

**DOWNSTREAM
ENVIRONMENTAL, LLC**

**2044 Bissonnet
Houston, TX 77005**

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April 10, 2008

Mr. Gary Dry
Waste Permits Division - MSW Permits Section
MC-124, P.O. Box 13087
Austin, TX 78711-3087

RE: Municipal Solid Waste (MSW) – Harris County
Downstream Environmental, LLC – B.R. Perrin Plant – MSW Permit No. 2298
Type V – Grease & Grit Trap Liquid Waste Processing Facility
Permit Modification (MOD) Application –
Response to Notice of Deficiency (NOD) dated 3/12/08
WWC Nos. 11890942 & 11924553; RN101662617 / CN600896872

Dear Mr. Dry:

Below are Downstream's Responses to 9 items of deficiency described in your March 12, 2008 letter:

1. The owner of the property located at 3737 Walnut Bend Lane is Group Two Partners, a Texas General Partnership. Group Two Partners is the Lessor of the real estate permitted by Permit No. 2298. Downstream Environmental is the Lessee of the same property. Downstream Environmental has a 20 year lease with an option to buy which is tantamount to ownership of the permitted property. The business office for Group Two Partners and accounting office is located at 2044 Bissonnet, Houston, Texas 77005. The business and accounting office for Downstream Environmental is also located at 2044 Bissonnet, Houston, Texas 77005. Group Two Partners is owned by Mary Wimbish, Bill Page, Randy Sullivan, Toby Hlavinka and Paul Hlavinka. Downstream Environmental, LLC is owned by Mary Wimbish, Dan Noyes, Gwen Scarborough, Kathleen Malisewski, Bill Page, Randy Sullivan, Tom O'Dell, Don McGuirt, Tom Guggolz, Three Brothers, Inc., PT Partners, Chris Reynolds, Barrett Reasoner, Jeff Alexander, Richard Mithoff, Bushnell Holding, Malisewski Enterprises, William V. Wimbish, Mauricio Salazar, Michael Essmyer and Bruce Cameron.
2. The engineering seal on page 1 of the Table of Contents has been added.
3. The MOD Application, which includes the responses to March 12, 2008 Notice of Deficiency has now been added to Downstream's website.

4. Applicant has added the following language “methods for sampling and analysis of the effluent will be conducted in accordance with U.S. Environmental Protection Agency (EPA) Methods, and will meet the requirements specified in 30 TAC §330.203(c)(1) & (2). Also, records for sampling or effluent will be maintained for a minimum of three years. This language has been added to Section 2.1 on page IV-8, in italics, of the SOP.
5. The City of Houston’s Industrial Waste Discharge Permit has not expired. The permit is renewed every two years. The expired Permit has been removed and attached to the SOP is the current Industrial Waste Discharge Permit, as authorized by the City of Houston. See: Attachment 2.
6. The following language has been added to Section 2.2, on page IV-11, in italics, of the SOP: “The facility currently does not operate any lagoons, open top storage tanks, open vessels, and/or underground storage units as a means of storing contaminated liquid.”
7. Section 6.0 (Access Control), Section 6.1 (Facility Security), on page IV-16, in italics, of the SOP has been revised to include the following language: “An attendant shall be onsite during operating hours, and access to the facility is controlled by a lockable gate that is opened and closed electronically in compliance with 30 TAC §330.223(c).”
8. The following language has been added to 2.1.5, on page IV-8, in italics: “Measures for Controlling Prohibited Wastes, Table 1 Personnel Types and Descriptions; Please be advised that Dan Noyes, the Plant Manager, shall maintain an MSW Supervisor Occupational License, Grade B or above, for Type V Storage and Processing Facility.” Table 1 has been revised to insure that a Grade B (or above) license will be held and maintained by the plant manager of the facility.
9. The SOP (Section 15.0), on page IV-21, in italics, is being revised in accordance with 30 TAC §330.245(k) to include the language: “There is no ponded water collected on the site. In the event that ponded water should occur due to heavy rains, said water will be removed to avoid becoming a nuisance or create objectionable odors. The only water that could possibly pond onsite would be as a result of heavy rainstorms. Ponded water from rainstorms, should they become a problem, can be remedied by dirt fill spread with a front loader that is onsite.”

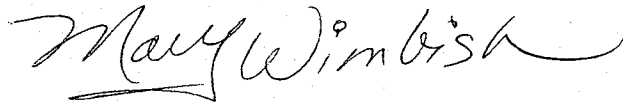
This revised Permit Modification Application is being returned to Texas Commission on Environmental Quality within thirty days of March 12, 2008. Each revised page, and any following pages that must be added due to page endings, has a footer indicating the revision date of **4/10/08**. Furthermore, the revised pages are in a form suitable for replacement and/or inclusion in the initial Permit Modification Application in accordance with 30 TAC §305.44.

Also included, on page 11 of TCEQ-0650 Form, is an original certification statement with the attached revision, along with the original signature, and the Certification Statement, which indicates the name, title and address of the responsible official, as required in the NOD dated March 12, 2008.

An original and two copies of the revision in conformance with 30 TAC §305.70 is being forwarded to the TCEQ at this time. Specifically, the additional information that has been provided is shown in italics on pages IV-8, IV-11, IV-16 and IV-21, nothing was struck from the original Permit Modification Application. As requested, one copy has the italicized revisions highlighted in yellow for your convenience.

This response to NOD is being forwarded to Mail Code 124 (MC-124).

Sincerely,

A handwritten signature in cursive script that reads "Mary Wimbish". The signature is written in black ink and is positioned above the printed name.

Mary Wimbish, C.E.O.

MW:gs
Encl.