



TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY

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

TPDES PERMIT NO. WQ0004038000
[For TCEQ office use only -
EPA I.D. No. TX0117005]

This renewal replaces TPDES Permit No.
WQ0004038000, issued on August 18,
2016.

PERMIT TO DISCHARGE WASTES

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

Waste Control Specialists LLC

whose mailing address is

P.O. Box 1129
Andrew, Texas 79714

is authorized to treat and discharge wastes from the Waste Control Specialists facility, which is authorized to receive, possess, use, store, process, dispose, and transfer low-level radioactive waste and mixed low-level radioactive waste under the authority of the storage, processing, and disposal Radioactive Material License (RML) No. RO4100 and this permit specifically authorizes discharge of wastes from the RCRA facility (Permit No. HW-50358), a non-hazardous and hazardous waste treatment, storage, and disposal facility (SIC 4953)

located at 9998 West State Highway 176, approximately 1.25 miles north of the intersection of State Highway 176 with the Texas and New Mexico state line, northeast of the City of Andrews, Andrews County, Texas 79714.

to unnamed ditches in the State of Texas, thence to unnamed ditches in the State of New Mexico, thence to Monument Draw in the State of New Mexico, thence to Monument Draw in the State of Texas, thence to Upper Pecos River in Segment No. 2311 of the Rio Grande Basin

only according to effluent limitations, monitoring requirements, and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, five years from the date of permit issuance.

ISSUED DATE: August 13, 2025

A handwritten signature in black ink, appearing to read "K. Keel".

For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**Outfall Number 001**

1. During the period beginning upon the date of permit issuance and lasting through the date of permit expiration, the permittee is authorized to discharge previously monitored effluents (PMEs; from internal Outfall 101), non-contaminated stormwater ¹, and non-contact cooling water subject to the following effluent limitations:

Volume: Intermittent and flow-variable.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	Report MGD	Report MGD	N/A	1/day ²	Estimate
Chemical Oxygen Demand	N/A	200	200	1/week ²	Grab
Oil and Grease	N/A	15	15	1/week ²	Grab
Aluminum, total ³	Report	Report	N/A	2/month ²	Grab

¹ See Other Requirement No. 8.

² When discharge occurs during normal business hours. Normal business hours are between the hours of 7:30 a.m. and 5:00 p.m., Tuesday through Friday excluding holidays.

³ This report requirement expires on November 30, 2025. See Other Requirement No. 14.

2. The pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored 1/day ² by grab sample.
3. There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
4. Effluent monitoring samples must be taken at the following location: at Outfall 001, at the discharge point at the southwest corner of the facility prior to mixing with any other waters.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 101

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 landfill wastewaters ¹ and contaminated stormwater ² subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.02 million gallons per day (MGD). The daily maximum flow shall not exceed 0.06 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	0.02 MGD	0.06 MGD	N/A	1/day ³	Record
Oil and Grease	N/A	15	15	1/week ³	Grab
Cyanide (free) ⁴	0.038	0.0810	0.0810	1/week ³	Grab
Biochemical Oxygen Demand, 5-day (BOD ₅)	56.0	220	220	1/month ³	Grab
Total Suspended Solids	27.0	88.0	88.0	1/month ³	Grab
Ammonia Nitrogen	4.90	10.0	10.0	1/month ³	Grab
α-Terpineol	0.0190	0.0420	0.0420	1/month ³	Grab
Aniline	0.0150	0.0240	0.0240	1/month ³	Grab
Benzoic acid	0.0730	0.119	0.119	1/month ³	Grab
Naphthalene	0.0220	0.0590	0.0590	1/month ³	Grab
p-Cresol	0.0150	0.0240	0.0240	1/month ³	Grab
Phenol	0.0290	0.0480	0.0480	1/month ³	Grab
Pyridine	0.0250	0.0720	0.0720	1/month ³	Grab
Arsenic, total	0.508	1.07	1.07	1/month ³	Grab
Chromium, total	0.460	1.10	1.10	1/month ³	Grab
Zinc, total	0.296	0.535	0.535	1/month ³	Grab
Combined Radium 226 and 228	N/A	Report pCi/L ⁶	Report pCi/L	1/month ³	Grab
Gross alpha-particle activity ⁵	N/A	Report pCi/L ⁶	Report pCi/L	1/month ³	Grab
Gross Beta/photon emitters	N/A	Report pCi/L ⁶	Report pCi/L	1/month ³	Grab
Uranium, total (micrograms/liter, µg/L)	N/A	Report µg/L ⁶	Report µg/L	1/month ³	Grab

¹ See Other Requirement No. 7.

² See Other Requirement No. 6.

³ When discharge occurs.

⁴ See Other Requirement No. 17.

⁵ Excluding Uranium and Radon (picoCuries per liter, pCi/L)

⁶ Concentrations of radionuclides in the treated wastewater released from Outfall 101 must not exceed fifty percent (50%) of the 25 millirems per year (mrem/year) dose limit for members of the public.

2. The pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored 1/day ³ by grab sample.
3. There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
4. Effluent monitoring samples must be taken at the following location: at Outfall 101, following the leachate treatment unit and prior to mixing with any other waters within the discharge ditch which discharges via Outfall 001.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**Outfall Numbers 002 and 003**

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 non-contaminated stormwater ¹ subject to the following effluent limitations:

Volume: Intermittent and flow-variable.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	Report MGD	Report MGD	N/A	1/day ²	Estimate
Chemical Oxygen Demand	N/A	200	200	1/week ²	Grab
Oil and Grease	N/A	15	15	1/week ²	Grab

¹ See Other Requirement No. 8.

² When discharge occurs during normal business hours. Normal business hours are between the hours of 7:30 a.m. and 5:00 p.m., Tuesday through Friday excluding holidays.

2. The pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored 1/day ² 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 locations:

Outfall 002: at the drainage ditch exiting the west side of the facility property, just north of the access road and prior to mixing with any other waters.

Outfall 003: at the point of discharge from the LSA stormwater diversion structure and prior to mixing with any other waters.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**Outfall Number 004**

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

Volume: Intermittent and flow-variable.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	Report MGD	Report MGD	N/A	1/day ²	Estimate
Total suspended Solids	N/A	65	65	1/month ²	Grab
Oil and Grease	N/A	15	15	1/month ²	Grab

¹ See Stormwater Associated with Construction Activities section of this permit, Other Requirement No. 19.

² Samples must be obtained within one hour following the commencement of discharge during normal business hours. Normal business hours are between the hours of 7:30 a.m. and 5:00 p.m., Tuesday through Friday excluding holidays.

2. The pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored 1/month ² by grab sample.
3. There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
4. Effluent monitoring samples must be taken at the following location: at Outfall 004, at the discharge point of stormwater runoff from the concrete batch plant and prior to combining with other stormwater runoff or wastestreams.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

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

1. Flow Measurements

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

2. Concentration Measurements

- a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.
 - i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.
 - ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.
- b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.
- c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

- d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day.
- The "daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that day.
- e. Bacteria concentration (Fecal coliform, *E. coli*, or Enterococci) - the number of colonies of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the n th root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of bacteria equaling zero, a substitute value of one shall be made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
- f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as $(\text{Flow, MGD} \times \text{Concentration, mg/L} \times 8.34)$.
- g. Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.
3. Sample Type
- a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9(a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9(c).
- b. Grab sample - an individual sample collected in less than 15 minutes.
4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.
5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes.
6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING AND REPORTING REQUIREMENTS**1. Self-Reporting**

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§319.4 - 319.12. Unless otherwise specified, effluent monitoring data shall be submitted each month, to the Enforcement Division (MC 224), by the 20th day of the following month for each discharge that is described by this permit whether or not a discharge is made for that month. Monitoring results must be submitted online using the NetDMR reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. Monitoring results must be signed and certified as required by Monitoring and Reporting Requirements No. 10.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act; TWC Chapters 26, 27, and 28; and THSC Chapter 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

2. Test Procedures

- a. Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§319.11 - 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.
- b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

3. Records of Results

- a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR §264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.
- c. Records of monitoring activities shall include the following:
 - i. date, time, and place of sample or measurement;
 - ii. identity of individual who collected the sample or made the measurement;
 - iii. date and time of analysis;
 - iv. identity of the individual and laboratory who performed the analysis;
 - v. the technique or method of analysis; and
 - vi. the results of the analysis or measurement and quality assurance/quality control records.

The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in the calculation and reporting of the values submitted on the approved self-report form. Increased frequency of sampling shall be indicated on the self-report form.

5. Calibration of Instruments

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site or shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date to the regional office and the Enforcement Division (MC 224).

7. Noncompliance Notification

- a. In accordance with 30 TAC §305.125(9) any noncompliance that may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the regional office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the regional office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. For Publicly Owned Treatment Works (POTWs), effective September 1, 2020, the permittee must submit the written report for unauthorized discharges and unanticipated bypasses that exceed any effluent limit in the permit using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
 - b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:
 - i. unauthorized discharges as defined in Permit Condition 2(g).
 - ii. any unanticipated bypass that exceeds any effluent limitation in the permit.
 - iii. violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.
 - c. In addition to the above, any effluent violation that deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the regional office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
 - d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.
8. In accordance with the procedures described in 30 TAC §§35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.

9. Changes in Discharges of Toxic Substances

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

- a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - i. one hundred micrograms per liter (100 µg/L);
 - ii. two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - iii. five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. the level established by the TCEQ.
- b. That any activity has occurred or will occur that would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - i. five hundred micrograms per liter (500 µg/L);
 - ii. one milligram per liter (1 mg/L) for antimony;
 - iii. ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. the level established by the TCEQ.

10. Signatories to Reports

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

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

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

PERMIT CONDITIONS**1. General**

- a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.
- b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:

- i. violation of any terms or conditions of this permit;
- ii. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- iii. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

- c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending, or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

2. Compliance

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

3. Inspections and Entry

- a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC Chapter 361.

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

4. Permit Amendment or Renewal

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

- f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA §307(a) for a toxic pollutant that is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA §307(a) for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

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

6. Relationship to Hazardous Waste Activities

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

7. Relationship to Water Rights

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

8. Property Rights

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

9. Permit Enforceability

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

10. Relationship to Permit Application

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

11. Notice of Bankruptcy.

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

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.
2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§319.21 - 319.29 concerning the discharge of certain hazardous metals.
3. Domestic wastewater treatment facilities shall comply with the following provisions:
 - a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.
 - b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment or other treatment unit regulated by this permit.
4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or retention of inadequately treated wastewater.
5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.
6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under TWC §7.302(b)(6).
7. Documentation

For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for information required for TPDES permit applications, effluent data, including effluent data in permits, draft permits and permit applications, and other information specified as not confidential in 30 TAC §1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice. If the Commission or Executive Director agrees with the designation of confidentiality, the TCEQ will not provide the information for public inspection unless required by the Texas Attorney General or a court pursuant to an open records request. If the Executive Director does not agree with the designation of confidentiality, the person submitting the information will be notified.

8. Facilities that generate domestic wastewater shall comply with the following provisions; domestic wastewater treatment facilities at permitted industrial sites are excluded.
- a. Whenever flow measurements for any domestic sewage treatment facility reach 75% of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion or upgrading of the domestic wastewater treatment or collection facilities. Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment or collection facilities. In the case of a domestic wastewater treatment facility that reaches 75% of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 219) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.
 - b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission, and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.
 - c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.
9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.
11. Facilities that generate industrial solid waste as defined in 30 TAC §335.1 shall comply with these provisions:
- a. Any solid waste, as defined in 30 TAC §335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.

- c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC §335.8(b)(1), to the Corrective Action Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.
- d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC §335.5.
- e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.
- f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:
 - i. volume of waste and date(s) generated from treatment process;
 - ii. volume of waste disposed of on-site or shipped off-site;
 - iii. date(s) of disposal;
 - iv. identity of hauler or transporter;
 - v. location of disposal site; and
 - vi. method of final disposal.

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

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

OTHER REQUIREMENTS

- Violations of daily maximum limitations for the following pollutants shall be reported orally or by facsimile to TCEQ Region 7 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 7 and Compliance Monitoring Team (MC 224):

Pollutant	MAL ¹ (mg/L ²)
Aluminum, total	0.0025
Aniline	0.010
Arsenic, total	0.0005
Benzoic acid	0.010
Chromium, total	0.003
Cyanide, Free ³	0.010
Naphthalene	0.010
Phenol	0.010
Pyridine	0.020
α -Terpineol	0.015
p-Cresol	0.010
Zinc, total	0.005

¹ Minimum analytical level.

² Milligrams per liter.

³ Any analytical method for free cyanide or available cyanide that is approved in 40 CFR Part 136 may be used.

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

Pollutant	MAL (mg/L)
Aluminum, total	0.0025
Gross Alpha particle activity	3 pCi/L ¹
Gross Beta/photon emitters	3 pCi/L
Radium 226	1 pCi/L
Radium 228	1 pCi/L
Uranium, total	0.0010
Oil & Grease [EPA Method 1664 HEM, MQL of 5.mg/L]	5.0

¹ picoCuries per liter, pCi/L.

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

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

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

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

2. The permittee shall conduct laboratory analyses on a single grab sample of the discharge via Outfall 001 for the 126 priority pollutants (as defined in Appendix A of Title 40, Part 423, of the Code of Federal Regulations; 40 CFR Part 423) at a frequency of once per year. Testing shall be conducted according to methods delineated in 40 CFR Part 136. Results of analyses shall be submitted, within a report developed by the permittee, to the TCEQ's Industrial Permits Team (MC 148) and to Region 7 Office during the month of September of each calendar year. The report shall summarize the results of analyses and account for any results that exceed the laboratory detection level. The plan shall describe actions planned by the permittee to investigate the source of the pollutant, and time frames to either reduce or eliminate the source of the pollutant. The Executive Director of the TCEQ may accept the plan as proposed or may require modifications of proposed actions and time frames based upon the information provided, site visits, and other pertinent information.
3. No regulated radioactive materials are authorized to be disposed of in the landfill or discharged. The permittee shall either submit an application for amendment for this permit, or shall submit a letter informing the TCEQ of proposed changes and rationale as to why an amendment of this permit is not required (and receive concurrence from the Executive Director), prior to any of the following:
 - A. Proposed change in operations, processes, or procedures involving storage and/or treatment of radioactive waste at locations other than those specified in the radioactive material license LO4971 (which has been merged in its entirety into RML No. RO4100 with Amendment 22) as it relates to this permit.
 - B. Proposed change in operations, processes, or procedures in which the potential for radioactive contamination of landfill debris may be suspected as it relates to this permit.
 - C. Proposed change in operations, processes or procedures incorporating radioactive material disposal as it relates to this permit.

Effluent monitoring for radionuclides including, but not limited to, gamma spectroscopy, gross beta analysis, and gross alpha. Analysis may be requested to demonstrate compliance with effluent limitations listed in 10 CFR 20.1001-20.2401 Table 2 Appendix B. Alternatively, the Executive Director may request amendment of the permit to include similar effluent monitoring

4. Stormwater Pollution Prevention Measures

The following requirements apply to Outfalls 002 and 003 and to those areas within the facility that contribute stormwater runoff to Outfall 001. The permittee shall prepare and implement a pollution prevention plan that identifies potential sources of pollution that may reasonably be expected to affect the quality of stormwater and describes practices to reduce the pollutants in discharges from the facility. The plan shall be implemented as a provision of this permit. The plan shall be maintained on site and be made readily available for inspection by authorized staff of the TCEQ or the Environmental Protection Agency (EPA).

The TCEQ may notify the permittee that the plan does not meet one or more of the minimum requirements of this permit. Upon notification the permittee shall amend the plan and submit a written description of the changes required to meet requirements of the permit within 30 days of notification.

The plan shall be amended whenever there is a change in design, construction, operation, or maintenance at the facility that has a significant potential to contribute additional pollutants to discharges of stormwater or if the plan proves to be ineffective in eliminating or minimizing pollutants in discharges of stormwater. The plan shall include, at a minimum:

- A. *Pollution Prevention Team* - The plan shall identify specific individuals as members of a Stormwater Pollution Prevention Team. The team shall be responsible for development and implementation of the stormwater pollution prevention plan. The plan shall clearly identify the responsibilities of each team member. Employee training programs shall be developed to inform employees of spill response, good housekeeping procedures, pollution reduction measures, and operation and maintenance of stormwater structural controls. Employee training shall be documented as part of the plan.
- B. *Identification of Pollutant Sources* - The plan shall provide a description of potential sources or pollutants to stormwater runoff. A site map shall be developed that delineates drainage areas that contribute to stormwater discharges. Stormwater structural controls (dikes, berms, and stormwater treatment units, for example) and areas of industrial activity that have potential to affect stormwater quality shall also be depicted on the map. An inventory of materials handled at the facility that are exposed to rainfall or stormwater runoff shall be developed. Materials handling, loading, and storage areas shall be identified on the site map.
- C. *Pollution Reduction Measures and Controls* - A list of spills and leaks of toxic and hazardous wastes shall be monitored as a part of the plan. Spill clean-up procedures shall be developed and implemented. Actions taken following each event to remove wastes and actions taken to prevent similar, future events, shall be described and documented as a part of the plan. Good housekeeping practices shall be developed and documented as a part of the plan in order to reduce the contribution of pollutants in stormwater runoff through maintaining work areas in a clean and orderly manner. A schedule of routine maintenance inspections shall be developed and implemented to identify potential problems with stormwater control devices (dikes, berms, and stormwater treatment units...) and facility equipment (valves, tanks...). Inspections shall be conducted at a minimum frequency of once per month. The dates of inspections, names of personnel conducting the inspections, and the results of inspections shall be documented as a part of the plan.
- D. *Stormwater Best Management Practices* - The permittee must develop and implement a stormwater pollution prevention plan (SWP3) that includes a set of best management practices (BMPs) to eliminate or lessen the exposure of stormwater to industrial activities and pollutants. The SWP3 must be maintained on site and be made readily available for review by authorized TCEQ personnel. The SWP3 must contain elements, or sections, to require implementation of the following activities:
 - 1) *Good Housekeeping Measures* - Activities must be defined and implemented to ensure areas of the facility that either contribute or potentially contribute pollutants to stormwater discharges are maintained and operated in a clean and orderly manner. The frequency for conducting each of the good housekeeping measures must be defined in the SWP3.

- 2) *Spill Prevention and Response Measures* - Areas must be identified where spills would likely contribute pollutants to stormwater discharges. Procedures must be identified and implemented to minimize or prevent contamination of stormwater from spills. Spill cleanup techniques must be identified and the necessary materials and equipment for cleanup made available to facility personnel. Facility personnel that work in the identified areas must be trained in spill prevention and response measures at a minimum frequency of once per year. A record of employee training shall be maintained on a minimum frequency of once per year, maintained on site, and be made readily available for inspection by authorized TCEQ personnel upon request.
- 3) *Maintenance Program for Stormwater Control Structures* - A maintenance program must be developed and implemented to maintain the effectiveness of stormwater structural controls, including but not limited to the stormwater sedimentation/detention basins. The SWP3 must identify specific activities, techniques, and schedules for maintenance of stormwater structural controls that ensure continued effective operation of these controls. Maintenance activities must be recorded at a minimum frequency of once per quarter, maintained on site, and be made readily available for inspection by authorized TCEQ personnel upon request.

The SWP3 may be modified at any time in order to implement either additional or more effective pollution control measures. A summary of revisions, including the dates of the revisions, shall be maintained on a quarterly basis, maintained as a part of the SWP3 document, and made readily available for inspection by authorized TCEQ personnel upon request. Qualified personnel, who are familiar with the industrial activities performed at the facility, must conduct monthly inspections to determine the effectiveness of the Good Housekeeping Measures, Spill Prevention and Response Measures, Best Management Practices, and the Employee Training Program. The results of inspections must be documented in an inspection summary report, include an assessment for any necessary revisions or additional measures to increase effectiveness of the SWP3, and include a time frame for implementation of any follow-up actions. The summary report must be maintained on site and be made readily available for inspection by authorized TCEQ personnel upon request.

5. There is no mixing zone defined for these discharges to an intermittent stream. Acute toxic criteria apply at the points of discharge via Outfalls 001.
6. **Contaminated stormwater** means stormwater which comes in direct contact with landfill wastes, the waste handling and treatment areas, and/or landfill wastewater. Some specific areas of a landfill that may produce contaminated stormwater include (but are not limited to): the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks; equipment or machinery that has been in direct contact with the waste; and waste dumping areas.
7. **Landfill wastewater** means all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated stormwater, contaminated groundwater, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory-derived wastewater, contaminated stormwater, and contact wash water from washing truck equipment, and railcar exteriors and surface areas which have come in direct contact with solid waste at the landfill facility.

8. **Non-contaminated stormwater** means stormwater which does not come in direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated stormwater includes stormwater which flows off the cap, cover, intermediate cover, daily cover, or final cover of the landfill.
9. Reporting requirements according to 30 TAC Sections 319.1-319.12 and any additional effluent reporting requirements contained in the permit for Outfall 004 are suspended from the effective date of the permit until startup or discharge from Outfall 004, whichever comes first, from the facility described by this permit. 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 days prior to anticipated startup or anticipated discharge from Outfall 004, whichever occurs first, on Notification of Completion Form 20007.
10. The permittee is authorized to reuse treated effluent from Outfall 101 and non-contaminated stormwater for on-site recycling and reuse activities, including but not limited to, dust suppression and make up water for waste stabilization. The permittee is authorized to reuse landfill wastewater and contaminated stormwater as a dust suppressant within the active landfill cells and waste stabilization only. Landfill wastewater and contaminated wastewater may not be reused in any area or manner which may cause the discharge of untreated wastewater or endanger human health.
11. Authorized allowable non-stormwater discharges via Outfalls 001, 002, and 003, which are *de minimis* in nature, are based on the *Multi-Sector General Permit for Industrial Stormwater* (MSGP; TXR050000, Part II, Section A, Item 6) and include the following:
 - A. discharges from firefighting (maintenance) activities (includes fire prevention actions taken to control other dangerous high heat conditions such as smoldering and emergency cooling of equipment) and uncontaminated fire hydrant and suppression flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life and does not include wastewater from actual firefighting activities);
 - B. potable water sources (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
 - C. lawn watering and similar irrigation drainage, provided that all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
 - D. water from the routine external washing of buildings, conducted without the use of detergents or other chemicals;
 - E. water from the routine washing of pavement conducted without the use of detergents or other chemicals and where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed);
 - F. uncontaminated air conditioner condensate, compressor condensate, and steam condensate, and condensate from the outside storage of refrigerated gases or liquids;
 - G. water from foundation or footing drains where flows are not contaminated with pollutants (e.g., process materials, solvents, or other pollutants);
 - H. uncontaminated water used for dust suppression;
 - I. springs and other uncontaminated groundwater; and

J. incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility but excluding intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

12. The permittee has requested authorization to route contaminated stormwater to the two 500,000-gallon stormwater tanks (SW1 and SW2) on an emergency basis. SW1 and SW2 are typically utilized for retention of non-contaminated stormwater prior to reuse or discharge via Outfall 001. In the event SW1 or SW2 are utilized for retention of contaminated stormwater, the wastewaters shall be routed to the landfill leachate treatment unit (LTU) for treatment and discharge via Outfall 101 or authorized reuse only. There shall be no bypass of the LTU (Outfall 101) by landfill wastewater or contaminated stormwater directly to Outfall 001.

Following removal of contaminated stormwater from SW1 or SW2, the permittee shall ensure that the tanks have been adequately decontaminated prior to the re-introduction of non-contaminated wastewater. The permittee shall record the following: the circumstances resulting in the routing of landfill wastewater or contaminated stormwater to SW1 or SW2, the date of the emergency event, the amount of wastewater retained during the event, the decontamination protocol used, and the results of analysis to determine that the tank was adequately decontaminated. These records shall be maintained on site for a period of five years and be made available to authorized personnel of the TCEQ upon request. The records shall also be submitted with subsequent renewal applications, if an event had occurred during the previous permit term.

13. Wastewater discharged via Outfall 001 shall be sampled and analyzed as directed below for those parameters listed in Tables 1, 2, 3, 4, and 5 of Attachment A of this permit. Analytical testing for Outfall 001 shall be completed with the analytical results for Outfall 001 and sent to the TCEQ, Wastewater Permitting Section (MC 148), within 90 days following the final sampling event. Flow for each sampling event shall be reported in million gallons per day. Test methods utilized to determine compliance with the permit monitoring or reporting requirements and limitations shall be according to EPA methodology and sensitive enough to detect the parameters listed below at the MAL.

Table 1: Analysis is required for all pollutants. Wastewater shall be sampled and analyzed for those parameters listed in Table 1 for a minimum of four separate sampling events which are a minimum of one week apart.

Table 2: Analysis is required for all pollutants. Wastewater shall be sampled and analyzed for those parameters listed in Table 1 for a minimum of four separate sampling events which are a minimum of one week apart.

Table 3: Analysis is required for those pollutants in Table 2 that are used at the facility that could in any way contribute to contamination in the Outfall 001 discharge. Wastewater shall be sampled and analyzed for those parameters listed in Table 1 for a minimum of four separate sampling events which are a minimum of one week apart.

Table 4: For all pollutants listed, the permittee shall indicate whether each pollutant is believed to be present or absent in the discharge. Sampling and analysis shall be conducted for each pollutant believed present, for a minimum of four separate sampling events which are a minimum of one week apart.

Table 5: For all pollutants listed, the permittee shall indicate whether each pollutant is believed to be present or absent in the discharge. Sampling and analysis shall be conducted for each pollutant believed present, for a minimum of four separate sampling events which are a minimum of one week apart.

The permittee shall indicate on each table whether the samples are composite (C) or grab (G) by checking the appropriate box. 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.

14. The permittee shall continue, as needed, with the "Work Plan for an Evaluation of Aluminum in Stormwater Discharges." The purpose of this work plan is to outline an approach for collecting samples of stormwater alone to demonstrate that aluminum levels in stormwater are directly responsible for aluminum levels in discharges at Waste Control Specialists LLC and Andrews County facilities.

The permittee shall continue, as needed, with the "Work Plan for an Aluminum Partitioning Study." The purpose of this work plan is to outline an approach for determining the site-specific ratio of dissolved aluminum to total aluminum for Outfall 001 discharges. This study will also demonstrate that any proposed aluminum effluent limits will not cause "instream" effects in the normally dry receiving ditch by determining the No Observed Effects Concentration (NOEC).

Updated results (i.e., any updated information gathered after previously submitted results) of the work plans shall be submitted to the Water Quality Standards Team (MC-150) of the TCEQ Water Quality Division at the end of each calendar year, as applicable, with a final report submitted with the next permit renewal application. Upon receipt of the final results of the work plans, a permitting action may be conducted to evaluate the appropriateness of a site-specific partition coefficient for aluminum and any required effluent limitation or reporting requirement.

15. Stormwater discharged via Outfalls 002, 003, and 004 shall be sampled and analyzed for those parameters listed in Tables 6 of Attachment A of this permit. Analytical testing for Outfall 002, 003, and 004 shall be completed within 90 days of initial discharge. Results of the analytical testing shall be submitted within 120 days of initial discharge to the TCEQ Industrials Permits Team (MC-148). 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.

16. COOLING WATER INTAKE STRUCTURE REQUIREMENTS

The permittee shall provide written notification to the TCEQ Industrial Permits Team (MC 148) and Region 7 Office of any changes in the method by which the facility obtains water for cooling purposes. This notification must be submitted 30 days prior to any such change and must include a description of the planned changes. The TCEQ may, upon review of the notification, reopen the permit to include additional terms and conditions as necessary.

17. The method for available cyanide using flow injection, ligand exchange, and amperometry (EPA Method OIA-1677, EPA-821-R-99-013, August 1999) may be used but is not specifically required. Approved analytical methods for available cyanide also include Cyanide Amenable to Chlorination (CATC) (Method 4500 CN-G - Standard Methods), and Automated Distillation and Colorimetry (USGS, Kelada-01), which are approved in 40 CFR Part 136. Any analytical method for free cyanide or available cyanide that is approved in 40 CFR Part 136 may be used.
18. Copies of the reports required for submittal for matters related to external outfalls (Outfalls 001, 002, 003, and 004) under Other Requirements Nos. 1 (re: *Monitoring and Reporting Requirements* 7, *Noncompliance Notification*), 2, 9, 14, and 15 must also be submitted to the following:

For an Environmental EMERGENCY (24-hrs) in New Mexico call:
505-827-9329

For copies of Noncompliance and Analytical reports, mail (with a copy to email) to:
New Mexico Environment Department
Point Source Regulation Section, Program Manager
Surface Water Quality Bureau, Room N2050
P.O. Box 5469
Santa Fe, NM 87502-5469
505-819-9734, General 505-827-0187
sarah.holcomb@state.nm.us

19. STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES

Stormwater discharges from construction activities and construction support activities, and allowable non-stormwater discharges described in section (A)(1)-(8) below are authorized for discharge under this TPDES individual permit via Outfall 004.

A. Allowable non-stormwater discharges authorized for discharge are limited to the following, unless specific waste streams are identified on Page 2c of this permit:

- (1) discharges from emergency fire-fighting activities (emergency fire-fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, or similar activities);
- (2) uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);
- (3) water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where solvents, detergents, and soaps are not used, where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;
- (4) uncontaminated water used to control dust;
- (5) potable water sources, including waterline flushings, but excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life;
- (6) uncontaminated air conditioning condensate;
- (7) uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents; and
- (8) lawn watering and similar irrigation drainage.

B. The permittee must implement and comply with the permit conditions and requirements outlined in the current TPDES stormwater Construction General Permit, TXR150000, effective on March 5, 2023, that are applicable for the type of operator and size of soil disturbing construction activities and construction support activities except as detailed in paragraphs (d) and (f) below. The permittee must identify and document the conditions and requirements established in TXR150000 that are applicable to its construction activities, including the development and implementation of a stormwater pollution prevention plan (SWP3) and best management practices (BMPs). The SWP3 must include justification documenting which

conditions and requirements in TXR150000 are applicable to the permittee's construction activities and construction support activities.

- C. The SWP3 and any other applicable records required by TXR150000 must be kept current, maintained onsite, and made readily available to TCEQ, federal, state, or local government representatives upon request.
- D. Since stormwater discharges from construction activities and construction support activities and allowable non-stormwater discharges are authorized under this TPDES individual permit, there is no requirement for the permittee to obtain separate authorization(s) under TXR150000 by filing of a Notice of Intent (NOI) for construction activities and construction support activities performed within the permitted facility.
- E. If authorizations under TXR150000 for stormwater discharges from construction activities and construction support activities and allowable non-stormwater discharges at Outfall 004 exist, then the permittee must terminate coverage under TXR150000 for the respective outfall (Outfall 004) upon issuance of this TPDES individual permit.
- F. *Final Stabilization.* Because stormwater discharges from construction and construction support activities are covered under this TPDES individual permit, the permittee does not need to submit a Notice of Termination (NOT) after final stabilization has been completed. Instead, the permittee must document in the SWP3 the dates when soil disturbing construction activities are completed, and the final stabilization conditions and requirements established in TXR150000 have been achieved on any portion of the permitted facility.
- G. Should the permittee decide to alternatively obtain coverage to discharge under TXR150000, the permittee must file an application for a minor amendment of this TPDES individual permit to remove the authorization to discharge stormwater from construction activities and construction support activities, and allowable non-stormwater discharges. Once this individual permit is modified and issued, it is the responsibility of the permittee to obtain coverage under the TXR150000 for any construction activities within the permitted facility.

The permittee is placed on notice that authorization to continue discharging stormwater from construction activities and construction support activities, and allowable non-stormwater discharges under this TPDES individual permit, this provision will be updated at the time of the next permitting action for this TPDES individual permit to require the permittee to comply with any new or revised conditions and requirements established within the current reissued and updated TXR150000.

Attachment A

Table 1 – Conventional and Non-Conventionals

Outfall No.:	<input type="checkbox"/> C <input type="checkbox"/> 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, Dissolved						2.5
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, Free						10
Cyanide, Total						2
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

¹ Indicate units if different than µg/L.² Minimum Analytical Level.

Table 3 – Toxic Pollutants with Water Quality Criteria

Outfall No.:	<input type="checkbox"/> C <input type="checkbox"/> G	Samp. 1 (µg/L) ¹	Samp. 2 (µg/L) ¹	Samp. 3 (µg/L) ¹	Samp. 4 (µg/L) ¹	Avg. (µg/L) ¹	MAL (µg/L) ¹
Pollutant							
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
<i>m</i> -Dichlorobenzene							10
<i>o</i> -Dichlorobenzene							10
<i>p</i> -Dichlorobenzene							10
3,3'-Dichlorobenzidine							5
1,2-Dichloroethane							10
1,1-Dichloroethylene							10
Dichloromethane							20
1,2-Dichloropropane							10
1,3-Dichloropropylene							10
2,4-Dimethylphenol							10
Di- <i>n</i> -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 <i>tert</i> -butyl ether [MTBE]							—
Nitrobenzene							10
<i>N</i> -Nitrosodiethylamine							20
<i>N</i> -Nitroso-di- <i>n</i> -Butylamine							20
Nonylphenol							333

Outfall No.:	<input type="checkbox"/> C <input type="checkbox"/> G	Samp. 1 (µg/L) ¹	Samp. 2 (µg/L) ¹	Samp. 3 (µg/L) ¹	Samp. 4 (µg/L) ¹	Avg. (µg/L) ¹	MAL (µg/L) ¹
Pollutant							
Pentachlorobenzene							20
Pentachlorophenol							5
Phenanthrene							10
Polychlorinated Biphenyls (PCBs) ²							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 Indicate units if different than µg/L.

² 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.

Table 4

Outfall 001	<input type="checkbox"/> C <input type="checkbox"/> G	Believed Present	Believed Absent	Average Concentration (mg/L)	Maximum Concentration (mg/L)	No. of Samples	MAL (mg/L)
Pollutant							
Bromide							0.400
Color (PCU)							—
Nitrate-Nitrite (as N)							—
Sulfide (as S)							—
Sulfite (as SO ₃)							—
Surfactants							—
Boron, total							0.020
Cobalt, total							0.0003
Iron, total							0.007
Magnesium, total							0.020
Manganese, total							0.0005
Molybdenum, total							0.001
Tin, total							0.005
Titanium, total							0.030

Table 5 – Pesticides with Water Quality Criteria

Outfall 001	<input type="checkbox"/> C <input type="checkbox"/> G	Believed Present	Believed Absent	Average Concentration (mg/L)	Maximum Concentration (mg/L)	No. of Samples	MAL (µg/L)
Pollutant							
Aldrin							0.01
Carbaryl							5
Chlordane							0.2
Chlorpyrifos							0.05
4,4'-DDT							0.02
Diazinon							0.5/0.1
Dicofol [kelthane]							1
Dieldrin							0.02
Diuron							0.090
Endosulfan I (alpha)							0.01
Endosulfan II (beta)							0.02
Endosulfan sulfate							0.1
Endrin							0.02
Heptachlor							0.01
Hexachlorocyclohexane (gamma)							0.05
Parathion (ethyl)							0.1
Toxaphene							0.3
Tributyltin (TBT)							0.010

TABLE 6 – Stormwater

Outfall No.:	Maximum Values (mg/L)		Average Values (mg/L)		Number of Storm Events Sampled	MAL (mg/L)
Pollutant	Grab Sample ¹	Composite Sample ²	Grab Sample ¹	Composite Sample ²		
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						N/A
Chromium, Hexavalent						0.003
Copper, Total						0.002
Lead, Total						0.0005
Mercury, Total						0.000005
Nickel, Total						0.002
Selenium, Total						0.005
Silver, Total						0.0005
Zinc, Total						0.005

¹ Taken during the first 30 minutes of a storm event.² Flow-weighted composite sample.

