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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 12, 2008

Ms. Mary Wimbish, C.E.O.
Downstream Environmental, LLC
2044 Bissonnet
Houston, Texas 77005

Re: Downstream Environmental, LLC – B.R. Perrin Plant – Harris County
Municipal Solid Waste (MSW) – Permit No. 2298
Type V - Grease & Grit Trap Liquid Waste Processing Facility
Permit Modification (MOD) Application – Notice of Deficiency (NOD)
WWC Nos. 11924553 & 11991629; RN101662617 / CN600896872

Dear Ms. Wimbish:

We have reviewed your most recent application for a municipal solid waste MOD dated February 13, 2008, submitted in response to the agency's prior NOD letter dated December 5, 2007, requesting you to revise the facility's Site Operating Plan (SOP), to provide compliance with the most recent MSW rules which became effective on March 27, 2006.

A review of your SOP indicates that insufficient information has been provided to satisfy the requirements of 30 Texas Administrative Code (TAC) Section (§)305.70(k), pursuant to the agency's March 27, 2006 regulations. Therefore, we are unable to complete processing of your request at this time. Please review and address the following concerns.

1. The Texas Commission on Environmental Quality (TCEQ) Part I Application Form (Part A; General Information) lists the Operator Name as "Downstream Environmental, LLC," 2044 Bissonnet, Harris County, Texas, and the Permittee Name as "Same as Operator" on page 1 of the form. However, in Part E (Legal Authority) on page 7, the Owner Name is listed as "Group Two Partners," also located at 2044 Bissonnet, Harris County, Texas. Please provide an explanation concerning each of these entities, as to how each of these entities is related to the permit.
2. The first page of the SOP's Table Of Contents (page IV-2) lacks the proper engineering seal and signature as required by 30 TAC §330.57(g)(3). Please seal the first page of the Table of Contents as required by the Texas Engineering Practice Act.
3. An electronic copy of your recent MOD application could not be located on your URL internet website provided within the application. In accordance with 30 TAC §330.57(i), please ensure that a copy of your MOD application, including all revisions and supplements to the application, is posted on a publicly accessible internet Web site. Processing of your application cannot be continued until this has been confirmed.

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4. Concerning the requirements for sampling of effluent from processing areas into traps, interceptors, or treatment facilities permitted under Texas Water Code, Chapter 26, you noted in your response letter dated January 31, 2008, that effluent discharged from processing areas are sampled and analyzed in accordance with the City of Houston's industrial waste discharge permit (Exhibit No. 2), and referenced in Section 2.1 of the SOP. In reviewing this permit, it does not appear that all of the sampling requirements specified in 30 TAC §330.203(c)(1) and (2) are adequately addressed within this permit. Please provide assurance that the methods for sampling and analysis of effluent will be conducted in accordance with US Environmental Protection Agency (EPA) methods, and will meet the requirements specified in 30 TAC §330.203(c)(1) and (2). Also, please provide assurance that records for sampling of effluent will be maintained for a minimum of three years.
5. Concerning the City of Houston's industrial waste discharge permit, it appears that this permit may be expired, as indicated by the statement that the permit became effective on August 12, 2003, and expires at midnight on August 12, 2005. Please provide an explanation concerning the expiration date and current validity of this permit. Please provide a current industrial waste discharge permit, as authorized by the City of Houston.
6. As requested in our prior NOD letter to you dated December 15, 2007, please provide a discussion within Section 2.2 (Facility Generated Wastes) to ensure that 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 waste in accordance with 30 TAC §330.207(h).
7. Please revise Section 6.0 (Access Control) to ensure that an attendant shall be on-site during operating hours, and that access to the facility shall be controlled by a lockable gate, in accordance with 30 TAC §330.223(c).
8. Concerning licensing requirements for Type V storage and processing facilities, it is noted in Table 1 (Personnel Types and Descriptions) of the SOP, that the lead operator/facility supervisor will hold and maintain a MSW supervisor occupational license Grade C or above. Please be advised that the agency is requiring that at least one individual hold and maintain a MSW supervisor occupational license Grade B (or above) for a Type V storage and processing facility. For more information concerning this licensing requirement, please go to the TCEQ's internet web link at http://www.tceq.state.tx.us/compliance/compliance_support/licensing/msw_op.html. Please revise the Table 1 to ensure that a Grade B (or above) license will be held and maintained for your facility.
9. In our prior NOD letter to you dated December 15, 2007, we asked that you provide a discussion in the SOP in accordance with 30 TAC §330.245(k), to ensure that any ponded water collected on site will be removed to avoid it becoming a nuisance, and that in the event that objectionable odors occur as a result of the ponded water, appropriate measures will be taken to alleviate the condition. You have not provided this information to date. Please provide this information as requested.

Please revise your permit modification application and submit the revisions within 30 days from the date of this letter or your request may be considered withdrawn. In accordance with 30 TAC §330.57(g)(6), please ensure that each page has a header or footer that indicates the revision number and date. Your revised and/or additional pages should be in a form suitable for replacement and/or inclusion in the initial

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permit-modification application. In accordance with 30 TAC §305.44, please include an original certification statement with the revision. Along with the original signature, the certification statement should indicate the name, title, and address of the responsible official.

To facilitate our review, please submit an original and two copies of the revisions, in conformance with applicable regulatory requirements referenced in 30 TAC §305.70. In addition, we are requesting that one of the two copies be marked to highlight the revisions made to the permit modification request. We suggest using a redline/strikeout format. Lastly, your response should include the WWC numbers that are referenced above. Failure to submit a satisfactory response to the items listed above may result in a recommendation to deny this modification request.

If you have questions regarding this letter, please contact me at (512) 239-2352. When addressing written correspondence, please use Mail Code 124 (MC 124).

Sincerely,



Gary Dry, P.G.
Municipal Solid Waste Permits Section
Waste Permits Division
Texas Commission on Environmental Quality

GD/fp

cc: Ms. Gwendolyn Scarborough, Downstream Environmental, LLC, Houston