UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

DEC 12 2012

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (7010 2780 0002 4353 7867)

Mr. Chris Linendoll, E.I.T., Manager
Wastewater Permitting Section (MC 148)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: Interim Objection to Proposed Permit and Request for additional information
Valero Refining-Texas, L.P.
TPDES Permit No. TX0002976 (WQ00000535000)
City of Houston, TX 77012

Dear Mr. Linendoll:

Thank you for the opportunity to review the proposed permit (TPDES Permit No. TX0002976 Valero Refining-Texas, L.P.). Based on our review, we believe additional information is needed to determine whether the proposed permit meets the guidelines and requirements of the Clean Water Act. The EPA needs additional information and clarification on the items below:

Comment 1: For final outfall 001 an effluent temperature limit of 120°F daily maximum is established. The effluent discharge from outfall 001 is to the Houston Ship Channel/Buffalo Bayou Tidal of the San Jacinto River Basin (Segment No. 1007). However, in 30 TAC § 307.10 Appendix A of the *Texas Surface Water Quality Standards,* the temperature criterion for the receiving waterbody, the Houston Ship Channel/Buffalo Bayou Tidal in Segment No. 1007 of the San Jacinto River Basin is 95°F. This represents the maximum at any site within the segment. In addition, 30 TAC § 307.4 (f) states that temperature in surface water of the state must be maintained so as to not interfere with the reasonable use of such waters. More specifically, the maximum temperature differentials for tidal river reaches are established at 4 degrees F in fall, winter, and spring, and 1.5 degrees F in the summer (June, July, and August). Based on the proposed temperature limit for final outfall 001, it does not appear that water quality standards will be maintained. Therefore, we are requesting additional information (i.e., calculations, justification) that ensures the proposed limit for temperature will not cause or have the reasonable potential to cause any exceedances of water quality standards.

Comment 2: As stated in Section C.2 TECHNOLOGY-BASED EFFLUENT LIMITATIONS ON CONDITIONS/CALCULATIONS, technology-based effluent limitations for chemical oxygen demand (COD), oil & grease, and pH for final outfalls 002, 003, and 005-008 are "continued from the existing permit and are based on BPJ." However, it is unclear if the limitations based on BPJ were developed in accordance with federal regulations cited at 40 CFR § 125.3(d), setting case-by-case limitations. Therefore, please provide additional information of how BPJ determination was developed for effluent limits for parameters, COD, oil and grease, and pH.

Comment 3: As stated in the fact sheet Section X.B. Water Quality Summary, the Houston Ship Channel/Buffalo Bayou Tidal (Segment No. 1007) is listed on the State's Clean Water Act 303(d) list for bacteria, dioxin, PCBs, and pesticides. On November 18, 2011, the EPA approved the 2010 State's Clean Water Act 303(d) list. Please update your records as established in the fact sheet to include the most current 303(d) list.

Comment 4: On August 24, 2012, the EPA approved new and revised provisions of the *Texas Surface Water Quality Standards*. One of the approved revised provisions includes revised criteria in Water for Toxic Materials – Aquatic Life Protection (Table 1, Section 307.6(c)). Based on previous communications with your office, it is our understanding that the TCEQ will develop a process and/or timeline of incorporating these revisions in upcoming TPDES permits.

We will be happy to work with you and your staff to clarify our concerns. Feel free to contact me at (214) 665-7170, if you have any questions or have your staff contact Kilty Baskin at (214) 665-7500, or EMAIL:baskin.kilty@epa.gov.

Sincerely yours,

Claudia V. Hosch
Associate Director
Water Quality Protection Division
NPDES Permits & TMDLs Branch

cc (electronic): Michael Sunderlin
Acting Team Leader
Industrial Permits Team (MC 148)
TCEQ