

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 26, 2008

TO: Persons on the attached mailing list.

RE: United States Department of Energy and BWXT Pantex, L.L.C.  
TCEQ Docket No. 2008-0261-IWD; TPDES Permit No. WQ0002296000

### **Decision of the Commission on Application.**

The Texas Commission on Environmental Quality ("TCEQ" or "Commission") has made a decision to grant the above-referenced permit application. Enclosed with this letter is a copy of the Commission's order. Unless a Motion for Rehearing ("MFR" or "motion") is timely filed with the chief clerk, as described below, this action of the Commission will become final. A MFR is a request for the Commission to review its decision on the matter. Any motion must explain why the Commission should review the decision.

### **Deadline for Filing Motion for Rehearing.**

A MFR must be received by the chief clerk's office no later than 20 days after the date a person is notified of the Commission's order on this application. A person is presumed to have been notified on the third day after the date that this order is mailed.

An original and 11 copies of the motion must be sent to the chief clerk at the following address:

LaDonna Castañuela, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

In addition, a copy of the motion must be sent on the same day to each of the individuals on the attached mailing list. A certificate of service stating that copies of the motion was sent to those on the mailing list must also be sent to the chief clerk.

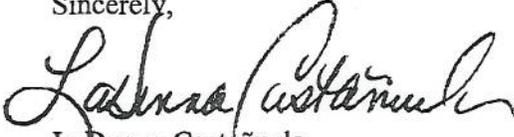
The written motion must contain (1) the name and representative capacity of the person filing the motion; (2) the style and official docket number assigned by SOAH or official docket number assigned by the Commission; (3) the date of the order; and (4) a concise statement of each allegation of error.

Unless the time for the Commission to act on the motion is extended, the MFR is overruled by

operation of law 45 days after a person is notified of the Commission's order on this application.

If you have any questions or need additional information about the procedures described in this letter, please call the Office of Public Assistance toll free at 1-800-687-4040.

Sincerely,



LaDonna Castañuela  
Chief Clerk

LDC/mr

Enclosure

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PANTEX SITE OFFICE

MAILING LIST  
for  
United States Department of Energy and BWXT Pantex, L.L.C.  
TCEQ Docket No. 2008-0261-IWD  
TPDES Permit No. WQ0002296000

FOR THE APPLICANT:

Craig Snider  
Johnny F. Guelker  
DOE/NNSA  
P.O. Box 30030  
Amarillo, Texas 79120

R. H. Pankratz  
BWXT Pantex, L.L.C.  
P.O. Box 30020  
Amarillo, Texas 79120

Patricia Finn Braddock  
Fulbright & Jaworski L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701

PROTESTANTS/INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR:

Marc Friberg, Staff Attorney  
Texas Commission on Environmental Quality  
Environmental Law Division MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087

Michael Sunderlin, Technical Staff  
Texas Commission on Environmental Quality  
Water Quality Division MC-148  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE:

Bridget Bohac, Director  
Texas Commission on Environmental Quality  
Office of Public Assistance MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:

Garrett Arthur, Attorney  
Texas Commission on Environmental Quality  
Public Interest Counsel MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR THE CHIEF CLERK:

LaDonna Castañuela  
Texas Commission on Environmental Quality  
Office of Chief Clerk MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

MAVIS BELISLE DIRECTOR  
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188 US HIGHWAY 60  
PANHANDLE TX 79068-7200

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PANHANDLE TX 79068

C E WILLIAMS DIST MGR  
PANHANDLE GROUNDWATER CONSERV DIST  
PO BOX 637  
WHITE DEER TX 79097-0637

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PANHANDLE TX 79068

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AMARILLO TX 79107-7564

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1800 CLARK RD  
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THE HONORABLE ROBERT DUNCAN  
STATE SENATOR - DISTRICT 28  
1500 BROADWAY STE 902  
LUBBOCK TX 79401-3108

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TONYA KLENSKENS  
STAND INC  
4308 CR E  
HEREFORD TX 79045

JERRY STEIN  
5113 SW 16TH AVE  
AMARILLO TX 79106-4418

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS  
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a  
Texas Commission on Environmental Quality document,  
which is filed in the permanent records of the Commission.  
Given under my hand and the seal of office on

*LaDonna Castanuela* JUN 25 2008

LaDonna Castanuela, Chief Clerk  
Texas Commission on Environmental Quality

**AN ORDER** concerning the application by United States Department of Energy and BWXT Pantex, L.L.C. for a major amendment to Texas Discharge Elimination System Permit No. WQ0002296000; TCEQ Docket No. 2008-0261-IWD.

On June 18, 2008, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for reconsideration filed by: Mavis Belisle, Danny and Bernice Detten, Jeff Detten, May Hochstein, Dana Koetting, Jim Murphy, Cletus Stein and Dale Livingston concerning the application by United States Department of Energy and BWXT Pantex, L.L.C. for a major amendment to Texas Discharge Elimination System Permit No. WQ0002296000 to remove effluent limitations for ammonia, high explosives, oil and grease, total suspended solids, total cyanide, total antimony, total arsenic, total beryllium, total cadmium, total chromium, total cobalt, total lead, total mercury, total molybdenum, total nickel, total selenium, total silver, total thallium, and total titanium at Outfall 001; increase effluent limitations for total copper, total manganese, and total zinc at Outfall 001, authorize the use of a minimum of 21 days residence time as an alternative to chlorination requirements; and reissue the permit under State regulatory authority and not under Federal regulatory authority in Carson County, Texas. The requests for reconsideration were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code (TAC)

Chapter 55. The Commission also considered the responses to the request for reconsideration filed by the Executive Director, the Office of Public Interest Counsel, and the Applicant; all timely public comment; and the Executive Director's Response to Comment.

After evaluation of all relevant filings, the Commission denied the requests for reconsideration. The Commission also adopted the Executive Director's Response to Public Comment and approved the application of United States Department of Energy and BWXT Pantex, L.L.C. for a major amendment to Texas Discharge Elimination System Permit No. WQ0002296000 in the form as shown in the draft permit prepared by the Executive Director.

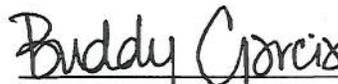
NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

1. The requests for reconsideration are hereby DENIED;
2. The application of United States Department of Energy and BWXT Pantex, L.L.C. for a major amendment to Texas Discharge Elimination System Permit No. WQ0002296000 is APPROVED and the permit is ISSUED in the form as shown in the draft permit prepared by the Executive Director;
3. The Executive Director's Response to Public Comment is ADOPTED in accordance with 30 TAC Chapter 55;
4. If any provision, sentence, clause or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue date: JUN 24 2008

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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Buddy Garcia, Chairman

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PANTEX SITE OFFICE

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 26, 2008

Mr. Craig Snider  
DOE/NNSA  
P.O. Box 30030  
Amarillo, Texas 79120

RE: United States Department of Energy and BWXT Pantex, L.L.C.; Permit No. WQ0002296000  
(RN100210756; CN600125009; 601599103)

Dear Mr. Snider:

Enclosed is a copy of the above-referenced permit for a wastewater treatment facility issued on behalf of the Commission pursuant to Chapter 26 of the Texas Water Code.

Self-reporting or Discharge Monitoring forms and instructions will be forwarded to you from the Water Quality Management Information Systems Team so that you may comply with monitoring requirements. For existing facilities, revised forms will be forwarded if monitoring requirements have changed.

Enclosed is a "Notification of Completion of Wastewater Treatment Facilities" form. Use this form when the facility begins to operate or goes into a new phase. The form notifies the agency when the proposed facility is completed or when it is placed in operation. This notification complies with the special provision incorporated into the permit.

Should you have any questions, please contact Mr. Michael Sunderlin of the Texas Commission on Environmental Quality's Wastewater Permitting Section at (512) 239-4523, or if by correspondence, include MC 148 in the letterhead address below.

Sincerely,

A handwritten signature in black ink, appearing to read "LaDonna Castañuela".

LaDonna Castañuela  
Chief Clerk

LDC/mr

cc: TCEQ Region 1  
Mr. R. H. Pankratz, BWXT Pantex, L.L.C., P.O. Box 30020, Amarillo, Texas 79120  
Ms. Patricia Finn Braddock, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400,  
Austin, Texas 78701

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PANTEX SITE OFFICE



# Notification of Completion of Wastewater Treatment Facility

If you have questions about completing this form or about the Water Quality Permit program, please contact the Water Quality Applications Team at 512/239-5161.

## Permit Information

TCEQ Water Quality Permit No.: \_\_\_\_\_ EPA I.D. No.: TX \_\_\_\_\_

## Facility Information

Permitted Flow (MGD): \_\_\_\_\_ Phase of Operation (*check one*):  
 Interim  
 Final

Estimated or Actual Date of Operation (Month/Day/Year): \_\_\_\_\_

## Operator Information

Name: \_\_\_\_\_  
Class of Operator Certification: \_\_\_\_\_ Operator Certification Number: \_\_\_\_\_  
Employed By: \_\_\_\_\_

## Responsible Official

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This form should be completed when a facility is placed operational or goes into a new phase of operation. The completed form should be returned at least 45 days before you plan to bring the facility on line.

Mail completed form to: Texas Commission on Environmental Quality  
Permits Administrative Review Section  
Water Quality Applications Team (MC-161)  
PO Box 13087  
Austin TX 78711-3087

OR fax to 512/239-0884 "ATTENTION: WATER QUALITY APPLICATIONS TEAM"

**Texas Commission on Environmental Quality**  
*formerly the Texas Natural Resource Conservation Commission*

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PANTEX SITE OFFICE



TCEQ Docket No. 2008-0261-IWD  
TCEQ PERMIT NO. WQ0002296000

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

This permit supersedes and replaces  
TPDES Permit No. WQ0002296000,  
issued on January 28, 2005.

PERMIT TO DISCHARGE WASTES  
under provisions of  
Chapter 26 of the Texas Water Code

United States Department of Energy and BWXT Pantex, L.L.C.

whose mailing address is

c/o National Nuclear Security Administration  
P.O. Box 30030  
Amarillo, Texas 79120-0030

is authorized to treat and discharge wastes from a facility principally engaged in the assembly of nuclear weapons from components received from other Department of Energy plants; the fabrication of chemical high explosive components for nuclear weapons; surveillance testing and processing of chemical high explosives; disassembly of nuclear weapons; maintenance, modification, repair and nonexplosive testing of nuclear weapons components; and disposal of treated environmental restoration wastewater (SIC 2892 & 3483)

located approximately 17 miles northeast of the City of Amarillo and 10 miles west of the City of Panhandle, west of Farm-to-Market Road 2373, south of Farm-to-Market Road 293 and north of U.S. Highway 60, Carson County, Texas

to a playa lake, located adjacent to the watershed of McClellan Creek which flows into the North Fork Red River in Segment No. 0224 of the Red River 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 on December 1, 2010.

ISSUED DATE: **JUN 24 2008**

Buddy Cox  
For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number: 001

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

The daily average flow of effluent shall not exceed 0.56 million gallons per day (MGD). The total volume discharged during any 24-hour period shall not exceed 0.82 million gallons.

Effluent Characteristic	Discharge Limitations		Single Grab mg/l	Minimum Self-Monitoring Requirements	
	Daily Avg mg/l	Daily Max mg/l		Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow (MGD)	0.56 MGD	0.82 MGD	N/A	Continuous	Flow Meter
Biochemical Oxygen Demand (5-day)	30	70	100	1/week	Composite
Chemical Oxygen Demand	N/A	150	150	1/month	Composite
Total Suspended Solids	60	90	100	1/week	Composite
Oil and Grease	N/A	15	15	1/week	Grab
Copper (total)	0.50	1.0	2.0	1/quarter	Grab *1
Manganese (total)	1.0	2.0	3.0	1/quarter	Grab *1
Zinc (total)	1.0	2.0	6.0	1/quarter	Grab *1
HMX	0.1	Report	N/A	1/quarter	Grab *1
EDX	0.2	Report	N/A	1/quarter	Grab *1
PETN	0.4	Report	N/A	1/quarter	Grab *1
TNT	0.02	Report	N/A	1/quarter	Grab *1

\*1 Composite sample may be used in lieu of grab sample.

2. The domestic sewage effluent shall 1) have a minimum residence time in the treatment system of 21 days before discharge via Outfall 001, or 2) contain a chlorine residual of at least 1.0 mg/l and a maximum chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored 5/week, by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 10.0 standard units and shall be monitored 1/day, by grab sample.

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

5. Effluent monitoring samples shall be taken at the following location: At Outfall 001, prior to discharges to Playa No. 1, at the outlet weir from the wastewater treatment lagoon.

**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 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 (b).
- 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 and/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 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, a monthly effluent report shall be submitted each month, to the Enforcement Division (MC 224), by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be reported on an approved self-report form, that is 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 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

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.

### 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 maybe 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/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 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).
    - 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 and/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 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 and Reporting Requirements No. 9;
  - 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 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 Land Applications 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 and/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, and/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 and/or upgrading of the domestic wastewater treatment and/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 and/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 judgement 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 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 Registration, Review, and Reporting 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.
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.

TCEQ Revision 05/2004

OTHER REQUIREMENTS

1. Violations of daily maximum limitations for the following pollutants shall be reported orally to TCEQ Region 1 within 24 hours from the time the permittee becomes aware of the violation, followed by a written report within five days:

Copper (Total)  
Manganese (Total)  
Zinc (Total)

2. EFFLUENT & WASTEWATER DEFINITIONS AND CLASSIFICATIONS

- A. The term "domestic effluent" means treated domestic sanitary sewage and treated laundry wastewater.
  - B. The term "industrial effluent" means "industrial wastewater" which has been treated to remove pollutants. The term "industrial wastewater" includes "process wastewater" and "utility wastewaters" and "non-contact cooling (heating) waters".
  - C. The term "process wastewater" means wastewaters from, but not limited to, any water which comes into contact with any product, raw material, product intermediate or process waste. Also included are high explosive filtered wastewater, cooling water for explosives, wastewater from manufacturing explosive components, wastewater from photographic processing (photographic X-ray lab), metal plating plant treated wastewater and wastewater from washdown of equipment, transport vehicles, pipe lines, vessels, storage tanks, process area slabs, storage area slabs and floordrains/sumpdrens, and treated wastewaters from environmental remediation activities.
  - D. The term "utility wastewaters" means wastewaters from, but not limited to, wet scrubber air pollution control systems, ion exchange water treatment system, demineralizer backwash, water treatment, evaporator and boiler blowdown, steam condensates, laboratory and sampling streams, non-contact cooling (heating) operations, cooling tower basin cleaning wastes, cooling tower blowdown, once-through cooling water, reverse osmosis brine, water used to regenerate ion-exchange columns, and wastewaters generated from the sampling and production of monitor wells or the drilling and completion of monitoring wells. Sanitary wastes are not included.
  - E. The term "non-contact cooling (heating) waters" means waters used for the purpose of cooling (heating) which do not come into contact with any product, raw material, product intermediate, or process waste.
  - F. The term "outfall" shall mean any effluent monitoring location that may be identified by the permit.
  - G. The terms "plant area or Pantex plant", when used in this permit, shall mean those land areas either owned or controlled by DOE which are located approximately 17 miles northeast of the City of Amarillo and 10 miles west of the City of Panhandle, west of Farm-to-Market Road 2373, south of Farm-to-Market Road 293 and north of U.S. Highway 60, Carson County, Texas
3. There shall be no discharge of domestic sewage effluent other than that discharged via Outfall 001, or to a septic tank/drainfield system, or disposed via TCEQ Permit No. WQ0004397000 or Underground Injection Control (UIC) Authorization No. 5W2000017.
  4. The permittee shall operate the wastewater treatment facility lagoon in such a manner as to maintain a minimum freeboard of two feet. The permittee shall measure and record the freeboard of each pond once per month in a "freeboard log". The freeboard log shall be maintained on site and made available to authorized representatives of the TCEQ.

5. The permittee shall agree to maintain records, in a matter consistent with Requirement 3.b of the "Monitoring Requirements" of this permit, of all surface water sampling and testing. The permittee shall make these records available for inspection upon request of authorized representatives of the TCEQ.

6. MINIMUM ANALYTICAL LEVELS

<u>COMPOUNDS</u>	<u>MAL (mg/L)</u>
Copper (Total)	0.010
Manganese (Total)	0.020
Zinc (Total)	0.005
HMX	N/A
PETN	N/A
RDX	N/A
TNT	N/A

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

When an analysis of an effluent sample for any of the parameters listed above indicates no detectable levels above the MAL and the test method detection level is as sensitive as the specified MAL, a value of zero (0) shall be used for that measurement when determining calculations and reporting requirements for the self-reporting form. This applies to determinations of daily maximum concentration, calculations of loading and daily averages, and other reportable results.

When a reported value is zero (0) based on this MAL provision, the permittee shall submit the following statement with the self-reporting form either as a separate attachment to the form or as a statement in the comments section of the form.

"The reported value(s) of zero (0) for \_\_\_\_\_ [list parameter(s)] \_\_\_\_\_ on the self-reporting form for \_\_\_\_\_ [monitoring period date range] \_\_\_\_\_ is based on the following conditions: 1) the analytical method used had a method detection level as sensitive as the MAL specified in the permit, and 2) the analytical results contained no detectable levels above the specified MAL."

When an analysis of an effluent sample for a parameter indicates no detectable levels and the test method detection level is not as sensitive as the MAL specified in the permit, or an MAL is not specified in the permit for that parameter, the level of detection achieved shall be used for that measurement when determining calculations and reporting requirements for the self-reporting form. A zero (0) may not be used.

7. Flow measuring devices and readily accessible sampling points, as required by this permit, shall be provided by the permittee for each outfall.
8. There is no mixing zone established for these discharges to the playa lake. Water Quality Standards do not apply to this discharge.
9. Permit Conditions, Item 3, Inspections and Entry, is amended for purposes of this permit subject to the provisions of the Atomic Energy Act (as amended).
10. Monitoring results shall be provided at the intervals specified in the permit. For pollutants which are monitored annually, effluent reports shall be submitted in September of each year. For pollutants which are monitored twice per year, the first effluent report shall be submitted six months after the date of permit issuance and subsequent reports every six months thereafter. For pollutants which are monitored four times per year, the first effluent report shall be submitted three months after the date of permit issuance and subsequent reports every three months thereafter.

11. The permittee shall submit annual reports to the TCEQ, Wastewater Permitting Section, Industrial Team (MC-148) detailing research conducted in establishing a suitable test method for the parameter TATB in the permittee's effluent. The annual reports shall include the following information for test procedures considered for the pollutant TATB until a test method has been submitted to the TCEQ for approval:
  - A. Summary(ies) of test procedure(s) including detection levels, known interferences, etc.;
  - B. Analytical cost(s) of test procedure(s);
  - C. Reference material including method development and accreditation.
12. The permittee shall use test procedures based on U.S. Environmental Protection Agency, *Test Methods for Evaluating Solid Waste*, EPA Manual SW-846, Method 8330 for the analysis of HMX, RDX, PETN, and TNT.
13. Definitions and Standard Permit Conditions, Item 2.c., daily maximum concentration, is amended as follows:

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 (when required monitoring frequency is equal to or more frequent than once per month) or within the period equivalent to the specified monitoring frequency (when required monitoring frequency is less frequent than once per month).