0.416	N/A	0.611	1.29
Aluminum	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Arsenic	149	78	149	217	47.7	132	70.0	148
Cadmium	40.0	8.75	40.0	24.3	12.8	14.8	18.8	39.8
Carbaryl	613	N/A	613	N/A	196	N/A	288	610
Chlordane	0.09	0.004	0.0900	0.0111	0.0288	0.00678	0.00996	0.0210
Chlorpyrifos	0.011	0.006	0.0110	0.0167	0.00352	0.0102	0.00517	0.0109
Chromium (trivalent)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Chromium (hexavalent)	1090	49.6	1090	138	349	84.0	123	261
Copper	13.5	3.6	15.4	11.4	4.93	6.97	7.25	15.3
Copper (oyster waters)	3.6	N/A	11.4	N/A	3.65	N/A	5.37	11.3
Cyanide (free)	5.6	5.6	5.60	15.6	1.79	9.49	2.63	5.57
4,4'-DDT	0.13	0.001	0.130	0.00278	0.0416	0.00169	0.00249	0.00526
Demeton	N/A	0.1	N/A	0.278	N/A	0.169	0.249	0.526
Diazinon	0.819	0.819	0.819	2.28	0.262	1.39	0.385	0.815
Dicofol [Kelthane]	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Dieldrin	0.71	0.002	0.710	0.00556	0.227	0.00339	0.00498	0.0105
Diuron	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Endosulfan I (*alpha*)	0.034	0.009	0.0340	0.0250	0.0109	0.0153	0.0159	0.0338
Endosulfan II (*beta*)	0.034	0.009	0.0340	0.0250	0.0109	0.0153	0.0159	0.0338
Endosulfan sulfate	0.034	0.009	0.0340	0.0250	0.0109	0.0153	0.0159	0.0338
Endrin	0.037	0.002	0.0370	0.00556	0.0118	0.00339	0.00498	0.0105
Guthion [Azinphos Methyl]	N/A	0.01	N/A	0.0278	N/A	0.0169	0.0249	0.0526
Heptachlor	0.053	0.004	0.0530	0.0111	0.0170	0.00678	0.00996	0.0210
Hexachlorocyclohexane (*gamma*) [Lindane]	0.16	N/A	0.160	N/A	0.0512	N/A	0.0752	0.159
Lead	133	5.3	355	39.3	113	23.9	35.2	74.4
Malathion	N/A	0.01	N/A	0.0278	N/A	0.0169	0.0249	0.0526
Mercury	2.1	1.1	2.10	3.06	0.672	1.86	0.987	2.08
Methoxychlor	N/A	0.03	N/A	0.0833	N/A	0.0508	0.0747	0.158
Mirex	N/A	0.001	N/A	0.00278	N/A	0.00169	0.00249	0.00526
Nickel	118	13.1	118	36.4	37.8	22.2	32.6	69.0
Nonylphenol	7	1.7	7.00	4.72	2.24	2.88	3.29	6.96
Parathion (ethyl)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pentachlorophenol	15.1	9.6	15.1	26.7	4.83	16.3	7.10	15.0
Phenanthrene	7.7	4.6	7.70	12.8	2.46	7.79	3.62	7.66
Polychlorinated Biphenyls [PCBs]	10	0.03	10.0	0.0833	3.20	0.0508	0.0747	0.158
Selenium	564	136	564	378	180	230	265	561
Silver	2	N/A	4.76	N/A	1.52	N/A	2.24	4.74
Toxaphene	0.21	0.0002	0.210	0.000556	0.0672	0.000339	0.000498	0.00105
Tributyltin [TBT]	0.24	0.0074	0.240	0.0206	0.0768	0.0125	0.0184	0.0389
2,4,5 Trichlorophenol	259	12	259	33.3	82.9	20.3	29.8	63.2
Zinc	92.7	84.2	163	410	52.1	250	76.5	161

HUMAN HEALTH

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*Fish Only Criterion (µg/L)*	*WLAh (µg/L)*	*LTAh (µg/L)*	*Daily Avg. (µg/L)*	*Daily Max. (µg/L)*
Acrylonitrile	115	639	594	873	1847
Aldrin	1.147E-05	0.0000637	0.0000593	0.0000871	0.000184
Anthracene	1317	7317	6805	10002	21161
Antimony	1071	5950	5534	8134	17209
Arsenic	N/A	N/A	N/A	N/A	N/A
Barium	N/A	N/A	N/A	N/A	N/A
Benzene	581	3228	3002	4412	9335
Benzidine	0.107	0.594	0.553	0.812	1.71
Benzo(*a*)anthracene	0.025	0.139	0.129	0.189	0.401
Benzo(*a*)pyrene	0.0025	0.0139	0.0129	0.0189	0.0401
Bis(chloromethyl)ether	0.2745	1.53	1.42	2.08	4.41
Bis(2-chloroethyl)ether	42.83	238	221	325	688
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthala	7.55	41.9	39.0	57.3	121
Bromodichloromethane [Dichlorobromomethane]	275	1528	1421	2088	4418
Bromoform [Tribromomethane]	1060	5889	5477	8050	17032
Cadmium	N/A	N/A	N/A	N/A	N/A
Carbon Tetrachloride	46	256	238	349	739
Chlordane	0.0025	0.0139	0.0129	0.0189	0.0401
Chlorobenzene	2737	15206	14141	20787	43979
Chlorodibromomethane [Dibromochloromethane]	183	1017	946	1389	2940
Chloroform [Trichloromethane]	7697	42761	39768	58458	123677
Chromium (hexavalent)	502	2789	2594	3812	8066
Chrysene	2.52	14.0	13.0	19.1	40.4
Cresols [Methylphenols]	9301	51672	48055	70641	149451
Cyanide (free)	N/A	N/A	N/A	N/A	N/A
4,4'-DDD	0.002	0.0111	0.0103	0.0151	0.0321
4,4'-DDE	0.00013	0.000722	0.000672	0.000987	0.00208
4,4'-DDT	0.0004	0.00222	0.00207	0.00303	0.00642
2,4'-D	N/A	N/A	N/A	N/A	N/A
Danitol [Fenpropathrin]	473	2628	2444	3592	7600
1,2-Dibromoethane [Ethylene Dibromide]	4.24	23.6	21.9	32.2	68.1
m -Dichlorobenzene [1,3-Dichlorobenzene]	595	3306	3074	4519	9560
o -Dichlorobenzene [1,2-Dichlorobenzene]	3299	18328	17045	25055	53009
p -Dichlorobenzene [1,4-Dichlorobenzene]	N/A	N/A	N/A	N/A	N/A
3,3'-Dichlorobenzidine	2.24	12.4	11.6	17.0	35.9

1,2-Dichloroethane	364	2022	1881	2764	5848
1,1-Dichloroethylene [1,1-Dichloroethene]	55114	306189	284756	418590	885590
Dichloromethane [Methylene Chloride]	13333	74072	68887	101264	214239
1,2-Dichloropropane	259	1439	1338	1967	4161
1,3-Dichloropropene [1,3-Dichloropropylene]	119	661	615	903	1912
Dicofol [Kelthane]	0.30	1.67	1.55	2.27	4.82
Dieldrin	2.0E-05	0.000111	0.000103	0.000151	0.000321
2,4-Dimethylphenol	8436	46867	43586	64071	135552
Di-*n* -Butyl Phthalate	92.4	513	477	701	1484
Dioxins/Furans [TCDD Equivalents]	7.97E-08	4.43E-07	4.12E-07	6.05E-07	0.0000013
Endrin	0.02	0.111	0.103	0.151	0.321
Epichlorohydrin	2013	11183	10401	15288	32345
Ethylbenzene	1867	10372	9646	14179	29999
Ethylene Glycol	1.68E+07	93333333	86800000	127596000	269948000
Fluoride	N/A	N/A	N/A	N/A	N/A
Heptachlor	0.0001	0.000556	0.000517	0.000759	0.00160
Heptachlor Epoxide	0.00029	0.00161	0.00150	0.00220	0.00465
Hexachlorobenzene	0.00068	0.00378	0.00351	0.00516	0.0109
Hexachlorobutadiene	0.22	1.22	1.14	1.67	3.53
Hexachlorocyclohexane (*alpha*)	0.0084	0.0467	0.0434	0.0637	0.134
Hexachlorocyclohexane (*beta*)	0.26	1.44	1.34	1.97	4.17
Hexachlorocyclohexane (*gamma*) [Lindane]	0.341	1.89	1.76	2.58	5.47
Hexachlorocyclopentadiene	11.6	64.4	59.9	88.1	186
Hexachloroethane	2.33	12.9	12.0	17.6	37.4
Hexachlorophene	2.90	16.1	15.0	22.0	46.5
4,4'-Isopropylidenediphenol [Bisphenol A]	15982	88789	82574	121383	256804
Lead	3.83	56.7	52.8	77.5	164
Mercury	0.0250	0.139	0.129	0.189	0.401
Methoxychlor	3.0	16.7	15.5	22.7	48.2
Methyl Ethyl Ketone	9.92E+05	5511111	5125333	7534240	15939786
Methyl *tert* -butyl ether [MTBE]	10482	58233	54157	79610	168428
Nickel	1140	6333	5890	8658	18317
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A	N/A	N/A	N/A
Nitrobenzene	1873	10406	9677	14225	30095
N-Nitrosodiethylamine	2.1	11.7	10.9	15.9	33.7
N-Nitroso-di-*n* -Butylamine	4.2	23.3	21.7	31.8	67.4
Pentachlorobenzene	0.355	1.97	1.83	2.69	5.70
Pentachlorophenol	0.29	1.61	1.50	2.20	4.65
Polychlorinated Biphenyls [PCBs]	6.4E-04	0.00356	0.00331	0.00486	0.0102
Pyridine	947	5261	4893	7192	15216
Selenium	N/A	N/A	N/A	N/A	N/A
1,2,4,5-Tetrachlorobenzene	0.24	1.33	1.24	1.82	3.85
1,1,2,2-Tetrachloroethane	26.35	146	136	200	423
Tetrachloroethylene [Tetrachloroethylene]	280	1556	1447	2126	4499
Thallium	0.23	1.28	1.19	1.74	3.69
Toluene	N/A	N/A	N/A	N/A	N/A
Toxaphene	0.011	0.0611	0.0568	0.0835	0.176
2,4,5-TP [Silvex]	369	2050	1907	2802	5929
1,1,1-Trichloroethane	784354	4357522	4052496	5957168	12603261
1,1,2-Trichloroethane	166	922	858	1260	2667
Trichloroethylene [Trichloroethene]	71.9	399	371	546	1155
2,4,5-Trichlorophenol	1867	10372	9646	14179	29999
TTHM [Sum of Total Trihalomethanes]	N/A	N/A	N/A	N/A	N/A
Vinyl Chloride	16.5	91.7	85.3	125	265

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

Aquatic Life *Parameter*	*70% of Daily Avg. (µg/L)*	*85% of Daily Avg. (µg/L)*
Acrolein	N/A	N/A
Aldrin	0.428	0.519
Aluminum	N/A	N/A
Arsenic	49.0	59.5
Cadmium	13.1	15.9
Carbaryl	201	245
Chlordane	0.00697	0.00846
Chlorpyrifos	0.00362	0.00439
Chromium (trivalent)	N/A	N/A
Chromium (hexavalent)	86.4	105
Copper	5.07	6.16
Copper (oyster waters)	3.76	4.56
Cyanide (free)	1.84	2.23
4,4'-DDT	0.00174	0.00211
Demeton	0.174	0.211
Diazinon	0.269	0.327
Dicofol [Kelthane]	N/A	N/A
Dieldrin	0.00348	0.00423
Diuron	N/A	N/A
Endosulfan I (*alpha*)	0.0111	0.0135
Endosulfan II (*beta*)	0.0111	0.0135
Endosulfan sulfate	0.0111	0.0135
Endrin	0.00348	0.00423
Guthion [Azinphos Methyl]	0.0174	0.0211
Heptachlor	0.00697	0.00846
Hexachlorocyclohexane (*gamma*) [Lindane]	0.0526	0.0639
Lead	24.6	29.9
Malathion	0.0174	0.0211
Mercury	0.691	0.839
Methoxychlor	0.0523	0.0635
Mirex	0.00174	0.00211
Nickel	22.8	27.7
Nonylphenol	2.30	2.79
Parathion (ethyl)	N/A	N/A
Pentachlorophenol	4.97	6.03
Phenanthrene	2.53	3.07
Polychlorinated Biphenyls [PCBs]	0.0523	0.0635
Selenium	185	225
Silver	1.56	1.90
Toxaphene	0.000348	0.000423
Tributyltin [TBT]	0.0129	0.0156
2,4,5 Trichlorophenol	20.9	25.4
Zinc	53.5	65.0

Human Health	***70% of Daily Avg.***	***85% of Daily Avg.***
Parameter	***(µg/L)***	***(µg/L)***
Acrylonitrile	611	742
Aldrin	0.0000609	0.0000740
Anthracene	7001	8502
Antimony	5693	6914
Arsenic	N/A	N/A
Barium	N/A	N/A
Benzene	3088	3750
Benzidine	0.568	0.690
Benzo(*a*)anthracene	0.132	0.161
Benzo(*a*)pyrene	0.0132	0.0161
Bis(chloromethyl)ether	1.45	1.77
Bis(2-chloroethyl)ether	227	276
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthala	40.1	48.7
Bromodichloromethane [Dichlorobromomethane]	1462	1775
Bromoform [Tribromomethane]	5635	6843
Cadmium	N/A	N/A
Carbon Tetrachloride	244	296
Chlordane	0.0132	0.0161
Chlorobenzene	14551	17669
Chlorodibromomethane [Dibromochloromethane]	972	1181
Chloroform [Trichloromethane]	40921	49689
Chromium (hexavalent)	2668	3240
Chrysene	13.3	16.2
Cresols [Methylphenols]	49448	60044
Cyanide (free)	N/A	N/A
4,4'-DDD	0.0106	0.0129
4,4'-DDE	0.000691	0.000839
4,4'-DDT	0.00212	0.00258
2,4'-D	N/A	N/A
Danitol [Fenpropathrin]	2514	3053
1,2-Dibromoethane [Ethylene Dibromide]	22.5	27.3
m -Dichlorobenzene [1,3-Dichlorobenzene]	3163	3841
o -Dichlorobenzene [1,2-Dichlorobenzene]	17539	21297
p -Dichlorobenzene [1,4-Dichlorobenzene]	N/A	N/A
3,3'-Dichlorobenzidine	11.9	14.4
1,2-Dichloroethane	1935	2349
1,1-Dichloroethylene [1,1-Dichloroethene]	293013	355802
Dichloromethane [Methylene Chloride]	70884	86074
1,2-Dichloropropane	1376	1672
1,3-Dichloropropene [1,3-Dichloropropylene]	632	768
Dicofol [Kelthane]	1.59	1.93
Dieldrin	0.000106	0.000129
2,4-Dimethylphenol	44849	54460
Di-*n* -Butyl Phthalate	491	596
Dioxins/Furans [TCDD Equivalents]	4.23E-07	5.14E-07
Endrin	0.106	0.129
Epichlorohydrin	10702	12995
Ethylbenzene	9925	12052
Ethylene Glycol	89317200	108456600
Fluoride	N/A	N/A

Heptachlor	0.000531	0.000645
Heptachlor Epoxide	0.00154	0.00187
Hexachlorobenzene	0.00361	0.00438
Hexachlorobutadiene	1.16	1.42
Hexachlorocyclohexane (*alpha*)	0.0446	0.0542
Hexachlorocyclohexane (*beta*)	1.38	1.67
Hexachlorocyclohexane (*gamma*) [Lindane]	1.81	2.20
Hexachlorocyclopentadiene	61.6	74.8
Hexachloroethane	12.3	15.0
Hexachlorophene	15.4	18.7
4,4'-Isopropylidenediphenol [Bisphenol A]	84968	103175
Lead	54.3	65.9
Mercury	0.132	0.161
Methoxychlor	15.9	19.3
Methyl Ethyl Ketone	5273968	6404104
Methyl *tert* -butyl ether [MTBE]	55727	67669
Nickel	6060	7359
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A
Nitrobenzene	9957	12091
N-Nitrosodiethylamine	11.1	13.5
N-Nitroso-di-*n* -Butylamine	22.3	27.1
Pentachlorobenzene	1.88	2.29
Pentachlorophenol	1.54	1.87
Polychlorinated Biphenyls [PCBs]	0.00340	0.00413
Pyridine	5034	6113
Selenium	N/A	N/A
1,2,4,5-Tetrachlorobenzene	1.27	1.54
1,1,2,2-Tetrachloroethane	140	170
Tetrachloroethylene [Tetrachloroethylene]	1488	1807
Thallium	1.22	1.48
Toluene	N/A	N/A
Toxaphene	0.0584	0.0710
2,4,5-TP [Silvex]	1961	2382
1,1,1-Trichloroethane	4170018	5063593
1,1,2-Trichloroethane	882	1071
Trichloroethylene [Trichloroethene]	382	464
2,4,5-Trichlorophenol	9925	12052
TTHM [Sum of Total Trihalomethanes]	N/A	N/A
Vinyl Chloride	87.7	106

TEXTOX MENU #5 - BAY OR WIDE TIDAL RIVER

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

Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Saltwater 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:	Port Comfort Power, LLC
TPDES Permit No:	WQ0005220000
Outfall No:	001
Prepared by:	Thomas E. Starr, P.E.
Date:	08/21/2025

DISCHARGE INFORMATION

Receiving Waterbody:	inactive intake canal (oyster water at Lavaca Bay/Chocolate Bay)
Segment No:	2453
TSS (mg/L):	12
Effluent Flow for Aquatic Life (MGD)	0.07
% Effluent for Chronic Aquatic Life (Mixing Zone):	8
% Effluent for Acute Aquatic Life (ZID):	30
Oyster Waters?	**yes**
Effluent Flow for Human Health (MGD):	0.01
% Effluent for Human Health:	18

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

Estuarine 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	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Cadmium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Chromium (total)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Chromium (trivalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Chromium (hexavalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	4.85	-0.72	11830.13	0.876		1.00	Assumed
Lead	6.06	-0.85	138897.98	0.375		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	5.86	-0.74	115187.64	0.420		1.00	Assumed
Zinc	5.36	-0.52	62925.37	0.570		1.00	Assumed

AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*SW Acute Criterion (µg/L)*	*SW Chronic Criterion (µg/L)*	*WLAa (µg/L)*	*WLAc (µg/L)*	*LTAa (µg/L)*	*LTAc (µg/L)*	*Daily Avg. (µg/L)*	*Daily Max. (µg/L)*
Acrolein	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Aldrin	1.3	N/A	4.33	N/A	1.39	N/A	2.03	4.31
Aluminum	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Arsenic	149	78	497	975	159	595	233	494
Cadmium	40.0	8.75	133	109	42.7	66.7	62.7	132
Carbaryl	613	N/A	2043	N/A	654	N/A	961	2033
Chlordane	0.09	0.004	0.300	0.0500	0.0960	0.0305	0.0448	0.0948
Chlorpyrifos	0.011	0.006	0.0367	0.0750	0.0117	0.0458	0.0172	0.0364
Chromium (trivalent)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Chromium (hexavalent)	1090	49.6	3633	620	1163	378	555	1176
Copper	13.5	3.6	51.4	51.4	16.4	31.3	24.1	51.1
Copper (oyster waters)	3.6	N/A	51.4	N/A	16.4	N/A	24.1	51.1
Cyanide (free)	5.6	5.6	18.7	70.0	5.97	42.7	8.78	18.5
4,4'-DDT	0.13	0.001	0.433	0.0125	0.139	0.00763	0.0112	0.0237
Demeton	N/A	0.1	N/A	1.25	N/A	0.763	1.12	2.37
Diazinon	0.819	0.819	2.73	10.2	0.874	6.24	1.28	2.71
Dicofol [Kelthane]	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Dieldrin	0.71	0.002	2.37	0.0250	0.757	0.0153	0.0224	0.0474
Diuron	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Endosulfan I (*alpha*)	0.034	0.009	0.113	0.113	0.0363	0.0686	0.0533	0.112
Endosulfan II (*beta*)	0.034	0.009	0.113	0.113	0.0363	0.0686	0.0533	0.112
Endosulfan sulfate	0.034	0.009	0.113	0.113	0.0363	0.0686	0.0533	0.112
Endrin	0.037	0.002	0.123	0.0250	0.0395	0.0153	0.0224	0.0474
Guthion [Azinphos Methyl]	N/A	0.01	N/A	0.125	N/A	0.0763	0.112	0.237
Heptachlor	0.053	0.004	0.177	0.0500	0.0565	0.0305	0.0448	0.0948
Hexachlorocyclohexane (*gamma*) [Lindane]	0.16	N/A	0.533	N/A	0.171	N/A	0.250	0.530
Lead	133	5.3	1182	177	378	108	158	335
Malathion	N/A	0.01	N/A	0.125	N/A	0.0763	0.112	0.237
Mercury	2.1	1.1	7.00	13.8	2.24	8.39	3.29	6.96
Methoxychlor	N/A	0.03	N/A	0.375	N/A	0.229	0.336	0.711
Mirex	N/A	0.001	N/A	0.0125	N/A	0.00763	0.0112	0.0237
Nickel	118	13.1	393	164	126	99.9	146	310
Nonylphenol	7	1.7	23.3	21.3	7.47	13.0	10.9	23.2
Parathion (ethyl)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pentachlorophenol	15.1	9.6	50.3	120	16.1	73.2	23.6	50.0
Phenanthrene	7.7	4.6	25.7	57.5	8.21	35.1	12.0	25.5
Polychlorinated Biphenyls [PCBs]	10	0.03	33.3	0.375	10.7	0.229	0.336	0.711
Selenium	564	136	1880	1700	602	1037	884	1870
Silver	2	N/A	15.9	N/A	5.08	N/A	7.47	15.8
Toxaphene	0.21	0.0002	0.700	0.00250	0.224	0.00153	0.00224	0.00474
Tributyltin [TBT]	0.24	0.0074	0.800	0.0925	0.256	0.0564	0.0829	0.175
2,4,5 Trichlorophenol	259	12	863	150	276	91.5	134	284
Zinc	92.7	84.2	542	1847	174	1127	255	539

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

Aquatic Life *Parameter*	*70% of Daily Avg. (µg/L)*	*85% of Daily Avg. (µg/L)*
Acrolein	N/A	N/A
Aldrin	1.42	1.73
Aluminum	N/A	N/A
Arsenic	163	198
Cadmium	43.9	53.3
Carbaryl	672	817
Chlordane	0.0313	0.0381
Chlorpyrifos	0.0120	0.0146
Chromium (trivalent)	N/A	N/A
Chromium (hexavalent)	389	472
Copper	16.9	20.5
Copper (oyster waters)	16.9	20.5
Cyanide (free)	6.14	7.46
4,4'-DDT	0.00784	0.00952
Demeton	0.784	0.952
Diazinon	0.898	1.09
Dicofol [Kelthane]	N/A	N/A
Dieldrin	0.0156	0.0190
Diuron	N/A	N/A
Endosulfan I (*alpha*)	0.0373	0.0453
Endosulfan II (*beta*)	0.0373	0.0453
Endosulfan sulfate	0.0373	0.0453
Endrin	0.0156	0.0190
Guthion [Azinphos Methyl]	0.0784	0.0952
Heptachlor	0.0313	0.0381
Hexachlorocyclohexane (*gamma*) [Lindane]	0.175	0.213
Lead	110	134
Malathion	0.0784	0.0952
Mercury	2.30	2.79
Methoxychlor	0.235	0.285
Mirex	0.00784	0.00952
Nickel	102	124
Nonylphenol	7.68	9.32
Parathion (ethyl)	N/A	N/A
Pentachlorophenol	16.5	20.1
Phenanthrene	8.45	10.2
Polychlorinated Biphenyls [PCBs]	0.235	0.285
Selenium	619	751
Silver	5.22	6.35
Toxaphene	0.00156	0.00190
Tributyltin [TBT]	0.0580	0.0705
2,4,5 Trichlorophenol	94.1	114
Zinc	178	216

Appendix B
Comparison of Effluent Limits

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

Outfall	*Pollutant*	*Technology-Based*		*Water Quality-Based*		*Existing Permit*	
		Daily Avg	*Daily Max*	*Daily Avg*	*Daily Max*	*Daily Avg*	*Daily Max*
		mg/L	*mg/L*	*mg/L*	*mg/L*	*mg/L*	*mg/L*
001	Flow, MGD	0.108 MGD	0.144 MGD	-	-	**0.108 MGD**	**0.144 MGD**
	TOC	Report	75	-	-	**Report**	**75**
	Oil and Grease	N/A	15	-	-	**N/A**	**15**
	pH (SU)	6.0 SU, minimum	9.0 SU	-	-	**6.0 SU, minimum**	**9.0 SU**