



PERMIT NO. WQ0004948000

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

This renewal replaces TCEQ Permit
No. WQ0004948000 issued on
November 15, 2011.

PERMIT TO DISPOSE OF WASTES

under provisions of
Chapter 26 of the Texas Water Code

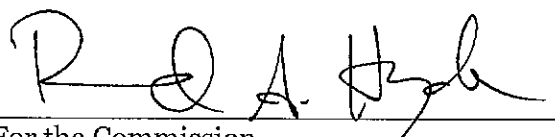
- I. PERMITTEE:** A. Name: Waste Control Specialists LLC and Andrews County
B. Address: P.O. Box 1129, Andrews, Texas 79714-1129
- II. NATURE OF BUSINESS PRODUCING WASTE:** Waste Control Specialists Andrews Facility is a low-level radioactive waste (LLRW) disposal site on approximately 120 acres under Radioactive Material License (RML) No. Ro4100, and includes the Federal Facility Waste Disposal Facility (FWF) for the disposal of mixed waste, and the Compact Waste Disposal Facility (CWF) for the disposal of low-level radioactive waste as defined at 30 Texas Administrative Code (TAC) §336.2 (SIC 4953).
- III. GENERAL DESCRIPTION AND LOCATION OF WASTE DISPOSAL SYSTEM**
Description: The FWF and CWF will utilize separate wastewater treatment plants, approved under RML No. Ro4100, to treat leachate prior to discharge to the FWF and CWF contact water evaporation ponds, respectively. Untreated leachate is held in a series of 500,000-gallon storage tanks prior to treatment. Treated leachate will be released in batches. Any non-contact water in the FWF and CWF sedimentation ponds and the downstream non-contact water (NCW) evaporation pond must not be reused until the water in the ponds is sampled and verified to be free from radiological contamination from facility operations. Domestic wastewater generated at the facility is transported off-site for disposal.
- A. The FWF wastewaters (as detailed under Section IV. A. 1. of this permit) are routed to one or more 500,000-gallon storage tanks, then to the FWF Wastewater Treatment Plant (WWTP) prior to disposal via the FWF evaporation pond. The FWF evaporation pond must have a minimum surface area of 4.8 acres (ac) and a minimum storage volume of 31.6 acre-feet (ac-ft).
- B. The CWF wastewaters (as detailed under Section IV. B. 1. of this permit) are routed to one or more 500,000-gallon storage tanks, then to the CWF WWTP prior to disposal via the CWF evaporation ponds. The CWF Evaporation Pond Number 1 must have a minimum surface area of 1.46 ac and a minimum storage volume of 7.7 ac-ft. The CWF Evaporation Pond Number 2 (if constructed) must have a minimum surface area of 1.87 ac and a minimum storage volume of 8.5 ac-ft.
- C. The NCW evaporation pond receives non-contact industrial stormwater from the FWF and CWF and must have a minimum surface area of 17.0 ac and a minimum storage volume of 38.4 ac-ft.

Location: The facility and evaporation ponds are located at 9998 State Highway (SH) 176 West, approximately 2500 feet north of SH 176 off a private road (State Line Road), and 250 feet east of the Texas and New Mexico state line, 30 miles west of Andrews, Andrews County, Texas 79714.

Drainage Basin: Located in the drainage area of the Upper Pecos River in Segment No. 2311 of the Rio Grande Basin. No discharge of pollutants into water in the state is authorized by this permit.

This permit shall expire at midnight on September 1, 2022.

ISSUED DATE: March 31, 2016


For the Commission

IV. CONDITIONS OF THE PERMIT**A. Federal Facility Waste Disposal Facility (FWF) Contact Water Evaporation Pond:**

1. Character: FWF mixed waste is a combination of LLRW and Resource Conservation and Recovery Act (RCRA) hazardous waste, as defined in 30 TAC §335.1. Mixed waste will potentially be encountered in the disposal unit (similar to a landfill). FWF wastewaters include the wastewaters from mixed waste disposal and other wastewaters as follows:
 - a. disposal unit (landfill) leachate, leak detection system water, and contact stormwater; and
 - b. other wastewaters that consist of FWF decontamination building wastewater; laboratory washwater; non-routine spill cleanup wastewater; eyewash water, shower water, and sprinkler system water from the FWF; and contact stormwater from the FWF temporary outgoing container staging pad (non-routine).
2. Volume: Treated wastewater from the FWF must be disposed of at a rate not to exceed an annual average flow of 19,650 gallons per day (gpd) to the FWF Evaporation Pond located southeast of the FWF facility.
3. Quality of Evaporation Pond Influent: Treated wastewater routed to the FWF Evaporation Pond must be monitored for the following parameters at the point of discharge from the FWF WWTP (*1) as follows:

<u>Parameter:</u>	<u>Daily Max.</u>	<u>Frequency</u>	<u>Sample Type</u>
Radiological Parameters (*1):	Report, (*2)	1/month (*3)(*4)	Grab (*5)
Combined Radium 226 and 228 (pCi/L)			
Gross Alpha-particle activity (excluding Uranium and Radon) (pCi/L)			
Gross Beta/photon emitters (pCi/L)			
Uranium, total (µg/L)			
Non- Radiological Parameters:			
Effluent Flow (gpd)	Report, gpd	1/day (*3)	Meter (*6)
Biochemical Oxygen Demand, 5-day (BOD ₅)	Report, mg/L (*7)	1/month (*3)(*4)	Grab
Total Suspended Solids (TSS)	Report, mg/L (*7)	1/month (*3)(*4)	Grab
Ammonia Nitrogen (NH ₃ -N)	Report, mg/L (*7)	1/month (*3)(*4)	Grab
Oil and Grease	Report, mg/L (*7)	1/month (*3)(*4)	Grab
α-Terpineol	Report, mg/L (*7)	1/month (*3)(*4)	Grab
Aniline	Report, mg/L (*7)	1/month (*3)(*4)	Grab
Benzoic acid	Report, mg/L (*7)	1/month (*3)(*4)	Grab
Naphthalene	Report, mg/L (*7)	1/month (*3)(*4)	Grab
p-Cresol	Report, mg/L (*7)	1/month (*3)(*4)	Grab
Phenol	Report, mg/L (*7)	1/month (*3)(*4)	Grab
Pyridine	Report, mg/L (*7)	1/month (*3)(*4)	Grab
Arsenic, total	Report, mg/L (*7)	1/month (*3)(*4)	Grab
Chromium, total	Report, mg/L (*7)	1/month (*3)(*4)	Grab
Zinc, total	Report, mg/L (*7)	1/month (*3)(*4)	Grab
pH, standard units, SU	Report (*8)	1/week (*3)	Grab

- (*1) Prior to routing wastewater to the evaporation pond, the WWTP used during the demonstration study and the final WWTP must be in accordance with RML No. Ro4100 and as detailed in Special Provision L. Wastewater must be sampled for non-radiological (chemical) and radiological parameters prior to routing to the WWTP. Wastewater with parameters exceeding 40 CFR Part 445 Subpart A effluent limitations must be treated to these limitations prior to release to the evaporation ponds. Wastewater with radiological parameters exceeding fifty percent (50%) of the 25 millirem per year dose limit for members of the public must be treated to these limitations prior to release to the evaporation ponds.
- (*2) Concentrations of radionuclides in the wastewater routed to the evaporation pond must not exceed fifty percent (50%) of the 25 millirems per year (mrem/year) dose limit for members of the public.
- (*3) Wastewater monitoring is required at the specified frequency prior to release to the evaporation pond. The permittee must report on a Texas Commission on Environmental Quality (TCEQ) Monthly Effluent Report [MER: TCEQ VIPP Form 0123A / TCEQ-20024 (04-28-06)] as Outfall 007. Results must also be submitted to the Radioactive Materials Division (RMD), MC 233, within 30 days of receipt and validation of analytical results. Also, evaporation pond sediment and wastewater, if present, must be sampled for radiological parameters only, per applicable sampling frequency, and analyzed for the parameters in Part IV. A., by composite sample, in accordance with RML No. Ro4100, and reported on an MER as Outfall 107. For sampling periods when the evaporation pond is dry, see Special Provision O. 5.
- (*4) A reduction in monitoring frequency to quarterly may be requested after the WWTP has begun operations and demonstrated to the TCEQ's RMD that the radionuclide removal efficiency is being achieved and is commensurate with the design. At such time, the permittee may submit this information in writing to RMD and, upon approval, reduce the testing frequency to quarterly.
- (*5) Picocuries per liter (pCi/L) or micrograms per liter ($\mu\text{g/L}$).
- (*6) A totalizer flow meter must be used to measure the effluent to the evaporation pond. The permittee shall use a totalizer flow meter at the evaporation pond system monitoring location to provide more accurate flow measurements.
- (*7) Milligrams per liter (mg/L).
- (*8) The pH must not be less than 6.0 SU nor greater than 9.0 SU.

B. Compact Waste Disposal Facility (CWF) Contact Water Evaporation Ponds:

1. Character: CWF is a LLRW disposal unit (similar to a landfill). CWF wastewaters include wastewaters from the LLRW disposal unit and other wastewaters as follows:
 - a. disposal unit (landfill) leachate and contact stormwater; and
 - b. CWF decontamination building wastewater; laboratory washwater; non-routine spill cleanup wastewater; eyewash water, shower water, and sprinkler system water.
2. Volume: Treated wastewater from the CWF must be disposed of at a rate not to exceed an annual average flow of 5,950 gpd to CWF Evaporation Pond Number 1 located south of the CWF facility and not to exceed an annual average flow of 7,460 gallons per day to CWF Evaporation Pond Number 2 (if constructed) located southeast of the CWF facility.
3. Quality of Evaporation Pond Influent: Treated wastewater routed to the CWF Evaporation Ponds must be monitored for the following parameters at the point of discharge from the CWF WWTP (*1) as follows:

<u>Parameter:</u>	<u>Daily Max.</u>	<u>Frequency</u>	<u>Sample Type</u>
Radiological Parameters (*1): Combined Radium 226 and 228 (pCi/L) Gross Alpha-particle activity (excluding Uranium and Radon) (pCi/L) Gross Beta/photon emitters (pCi/L) Uranium, total (µg/L)	Report, (*2)	1/month (*3)(*4)	Grab (*5)
Non- Radiological Parameters:			
Effluent Flow (gpd)	Report, gpd	1/day (*3)	Meter (*6)
BOD ₅	Report, mg/L (*7)	1/month (*3)(*4)	Grab
TSS	Report, mg/L (*7)	1/month (*3)(*4)	Grab
Oil and Grease	Report, mg/L (*7)	1/month (*3)(*4)	Grab
pH, SU	Report (*8)	1/week (*3)	Grab

- (*1) Prior to routing wastewater to the evaporation pond, the WWTP used during the demonstration study and the final WWTP must be in accordance with RML No. Ro4100 and as detailed in Special Provision L. Wastewater must be sampled for non-radiological (chemical) and radiological parameters prior to routing to the WWTP. Wastewater with parameters exceeding 40 CFR Part 445 Subpart A effluent limitations must be treated to these limitations prior to release to the evaporation ponds. Wastewater with radiological parameters exceeding fifty percent (50%) of the 25 millirem per year dose limit for members of the public must be treated to these limitations prior to release to the evaporation ponds.
- (*2) Concentrations of radionuclides in the wastewater routed to the evaporation pond must not exceed fifty percent (50%) of the 25 millirems per year (mrem/year) dose limit for members of the public.
- (*3) Wastewater monitoring is required at the specified frequency prior to release to the evaporation pond. The permittee shall report on a TCEQ Monthly Effluent Report [MER: TCEQ VIPP Form 0123A / TCEQ-20024 (04-28-06)] as Outfall 008 for CWF Evaporation Pond Number 1 and as Outfall 009 for CWF Evaporation Pond Number 2. Results must also be submitted to the Radioactive Materials Division (RMD), MC 233, within 30 days of receipt and validation of analytical results. Also, evaporation pond sediment and wastewater, if present, must be sampled for radiological parameters only, per applicable sampling frequency, and analyzed for the parameters in Part IV. B., by composite sample, in accordance with RML No. Ro4100, and reported on an MER as Outfall 108 for CWF Evaporation Pond Number 1 and as Outfall 109 for CWF Evaporation Pond Number 2. For sampling periods when either evaporation pond is dry, see Special Provision O. 5.
- (*4) A reduction in monitoring frequency to quarterly may be requested after the WWTP has begun operations and demonstrated to the TCEQ's RMD that the radionuclide removal efficiency is being achieved and is commensurate with the design. At such time, the permittee may submit this information in writing to RMD and, upon approval, reduce the testing frequency to quarterly.
- (*5) Picocuries per liter (pCi/L) or micrograms per liter (µg/L).
- (*6) A totalizer flow meter must be used to measure the effluent to the evaporation pond. The permittee shall use a totalizer flow meter at the evaporation pond system monitoring location to provide more accurate flow measurements.
- (*7) Milligrams per liter (mg/L).
- (*8) The pH must not be less than 6.0 SU nor greater than 9.0 SU.

1. Character: NCW consists of non-contact industrial stormwater from the FWF and the CWF to the NCW evaporation pond with a minimum surface area of 17.0 acres and storage volume of 38.4 acre-feet.
2. Volume: Non-contact industrial stormwater from the FWF and CWF must be disposed of at a rate not to exceed an annual average flow of 69,764 gpd to the NCW Evaporation Pond located south of the Direct Dig facility and south of the rail loop.
3. Quality: Non-contact industrial stormwater routed to the NCW Evaporation Pond must be monitored for the following parameters:

<u>Parameter:</u>	<u>Daily Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Effluent Flow (gpd)	Report, gpd	1/day (*1)	Estimate
Oil and Grease	Report, mg/L (*2)	1/month (*1)	Grab
pH, standard units	Report (*3)	1/month (*1)	Grab
Radiological Parameters:	Report, (*4)	1/annually (*1)	Grab
Combined Radium 226 and 228 (pCi/L)			
Gross Alpha-particle activity (excluding Uranium and Radon) (pCi/L)			
Gross Beta/photon emitters (pCi/L)			
Uranium, total (µg/L)			

- (*1) Non-contact water monitoring is required prior to discharge to the evaporation pond if a discharge occurs. The permittee shall report on a TCEQ Monthly Effluent Report [MER: TCEQ VIPP Form 0123A / TCEQ-20024 (04-28-06)] as Outfall 010.
- (*2) Milligrams per liter (mg/L).
- (*3) The pH must not be less than 6.0 SU nor greater than 9.0 SU.
- (*4) Picocuries per liter (pCi/L) and micrograms per liter (µg/L).

V. SPECIAL PROVISIONS:

A. For the purpose of Part IV of this permit, the following definitions shall apply:

1. Grab sample quality means the quality determined by measuring the concentration in milligrams per liter, parts per million or other appropriate units of measurement in a single grab sample of the defined waste.
2. Annual average flow is the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The permittee shall keep a monthly record of the annual average flow. It is calculated by adding the individual flow calculations together and dividing by the number of measurements taken during the previous 365 day period. Days of no discharge may be recorded as zero and utilized in the annual average calculation.

The first annual average flow is calculated based on the number of measurements taken during the first month the permit goes into effect. The second reported annual average is calculated based on the number of measurements taken during the first and second month the permit is in effect. This calculation procedure will continue for a total of 12 months. When the permittee has a total of 13 months of data, then the first month of data will be dropped from the calculation and the 13th month of data will be included. This procedure will be followed for the life of the permit.

3. Annual maximum flow means the total flow volume within a period of one year (i.e., September 1st through August 31st).
 4. Daily maximum flow means the highest total flow for any 24-hour period in a calendar month.
 5. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. If instantaneous measurements are used to determine the daily flow, the determination must be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges must consist of a minimum of three flow determinations on days of discharge.
- B. This permit does not authorize the discharge of any pollutants to water in the State of Texas. This permit does not authorize the disposal of treated contact wastewater from the FWF and CWF facilities by irrigation. Process wastewater generated at the site must be treated and disposed of by evaporation or routed to another appropriately permitted facility. Any discharge not allowed by this permit is a violation of Texas Water Code (TWC) Section 26.121, Unauthorized Discharge Prohibited.
- C. This permit does not authorize the disposal of domestic sewage. All domestic sewage must be routed to an approved facility.
- D. The permittee shall maintain an operating log which records the volume of wastewater routed to the evaporation ponds each day, a copy of the MERs for each Outfall, and results from the analyses required in Part IV of this permit. The operating log must be retained on site for five years and available for inspection by authorized representatives of the TCEQ. This data must be submitted to the Enforcement Division (MC 224), Industrial Permits Team (MC 148) of the Water Quality Division, and the Region 7 Office of the TCEQ during the month of September of each calendar year. Results from all radiological analyses must be submitted to the Radioactive Materials Division (MC 233) within 30 days of receipt of analytical results and validation of analytical results, not to exceed a total time period of 45 days from receipt of analytical results.
- E. Adequate signs must be erected and maintained stating that the evaporation pond water is from a non-potable water supply. Said signs must consist of a red slash superimposed over the international symbol for drinking water accompanied by the message "Do not drink the water," in both English and Spanish. Additional signs may be posted with other messages such as "Danger - No Swimming - Wastewater," in both English and Spanish.
- F. The FWF and CWF evaporation ponds must be lined in compliance with the following minimum requirements in accordance with RCRA requirements for surface impoundments that manage hazardous waste (30 TAC 335.152(a)(9), 30 TAC 335.168 and 40 CFR 264 Subpart K):
1. The liner system must include:
 - (A) a top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of radioactive and hazardous constituents into such liner during the active life and post-closure care period; and
 - (B) a composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of radioactive and hazardous constituents into this component during the active life and post-closure care period.

The lower component must be designed and constructed of materials to minimize the migration of radioactive and hazardous constituents if a breach in the upper component were to occur. The lower component must be constructed of at least 3 feet of compacted soil material with a hydraulic conductivity of no more than 1×10^{-7} cm/sec.

2. The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a *leak detection system*. This leak detection system must be capable of detecting, collecting, and removing leaks of radioactive and hazardous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a leak detection system in this paragraph are satisfied by installation of a system that is, at a minimum:
 - (A) constructed with a bottom slope of one percent or more. Outer embankment slopes steeper than 1.0 foot vertical to 3.0 feet horizontal are prohibited (interior side slope may be constructed with 1.0 foot vertical to 2.0 feet horizontal);
 - (B) constructed of granular drainage materials with a hydraulic conductivity of 1×10^{-1} cm/sec or more and a thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-4} m² sec or more;
 - (C) constructed of materials that are chemically resistant to the waste managed in the surface impoundment and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes and any waste cover materials or equipment used at the surface impoundment;
 - (D) designed and operated to minimize clogging during the active life and post-closure care period; and
 - (E) constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own sump(s). The design of each sump and removal system must provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed. The owner or operator shall collect and remove pumpable liquids in the sumps to minimize the head on the bottom liner.

Permeability tests must be performed on the material to be used. Certification of the lining specifications must be provided by a Texas licensed professional engineer and must be available for inspection by TCEQ personnel upon request. The certification and the test results of soils forming the bottom and sidewall liners of the evaporation ponds must be submitted to the TCEQ, Wastewater Permitting Section (MC 148), Radioactive Materials Division (MC 233), and Regional Office (Region 7) for review prior to routing any treated wastewaters to the evaporation ponds.

- G. Any surface impoundment that manages industrial wastewater from the FWF must comply with all applicable requirements of 40 CFR Parts 260-264 and 268; and 30 TAC Chapters 305, 335, and 336. Issuance of this authorization in no way exempts the permittee from compliance with all other applicable state statutes, commission rules or authorizations.
- H. The NCW evaporation pond must be lined in compliance with one of the following minimum requirements:

1. Soil Liner: The soil liner must contain at least three feet of clay-rich (liquid limit greater than or equal to 30 and plasticity index greater than or equal to 15) soil material along the sides and bottom of the evaporation pond compacted in lifts of no more than nine inches, to 95% standard proctor density at the optimum moisture content to achieve a permeability equal to or less than 1×10^{-7} cm/sec.
2. Synthetic/Plastic/Rubber Liner: The liner must be either a plastic or rubber membrane liner at least 40 mils (i.e., 40 mils = 0.04 inch) in thickness which completely covers the sides and the bottom of the evaporation pond and which is not subject to degradation due to reaction with wastewater with which it will come into contact. If this lining material is vulnerable to ozone or ultraviolet deterioration it must be covered with a protective layer of soil of at least six inches.
3. Alternate Liner: The permittee shall submit plans for any other evaporation pond lining method. Evaporation pond liner plans must be approved in writing by the Executive Director of the TCEQ prior to evaporation pond construction.

Certification of the lining specifications must be provided by a Texas licensed professional engineer and must be available for inspection by TCEQ personnel upon request. The certification and the test results of soils forming the bottom and sidewall liner of the evaporation pond must be submitted to the TCEQ, Wastewater Permitting Section (MC 148), Radioactive Materials Division (MC 233), and Regional Office (Region 7) for review prior to discharging any wastewaters into the evaporation ponds. Permeability tests of soil liner components must be made with material typical of the expected use.

The permittee shall notify the TCEQ Regional Office (MC Region 7) upon completion of construction of the evaporation pond and at least a week prior to its use.

- I. The permittee shall maintain at least 2.0 feet of freeboard in a pond except when:
 1. the freeboard requirement temporarily cannot be maintained due to a large storm event that requires the additional retention capacity to be used for a limited period of time;
 2. the freeboard requirement temporarily cannot be maintained due to upset plant conditions that require the additional retention capacity to be used for treatment for a limited period of time; or
 3. the pond was not required to have at least 2.0 feet of freeboard according to the requirements at the time of construction.
- J. The permittee is responsible for the proper disposal of any excess sludge in the evaporation ponds resulting from the operation of the facility (see Part VI. *STANDARD PERMIT CONDITIONS, OPERATIONAL REQUIREMENTS* Nos. 10 and 11 of this permit). The permittee shall also comply with 30 TAC Chapter 336 for facilities which generate radioactive substances and the requirements of RML No. Ro4100.
- K. At least once per month, the permittee shall inspect any evaporation pond leak detection systems that are in service. Leaking evaporation ponds must be removed from service as described in 40 CFR 264.227 (b)(1) through (5).
- L. The permittee is authorized to route treated wastewater to the evaporation ponds, after installation of the WWTPs and upon approval of the WWTP plans and specifications from the TCEQ's Radioactive Materials Division (MC 233). Initial WWTP operations will be conducted

as a demonstration study in accordance with RML No. Ro4100. The final WWTP operations for both the FWF and the CWF and any associated conveyances, including the design and performance of the various unit operations for specific radionuclide removal, reagents utilized for radionuclide removal, radionuclide content of treatment residuals containing radionuclides, and the routing and handling of treated effluent from the WWTP operations, shall be in accordance with RML No. Ro4100. Treatment and disposal activities not specified in RML No. Ro4100 may require a license amendment.

The routing of wastewater from the CWF or FWF to the FWF and CWF evaporation ponds requires the prior installation of, and routing through, the WWTP within the boundary of the FWF (for the FWF - WWTP) and the CWF (for the CWF - WWTP). The operational ability to treat wastewater in the WWTPs must meet performance measures, effluent limitations, and monitoring requirements required under TCEQ Permit No. WQ0004948000 and RML No. Ro4100. Any closure or decommissioning of any wastewater treatment plant or evaporation pond associated with this permit shall be included in the Decommissioning and Site Closure Plan under RML No. Ro4100.

- M. The permittee shall notify the Executive Director in writing, at least 90 days prior to discontinuing use of any surface impoundment, pond, pit, or basin authorized by this permit. The permittee shall, at the request of the Executive Director, submit such information as is necessary to evaluate closure of the waste management unit(s) including, but not limited to, chemical and radiological analyses of bottom sediments, soils, and groundwater samples (see Part VI. *STANDARD PERMIT CONDITIONS, OPERATIONAL REQUIREMENTS* Nos. 10 and 11 of this permit). The permittee shall also comply with 30 TAC Chapter 336 for closure of facilities which generate and dispose of radioactive substances and the requirements in RML No. Ro4100.
- N. This permit does not authorize the discharge of any pollutant from the evaporation ponds or conveyances from the CWF and FWF disposal units. The wastewater disposal system must be designed and operated to prevent:
 - 1. discharges or overflows from the evaporation pond;
 - 2. the recharge of groundwater resources; and
 - 3. the occurrence of nuisance conditions.
- O. The permittee shall provide adequate maintenance of the treatment and disposal facilities associated with the FWF and CWF to ensure that the facilities are in working condition. No FWF or CWF treatment or disposal facilities shall be removed from service without prior notification of the Executive Director of the TCEQ. The FWF and CWF evaporation ponds and associated conveyances must be operated, maintained, monitored, and closed in accordance with RML No. Ro4100. The following conditions are required to maintain FWF and CWF evaporation pond effectiveness and integrity:
 - 1. FWF and CWF evaporation ponds must have a bottom slope of no less than 1%;
 - 2. clay (earthen) liner components of the FWF and CWF evaporation ponds must be compacted to ninety-five (95) percent of maximum density. Outer embankment slopes steeper than 1.0 foot vertical to 3.0 feet horizontal (3H:1V) are prohibited. The interior side slope may be constructed with 1.0 foot vertical to 2.0 feet horizontal (2H:1V) slope;
 - 3. corrective maintenance is required in the event of a leak or deterioration of the liner systems or structural elements;

3. corrective maintenance is required in the event of a leak or deterioration of the liner systems or structural elements;
 4. the evaporation ponds should be inspected at least annually for side slope erosion and deterioration or damage to the structural elements. Inspection reports must be submitted to the TCEQ annually; and
 5. during times when the evaporation ponds are dry, the evaporation ponds must be inspected quarterly for deterioration of the liners or damage to the structural elements. Sediment accumulated in the FWF or CWF evaporation ponds, during the dry periods, must be collected, removed and a representative sample analyzed for radionuclides listed in Table 1, if sufficient sediment quantities exist for sample collection. Based on a technical review of the submitted analytical results, corrective action may be initiated to remediate the site, and a permit amendment may also be initiated to address the affected evaporation pond.
- P. Waste storage areas must have the following minimum buffer zones:
1. a minimum buffer area of 100 feet from all "water in the state;"
 2. a minimum buffer area of 150 feet from all private water wells. Private water wells do not include monitoring wells or piezometers located on WCS-controlled property or water wells that have been properly plugged or abandoned; and
 3. a minimum buffer area of 500 feet from all public water supply wells.
- Q. The design dimensions and construction as-built plans and specifications of each evaporation pond must be maintained on-site and be made available to TCEQ personnel upon request.
- R. Test methods utilized must be sensitive enough to demonstrate compliance with the permit effluent limitations and monitoring requirements. Permit compliance/noncompliance determinations shall be based on the effluent limitations contained in this permit with consideration given to the minimum analytical level (MAL) for the parameters specified below.

<u>POLLUTANT</u>	<u>MAL, ug/L</u>	<u>POLLUTANT</u>	<u>MAL, ug/L</u>
α -Terpineol	15	Zinc, total	5.0
Aluminum, total	2.5	Gross alpha particle activity	
Aniline	10	(in picoCuries per liter pCi/l)	3 pCi/L
Benzoic acid	10	Gross Beta/photon emitters	3 pCi/L
Naphthalene	10	Radium 226	1 pCi/L
p-Cresol	10	Radium 228	1 pCi/L
Phenol	10	Uranium, total (in micrograms per	
Pyridine	20	liter, ug/l)	0.5 ug/L
Arsenic, total	0.5	Oil & Grease (O&G) [EPA Method	5.0 mg/L
Chromium, total	3.0	1664 HEM, MQL of 5.0 mg/L]	

- S. Treated wastewater disposed of via CWF Evaporation Pond Number 2 (Outfall 009 if CWF Evaporation Pond Number 2 is constructed and 109 if taken directly from the CWF Evaporation Pond Number 2) must be individually sampled and analyzed for those parameters listed on Tables 1, 2, and 3 of this permit for a minimum of one (1) sampling event per evaporation pond at the specified MAL. The completed tables with the results of these analyses must be submitted to the Industrial Permits Team, Wastewater Permitting Section (MC 148), Water Quality Division, TCEQ, within 90 days following permit issuance or upon initial disposal.

Based on a technical review of the submitted analytical results, an amendment may be initiated by TCEQ staff to include additional effluent limitations and monitoring requirements. Test methods must be according to EPA methodology and sensitive enough to detect the parameters listed below at the MAL.

- T. The permittee is authorized to reuse non-contact water accumulated in the sedimentation ponds and the non-contact water evaporation pond for beneficial purposes on-site, upon verification that the non-contact water to be reused is analyzed and determined to be free of radiological constituents from facility operations prior to reuse.

Sampling and verification that non-contact water is free from radiological constituents from facility operations shall be performed in accordance with WCS procedure and in accordance with RML No. Ro4100. Beneficial re-use would include, but is not limited to, use within active landfill cells as a dust suppressant, compaction water for bulk material placement, or makeup water for encapsulating agents; use as compaction water or a dust suppressant during landfill construction activities; use in fire suppression systems; use for dust control and compaction water for other future construction activities; use for container and equipment decontamination; use as make-up water in the WWTPs; use as makeup water in the waste treatment processes at the co-located WCS facilities; use for makeup water in the production of concrete or grout; or use for other beneficial purposes on-site at WCS except to the extent that any of these uses are precluded by RML No. Ro4100.

- U. Reporting requirements according to 30 TAC Sections 319.1-319.12 and any additional effluent reporting requirements contained in the permit at Outfalls 009 and 109 (taken directly from the CWF Evaporation Pond Number 2) are suspended from the effective date of the permit until completion of CWF Evaporation Pond Number 2. The permittee shall provide written notice to the TCEQ Region 7 Office and the Applications Review and Processing Team (MC 148) of the Water Quality Division at least forty-five (45) days prior to anticipated discharge to the CWF Evaporation Pond Number 2 on Notification of Completion Form 20007.

TABLE 1

Outfall No.:	☐ C ☐ G *	Wastewater Concentrations (pCi/L)				
Pollutants		Samp. 1	Samp. 2	Samp. 3	Samp. 4	Average
Combined Radium 226 and 228						
Gross alpha-particle activity (excluding uranium and radon)						
Gross Beta/photon emitters						
		Wastewater Concentration (µg/L)				
Uranium, total						

* Composite (C) Grab (G)

TABLE 2

Outfall No.:	□C □G	Wastewater Concentrations (mg/L)				
Pollutants		Samp. 1	Samp. 2	Samp. 3	Samp. 4	Average
BOD (5-day)						
CBOD (5-day)						
Chemical Oxygen Demand						
Total Organic Carbon						
Ammonia Nitrogen						
Total Suspended Solids						
Nitrate Nitrogen						
Total Organic Nitrogen						
Total Phosphorus						
Oil and Grease						
Total Residual Chlorine						
Total Dissolved Solids						
Sulfate						
Chloride						
Fluoride						
Specific Conductance (mmhos/cm)						
pH (Standard Units; min/max)						
		Wastewater Concentration (µg/L)				
Total Aluminum						2.5
Total Antimony						5.0
Total Arsenic						0.5
Total Barium						3.0
Total Beryllium						0.5
Total Boron						20
Total Cadmium						1
Total Chromium						3
Trivalent Chromium						N/A
Hexavalent Chromium						3
Total Copper						2
Cyanide						10
Total Lead						0.5
Total Mercury						0.005
Total Nickel						2.0
Total Selenium						5.0
Total Silver						0.5
Total Thallium						0.5
Total Zinc						5.0

TABLE 3

Outfall No.:	□C □G	Wastewater Concentration (µg/L) (*1)					
Pollutants		Samp. 1	Samp. 2	Samp. 3	Samp. 4	Average	MAL (µg/L)
Benzene							10
Benzidine							50
Benzo(a)anthracene							0.5
Benzo(a)pyrene							0.5
Carbon Tetrachloride							10
Chlorobenzene							10
Chloroform							10
Chrysene							0.5
Cresols							(*2)
Dibromochloromethane							10
1,2-Dibromoethane							10
1,4-Dichlorobenzene							10
1,2-Dichloroethane							10
1,1-Dichloroethylene							10
Fluoride							500
Hexachlorobenzene							0.5
Hexachlorobutadiene							10
Hexachloroethane							20
Methyl Ethyl Ketone							50
Nitrobenzene							10
n-Nitrosodiethylamine							20
n-Nitroso-di-n-Butylamine							20
PCB's, total (*3)							1
Pentachlorobenzene							20
Pentachlorophenol							50
Phenanthrene							10
Pyridine							20
1,2,4,5-Tetrachlorobenzene							20
Tetrachloroethylene							10
Trichloroethylene							10
1,1,1-Trichloroethane							10
2,4,5-Trichlorophenol							50
TTHM (Total Trihalomethanes)							10
Vinyl Chloride							10

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

(*2) MAL's for Cresols: p-Chloro-m-Cresol 10 µg/L; 4,6-Dinitro-o-Cresol 50 µg/L; p-Cresol 10 µg/L.

(*3) Total of PCB-1242, PCB-1254, PCB-1221, PCB-1232, PCB-1248, PCB-1260, PCB-1016.

VI. STANDARD PERMIT CONDITIONS

This permit is granted in accordance with the Texas Water Code and the rules and other Orders of the Commission and the laws of the State of Texas.

DEFINITIONS

All definitions in Section (§) 26.001 of the Texas Water Code and Title 30 of the Texas Administrative Code (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. 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.
 - b. 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 1 million gallons per day or greater permitted flow.
 - c. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.
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.

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 which 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 REQUIREMENTS

1. Monitoring Requirements

Monitoring results shall be collected 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 in accordance with 30 TAC §§319.4 - 319.12.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Texas Water Code, Chapters 26, 27, and 28, and Texas Health and Safety Code, 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, records 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, monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, and records of all data used to complete the application for this permit 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, or application. 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 determining compliance with permit requirements.

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 and 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 which 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. 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); or
 - ii. any unanticipated bypass which exceeds any effluent limitation in the permit.
 - c. In addition to the above, any effluent violation which 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.
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 which 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) which 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 which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which 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).

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 which 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 Texas Water Code Section 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 Special Provisions section of this permit.
- h. 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).

3. Inspections and Entry

- a. Inspection and entry shall be allowed as prescribed in the Texas Water Code Chapters 26, 27, and 28, and Texas Health and Safety Code 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 Texas Water Code Section 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 with or without 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 could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring Requirements No. 9; or
 - ii. 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 which are not described in the permit application or which 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 Texas Water Code §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.

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 which requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Property Rights

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

8. 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.

9. 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.

10. Notice of Bankruptcy.

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

OPERATIONAL REQUIREMENTS

- 1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the

facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.

2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§319.21 - 319.29 concerning the discharge of certain hazardous metals.
3. Domestic wastewater treatment facilities shall comply with the following provisions:
 - a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.
 - b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment or other treatment unit regulated by this permit.
4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or retention of inadequately treated wastewater.
5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.
6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under Texas Water Code §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 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 which 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 percent 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 percent 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 which reaches 75 percent 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 149) 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. Facilities which 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 Environmental Cleanup 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.

- 11. 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 Chapter 361 of the Texas Health and Safety Code.