

TCEQ DOCKET NO. 2007-1523-IWD
GENERAL PERMIT NO. TXG830000

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CHIEF CLERKS OFFICE

IN THE MATTER OF THE AMENDMENT	§	BEFORE THE TEXAS
OF TPDES GENERAL PERMIT	§	
NO. TXG830000 AUTHORIZING THE	§	
DISCHARGE OF WATER CONTAMINATED	§	COMMISSION ON
BY PETROLEUM FUEL OR PETROLEUM	§	
SUBSTANCES BY REGULATED	§	
INDUSTRIAL FACILITIES WITHIN THE	§	
STATE OF TEXAS	§	ENVIRONMENTAL QUALITY

**COMMISSION RESOLUTION ISSUING THE AMENDMENT/RENEWAL
OF GENERAL PERMIT TXG830000**

WHEREAS, under Texas Water Code (TWC) Section (§) 26.121, no person may discharge waste or pollutants into or adjacent to any water in the state except as authorized by a rule, permit, or order issued by the Texas Commission on Environmental Quality (TCEQ or Commission);

WHEREAS, under TWC § 26.027, the TCEQ has the authority to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state;

WHEREAS, under TWC § 26.040, the TCEQ has the authority to issue a general permit to authorize the discharge of waste into or adjacent to water in the state;

WHEREAS, the Executive Director's proposed amendment and renewal of general permit (TXG830000) that authorizes discharges of water contaminated by petroleum fuel or petroleum substances from specified facilities in the State of Texas is attached as Exhibit A;

WHEREAS, the TCEQ received public comment on the general permit;

WHEREAS, the Executive Director made certain changes to the general permit based on comments received;

WHEREAS, the Executive Director prepared, made available to the public, and filed with the Office of the Chief Clerk a written Response to Public Comments in accordance with the requirements of 30 Texas Administrative Code (30 TAC) § 205.3(e) on the proposed general permit which is attached as Exhibit B;

WHEREAS, the Commission has reviewed in accordance with Texas Natural Resources Code § 33.205 and 30 TAC § 205.5(f) the changes to the general permit for consistency with the Texas Coastal Management Program (CMP) and has found that the general permit is consistent with applicable CMP goals and policies and that the general permit will not adversely affect any applicable coastal natural resource areas as identified in the CMP;

WHEREAS, the Commission has determined in accordance with TWC § 26.040(a)(1)-(4) that the general permit would authorize dischargers who engage in the same or substantially similar types of operations, discharge the same types of waste, are subject to the same requirements regarding effluent limitations or operating conditions, and are subject to the same or similar monitoring requirements;

WHEREAS, the Commission finds in accordance with TWC § 26.040(a)(5) that the general permit would apply to dischargers who are more appropriately regulated under a general permit than under individual permits and that:

(A) The general permit has been drafted to assure that it can be readily enforced and that the Commission can adequately monitor compliance with the terms of the general permit; and

(B) The category of discharges covered by the general permit will not include a discharge of pollutants that will cause significant adverse effects to water quality;

THEREFORE, after consideration of all public comment and the responses to such comment, the Commission, by this resolution, hereby issues the amended general permit, attached as Exhibit A, as recommended by the Executive Director. The Commission, by this resolution, also hereby adopts the Executive Director's Response to Comments, attached as Exhibit B, as the Commission's Response to Public Comments.

Furthermore, the Commission directs staff to make any non-substantive changes to the general permit and the Commission's Response to Public Comment to satisfy Texas Register format requirements and requests that the general permit and Commission's Response to Public Comment be made available to the public in accordance with the requirements of TWC § 26.040(d) and 30 TAC § 205.3(e).

It is so **RESOLVED**.

Date of Adoption:

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Buddy Garcia, Chairman

Exhibit A



TPDES GENERAL PERMIT
NO. TXG830000

This permit supersedes and replaces
TPDES General Permit No. TXG830000,
issued on October 02, 2002.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. BOX 13087
Austin, TX 78711-3087

GENERAL PERMIT TO DISCHARGE WASTES

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

Waters contaminated by petroleum fuel or petroleum substances, located in the state of Texas,

may be discharged into or adjacent to water in the state, including exceptional, high, intermediate, limited or no significant aquatic life use receiving waters as designated in the Texas Surface Water Quality Standards

only according to effluent limitations, monitoring requirements and other conditions set forth in this general 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 Commission of the TCEQ (Commission). The issuance of this general permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route. This includes property belonging to, but not limited to, any individual, partnership, corporation or other entity. Neither does this general 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 general permit and the authorization contained herein shall expire at midnight five years after the date of issuance.

ISSUED AND EFFECTIVE DATE:

For the Commission

**TPDES GENERAL PERMIT NUMBER TXG830000 RELATING TO
PETROLEUM FUEL OR PETROLEUM SUBSTANCE DISCHARGES**

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Part I. Definitions

The following words and terms, for the purposes of this general permit, shall have the following meanings.

Aboveground storage tank system - An aboveground storage tank, all associated piping and ancillary equipment, spill and overfill prevention equipment, release detection equipment, corrosion protection system, secondary containment equipment, and all other related systems and equipment.

Daily average limitations - The arithmetic average of results of analyses for a parameter from a minimum of four samples of the discharges that occur in a single calendar month. When results of analyses of four samples are not available in a single calendar month, the arithmetic average of the most recent results, not to exceed four, must be reported as the daily average concentration.

Daily maximum limitations - The maximum concentration measured on a single day within a single calendar month.

Facility - Any NPDES "point source" (as defined in 40 CFR 122.2) or any other facility or activity that is subject to regulation under the TPDES program

Free product - Gasoline, diesel fuel, fuel oil, kerosene, jet fuel, or any other phase-separated petroleum substance.

Gasoline - Leaded or unleaded gasoline, all grades of aviation gasoline, and all grades of gasohol.

General permit - A permit issued under the provisions of 30 Texas Administrative Code (TAC), Chapter 205, authorizing the discharge of waste into or adjacent to water in the state for one or more categories of waste discharge within a geographical area of the state or the entire state as provided by Texas Water Code (TWC) §26.040.

Grab sample - An individual sample collected in less than 15 minutes.

Groundwater pump test - Short term pumping of groundwater to determine physical characteristics of an aquifer.

Groundwater remediation - Treatment of contaminated groundwater to remove free product and to reduce or eliminate groundwater contamination.

Land application - The spraying or spreading of wastewater onto the land surface; the injection of wastewater below the land surface; or the incorporation of wastewater into the soil so that the wastewater can either condition the soil or fertilize crops of vegetation grown in the soil.

Motor fuel - A petroleum substance which is typically used to operate internal combustion engines (including stationary engines and engines used in transportation vehicles and marine vessels), and which is one of the following types of fuels: leaded or unleaded gasoline, aviation gasoline, No. 1 diesel fuel, No. 2 diesel fuel, and any grades of gasohol.

Municipal separate storm sewer system (MS4) - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by the United States, a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the Clean Water Act (CWA); (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; (iv) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR § 122.2; and (v) Which does not include very discrete systems such as those serving individual buildings. See also 40 CFR 122.26 (b)(4), (7), and (16).

Notice of change or NOC - A written submission to the Executive Director from a permittee authorized under a general permit, providing information on changes to information previously provided to the commission, or any changes with respect to the nature or operations of the regulated entity or the characteristics of the discharge.

Notice of intent or NOI - A written submission to the Executive Director from an applicant requesting coverage under the terms of a general permit.

Notice of termination or NOT - A written submission to the Executive Director from a permittee authorized under a general permit requesting termination of coverage.

Operator - The person responsible for the overall operation of a facility.

Owner - The person who owns a facility or part of a facility.

Permittee - Any person issued an individual permit, order, or is authorized by a general permit.

Petroleum fuel - Gasoline, diesel fuel, fuel oil, kerosene and jet fuel.

Petroleum substance - Crude oil or any refined or unrefined fraction or derivative of crude oil which is liquid at standard conditions of temperature and pressure. Petroleum substance is limited to one or a combination of the substances or mixtures in the following list (except for any substance regulated as a hazardous waste under 30 TAC §335.1 (relating to Definitions)).

- a. Basic petroleum substances - Crude oils, crude oil fractions, petroleum feedstocks, and petroleum fractions.
- b. Motor fuels - See definition for "motor fuel" in this section.
- c. Aviation gasoline - Grade 80, Grade 100, and Grade 100-LL.
- d. Aviation jet fuels - Jet A, Jet A-1, Jet B, JP-4, JP-5, and JP-8.
- e. Distillate fuel oils - No. 1-D, No. 1, No. 2-D, and No. 2.
- f. Residual fuel oils - No. 4-D, No. 4-light, No. 4, No. 5-light, No. 5-heavy, and No. 6.

- g. Gas-turbine fuel oils - Grade O-GT, Grade 1-GT, Grade 2-GT, Grade 3-GT, and Grade 4-GT.
- h. Illuminating oils - Kerosene, mineral seal oil, long-time burning oils, 300 oil, and mineral colza oil.
- i. Solvents -Stoddard solvent, petroleum spirits, mineral spirits, petroleum ether, varnish makers' and painters' naphtha, petroleum extender oils, and commercial hexane.
- J. Lubricants - Automotive and industrial lubricants.
- K. Building materials - Liquid asphalt and dust-laying oils.
- L. Insulating and waterproofing materials - Transformer oils and cable oils.
- M. Used oils - See definition for "used oil" in this section.
- N. Any other petroleum-based material that has physical and chemical properties similar to the above materials and receiving approval by the Executive Director for designation as a petroleum substance.
- O. Examples of materials which are not petroleum substances include: aldehydes and ketones (e.g., acetone, methyl ethyl ketone); halogenated solvents (e.g., carbon tetrachloride, trichloroethylene), alcohols (e.g., methanol), phenols, nitrogen-containing compounds and oils containing polychlorinated biphenyl compounds.

Pipeline vault - Any structure utilized to house pipelines for access to those pipelines.

Site - The physical area where any system or activity authorized by this general permit is located. Site may include any adjacent land used in connection with the system or activity.

Soil remediation - Treatment of contaminated soil to remove free product and to reduce or eliminate soil contamination.

Texas Land Application Permit (TLAP) - A permit issued by the TCEQ for the land application and disposal of wastewater that does not result in a discharge to surface water in the state.

Texas Pollutant Discharge Elimination System (TPDES) - The state program for issuing, amending, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under the Clean Water Act §§307, 402, 318, and 405, the Texas Water Code, and the Texas Administrative Code regulations.

Underground storage tank system - An underground storage tank, all associated piping and ancillary equipment, spill and overfill prevention equipment, release detection equipment, corrosion protection system, secondary containment equipment, and all other related systems and equipment.

Used oil - Any oil or similar petroleum substance that has been refined from crude oil, used for its designed or intended purposes, and contaminated by physical or chemical impurities; including spent motor vehicle and aircraft lubricating oils (e.g., car and truck engine oil, transmission fluid, and brake

fluid), spent industrial oils (e.g., compressor, turbine, bearing, hydraulic, metalworking, gear, electrical, and refrigerator oils), and spent industrial process oils.

Utility vault -Any manhole, conduit, or other structure utilized to house utility equipment.

Part II. Permit Applicability and Coverage

Section A. Discharges Covered

This general permit regulates the surface discharge of water contaminated by petroleum fuel or petroleum substances resulting from:

1. Groundwater pump tests;
2. Groundwater, surface water, and soil remediation activities;
3. Cleanup activities following spills that occur during transportation of petroleum fuel or petroleum substances;
4. Removal of water from underground and aboveground storage tank systems previously containing petroleum fuel or petroleum substances;
5. Removal of accumulated groundwater from excavation sites; and
6. Removal of accumulated water from utility and pipeline vaults.

Section B. Limitations on Coverage

1. Additional authorization may be required for discharges into or adjacent to water in the state, located within ten stream miles upstream of the Edwards Aquifer recharge zone, as defined in 30 Texas Administrative Code (TAC), Chapter 213 (relating to Edwards Aquifer).
2. Discharges shall not be authorized by this general permit where prohibited by:
 - a. 30 TAC, Chapter 311 (relating to Watershed Protection);
 - b. 30 TAC, Chapter 213 (relating to the Edwards Aquifer); or
 - c. Any other applicable rules or laws.
3. This general permit does not authorize discharges into or adjacent to water in the state from activities that are regulated by the Railroad Commission of Texas, including crude oil facilities.
4. The Executive Director shall deny an application for authorization under this general permit; and may require that the applicant apply for a Texas Pollutant Discharge Elimination System (TPDES) individual permit, if the Executive Director determines that the discharge will not maintain existing uses of receiving waters. Additionally, the Executive Director may cancel, revoke, or suspend

authorization to discharge under this general permit based on a finding of historical and significant noncompliance with the provisions of this general permit. Denial of authorization to discharge under this general permit or suspension of a permittee's authorization under this general permit shall be done according to commission rules in 30 TAC, Chapter 205 (relating to General Permits for Waste Discharges).

5. This general permit does not limit the authority of a home-rule municipality provided by § 401.002 of the Texas Local Government Code.
6. New sources or new discharges of the constituent(s) of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC, Chapter 305 and applicable state law. Impaired waters are those that do not meet applicable water quality standard(s) and are listed on the Clean Water Act § 303(d) list. Constituents of concern are those for which the water body is listed as impaired.
7. Discharges of the constituent(s) to impaired water bodies for which there is a total maximum daily load (TMDL) implementation plan are not eligible for this permit unless they are consistent with the approved TMDL and the implementation plan. The Executive Director may amend this general permit or develop a separate general permit for discharges to these water bodies. For discharges not eligible for coverage under this permit, the discharger must apply for and receive an individual or other applicable general TPDES permit prior to discharging.
8. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved

Section C. Application for Coverage

1. Unless specifically exempted from the notice requirements under Part II, Section C.4., applicants seeking authorization to discharge under this general permit must submit a completed Notice of Intent (NOI) on a form approved by the Executive Director. The NOI shall, at a minimum, include: the legal name and address of the owner and operator, the facility name and address, specific description of its location, type of facility or discharges, and the receiving waters. Discharges authorized under the previous general permit are required to submit a new NOI within 90 days of issuance of this general permit to continue authorization
2. Submission of an NOI is an acknowledgment that the conditions of this general permit are applicable to the proposed discharge, and that the applicant agrees to comply with the conditions of this general permit. If the discharge is not located within ten stream miles upstream of the Edwards Aquifer recharge zone, provisional authorization to discharge under the terms and conditions of this general permit begins 48 hours after a completed NOI is postmarked for delivery to the TCEQ. The NOI must be submitted to the address indicated on the NOI form. If TCEQ provides for electronic submittal of NOIs during the term of this general permit, provisional authorization begins 24 hours following receipt of the electronic NOI form by the TCEQ unless restricted by Part II, Section C.3. Following review of the NOI, the Executive Director shall either confirm coverage by providing a notification and an authorization number to the applicant or notify the applicant that coverage under this general permit is denied. Applicants seeking authorization to discharge to a municipal separate

storm sewer system must provide a copy of the NOI to the operator of the system at the same time an NOI is submitted to the TCEQ.

3. For discharges located within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the NOI to the appropriate TCEQ regional offices shown below. The applicant may not discharge until authorization is received from the regional office.

Counties:
Comal, Bexar, Medina,
and Kinney

Contact:
TCEQ
Water Program Manager
San Antonio Regional Office
14250 Judson Rd.
San Antonio, Texas 78233-4480
(210) 490-3096

Counties:
Williamson, Travis, Hays

Contact:
TCEQ
Water Program Manager
Austin Regional Office
2800 S IH 35, Suite 100
Austin, TX 78704-5712
(512) 339-2929

4. An NOI is not required if:
 - a. The discharge is from a utility vault and the discharge is in compliance with the requirements and provisions of Part III, Section C; or
 - b. All free product is removed and disposed of following state law, and the remaining contaminated water is routed to an existing TPDES permitted wastewater treatment system, disposed of under authorization of a Texas Land Application Permit (TLAP), underground injection in accordance with 30 TAC Chapter 331, or other approved disposal method.
 - c. The petroleum fuel or petroleum substance contaminated water is land applied at the site with no runoff to water in the state where:
 - (1) The volume to be land applied is 1,000 gallons or less during any quarter, and discharge limitations in Part III, Section A. are satisfied based on either;
 - (i) results of laboratory analyses; or
 - (ii) written documentation demonstrating that the treatment system is properly operated and maintained and that the treatment efficiency is adequate to meet the effluent limits in the permit based on the intake concentrations; and

- (2) The land application:
 - (i) complies with 16 TAC, Chapter 76 (relating to Water Well Drillers and Water Well Pump Installers); or
 - (ii) is conducted at a minimum distance of 500 feet from all water wells; and
 - (3) The owner or operator maintains records to demonstrate compliance with the requirements of Part II, Section C.4(c).
5. Authorization under this general permit is not transferable. If either the owner or operator of the regulated entity changes, then both the present owner and operator must submit a Notice of Termination (NOT) and the new owner and operator must submit an NOI. The NOT and NOI must be submitted no later than 10 days before the change. Permittees discharging to a MS4 must submit a copy of the NOT to the operator of the system at the same time the NOT is submitted to the TCEQ.
 6. If the owner or operator becomes aware that it failed to submit any relevant facts, or submitted incorrect information, in an NOI, the correct information must be provided to the Executive Director in a Notice of Change (NOC) within 14 days after discovery. If relevant information provided in the NOI changes (for example, phone number or P.O. Box number) an NOC must be submitted within 14 days of the change. Permittees discharging to a MS4 must submit a copy of any NOC to the operator of the system at the same time the NOC is submitted to the TCEQ.

Section D. Termination of Coverage

A permittee shall terminate coverage under this general permit through the submittal of a NOT, on a form approved by the Executive Director, when the owner or operator of the facility changes; the discharge becomes authorized under an individual permit; the use of the property changes and is no longer subject to regulation under this general permit; or the discharge becomes unnecessary, is delayed, or is completed. Authorization terminates at midnight on the day that an NOT is postmarked for delivery to the TCEQ.

Section E. Authorization Under a TPDES Individual Permit

1. Discharges eligible for authorization by this general permit may alternatively be authorized by an individual permit according to 30 TAC, Chapter 305 (relating to Consolidated Permits).
2. When an individual permit is issued for a discharge that is currently authorized under this general permit, the permittee shall submit an NOT to the Executive Director. Authorization under this general permit will be terminated when the Executive Director receives the NOT.
3. Discharges from facilities currently authorized by a TPDES individual permit, and discharges from facilities currently authorized under another TPDES general permit, may only be authorized under this TPDES general permit if the following conditions are met:
 - a. The discharges meet the applicability and eligibility requirements for coverage under this general permit;

- b. The current individual permit does not contain numeric water quality-based effluent limitations for the discharge (unless the discharges that resulted in the limitations have ceased and any contamination that resulted in these limitations is removed or remediated);
 - c. The Executive Director has not determined that continued coverage under an individual permit is required based on consideration of a total maximum daily loading (TMDL) model, anti-backsliding policy, history of substantive noncompliance, or other site-specific considerations;
 - d. A previous application or permit for the discharge has not been denied, terminated, or revoked by the Executive Director as a result of enforcement or water quality related concerns. The Executive Director may provide a waiver to this provision based on new circumstances at the facility, or if there is a new facility owner or operator; and
 - e. The applicant requests cancellation of the existing TPDES individual permit within 30 days after notice that authorization under this general permit is effective.
4. Discharges from new outfalls at facilities authorized under a TPDES individual permit, or under a different TPDES general permit, may be authorized under this general permit if the following conditions are met:
- a. The proposed discharges meet the applicability and eligibility requirements for coverage under this general permit;
 - b. The current individual permit does not contain numeric water quality-based effluent limitations for discharges that are similar in nature to the proposed discharge (unless the discharges that resulted in the limitations have ceased and any contamination that resulted in these limitations is removed or remediated);
 - c. The Executive Director has not determined that coverage under an individual permit is required based on consideration of a total maximum daily loading (TMDL) model, history of substantive non-compliance, or other site-specific considerations; and
 - d. A previous application or permit for the proposed discharge has not been denied, terminated, or revoked by the Executive Director as a result of enforcement or water quality related concerns. The Executive Director may provide a waiver to this provision based on new circumstances at the facility, or if there is a new facility owner or operator.

Section F. Permit Expiration

1. This general permit is effective for five years from the date of issuance. Authorizations for discharge under the provisions of this general permit may be issued until the expiration date of the general permit. This general permit may be amended, revoked, or cancelled by the commission after notice and comment as provided by 30 TAC §§ 205.3 and 205.5.
2. If the Executive Director proposes to reissue this general permit before the expiration date, the general permit shall remain in effect after the expiration date for those existing discharges covered by the general permit in accordance with 30 TAC, Chapter 205. The general permit shall remain in effect for these discharges until the date on which the commission takes final action on the proposal

to reissue this general permit. No new NOIs will be accepted or new authorizations honored for authorization under the general permit after the expiration date.

3. Upon issuance of a renewed or amended general permit, all facilities, including those covered under the expired general permit, shall submit an NOI according to the requirements of the new general permit, obtain a TPDES individual permit, or obtain a TLAP for those discharges.
4. According to 30 TAC § 205.5(d), if the commission has made a determination that the general permit will not be renewed at least 90 days before the expiration date, permittees authorized under this general permit shall submit an application for an individual or alternative general permit before the expiration date. If the application for an individual or alternative general permit is submitted before the general permit expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit or alternative general permit.

Part III. Permit Requirements

Section A. Effluent Limitations

1. Unless specifically exempted from the NOI, under Part II, Section C.4(a),(b), or (c), effluent discharged under the authority of this general permit must meet the following effluent limitations:

Parameter	Daily Maximum Limitations	Daily Average Limitations	Sample Type	Monitoring Frequency
Total Petroleum Hydrocarbons (1)	15 mg/L	15 mg/L	Grab	*One/week (2)
Total Lead (3)	0.10 mg/L	0.10 mg/L	Grab	*One/week (4)
Total Lead (3)	0.02 mg/L	0.02 mg/L	Grab	*One/week (4)
Benzene	0.005 mg/L (5)	0.005 mg/L (5)	Grab	*One/week (2)
Total BTEX (6)	0.10 mg/L (5)	0.10 mg/L (5)	Grab	*One/week (2)
PAH (7)	0.01 mg/L	0.01 mg/L	Grab	*One/month (8)
pH	9 Standard Units	6-9 Standard Units	Grab	*One/week
MTBE (9)	0.15 mg/L	0.15 mg/L	Grab	*One/week (4)

*When discharging.

- (1) Total petroleum hydrocarbons must be analyzed using TCEQ Method 1005.
- (2) The permittee may request that the monitoring frequency be revised from once per week to once every two weeks if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request must be made in writing to the TCEQ's Industrial Wastewater Permits Team (MC-148) and must include the sworn statement listed in Part III, Section A. 3. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.
- (3) The daily maximum and daily average limitations for total lead are 0.02 mg/l for discharges located in the following counties: Anderson, Angelina, Camp, Cass, Cherokee, Collin,

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Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For the other counties in the state, the daily maximum and daily average limitations are 0.10 mg/l.

- (4) If the permittee certifies in the NOI that none of the materials handled or stored at the site contained lead, lead additives or MTBE, then monitoring frequency is once per year. The permittee may also request that the monitoring frequency be revised from once per week to once per month if the permittee demonstrates historical compliance with the effluent limitation for at least six consecutive months. This request must be made in writing to the TCEQ's Industrial Wastewater Permits Team (MC-148) and must include the sworn statement listed in Part III, Section A. 3. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.
 - (5) If petroleum fuel or petroleum substance contaminated water is land applied, without any discharge to water in the state, the daily maximum and daily average limitations for benzene are 0.05 mg/l and the daily maximum and daily average limitations for BTEX are 0.5 mg/l.
 - (6) BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylenes.
 - (7) Polynuclear aromatic hydrocarbons shall be measured as the sum of acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene.
 - (8) The permittee may request that the monitoring frequency be revised from once per month to once every three months, if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request must be made in writing to the TCEQ's Industrial Wastewater Permits Team (MC-148) and must include the sworn statement listed in Part III, Section A. 3. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per month.
 - (9) MTBE is methyl tert-butyl ether.
2. The discharge of wastewater shall cease within 24 hours after the permittee learns that any listed individual polynuclear aromatic hydrocarbon has been detected at a concentration of 0.01 mg/l or greater. Following the guidelines of Part III, Section B.9, a written report shall be submitted to the TCEQ's Enforcement Division (MC-224), to the appropriate regional office, and the TCEQ's Industrial Wastewater Permits Team (MC-148) within five working days. The discharge may not be resumed without written authorization from the TCEQ's Industrial Wastewater Permits Team.
 3. A request to the TCEQ's Industrial Wastewater Permits Team (MC-148) to reduce monitoring frequencies for total petroleum hydrocarbons, total lead, benzene, total BTEX, or MTBE must include the following certification statement and be signed by the owner and operator of the regulated activity:

I certify that the effluent limits have not been exceeded for at least six consecutive months for the parameters that I am requesting to monitor for at a reduced frequency. This document, and all attachments, were prepared under my direction or supervision according to a system designed to assure that qualified people properly gather and evaluate the information submitted. Based on my review of the documents, an inquiry of the person or persons who manage the system, or an inquiry of the people directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Section B. General Requirements

1. There shall be no discharge of floating solids or visible foam other than in trace amounts, and no discharge of visible oil.
2. The discharge shall be to a splash pad or to a paved area to prevent erosion. The rate of discharge shall be controlled through best management practices to prevent flooding and erosion.
3. Mixing zones shall not encompass an intake for a domestic drinking water supply, and the discharge may never be located within 300 feet of the intake for a domestic drinking water supply.
4. The discharge must be a minimum distance of 500 feet from any water well.
5. The discharge shall not contain concentrations of taste or odor producing substances which would impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the receiving waters, interfere with the treatment of potable water, or otherwise interfere with the reasonable use of the water in the state.
6. Unless specifically exempted from the NOI under Part II, Section C.4, the permittees shall notify the appropriate regional office at least 48 hours before initiating the discharge.
7. Facilities which generate industrial solid wastes, as defined in 30 TAC §335.1, shall comply with the provisions of 30 TAC, Chapter 335 (relating to Industrial Solid Waste and Municipal Hazardous Waste). If the requirements of 30 TAC, Chapter 335 do not apply, the solid wastes shall be disposed of in accordance with the Texas Health and Safety Code, Chapter 361.
8. Disposal of waste and wastewater shall be done in such a manner as to prevent nuisance conditions.
9. The permittee shall provide the following noncompliance notifications:
 - a. The permittee shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. The permittee shall immediately cease discharging whenever it is discovered the discharge may endanger human health or safety, or the environment and this noncompliance shall be reported to the TCEQ. Report of such information shall be provided orally or by facsimile (FAX) to the appropriate 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 TCEQ's 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 anticipated 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. In addition, 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.
 - c. Any noncompliance other than that specified in paragraphs (a) and (b) above, 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 DMR form.
10. Air emissions for any regulated entity must comply with either 30 TAC §106.533 (relating to Water and Soil Remediation) or 30 TAC, Chapter 116 (relating to Control of Air Pollution by Permits for New Construction or Modification), as appropriate.

Section C. Discharges from Utility and Pipeline Vaults

Discharges from telephone, electric, gas, cable, and/or pipeline vaults, or other telecommunication utility vaults, shall comply with the following requirements:

1. Except for utility vaults designed to automatically discharge accumulated water, through the use of submersible pumps or by gravity flow design, the utility shall test for hydrocarbon vapors using a standard explosimeter test. If the utility does not detect the presence of hydrocarbons, the following requirements of this Part III, Section C.1 are not required. If the utility detects the presence of hydrocarbon vapors, as indicated by the test, the utility shall air purge the vault. Following this initial air purging, but before discharging the contents of the vault, the utility shall again perform a standard explosimeter test. If the second test does not reveal hydrocarbon vapors, the following requirements of this Part III, Section C.1 are not required. If both tests reveal hydrocarbon vapors, the utility shall take a sample of the water and have a laboratory analysis performed to determine the concentrations of benzene and BTEX. If analyses indicate that the concentration of benzene is less than 0.005 mg/l, and that the concentration of BTEX is less than 0.10 mg/l, the following requirements of this Part III, Section C.1. are not required. If the concentration of benzene is greater than 0.005 mg/l, or the concentration of BTEX is greater than 0.10 mg/l, the utility must: submit an NOI for authorization to discharge under this general permit; land apply the water under the conditions of Part II.C.4(c); apply for an individual permit; or dispose of the water through an existing TPDES permitted wastewater treatment system.

Utility vaults that are designed to automatically discharge accumulated water, through the use of submersible pumps or by gravity flow design, should be examined for evidence of petroleum contamination on a schedule consistent with other routine utility inspections. The utility shall test for hydrocarbon vapors using a standard explosimeter test. If the utility detects the presence of hydrocarbon vapors, as indicated by the test, a sample of the discharge must be collected and a laboratory analysis performed to determine the concentration of benzene and BTEX. If an analysis

indicates that the concentration of benzene is greater than 0.005 mg/l, or the concentration of BTEX is greater than 0.10 mg/l, the utility must: submit an NOI for authorization to discharge under this general permit; land apply the water under the conditions of Part II.C.4(d); apply for an individual permit; or dispose of the water through an existing TPDES permitted wastewater treatment system.

2. Discharges from electric utility vaults that contain oil-filled equipment (including transformers) must meet the following additional requirements:
 - a. All oil-filled electrical equipment must be examined to determine if the equipment is leaking. If the equipment is submerged and can not be examined, the water must be visually examined for evidence of contamination. If there is no evidence of contamination from leaking equipment, there are no additional requirements before discharge.
 - b. If contamination from oil-filled equipment exists, the equipment shall be examined to determine if the equipment is considered "non-PCB" according to Title 40 CFR Part 761. If the equipment is "non-PCB," the following requirements of this Part III, Section C.2 are not required.
 - c. If contamination is from oil-filled equipment that is considered "PCB contaminated," according to Title 40 CFR Part 761, the water must either be collected and disposed of according to state law or the water shall be sampled, analyzed, and not exceed the concentration of 0.002 mg/l for PCB. The utility must keep records of laboratory analyses at the utility's office nearest the discharge. The utility must maintain the records for a minimum of three years, and the records must be made readily available to TCEQ personnel upon request.
3. The discharge must not contain free product.
4. The discharge must not cause nuisance conditions.
5. Solid wastes shall be disposed of following the requirements of the Texas Health and Safety Code, Chapter 361.
6. The utility shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. The utility shall immediately cease discharging whenever it is discovered the discharge may endanger human health or safety, or the environment. The problem shall be reported following the requirements in Part III, Section B.9.
7. For emergency repairs to utility equipment contained in utility vaults, where a discharge of petroleum contaminated water is necessary in order to protect that equipment or to facilitate repairs, the utility may discharge as necessary and not follow the requirements of Part III, Section B.1-7. Under these circumstances, the utility must notify the appropriate TCEQ regional office by telephone as soon as possible.
8. Discharges from pipeline vaults do not include discharges of water contaminated by petroleum product from the cleaning, repair, or testing of a pipeline.

Part IV. Standard Permit Conditions

1. The permittee has a duty to comply with all conditions in this general permit. Failure to comply with any condition is a violation of the general permit and the statutes under which the general permit was issued. Any violation may be grounds for enforcement action, for terminating coverage under this general permit, or for requiring a permittee to apply for and obtain either a TPDES individual permit or a TLAP.
2. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted discharge to maintain compliance with conditions of the general permit.
3. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with conditions of the general permit. Proper operation and maintenance also includes adequate laboratory and process controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with conditions of the general permit.
4. The permittee shall furnish any information, at the request of the Executive Director, which is necessary to determine whether cause exists for revoking, suspending, or terminating authorization under this general permit. The requested information must be provided within a reasonable time frame and in no case later than 30 days from the date of the request.
5. The permittee shall give notice to the Executive Director before physical alterations or additions to the permitted facility if such alterations would result in a violation of the general permit requirements.
6. Inspection and entry shall be allowed under Chapters 26-28 of the TWC; Health and Safety Code §§ 361.032-361.033 and 361.037; and Title 40 of the Code of Federal Regulations (CFR) § 122.41(i). The statement in TWC § 26.014 that commission entry of a regulated entity 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 regulated entity, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
7. Standard monitoring and reporting requirements are as follows:
 - a. Samples shall be collected, and measurements shall be taken at times and in a manner so as to be representative of the monitored discharge;
 - b. All samples must be collected according to the latest edition of "Standard Methods for the Examination of Water and Wastewater" (prepared and published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation), or the Environmental Protection Agency's, "Methods for Chemical Analysis of Water and Wastes" (1979), or the Environmental Protection Agency's, "Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents" (1973);

- c. Sample containers, holding times, preservation methods, and analytical methods, shall either follow the requirements in 40 CFR Part 136 (as amended), or the latest edition of "Standard Methods for the Examination of Water and Wastewater;
 - d. The permittee shall ensure that properly trained and authorized personnel monitor and sample the discharge;
 - e. The sampling point must be downstream of any treatment unit or technique;
 - f. Monitoring results shall be provided at the intervals specified in the permit on an approved DMR (EPA Form 3320-1) that is signed and certified as required by Part IV.8. The permittee must submit the DMRs to the TCEQ's Enforcement Division (MC-224) on a quarterly basis, and the DMR must arrive by the 20th day in the months of April, July, October, and January. The self-report form for any given month shall be due for each discharge which is described by this permit whether or not a discharge is made for the month. If noncompliance with a discharge limitation occurs, the permittee shall provide notification according to Part III.B.9.
 - g. The permittee shall retain all records related to the application, monitoring, or certification for a period of three years from the date of termination of the discharge. This period may be extended at the request of the Executive Director; and
 - h. Records of monitoring activities must include:
 - (1) date, time, and place of sample or measurement;
 - (2) identity of individual who collected the sample or made the measurement;
 - (3) date of laboratory analysis;
 - (4) identity of the individual and laboratory that performed the analysis;
 - (5) the technique or method of analysis; and
 - (6) the results of the analysis or measurement.
8. All reports, NOIs, NOTs, NOCs, or other information requested by the Executive Director shall meet the requirements of 30 TAC § 305.128 (relating to Signatories to Reports).
9. Authorization under this general permit may be suspended or revoked for the reasons stated in 30 TAC § 205.4. Notifying the TCEQ of planned changes or an anticipated noncompliance does not stay any general permit condition.
10. This general permit does not convey any property rights of any sort, or any exclusive privilege.
11. If the permittee becomes aware that it failed to submit any relevant facts in an NOI, or submitted incorrect information in an NOI or in any report to the Executive Director, it shall promptly submit such facts or information.

12. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051, 7.101, 7.148, and 7.149 for violations including, but not limited to, the following:
 - (a) Violating Clean Water Act (CWA), Sections 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a general permit issued under CWA, Section 402, or any requirement imposed in a pretreatment program approved under CWA, Section 402(a)(3) or 402(b)(8);
 - (b) Intentionally or knowingly tampering with, modifying, disabling, or failing to use pollution control or monitoring devices, systems, methods, or practices required under this permit; and
 - (c) Intentionally or knowingly makes or causes to be made a false material statement, representation, or certification in, or omits or causes to be omitted material information from, an application, notice, record, report, plan, or other document, including monitoring device data, filed or required to be maintained by this permit.

Part V. Fees

1. An NOI must include a \$100 application fee. A fee is not required for submission of a NOT or NOC.
2. Annual Water Quality Fee - Facilities having an active authorization on September 1 of each year (have not submitted a NOT prior to this date) will be billed \$500 for the following fiscal year.

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For proposed Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXG830000 to discharge into or adjacent to water in the state.

Issuing Office: Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711

Prepared by: Yvonna Pierce
Wastewater Permitting Section
Water Quality Division
(512) 239-6922

Date: January 22, 2008

Permit Action: Amendment with Renewal of General Permit TXG830000

I. Summary

The Texas Commission on Environmental Quality (TCEQ) is proposing to amend and reissue a TPDES general permit authorizing discharges of water contaminated by petroleum fuel or petroleum substances. The general permit authorizes petroleum contaminated discharges from: groundwater pump tests; groundwater, surface water, and soil remediation activities; cleanup activities following spills that occur during transportation of petroleum fuel or petroleum substances; removal of water from underground and aboveground storage tank systems previously containing petroleum fuel or petroleum substances; removal of accumulated groundwater from excavation sites; and removal of accumulated water within utility and pipeline vaults.

II. Executive Director's Recommendation

The Executive Director has made a preliminary decision that this permit, if reissued, meets all statutory and regulatory requirements. It is proposed that the permit be reissued to expire five years from date of issuance in accordance with the requirements of 30 TAC §205.5(a).

III. Permit Applicability

- A. This general permit authorizes the discharge of water contaminated by petroleum fuel or petroleum substances. The permit specifies which facilities may be authorized under this general permit and those which must be authorized by individual permit.
- B. The following discharges are not eligible for general permit coverage:
 - (1) Discharges prohibited by 30 TAC, Chapter 311 (relating to Watershed Protection) and 30 TAC, Chapter 213 (relating to the Edwards Aquifer).
 - (2) Discharges of the constituent(s) of concern to impaired water bodies for which there is a total maximum daily load (TMDL) implementation plan are not eligible for this permit unless they are consistent with the approved TMDL and the implementation plan. The executive director may amend this general permit or develop a separate general permit for discharges to these water bodies. For discharges not eligible for coverage under this permit, the discharger must apply for and receive an individual or other applicable general permit prior to discharging.

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- (3) Discharges into or adjacent to water in the state from facilities that are regulated by the Railroad Commission of Texas, including crude oil facilities.
- (4) Discharges determined by the executive director that do not maintain existing uses of receiving waters.
- (5) Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved.

C. Facilities that dispose of wastewater by any of the following practices are not required to obtain coverage under this general permit nor an individual wastewater permit:

- (1) Recycling of the wastewater with no resulting discharge into or adjacent to water in the state.
- (2) Pumping and hauling of the wastewater to an authorized disposal facility.
- (3) Discharge to a publicly owned treatment work (POTW).
- (4) Underground injection in accordance with 30 TAC Chapter 331.
- (5) Discharge to above ground storage tanks with no resulting discharge into or adjacent to water in the state

IV. Permit Effluent Limitations

A. Unless specifically exempted from the notice requirements under Part II, Section C.4. of the general permit, effluent discharged under the authority of this general permit must meet the following effluent limitations:

<u>Parameter</u>	<u>Daily Maximum Limitations</u>	<u>Daily Average Limitations</u>	<u>Sample Type</u>	<u>Monitoring Frequency</u>
Total Petroleum Hydrocarbons ¹	15 mg/l	15 mg/l	Grab	One/week ²
Total Lead ³	0.10 mg/l	0.10 mg/l	Grab	One/week ⁴
Total Lead ³	0.02 mg/L	0.02 mg/L	Grab	One/week ⁴
Benzene	0.005 mg/L ⁵	0.005 mg/L ⁵	Grab	One/week ²
Total BTEX ⁶	0.10 mg/L ⁵	0.10 mg/L ⁵	Grab	One/week ²
PAH ⁷	0.01 mg/L	0.01 mg/L	Grab	One/month ⁸
pH	6 - 9.0 Standard Units	N/A	Grab	One/week
MTBE ⁹	0.15 mg/L	0.15 mg/L	Grab	One/week ⁴

¹ Total petroleum hydrocarbons must be analyzed using TCEQ Method 1005.

² The permittee may request that the monitoring frequency be revised from once per week to once every two weeks if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request must be made in writing to the TCEQ's Industrial Team (MC-148)

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and must include the sworn statement listed in Part III, Section A.3. of the general permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.

³ The daily maximum and daily average limitations for total lead are 0.02 mg/l for discharges located in the following counties: Anderson, Angelina, Camp, Cass, Cherokee, Collin, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For the other counties in the state, the daily maximum and daily average limitations are 0.10 mg/l.

⁴ If the permittee certifies in the NOI that none of the materials handled or stored at the site contained lead, lead additives or MTBE, the monitoring frequency is once per year. The permittee may also request that the monitoring frequency be revised from once per week to once a month if the permittee demonstrates historical compliance with the effluent limitation for at least six consecutive months. This request must be made in writing to the TCEQ's Industrial Team (MC-148) and must include the sworn statement listed in Part III, Section A.3. of the general permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.

⁵ If petroleum fuel or petroleum substance contaminated water is land applied, without any discharge to water in the state, the daily maximum and daily average limitations for benzene are 0.05 mg/l and the daily maximum and daily average limitations for total BTEX are 0.5 mg/l.

⁶ BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylenes.

⁷ Polynuclear aromatic hydrocarbons shall be measured as the sum of acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene.

⁸ The permittee may request that the monitoring frequency be revised from once per month to once every three months, if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request must be made in writing to the TCEQ's Industrial Team (MC-148) and must include the sworn statement listed in Part III, Section A.3. of the general permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.

⁹ MTBE is methyl tertiary-butyl ether.

V. Changes From Existing General Permit

- A. The sampling frequency for pH was changed from once per day to once per week to be consistent with the sampling frequencies of the other parameters in the general permit. This general permit was first issued by the TCEQ on October 2, 2002 and no pH data was available for review at that time. A review of the pH data for 2005 (288 samples) showed only two exceedances (5.96 and 5.74), which justify a change in sampling frequency.
- B. Deleted the word subterranean from the definition of utility vault as these vaults may be located above ground.
- C. Added definitions for owner, operator, facility, land application, and permittee to clarify the requirements of the general permit and to be consistent with other TPDES general permits.

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- D. Revised the language of the testing requirements for the determination of the presence of hydrocarbons in utility vaults for clarification of the methodology located in Part III, Section C. 1.
- E. Included language for endangered and threatened species regarding the limitation on coverage in Part II. Section B to be consistent with other TPDES general permits. This language lets permittees know that in addition to the general permit requirements, federal regulations regarding endangered or threatened species could require additional measures of protection or deny coverage under the general permit.
- F. Lowered the MTBE limitation to 0.15 mg/L to prevent water quality concerns regarding taste and odor.
- G. Included language to clarify to whom the permittee should submit the required information to resume discharging after an exceedence in PAH has occurred.
- H. Added an annual fee of \$500 to help cover the cost of the implementation of this general permit and to be consistent with other issued wastewater general permits.
- I. Included a definition for pipeline vaults and included requirements for discharges from pipelines vaults in Part III, Section C.

VI. Addresses

Comments on this proposed general permit should be sent to:

Office of the Chief Clerk (MC-105)
TCEQ
P.O. Box 13087
Austin, TX 78711-3087
(512) 239-3300

Questions concerning this draft general permit should be directed to:

Yvonna Pierce
TCEQ
Wastewater Permitting Section (MC-148)
Water Quality Division, MC 148
P.O. Box 13087 Austin, TX 78711-3087
(512) 239-6922

Supplementary information on this fact sheet is organized as follows:

- VII. Legal Basis
- VIII. Regulatory Background
- IX. Permit Coverage
- X. Technology-based Requirements
- XI. Water Quality-based Requirements
- XII. Monitoring
- XIII. Procedures for Final Decision
- XIV. Administrative Record

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VII. Legal Basis

Section 26.121 of the Texas Water Code (TWC) makes it unlawful to discharge pollutants into or adjacent to water in the state except as authorized by a rule, permit, or order issued by the commission. TWC, §26.027 authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state. TWC, §26.040 provides the commission with authority to amend rules adopted under §26.040 prior to amendment of the statute by House Bill (HB) 1542 in 1997, and to authorize waste discharges by general permit. On September 14, 1998, the TCEQ received authority from the United States Environmental Protection Agency (EPA) to administer the Texas Pollutant Discharge Elimination System (TPDES). The TCEQ and the EPA have signed a Memorandum of Agreement which authorizes the administration of the National Pollutant Discharge Elimination System (NPDES) program to the TCEQ as it applies to the State of Texas. A provision of the agreement reached between the two agencies in the transfer of this authority requires the commission to either repeal or replace its authorizations by rule, or amend them, as necessary, to meet the requirements of the Clean Water Act, (CWA).

CWA, §§301, 304, and 401 (33 United States Code (USC), §§1331, 1314, and 1341) include provisions which state that NPDES permits must include effluent limitations requiring authorized discharges to: (1) meet standards reflecting levels of technological capability; (2) comply with EPA-approved state water quality standards; and (3) comply with other state requirements adopted under authority retained by states under CWA, §510, 33 USC, §1370.

Two types of technology-based effluent limitations must be included in the general permit. With regard to conventional pollutants, i.e., pH, biochemical oxygen demand (BOD), oil and grease, total suspended solids (TSS), and fecal coliform bacteria, CWA, §301(b)(1)(E) requires effluent limitations based on "best conventional pollutant control technology" (BCT). With regard to nonconventional and toxic pollutants, CWA, §301(b)(2)(A), (C), and (D) requires effluent limitations based on "best available technology economically achievable" (BAT), a standard which generally represents the best performing existing technology in an industrial category or subcategory. BAT and BCT effluent limitations may never be less stringent than corresponding effluent limitations based on best practicable control technology (BPT), a standard applicable to similar discharges before March 31, 1989 under CWA, §301(b)(1)(A).

Frequently, EPA adopts nationally applicable guidelines identifying the BPT, BCT, and BAT standards to which specific industrial categories and subcategories are subject. Until such guidelines are published, however, CWA, §402(a)(1) requires that appropriate BCT and BAT effluent limitations be included in permitting actions on the basis of its best professional judgment (BPJ). This general permit was previously issued on October 2, 2002.

VIII. Regulatory Background

The regulation of water contaminated by petroleum fuel or petroleum substances was initially through authorization by rule, 30 TAC, §321, Subchapter H (relating to Petroleum Contaminated Discharges). This rule was originally adopted with an effective date of May 9, 1989. The commission was given authority to issue general permits in place of authorizations by rule through legislation, HB 1542, passed during the 75th legislative session. Further clarification of this general permit authority was provided in subsequent legislation, HB 1283, passed during the 76th legislative session.

IX. Permit Coverage

The purpose of the general permit is to regulate the surface discharges of water contaminated by petroleum fuel or petroleum substances into or adjacent to water in the state. To obtain authorization to discharge under this general permit, an applicant will need to use the following guidelines.

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- A. Unless specifically exempted from the notice requirements under Part II, Section C.4., applicants seeking authorization to discharge under this general permit must submit a completed Notice of Intent (NOI) on a form approved by the Executive Director. The NOI shall, at a minimum, include: the legal name and address of the owner and operator, the facility name and address, specific description of its location, type of facility or discharges, and the receiving waters.
- B. Submission of an NOI is an acknowledgment that the conditions of this general permit are applicable to the proposed discharge, and that the applicant agrees to comply with the conditions of this general permit. If the discharge is not located within ten stream miles upstream of the Edwards Aquifer recharge zone, provisional authorization to discharge under the terms and conditions of this general permit begins 48 hours after a completed NOI is postmarked for delivery to the TCEQ. The NOI must be submitted to the address indicated on the NOI form. If TCEQ provides for electronic submittal of NOIs during the term of this general permit, provisional authorization begins 24 hours following receipt of the electronic NOI form by the TCEQ unless restricted by Part II, Section C.3. Following review of the NOI, the Executive Director shall either confirm coverage by providing a notification and an authorization number to the applicant or notify the applicant that coverage under this general permit is denied. Applicants seeking authorization to discharge to a municipal separate storm sewer system must provide a copy of the NOI to the operator of the system at the same time an NOI is submitted to the TCEQ.
- C. For discharges located within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the NOI to the appropriate TCEQ regional office. For discharges located in Medina, Bexar, Comal, Kinney, or Uvalde counties, a copy of the NOI must be sent to the San Antonio regional office. For discharges located in Hays, Travis, or Williamson counties, a copy of the NOI must be sent to the Austin regional office. For applicants seeking authorization to discharge within ten stream miles upstream of the Edwards Aquifer recharge zone, authorization begins when the applicant receives written confirmation from TCEQ.
- D. An NOI is not required if:
- (1) The discharge is from a utility vault and the discharge is in compliance with the requirements and provisions of Part III, Section C of the general permit. The Executive Director considered the following in making this determination as required by 40 CFR 122.28(b)(2)(v):
 - (a) Type of discharge: The discharge would be the result of accumulated water within a utility vault.
 - (b) Expected nature of the discharge: The water discharged from a utility vault would primarily be rainfall runoff. Without the submission of an NOI, the permit would not allow a discharge to surface waters from a utility vault that contains hydrocarbon vapors or shows evidence of leaking oil-filled equipment. Also, the discharge must not contain free product, be considered "non-PCB" or have a PCB level not to exceed 0.002 mg/L PCB, and shall not contain a concentration of taste or odor producing substances that interfere with the production of potable water or interfere with the reasonable use of water in the state.
 - (c) Expected volume of the discharge: On a daily basis, the volume is expected to be negligible to nonexistent. During rainfall events the volume is dependent on the amount of rainfall.
 - (d) Other means of identifying discharges covered by this general permit: Each utility company can provide this information upon request.

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- (e) Estimated number of discharges to be covered by the permit: Based on information provided by the Association of Electric Companies of Texas (AECT) there are thousands of utility vaults in the state that are eligible for discharge under this general permit.
 - (2) All free product is removed and disposed of following state law, and the remaining contaminated water is routed to an existing TPDES permitted wastewater treatment system, disposed of under authorization of a Texas Land Application Permit (TLAP), underground injection in accordance with 30 TAC Chapter 331, or other approved disposal method.
 - (3) The petroleum fuel or petroleum substance contaminated water is land applied at the site with no runoff to water in the state where:
 - (a) the volume to be land applied is 1,000 gallons or less during any quarter, and discharge limitations in Part III, Section A are satisfied based on either:
 - (i) results of laboratory analyses; or
 - (ii) written documentation demonstrating that the treatment system is properly operated and maintained and that the treatment efficiency is adequate to meet the effluent limits in the permit based on the intake concentrations; and
 - (b) the land application:
 - (i) complies with 16 TAC, Chapter 76 (relating to Water Well Drillers and Water Well Pump Installers); or
 - (ii) is conducted at a minimum distance of 500 feet from all water wells; and
 - (c) the owner or operator maintains records to demonstrate compliance with the requirements of Part II, Section C.4(d).
- E. Authorization under this general permit is not transferable. If the owner or operator of the regulated entity changes, the present owner and operator must submit a Notice of Termination (NOT) and the new owner and operator must submit an NOI. The NOT and NOI must be submitted not later than 10 days before the change. Permittees discharging to a MS4 must submit a copy of the NOT to the operator of the system at the same time the NOT is submitted to the TCEQ.
- F. If the owner or operator becomes aware that it failed to submit any relevant facts, or submitted incorrect information, in an NOI, the correct information must be provided to the executive director in a Notice of Change (NOC) within 14 days after discovery. If relevant information provided in the NOI changes (for example, phone number or P.O. Box number) an NOC must be submitted within 14 days of the change. Permittees discharging to a MS4 must submit a copy of any NOC to the operator of the system at the same time the NOC is submitted to the TCEQ.

X. Technology-Based Requirements

The limitations and conditions of the general permit have been developed to comply with the technology-based standards of the Clean Water Act. There are currently no nationally applicable guidelines identifying the BPT, BCT, and BAT standards, and the technology-based effluent limitations included in the general permit are based on BPJ. The parameters selected for BCT/BAT limits are the primary pollutants of concern for discharges authorized in the general permit. The limitations for these parameters are: 15 mg/L total petroleum hydrocarbons,

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0.05 Benzene, 0.50 mg/L BTEX, 0.01 mg/L PAH, and between 6.0 to 9.0 standard units pH. These effluent limitations are economically achievable and are established at levels existing in the current TPDES General Permit TXG830000.

XI. Water Quality-Based Requirements

The Texas Surface Water Quality Standards found at 30 TAC, §307 state that "surface waters will not be toxic to man, or to terrestrial or aquatic life." The methodology outlined in the "Procedures to Implement the Texas Surface Water Quality Standards" is designed to insure compliance with 30 TAC, §307. Specifically, the methodology is designed to insure that no source will be allowed to discharge any wastewater which: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

TPDES permits contain technology-based effluent limits reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based effluent limitations and/or conditions are included in the permits. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other toxicity data bases to determine the adequacy of technology-based permit limits and the need for additional water-quality based controls. A review by the TCEQ's Water Quality Standards Team determined that the proposed technology-based effluent limits are protective of water quality. Water quality based effluent limits for total lead and benzene are continued from the existing permit. The effluent limit for methyl tertiary-butyl ether (MTBE) was changed from 0.24 mg/L to 0.15 mg/L.

The daily maximum and daily average effluent limit of 0.100 mg/l for total lead was developed based on the protection for acute freshwater aquatic life toxicity in situations where little or no dilution occurs, and will help ensure that chronic criteria will be protected. Human health criteria is protected by the lead limit, since rapid dilution is expected for any discharges into waterbodies that are large enough to constitute a public drinking water supply or a sustainable fishery.

The daily maximum and daily average effluent limit of 0.02 mg/L for total lead was developed for discharges into the Cypress, Sabine, and Neches river basins. The basis for this decision was that these water basins contain water that is soft in comparison to others in the State of Texas and the limit of 0.10 mg/l would not be protective of the environment.

For the protection of human health and to protect drinking water taste and odor the limitation of 0.24 mg/L for MTBE has been lowered to 0.15 mg/L at the recommendation of the TCEQ's Water Quality Standards Team. An EPA fact sheet dated December 1997 (EPA-822-F-97-009) recommends that MTBE levels be below the range of 0.020-0.040 mg/L in order to protect consumer acceptance (taste and odor) of public drinking water sources. This range is about 20,000 to 100,000 times lower than the range of exposure levels in which cancer and noncancer effects were observed; therefore, protecting water sources from unpleasant taste and odor will also protect consumers from potential health effects. However, the fact sheet also notes that some individuals may still detect MTBE below 0.020mg/L. Because of this, it is recommended that MTBE levels be no greater than 0.015 mg/L at drinking water intakes. Given the fact that drinking water supplies constitute large water bodies which provide rapid dilution for small and intermittent discharges such as those which would be covered by this general permit, it is the Water Quality Standards Team recommendation that an MTBE limit of 0.15 mg/L be placed in the general permit.

Of the specific petroleum products of concern, the Texas Surface Water Quality Standards contain a numeric limit for benzene to protect human health. The applicable instream criteria are 0.005 mg/l for public drinking water sources, 0.106 mg/l to protect freshwater fisheries, and 0.0708 mg/l to protect saltwater fisheries. The general

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permit specifies an effluent limit of 0.005 mg/l for benzene. This effluent limit is expected to meet water quality standards, including standards for drinking water sources.

The BTEX effluent limit of 0.1 mg/l remains protective of all BTEX constituents except for benzene when: (1) typical dilutions are assumed near the point of discharge for lakes and estuaries; (2) discharges are not large; or (3) discharges are not continuous. The numeric effluent limit for benzene is less than the maximum contaminant level (MCL) for this pollutant, and is also equal to the human health water quality standard for public drinking water sources.

The toxicity of BTEX is extremely variable and depends on the relative concentration of each constituent. Criteria which have been derived for individual BTEX constituents are as follows:

Chemical	Water and Fish Consumption	Freshwater		Saltwater	
		Aquatic Life Chronic	Sustainable Fisheries	Aquatic Life Chronic	Sustainable Fisheries
Benzene	0.005 ††	0.530 #	0.106 †	0.510 #	0.0708 †
Ethylbenzene	0.700 ††	1.090 §	29.000 ¶	0.249 §	29 ¶
Toluene	1.000 ††	1.450 §	28.952 ¶	0.475 §	19.301 ¶
Xylene	10.000 ††	1.340 §	No HH data	0.850 §	No HH data

† 30 TAC § 307, Table 3.

§ Derived by TCEQ staff from available data, in accordance with procedures in the Texas Surface Water Quality Standards, 30 TAC §307.6(c)(7) and 307.6(d)(8).

Calculated using an acute-to-chronic ratio of 10.

¶ Derived from EPA, National Recommended Water Quality Criteria:2002, EPA-822-R-02-047, November 2002; in accordance with procedures in the Texas Surface Water Quality Standards, 30 TAC §307.6(d)(8).

†† Minimum Concentration Level (MCL).

If the discharge is land applied, which does not allow any discharge to surface waters, the daily maximum and daily average limitations for benzene are 0.05 mg/l and the daily maximum and daily average limitations for total BTEX are 0.5 mg/l. These limitations are based on technology based BPJ limits as discussed in Section X. These limits are less stringent than the water quality based limitations above, which are based on human health criteria for direct discharge to surface waters.

In order to achieve compliance with Texas water quality standards, permittees must meet the following narrative water quality requirements:

- A. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
- B. Concentration of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the waters, or otherwise interfere with the reasonable use of the water in the state.

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The Texas Water Quality Standards also require that discharges shall not be acutely toxic to aquatic life, as determined by requiring greater than 50% survival in 100% effluent using a 24-hour acute toxicity test. This requirement, however, is typically only required for continuously flowing discharges or discharges with the potential to exert toxicity in the receiving stream, according to the state's implementation procedures.

The discharges authorized under this general permit are not typically continuous flowing discharges and the limitations for pollutants of concern in the permit should preclude toxicity instream. The concentrations (LC 50) of these pollutants that exhibit 50% mortality are less protective than the concentrations in the permit. The EPA's document, Quality Criteria for Water 1986 (EPA 440/5-86-001), also called the "Goldbook" list the aquatic life criterion for Benzene as 5.3 mg/L which is less protective than the 0.005 mg/L limit in the draft permit. Toxicity data compiled by the Water Quality Assessment Team shows LC 50s for sensitive freshwater species as 9.5 mg/L for toluene, 21.8 mg/L for ethylbenzene, and 5.9 mg/L for xylenes. The LC 50s for marine species are 9.5 mg/L for toluene, 5.0 mg/L for ethylbenzene, and 7.4 mg/L for xylenes. Therefore, the limits in the draft permit of 0.005 mg/L for benzene, and 0.1 mg/L for BTEX should preclude toxicity instream, so the 24-hour toxicity tests are not required by the general permit.

XII. Monitoring

Monitoring is required by 40 CFR, §122.44(i) for each pollutant limited in a permit to ensure compliance with the permit limits. The general permit has the following criteria established for monitoring.

- A. The permittee shall ensure that properly trained and authorized personnel monitor and sample the discharge.
- B. The sampling point must be downstream of any treatment unit or technique.
- C. All samples must be collected according to the latest edition of "Standard Methods for the Examination of Water and Wastewater" (prepared and published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation), or the Environmental Protection Agency's, "Methods for Chemical Analysis of Water and Wastes" (1979), or the Environmental Protection Agency's, "Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents" (1973).
- D. Sample containers, holding times, preservation methods, and analytical methods, shall either follow the requirements in 40 CFR Part 136 (as amended), or the latest edition of "Standard Methods for the Examination of Water and Wastewater."
- E. With the exception of analytical results from utility vaults that have not submitted an NOI and from discharges that are land applied, all analytical results shall be reported on a Discharge Monitoring Report (DMR) (EPA Form 3320-1). The analytical results must be submitted to the TCEQ's Enforcement Division (MC-224), on a quarterly basis, and the DMR must arrive by the 20th day in the months of April, July, October, and January. The self-report form for any given month shall be due for each discharge which is described by this permit whether or not a discharge is made for the month. If noncompliance with a discharge limitation occurs, the permittee shall provide notification according to Part III.B.9.

XIII. Procedures for Final Decision

The memorandum of agreement between the EPA and TCEQ provides that EPA has no more than 90 days to comment, object, or make recommendations to the general permit before it is published in the Texas Register. According to 30 TAC, §205, when the draft general permit renewal and/or amendment is proposed, notice must be published, at a minimum, in a newspaper of general circulation. The commission may also publish notice in one or

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more additional newspapers of statewide or regional circulation. Mailed notice must also be provided to the following:

- A. The county judge of the county or counties in which the discharges under the general permit could be located;
- B. if applicable, state and federal agencies for which notice is required in 40 CFR, §124.10(c);
- C. persons on a relevant mailing list kept under 30 TAC, §39.407, relating to Mailing Lists; and
- D. any other person the executive director or chief clerk may elect to include.

After notice of the general permit is published in the Texas Register and the newspaper(s), the public will have 30 days to provide public comment on the proposed permit.

Any person, agency, or association may make a request for a public comment hearing on the proposed general permit to the executive director of the TCEQ before the end of the public comment period. A public comment hearing will be granted when the executive director or commission determines, on the basis of requests, that a significant degree of public interest in the draft general permit exists. A public comment hearing is intended for the taking of public comment, and is not a contested case proceeding under the Administrative Procedure Act. The executive director may call and conduct public meetings in response to public comment.

If the executive director calls a public meeting, the commission will give notice of the date, time, and place of the meeting, as required by commission rule. The executive director shall prepare a response to all significant public comments on the draft general permit raised during the public comment period. The executive director shall make the response available to the public. The general permit will then be filed with the commission to consider final authorization of the permit. The executive director's response to public comment shall be made available to the public and filed with the chief clerk at least ten days before the commission acts on the general permit.

XIV. Administrative Record

The following section is a list of the fact sheet citations to applicable statutory or regulatory provisions and appropriate supporting references.

A. 40 CFR Citations

- 40 CFR §122
- 40 CFR §124
- 40 CFR §136

B. TCEQ Rules

- 30 TAC Chapters 39, 205, 281, 305, 307, 309, 319, 321, 331, and 335.

D. Letters/Memoranda/Records of Communication

- Letter to Yvonna Pierce of the TCEQ's Industrial Permits Team from Center Point Energy received June 16, 2006.

- Letter to Yvonna Pierce of the TCEQ's Industrial Permits Team from the Association of Electric Companies of Texas, Inc. dated May 24, 2006.

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Letter to Yvonna Pierce of the TCEQ's Industrial Permits Team from Baker Botts L.L.P received April 26, 2006.

Memo from the TCEQ's Water Quality Standards Team dated January 5, 2007.

E. TPDES General Permit TXG830000 for discharges from water contaminated by petroleum product.

F. Miscellaneous

Texas Surface Water Quality Standards, 30 TAC Sections 307.1 - 307.10. "Procedures to Implement the Texas Surface Water Quality Standards," Texas Commission on Environmental Quality, January 2003.

"TCEQ Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits," TCEQ Document No. 98-001.000-OWR-WQ, May 1998.

Exhibit B

Executive Director's Response to Public Comment on General Permit No. TXG830000

The executive director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on General Permit No. TXG830000. Prior to issuing a general permit, the executive director must comply with the provisions of the Texas Water Code (TWC), §26.040(d) and 30 TAC §205.3(e). Both provisions require the executive director to respond to all timely filed public comments. The executive director must make these responses publicly available and must file them with the commission's Office of the Chief Clerk at least ten days before the commission considers the approval of the general permit.

The Office of the Chief Clerk timely received comment letters from the Texas Oil and Gas Association (TxOGA), and from the Association of Electric Companies of Texas, Inc. (AECT). Baker Botts, L.L.P., AECT, and Center Point Energy filed preliminary comments. This Response addresses all timely filed public comments received. In certain instances, the general permit was revised in response to comments received. If you need more information about this general permit or the general wastewater permitting process, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

BACKGROUND

Introduction

General Permit No. TXG830000 would amend and renew authorization for surface discharges of waters contaminated by petroleum fuel or petroleum substances into or adjacent to waters in the state. This general permit is proposed under TWC, §26.040. The commission is authorized to "issue a general permit to authorize the discharge of waste into or adjacent to waters in the state by category of dischargers in a particular geographical area of the state or in the entire state if the dischargers in the category discharge storm water or: (1) engage in the same or substantially similar types of operations; (2) discharge the same types of waste;" (3) are subject to the same effluent limitations or operating conditions requirements; (4) are subject to similar monitoring requirements; and (5) are more appropriately regulated under a general permit. A permit issued pursuant to TWC, §26.040 must be readily enforceable, provide for adequate compliance monitoring, and cannot "include a discharge of pollutants that will cause significant adverse effects to water quality."

Procedural Background

The Office of the Chief Clerk received the permit file on May 4, 2007. In accordance with 30 TAC §205.3(a)(2), the Notice of Proposed Amendment of General Permit Authorizing the Discharge of Wastewater was published in the *Texas Register*, May 18, 2007; *Dallas Morning News*, May 15, 2007; *Amarillo Globe-News*, May 14, 2007; *El Paso Times*, May 14, 2007; *Houston Chronicle*, May 14, 2007; *The Monitor*, May 14, 2007; and *San Antonio Express News*, May 14, 2007. Mailed notice was also provided in accordance with 30 TAC §205.3(b). The comment period ended on June 18, 2007.

COMMENTS AND RESPONSES

COMMENT NO. 1:

AECT comments that it supports the renewal and the draft amendments that have been published.

RESPONSE NO. 1

The executive director acknowledges AECT's support for the renewal of General Permit No. TXG830000 and the proposed draft permit. No changes were requested or made based on this comment.

COMMENT NO. 2:

TxOGA requests that the definition of "utility vault" be expanded to include pipelines. They also requested that Part III, Section C, "Discharges from Utility Vaults," be changed to include pipelines.

RESPONSE NO. 2:

After requesting and receiving additional information from TxOGA, the executive director agrees that discharges from "pipeline vaults" can be included in the general permit. These discharges will not be covered under the definition of a "utility vault" but will be covered as discharges from "pipeline vaults."

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT

CHANGE NO. 1:

The following definition for a "pipeline vault" has been added to Part I. Definitions:

"Pipeline vault – Any structure utilized to house pipelines for access to those pipelines."

Part III. Section C., "Discharges from Utility Vaults" has been changed as follows:

"Section C. Discharges from Utility Vaults and *Pipeline Vaults*

Discharges from telephone, electric, gas, cable, *pipeline vaults*, or other telecommunication utility vaults, shall comply with the following requirements:"

Part III. Section C.8. has been added as follows:

"8. Discharges from *pipeline vaults* do not include discharges of water contaminated by petroleum product from the cleaning, repair, or testing of a pipeline."

OTHER CHANGES MADE TO THE DRAFT PERMIT

CHANGE NO. 2:

The methyl tertiary-butyl ether (MTBE) level in Part III.A.1 was changed from 0.24 milligrams per liter (mg/L) to 0.15 mg/L. This change was noted in the fact sheet and the executive director's preliminary decision in Part V, Item 6, ("Changes from Existing General Permit"), and Part XI, ("Water Quality Based Limits"). The MTBE was lowered to prevent water quality concerns regarding taste and odor. This change was however not reflected in the draft permit.

CHANGE NO. 3:

An annual fee of \$500 was added to Part V of the permit. This change was noted in Part V, Item 8 of the fact sheet ("Changes from Existing General Permit"). This change was made to address the cost of implementing

the general permit, and to assure consistency with the cost of other wastewater general permits. This change was not reflected in the draft permit.

CHANGE NO. 4:

The address referenced in Part II.C.3 has been changed to read as follows:

TCEQ
Water Program Manager
Austin Regional Office
2800 S. IH 35, Suite 100
Austin, TX 78704-5712
(512) 339-2929

This change was made due to the relocation of TCEQ's Austin Regional Office.

Proposed Agenda Caption for a General Permit for Water Contaminated by Petroleum Fuel or Petroleum Substances, General Permit No. TXG830000.

Docket No. 2007-1523-IWD. Consideration of issuance of an amended and renewed General Permit No. TXG830000, which authorizes on a state-wide basis, the discharge of water contaminated by petroleum fuel or petroleum substances into or adjacent to water in the state subject to specific effluent limitations. This permit specifies which facilities may be covered under this general permit. The Commission will also consider public comment and the Executive Director's response to comments. (Yvonna Miramontes/Chris Ekoh)