TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGENDA ITEM REQUEST

for Rulemaking Adoption

AGENDA REQUESTED: July 20, 2011

DATE OF REQUEST: July 1, 2011

INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED: Charlotte Horn, 239-0779

CAPTION: Docket No. 2011-0010-RUL. Consideration of the adoption of amendment with renewal of the Multi-Sector General Permit, TXR050000.

The adoption would amend and renew Texas Pollutant Discharge Elimination System (TPDES) Multi Sector General Permit No. TXR050000, which authorizes, on a state-wide basis, the discharge of storm water and allowable non-storm water into surface water in the state from certain types of industrial activities. The general permit specifies which facilities must obtain permit coverage, which are eligible for a conditional exclusion based on no exposure of industrial activity to storm water, which are designated as eligible for coverage without submitting a notice of intent, and which must obtain individual permit coverage. Public notice of the proposed general permit began on March 2, 2011 and lasted through April 12, 2011. Notice was published in the March 11, 2011 issue of the *Texas Register* (36 TexReg 1716). (Cynthia Hooper, Robert Brush) (Rule Project No. 2010-043-OTH-NR)

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Copy to CCC Secretary? NO_X_ YES

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners **Date:** July 1, 2011

Thru: Melissa Chao, Acting Chief Clerk
Mark R. Vickery, P.G., Executive Director

From: L'Oreal Stepney, P.E., Deputy Director
Office of Water

Docket No.: 2011-0010-RUL

Subject: Commission Approval for General Permit Adoption
General Permit TXR050000, Multi Sector General Permit
Non-Rule Project No. 2010-043-OTH-NR

Summary and background

The Texas Pollutant Discharge Elimination System (TPDES) Multi Sector General Permit (MSGP) is a statewide general permit that authorizes the discharge of storm water associated with industrial activity. The current permit was issued on August 14, 2006, and will expire on August 14, 2011. There is no proposal agenda with general permits. Adoption Agenda is tentatively scheduled for July 20, 2011.

Basic requirements

Applicability

The MSGP regulates storm water runoff from industrial activities based on primary Standard Industrial Classification (SIC) codes and Industrial Activity codes, consistent with federal rules found in 40 Code of Federal Regulations (CFR) §122.26. The TCEQ adopted these regulations by reference in 30 TAC §281.25.

Permit Requirements

A Notice of Intent (NOI) is required for coverage under the MSGP, and a No Exposure Certification (NEC) is required to obtain a conditional exclusion for a facility that does not have exposure of a regulated industrial activity to storm water. Certain activities may be automatically authorized without submittal of a form.

When an NOI is required:

- Before submitting NOI, applicant prepares and implements a Storm Water Pollution Prevention Plan (SWP3) that includes the following requirements:
  - Establish a Storm Water Pollution Prevention Team;
  - Inspect facility for non-storm water flows; and
  - Describe potential pollutant sources and pollution prevention measures/controls.
- Applicant submits NOI and application fee, either electronically or by paper.
- The MSGP includes the following monitoring requirements:

- Annual sampling for hazardous metals (waiver available);
- Annual monitoring for pollutants described in federal categorical guidelines;
- Semiannual benchmark sampling for certain sectors;
- Quarterly visual monitoring of discharges;
- Quarterly inspections of structural controls; and
- Annual Comprehensive Site Compliance Investigation and Report.

When a Facility Has "No Exposure:"

Operators who conduct all industrial activities indoors, or who otherwise demonstrate "no exposure" of industrial activities to precipitation or runoff, may qualify for a conditional exclusion from permit requirements. An NEC form is required to be submitted along with an application fee, and no annual fees are assessed.

Terminating Coverage:

A permittee no longer needing coverage submits a notice of termination (NOT) form.

Fees

1. Application Fees:
   a. $200 for Paper NOI or NEC
   b. $100 for electronic NOI or NEC
   c. No fee for NOTs or notices of change (NOCs)

   The application fee for paper forms reflects a proposed increase (see Item 1 under "Proposed Changes From Current Permit").

2. Annual Fee:
   a. $200 for NOI authorizations
   b. No fee for NEC exclusions or automatic authorizations

Number of current/expected authorizations:

Approximately 11,000 facilities are currently regulated under the MSGP: approximately 7,000 by submittal of an NOI, and approximately 4,000 by submittal of an NEC form. This number is not expected to change for the renewal term. The majority of forms will be renewals that are submitted within the first 90 days after the effective date of the permit, beginning on August 14, 2011 and lasting through November 14, 2011.

After the renewal period, approximately 100 forms per month will be received during the permit term (NOIs, NECs, NOCs, and NOTs). All forms will be processed by Texas State University through an existing interagency contract or through ePermitting.

Facilities needing to terminate coverage will need to submit an NOT on or before September 1, 2011, to avoid being assessed an annual fee for Fiscal Year 2012.

Proposed changes from current permit:

1. Requirements for paper application forms:

    a. Extend the period of time required to await provisional coverage after submitting a paper NOI from two to seven days, in order to ensure that TCEQ receives the NOI.

    b. Increase the application fee by $100 for operators submitting a paper NOI or NEC form, so that the new fee for paper NOIs and NECs would be $200.

    Similar changes were made in the reissuance of the Construction General Permit (CGP) in March 2008.

2. Benchmark Levels and Sampling:

    a. Revise benchmark levels based on data that was submitted during calendar years 2007 and 2008.

    b. Add benchmark sampling requirements to Sector AD (Miscellaneous Industrial Activities) for pollutants commonly regulated in individual storm water permits: pH, chemical oxygen demand, total suspended solids, and oil and grease.

    c. Add a waiver option for Years 3 and 4 if sampling results during Years 1 and 2 are below the benchmark levels and required data from Years 3 and 4 to be retained on site.

3. Designate additional facilities under the general permit without requiring they submit an NOI or implementing a SWP3, as long as there is no exposure of industrial activity (similar to general warehousing and storage facilities without fueling or maintenance, which are currently designated):

    a. Regulated facilities located within a residential home, shopping mall, or office building.

    b. Operators of publishing and designing companies that do not perform printing activities.

4. Add an option for transportation facilities (land transportation and warehousing, water transportation, and air transportation) to include storm water discharges from material handling and storage areas in their MSGP authorization. This

provision does not expand the definition of storm water associated with industrial activity, but allows coverage under the MSGP if a permit is required for storm water discharges from the material handling and storage areas. The only option for these areas currently is through an individual permit.

5. Revise conditions within several specific industries in Part V of the draft MSGP to provide additional clarity and to be consistent with provisions in the 2008 United States Environmental Protection Agency (EPA) MSGP.

Additional changes are being proposed following review by the EPA. See "EPA Review" below for details on these changes.

Effect on the Regulated Community, Public, or Agency Programs:

This is a permit renewal with amendments that are not expected to have a significant effect on the regulated community, the public, or agency programs. As discussed below under Item 2.a. of "EPA Review," there are some changes that would require each applicant to determine whether the discharge is to an impaired waterbody or a water for which there is a final Total Maximum Daily Load (TMDL). If so, then the applicant would be required to show that their facility does not discharge the pollutant of concern. Otherwise, the applicant may be required to perform annual sampling for the pollutant of concern or develop a pollutant reduction plan to insure that the best management practices (BMPs) at the site will address the pollutant of concern.

Stakeholder Involvement:

No formal stakeholder process has been conducted during development of the general permit since this is the second renewal of the MSGP. A significant portion of the last several Water Quality Advisory Workgroup meetings have been dedicated to discussing the MSGP renewal; and information has been presented in forums such as the TCEQ's Environmental Trade Fair and the Water Quality Seminar. The draft general permit went through public notice, including six newspapers throughout the state and the *Texas Register*, and a public meeting was held in Austin on April 12, 2011.

EPA Review:

1. EPA approved the draft permit on December 13, 2010, and provided one formal comment regarding the draft. The EPA encouraged TCEQ to develop a web-based NOI system such that the public could access NOIs as soon as they are submitted. EPA commented that this would improve transparency in the permitting process and would allow members of the public the opportunity to find information on specific sites more quickly than the current system. While TCEQ currently has immediate availability for electronic NOIs that are processed by the State of Texas Environmental Electronic Reporting System (STEERS) system, TCEQ currently

does not have the capability of "posting" paper forms online prior to final processing.

2. The following informal EPA comments and possible objections were resolved during the EPA review period:

a. **Water Quality Concerns:** In general, EPA stated that the permit needed to better address how discharges to water quality impaired receiving waters may be authorized under the MSGP. The existing MSGP simply states that new discharges of the pollutant of concern (POC) may not be authorized unless otherwise allowable under 30 TAC Chapter 305, and that discharges to an impaired water body with a final TMDL must be compliant with the TMDL and the TMDL Implementation Plan (I-Plan).

(1) For discharges to water bodies with an approved TMDL, EPA requested that TCEQ utilize language from the TPDES Construction General Permit that states new permits covering discharges addressed by a TMDL must require consistency with the TMDL (40 CFR §122.44(d)(1)(vii)(B)); and the requested change was made to the draft permit.

(2) EPA indicated that the permit must include a mechanism to allow the permittee to know how to comply with the permit when there is a water quality impairment or for TCEQ/EPA to determine if the discharge meets appropriate standards. EPA specifically stated that monitoring for POCs is required. Permitting staff coordinated with the TMDL Program and the Water Quality Standards Implementation Team, and responded to the EPA's concern by adding language requiring an applicant to determine if the discharge is to a water quality impaired receiving water and to determine if the water body has an approved TMDL. In addition, permittees of new discharges to impaired waters would need to either: 1) prevent exposure of the POC; 2) document that the POC is not present at the site; 3) obtain analytical data that supports that the POC is not present in the discharge at a level of concern (for example, the permit makes it clear that if the presence of a pollutant is below the benchmark level or is specifically due to background concentrations from situations such as the presences of wildlife, then it is not present at a level of concern); or 4) conduct ongoing sampling to monitor the level of the POC in the discharge and revise the SWP3 to address controls to reduce the discharge of the POC.

(3) In summary, the following general requirements are proposed to be added to address EPA's concerns related to the discharge into

impaired water bodies. The complete language is located in Part II, Section B.7. of the draft permit:

(a) ***A new Discharge*** *to an impaired water body* must comply with one or more of the following:

(i) prevent exposure of the POC to storm water;

(ii) document that the POC is not present at the site;

(iii) obtain analytical data to show that the discharge is not expected to cause an exceedance of a water quality standard; or

(iv) conduct sampling for the POC at least once per year (may discontinue sampling if any result is below the level of concern) and revise SWP3 to address controls to reduce POC.

(b) ***An existing Discharge*** *to an impaired water body* ***with*** *an approved TMDL* must comply with any additional controls described in the TMDL or the TMDL I-Plan.

(c) ***An existing Discharge*** *to an impaired water body* ***without*** *an approved TMDL* must comply with one or more of the following:

(i) prevent exposure of the POC to storm water;

(ii) document that the POC is not present at the site;

(iii) obtain analytical data to show that the discharge is not expected to cause an exceedance of a water quality standard; or

(iv) develop and implement a pollutant reduction plan (PRP) as part of the SWP3 that utilizes BMPs to reduce or minimize the discharge of the POC. TCEQ may notify permittee if additional controls are required or if an individual permit may be necessary.

b. **Monitoring for Pollutant of Concern:** Also in response to EPA comments regarding discharges to impaired waters, a new paragraph was added to the draft permit (in Part III, Section B.4. of the draft permit) to address monitoring requirements for discharges to impaired water bodies.

When sampling is required for certain new discharges, the discharge must be monitored for the POC at least once per year. If the POC is present below the level of concern (e.g. the analytical level is below the benchmark value in the permit), then the permittee may discontinue monitoring for the POC for the remainder of the permit term.

c. **Silviculture:** EPA commented that a recent Court decision has made logging roads subject to National Pollutant Discharge Elimination System (NPDES) permitting, and that the agency is considering opening the NPDES MSGP to this activity (40 CFR §122.27). EPA asked whether TCEQ had jurisdiction over logging roads. TCEQ responded that at this time the MSGP would not be amended to include logging roads because the Court's decision does not affect state permitting programs.

d. **Reporting Noncompliance:** EPA pointed out that federal rules require permittees to report, at least annually, all instances of noncompliance with a permit. Therefore, TCEQ revised the existing language to expand on the current statement that reports of noncompliance with effluent limits must be reported. The general noncompliance reports could be submittals of the required annual comprehensive site compliance evaluation, a letter to TCEQ, or a form that TCEQ develops. The existing requirement to report all monitoring associated with certain federally-based effluent limits was retained.

e. **Construction at Mining Operations**: The initial draft permit that was submitted to EPA included an option for mining sectors to include construction authorizations in the MSGP; however, EPA pointed out that discussion on the numeric effluent limitation for turbidity in 40 CFR Part 450 was occurring in the Courts and may not be fully resolved before the permit is issued. In response, TCEQ removed the construction elements to the mining sectors.

Public Comment

TCEQ received comments from 19 entities: 17 were submitted in writing or through eComments, and two were submitted orally at the public meeting held on April 12, 2011. There were a total of approximately 110 unique comments and the proposed Executive Director's Response to Comments is attached.

Based on the changes, the draft permit was forwarded to EPA for an additional review, and EPA approved the changes by email dated May 31, 2011.

The TCEQ received comments on two significant issues, related to mineral mining and to landfills. Information on the rest of the comments is provided in the attached Executive Director's Response to Comments.

Sector J, Mineral Mining, including quarrying

a. There were several comments regarding the new requirements to stabilize when mining activities are completed. Objections to the requirement for reclamation, and questions were brought up about different uses for mines when they are closed (for example, a construction pad site or a lake).

   - TCEQ retained the requirement to stabilize or return the mine to an appropriate post mining use, but revised the permit language to replace the term "reclamation" with "appropriate post mining land use" where applicable. TCEQ also added language regarding the use of a closed mine as a lake as being an appropriate post mining use that would provide the opportunity to submit an NOT.

b. Comment that TCEQ does not have authority to regulate mine reclamation and safety, and that the new requirements would conflict with many existing practices.

   - TCEQ updated the language to be consistent with EPA's MSGP regarding when a mine may be considered "closed" and an NOT submitted; but did not use the term "reclamation" as used by EPA. TCEQ removed the list of final stabilization requirements (for example, highwalls stabilization and revegetation of 70% native background) and instead used them as examples of how a facility can meet final stabilization requirements as defined by EPA.

c. Require a closure plan

   - Did not change permit but discussed the requirements that must be met before terminating coverage.

Sector L (Landfills)

a. Two commentors objected to the addition of contaminated storm water to the list of allowable discharges. They are concerned that allowing the discharge of storm water that has come in contact with landfill waste could result in leachate being discharged under the MSGP and would also conflict with MSW rules (30 TAC Chapter 330).

   - The MSW rules in §330.207(b) state that landfill wastewater must be collected and contained; and in §330.207(e) state that the water cannot be discharged except through a TPDES permit. The MSW rules do not differentiate between contaminated storm water and landfill wastewater as the federal NPDES regulations do, so landfill wastewater could include storm water as well as other landfill wastewater such as leachate.

   - TCEQ's MSGP has never included contaminated storm water discharges associated with landfills. At the time that TCEQ's original MSGP was being proposed (2000-

2001), EPA had promulgated new effluent limitations guidelines (ELGs) for landfills in 40 CFR Part 445. These regulations include requirements for wastewater, including contaminated storm water. EPA's MSGP has allowed contaminated storm water beginning with the first MSGP in 1995. When the landfill ELGs (40 CFR Part 445) were promulgated in 2000, EPA adopted them into the MSGP. During this renewal of the MSGP, the TCEQ had added contaminated storm water to the draft MSGP.

- After further discussions with TCEQ's MSW permitting section and the Environmental Law Division, the draft permit has been revised to remove contaminated storm water from landfills. While the commentors' concerns were limited to MSW nonhazardous landfills, contaminated storm water was also removed from Sector K for hazardous landfills. TCEQ believes that this change will help to prevent the possibility of landfills discharging storm water that has commingled with other landfill wastewater. Further, this change to the draft permit will not affect the regulated community because contaminated storm water from landfills is not allowed under the existing MSGP.

Potential controversial concerns and legislative interest:

Questions may arise from the expanded language related to discharges to impaired water bodies, as this would be the first general permit that includes possible ongoing monitoring based on having a pollutant of concern (e.g., bacteria) present in a discharge. However, TCEQ did not receive any public comments regarding this issue outside of a request for clarifications.

Questions may also arise regarding expanding the description of requirements necessary to terminate coverage for mineral mining operations such as quarries.

Key dates in the proposed general permit schedule:

1. Public Notice and Public Meeting - March 1, 2011 - April 12, 2011
2. Management Briefings ("Adoption") -May 19, 2011 - July 19, 2011
3. Commission Agenda - July 20, 2011
4. Effective Date of Permit - August 14, 2011
5. Renewal NOIs Due - November 14, 2011

Re: Docket No. 2011-0010-RUL

Direction and Guidance:

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_____
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_____

General Permit Action Project number: 2010-043-OTH-NR

Agency contacts:
Jaya Zyman-Ponebshek, Project Manager, 239-2012, Water Quality Division
Robert Brush, Staff Attorney, 239-5600
Charlotte Horn, Texas Register Coordinator, 239-0779

Attachments:
Draft Documents (3) - Executive Director's Response to Comments, General Permit, Fact Sheet and Executive Director's Preliminary Decision

cc: Chief Clerk, 2 copies
Executive Director's Office
Susana M. Hildebrand, P.E.
Anne Idsal
Curtis Seaton
Ashley Morgan
Office of General Counsel
Jaya Zyman-Ponebshek
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TCEQ GENERAL PERMIT NO. TXR050000

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The executive director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the multi-sector industrial storm water general permit (MSGP), Texas Pollutant Discharge Elimination System (TPDES) permit number TXR050000 to authorize the discharge of storm water. As required by Texas Water Code (TWC), §26.040(d) and 30 TAC §205.3(c), before a general permit is issued, the executive director must prepare a response to all timely, relevant and material, or significant comments. The response must be made available to the public and filed with the Office of the Chief Clerk at least ten days before the commission considers the approval of the general permit. This response addresses all timely received public comments, whether or not withdrawn. Timely public comments were received from the following entities:

AECOM in Houston (AECOM), American Electric Power (AEP), Babcock & Wilcox Technical Services Pantex, LLC (B&W Pantex), Calpine Corporation (Calpine), Harris County, Harris County Flood Control District (HCFCD), Lloyd Gosselink Rochelle & Townsend, P.C. (Lloyd Gosselink), Logos Environmental (Logos), NRG Texas Power LLC (NRG), Linda Pechacek, Port of Corpus Christi Authority (PCCA), Safety-Kleen Systems, Inc (SKS), STP Nuclear Operating Company (STPNOC), Texas Aggregates and Concrete Association (TACA), Texas Campaign for the Environment (TCE), Texas Landfill Management, LLC (TLM), United Parcel Service (UPS), Victoria WLE, LP (submitted by Consolidated Asset Management Services, LLC), and Westward Environmental, Inc. (Westward).

The public comment period ended on April 12, 2011 at the conclusion of the public meeting on the draft permit. Late public comments were received by the Office of the Chief Clerk from Back to Nature, Inc., Living Earth, PSEG, South Plains Compost, Inc., and the City of Dallas. The public notice for the public meeting specifically stated that comments had to be received by TCEQ's Office of the Chief Clerk by the end of the public meeting on April 12, 2011. Therefore, those public comments were not considered in this response.

Background

This general permit amendment and renewal would authorize discharges of storm water associated with industrial activity and certain non-storm water discharges from industrial facilities into surface water in the state. Federal storm water regulations adopted by TCEQ extend storm water permitting requirements to industrial activities and this general permit will provide a mechanism for industrial facilities to continue to obtain permit coverage.

On September 14, 1998, TCEQ received delegation authority from the United States Environmental Protection Agency (EPA) to administer the National Pollutant Discharge

Elimination System (NPDES) program under the TPDES program. As part of that delegation, TCEQ and EPA signed a Memorandum of Agreement (MOA) that authorizes the administration of the NPDES program by TCEQ as it applies to the State of Texas. The previous version of the TPDES general permit was issued on August 14, 2006 and expires on August 14, 2011. The amended and renewed general permit will continue to authorize industrial facilities in Texas for five years from the date it is issued.

Under the general permit, industrial facilities will only be authorized to discharge following the development and implementation of a storm water pollution prevention plan (SWP3). Each SWP3 must be developed according to the minimum measures defined in the permit, and must also be tailored to the specific operations and activities conducted at the industrial facility. Applicants must develop SWP3s that establish effective pollution prevention measures and best management practices to reduce pollution in their own storm water discharges. Such measures and practices include: limiting or prohibiting exposure of storm water to materials, wastes, and industrial activities; good housekeeping procedures; maintenance of storm water controls; periodic inspections; and reports to assess compliance with permit requirements and to identify necessary revisions to the SWP3.

The permit is proposed under the statutory authority of: 1) TWC, §26.121, which 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, 2) TWC, §26.027, which 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, and 3) TWC, §26.040, which provides the commission with authority to amend rules to authorize waste discharges by general permit. The federal storm water regulations for discharges from industrial activities are in the federal rules at 40 Code of Federal Regulations (CFR) §122.26, which were adopted by reference as amended by TCEQ at 30 TAC §281.25(a).

Notice of availability and an announcement of the public meeting for this permit were published in *The Dallas Morning News*, *El Paso Times*, *The Monitor* (McAllen), *Amarillo Globe News*, *Houston Chronicle*, *San Antonio Express News*, and in the *Texas Register* on March 11, 2011. A public meeting was held in Austin on April 12, 2011, and the comment period ended at the close of the public meeting.

Comments and responses are organized by section with general comments first. Some comments have resulted in changes to the permit. Those comments resulting in changes were identified in the respective responses. All other comments resulted in no changes. Due to the large number of comments received, some separate comments are combined with other related comments.

General Comments

Comment: TCE comments that the timing of the permit renewal is bad because many of the advocates on the environmental side are involved in the ongoing legislative process and have not had an opportunity to look at the MSGP issue, given the short comment

period. TCE urges TCEQ to extend the comment deadline and to do a better job of informing people about the permit.

Response: While TCEQ appreciates that the timing of this renewal and comment period may not be ideal, TCEQ respectfully declines to extend the period any longer. Agency rules require TCEQ to provide at least 30 days for members of the public and the regulated community to respond to a draft general permit. In this case, the comment period began on March 2, 2011, and lasted through April 12, 2011, for a total of 41 days.

Comment: AECOM recommends changing terms used on the cover page by substituting "General Permit to Discharge under the Texas Pollutant Discharge Elimination System" for the current language: "General Permit to Discharge Wastes."

Response: TCEQ agrees with this comment and the recommended change was made to the MSGP. This change is consistent with a change made to the TPDES general permit for small municipal separate storm sewer systems (MS4s), TXR040000.

Comment: Harris County and HCFCD comment that portions of Parts III and V state that records must "be made readily available for review by authorized TCEQ personnel on request." Harris County and HCFCD note that the TWC also gives local authorities the right to inspect and enforce water quality violations. Therefore, the review language should be modified to state: "[m]ade readily available for review by authorized TCEQ personnel and the local pollution control agency with jurisdiction." Harris County and HCFCD comment that this language can be found in TCEQ air quality and municipal solid waste rules and is consistent with past practice.

Response: Texas Water Code (TWC) §26.173 provides local government the same power as the TCEQ under TWC §26.014 to enter public and private territory within its territorial jurisdiction to make inspections and investigations relating to water quality. Therefore, each instance in the permit where the phrase "be made readily available for review by authorized TCEQ personnel on request" occurs was changed to "be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction."

Comment: AECOM would like the opportunity to review the DMR forms when they become available.

Response: DMRs will be revised as needed and made available to the regulated public after the permit has been issued. Currently, information on the DMRs can be found on the TCEQ's storm water permitting web pages at:
http://www.tceq.texas.gov/permitting/water_quality/stormwater/TXR05_dmr.html

Part I - Definitions

Comment: Westward comments that the definition of "diffuse point source" is intended to differentiate between sheet flows and diffuse point sources. However, Westward requests the permit also define "true sheet flow" and clarify whether the permit applies to both flows,

or if sheet flow is exempt from coverage.

Response: The MSGP would authorize the point source discharge of storm water and certain non-storm water flows in accordance with state and federal rules. True sheet flow is not a point source of discharge requiring a permit. However, flow from a diffuse point source is often confused with sheet flow and thought to be a nonpoint source. To further clarify which discharges are required to obtain permit coverage, the draft MSGP included a definition of diffuse point source, and also referred to the term within a revised definition of "point source."

In response to the comment, the following definition for "sheet flow" was added to Part I of the draft permit, since the term is used in the definition of "diffuse point source."

> "Sheet Flow**.** An overland flow or downslope movement of water taking the form of a thin, continuous film over relatively smooth soil or rock surfaces that have not been changed or graded, where there are no defined channels, and the flood water spreads out over a large area at a uniform depth. This definition does not include changing the surface of land or establishing grading patterns on land where a facility described in this permit is located, which would result in a point source as defined in this permit."

Comment: AECOM recommends revising the definition of "Discharge" to add at the end the phrase "surface water in the state."

Response: In order to provide additional clarity regarding when a permit is required, the definition of "discharge" was revised as requested, and now reads as follows:

> "Discharge. For the purpose of this permit, the drainage, release, or disposal of storm water associated with industrial activity and certain allowable non-storm water sources listed in this general permit to surface water in the state."

Comment: Westward requests clarification of the intention of TCEQ in the definition of "drought" by indicating a time interval duration rather than using the term "extended." Furthermore, Westward asks if the Palmer Drought Severity Index, which provides a numerical value for drought be considered an acceptable source reference to demonstrate that an area or site was actually in a drought.

Response: TCEQ declines to add a time interval in this definition and notes that the term may vary based on factors such as location, rainfall amounts, or water supply. TCEQ thinks that the current permit language adequately addresses facilities that experience drought or periods where no rainfall occurs during the sampling and monitoring periods outlined in the permit. For example, Part III.D.4.(a)(1) provides that requirements to sample, inspect, examine, or otherwise monitor storm water discharges within a prescribed monitoring period may be temporarily suspended for adverse conditions that would prevent access to a discharge, including a lack of rainfall.

Comment: AECOM comments that in the definition of "Edwards Aquifer" there is a word that talks about that portion of an "accurate" belt of porous rocks and the correct

term that should be used is “arcuate.”

Response: The term “accurate” was changed to “arcuate” in the definition of “Edwards Aquifer for consistency with 30 TAC §213.3(8). The term “arcuate” means curved like a bow.

Comment: Lloyd Gosselink states that TCEQ currently defines an "existing discharge" to mean a discharge of storm water "associated with industrial activity that has been authorized previously." Lloyd Gosselink recommends revising this definition for consistency with the definition of "discharge" to provide that an existing discharge is a discharge of storm water "associated with industrial activity and certain allowable non-storm water sources that has been authorized previously."

Response: In response to the comment, TCEQ revised the definition as follows:

> “Existing Discharge. For the purpose of this permit, this term applies to the discharge of storm water associated with industrial activity and certain allowable non-storm water sources listed in this general permit that has been authorized previously under an NPDES or TPDES general or individual permit.”

Comment: Lloyd Gosselink comments that TCEQ currently defines "impaired waters" to include those waters with an established Total Maximum Daily Load (TMDL) and those waters "where a TMDL has not yet been approved or established." This language suggests that all water bodies (those with a TMDL and those without a TMDL) in the state will be considered impaired, so TCEQ should revise this definition to reflect that impaired waters include those waters “where a TMDL has been proposed by TCEQ, but has not yet been approved or established" or clarify the intent. Westward recommends adding the following language to match other references of the §303d list to review: "the most recently approved §303(d) list."

Response: TCEQ recognizes that this definition may be somewhat confusing, and revised it as follows to address the comment:

> Impaired Water. A surface water body that is identified on the latest approved Clean Water Act §303(d) List as not meeting applicable state water quality standards. Impaired waters include waters with approved or established total maximum daily loads (TMDLs), and those where a TMDL has been proposed by TCEQ but has not yet been approved or established.”

Comment: Westward comments that the term “operator” is applicable to all sectors of the MSGP and thinks that the CGP language in the definition will lead to confusion about who should file an NOI and be responsible for the SWP3. Westward recommends limiting the definition of “operator” to those sectors that contain authorized construction-related discharges.

Response: TCEQ declines to make the requested change, because the definition proposed in the draft MSGP utilizes the two-tiered approach to make it clear that an entity with

operational control at an industrial facility would need to obtain permit coverage. This definition is consistent with EPA's MSGP as well. TCEQ recognizes that in most cases, a facility will only have one operator, and believes that the proposed definition will provide clarity regarding who must apply.

Comment: AECOM recommends retaining the definitions in the current version of the MSGP for "separate storm sewer system" and "solid waste management unit." If not, AECOM requests an explanation why they are no longer needed.

Response: The term "solid waste management unit" as it applies to storm water treatment is described in Part III.E.7.(a)(1) of the draft permit (related to industrial solid waste). However, the term is also used within the definition of "landfill" based on TCEQ's solid waste regulations. In order to avoid confusion between storm water controls and other waste management units regulated under TCEQ's solid waste regulations, TCEQ is not including a separate definition of "waste management unit," but instead is relying on the paragraph in III.E.7.(a)(1) to provide clarification about when a storm water control might be considered a waste management unit.

However, in response to the comment and because the term "separate storm sewer system" is used in Sector C of the MSGP, the definition in the current version of the MSGP was added to the new version as follows:

> "Separate storm sewer system. A conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), designed or used for collecting or conveying storm water; that is not a combined sewer, and that is not part of a publicly owned treatment works (POTW)."

Part II

Comment: Lloyd Gosselink comments that this section identifies permit applicability and coverage. Lloyd Gosselink recommends revising this provision to reflect that the MSGP provides "authorization for point source discharges of storm water discharges associated with industrial activity ..." Lloyd Gosselink states that such an amendment clarifies the coverage as required under the Clean Water Act.

Response: In response to the comment, the first sentence of Part II of the MSGP was revised as requested, except that the word "discharges" currently following the term "storm water" was removed to avoid being redundant. The revised sentence now reads:

> "This general permit provides authorization for point source discharges of storm water associated with industrial activity and certain non-storm water discharges to surface water in the state (including direct discharges to surface water in the state and discharges to municipal separate storm sewer systems, or MS4s)."

Part II.A.1

Comment: TACA and Westward ask for clarification regarding how TCEQ will categorize concrete crushing facilities.

Response: TCEQ will continue to use the SIC code system to identify facilities that need to obtain authorization under the MSGP. Once identified by the facility operator, if the facility (or "primary") SIC code is covered by the permit, the facility will then be classified into the sector of coverage specific to that type of facility. It is possible that some concrete crushing facilities will be regulated under the MSGP based on the primary activity occurring at the site. However, others may not be regulated.
Comment: Westward asks TCEQ to define what activities or types of facilities are captured by the revised applicability standard.

Response: There was no change to the applicability of this permit, which is based on federal rules at 40 CFR §122.26 that were adopted by TCEQ by reference in 30 TAC §281.25(a). The new version of the MSGP does include a clarification stating that an industrial facility that discharges storm water or certain non storm water flows described in the federal effluent limitations guidelines (ELGs) found at 40 CFR Parts 400-471 must obtain permit coverage and may utilize the MSGP for that coverage unless otherwise prohibited. This helps to clarify that a facility discharging storm water described in the ELGs may obtain coverage under the MSGP even if the primary SIC code is not regulated. The NOI will include a question asking applicants whether they intend to discharge any storm water regulated under the ELGs. If the answer is "yes" then the NOI will be processed regardless of the primary SIC code.

Part II.A.5(b)

Comment: Lloyd Gosselink comments that the draft MSGP provides that publicly operated facilities that conduct activities regulated under the MSGP must obtain permit coverage. However, Lloyd Gosselink notes that this section suggests that a regulated industrial activity that is not the "primary industrial activity" at a publicly operated facility is not regulated. A general vehicle maintenance area at a city motor pool is given as an example. It is unclear what is meant by the term "primary industrial activity" in this context. Municipally owned vehicle and equipment maintenance facilities that are auxiliary to other municipal functions should not be regulated under the MSGP. For example, if a municipality owns a disposal facility (i.e., a landfill) that receives refuse transported by garbage trucks, then the vehicle maintenance facility for the garbage trucks, assuming it is located separate from the landfill site should be classified as SIC Code 4953 and should not be required to obtain permit coverage. Pursuant to Part 11.A.3. of the draft MSGP, only municipal vehicle maintenance facilities that are co-located at the site of an otherwise regulated industrial facility should be required to comply with the provisions of the MSGP. Lloyd Gosselink asks for confirmation of this understanding and asks TCEQ to provide clarification in the MSGP regarding this matter.

Response: The intent of this section is to apply the "primary SIC code" assessment to each separate municipally-operated facility. At each of these facilities, if the facility's

primary SIC code is regulated under the MSGP, then permit coverage is required for that facility. In addition, all facilities that have an "industrial activity code" in the permit (HZ, LF, SE, or TW) are regulated. For regulated facilities, all secondary activities that are described under the MSGP must also be included under the SWP3.

For the examples provide in the comment, the following clarifications are provided. While a municipally-operated landfill is regulated under Sector L of the MSGP, a stand-alone transfer station would fall under Sector P, Land Transportation and Warehousing. Facilities that fall under Sector P only require storm water permit coverage if there are any areas where the following maintenance/fueling types of activities are performed: vehicle and equipment maintenance, vehicle and equipment rehabilitation, mechanical repairs, painting, fueling, lubrication, and cleaning.

Permit coverage would not be required for a transfer station that does not perform any of these activities, even if the primary industrial activity at the site is the transport of refuse. However, a transfer station located within the property boundaries or immediately adjacent to a landfill would be regulated under Sector L for landfills; and not under Sector P. Such a facility would need to revise its storm water pollution prevention plan (SWP3) to include the location of the transfer station.

To clarify the requirements regarding a city motor pool, the last sentence of Part II.A.5.(b) is revised as follows:

> "However, the general vehicle maintenance shop for a city's motor pool would not typically be regulated unless the vehicles being maintained would classify the maintenance yard under an SIC code in the 4100 or 4200 series (for example if the city motor pool also maintains the city's public transportation busses and the yard performs at least 50% of its maintenance activities on the city's public transportation busses)."

Part II.A.6(a)

Comment: Lloyd Gosselink comments that the draft MSGP identifies allowable non-storm water discharges, including discharges from "emergency fire lighting activities." Such allowable discharges should not be limited to "emergency" situations, as discharges from any fire fighting activity should be considered necessary and appropriate. Thus, Lloyd Gosselink requests that this section be amended, accordingly.

Response: TCEQ believes that the language about discharges from emergency fire fighting activities and uncontaminated fire hydrant flushings is appropriate as it excludes fire fighting activities associated with training or any controlled burning situation. This is consistent with the EPA's current MSGP, and was included based on recommendations from EPA's Region 6 office during review of the draft permit.

Part II.B.

Comment: Lloyd Gosselink comments that the draft MSGP outlines several limitations

and discharges that are not covered under the MSGP. However, the draft MSGP does not provide for any release from liability for spills or events that are beyond the control of a permittee (e.g., spills caused by third parties, spills made so as to prevent the loss of life, personal injury or severe property damage, and any spills attributable to force majeure). TCEQ's regulations provide for a *force majeure* defense for an event that would otherwise be a violation of a permit, if such event was caused solely by an act of God, war, strike, riot, or other catastrophe. Lloyd Gosselink requests that language be added to the MSGP to clarify that such a defense is available to industrial permittees and that such permittees will not be liable for either spills caused by third parties or spills caused so as to prevent the loss of life, personal injury, or severe property damage.

Response: TCEQ agrees with this comment and in response to the comment added the following paragraphs under Part II (new Sections B.14. and B.15.):

> "14. Transfer of Liability
>
> This permit does not transfer liability for the act of discharging without, or in violation of, a NPDES or a TPDES permit from the operator of the discharge to the permittee(s).
>
> 15. Force Majeure
>
> Nothing in Part II. of the general permit is intended to negate any person's ability to assert the *force majeure* (act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC §70.7."

Comment: TLM objects to removing previous exclusions to permit requirements without any evidence of a problem with the current exclusions. TLM comments that the draft permit makes materials with no potential to contaminate storm water obtain permit coverage. TLM points out that materials like sheet metal, plastic, wood chips, mulch, and glass, which would no longer be excluded because they meet the definition of "essentially insoluble" in 30 TAC §330.3(49) and are allowed to be used as fill material. TLM recommends not changing the list of exclusions in the current permit and re-adopting them in the new version of the MSGP.

Response: TCEQ disagrees that the current MSGP allows sheet metal, plastic, and glass to be stored outside and exposed to rainfall at a facility claiming conditional "no exposure" to storm water. TCEQ added this information to the permit to provide clarification about the existing requirements for operators of regulated facilities that have or wish to obtain coverage under a NEC. However, there were no changes made to the exceptions allowed under the NEC provision of the MSGP.

To address the concern by TLM that some of these materials may be utilized as fill and not considered to be waste, TCEQ does not think that this provision would prohibit that activity so long as it is done in accordance with other applicable regulations, including 30 TAC Chapter 330. However, an operator of such a site would still need to evaluate whether permit coverage would be required based on the facility's primary SIC code or whether a regulated industrial activity code (HZ, LF, SE, or TW) is conducted at the site.

Comment: TCE questions the exemption for coal piles that are not used for steam generation of electricity. TCE comments that no runoff from coal piles into state waters should be allowed.

Response: In the 2006 MSGP renewal, TCEQ removed numeric effluent limits for coal pile runoff not associated with steam electric facilities. The effluent limits were based on 40 CFR Part 423 and are appropriate for coal pile runoff at steam electric plants, and removal of the numeric limits for other facilities was consistent with the EPA MSGP as well. If another facility has coal piles, the runoff would need to be authorized if the facility's SIC code is covered by the MSGP. Alternatively, TCEQ could require an individual permit (or an authorization under Sector AD of the proposed MSGP) for runoff from coal piles at a facility that is not covered by the MSGP.

Part II.B.3

Comment: TACA comments that the language regarding storm water discharges in this section is confusing. TACA suggests adding a qualifier to the last sentence of the paragraph that leads into bullet points (a) through (c), such as: "For any other sector..."

Response: At one time TCEQ considered the possibility of including authorization for the discharge of storm water from certain construction activities at regulated mining facilities. However, these discharges were not included because of uncertainties related to the federal storm water effluent limitations guidelines. To avoid confusion, the references to construction at mining operations were removed, so that this paragraph now reads:

> "Storm water discharges associated with construction activities are not eligible for authorization under this general permit. Discharges of storm water that are regulated under this permit and that combine with storm water from construction activities are not eligible for coverage under this general permit unless the construction site runoff meets one of the following conditions:
>
> (a) authorization is under a separate TPDES permit;
> (b) authorization is under a separate National Pollutant Discharge Elimination System (NPDES) permit; or
> (c) TPDES or NPDES permit coverage is not required."

Comment: Westward asks if construction site runoff become subject to numeric effluent limitations and how pending changes to construction storm water discharges affect these elements in the MSGP.

Response: As described above, the references to construction site runoff were removed from the MSGP and any construction that occurs at a regulated facility would need to be authorized under TCEQ's Construction General Permit (TXR150000), an individual TPDES permit, or an alternative permit.

Part II.B.7

Comment: Westward asks how often a permittee is expected to check to see if a TMDL has been adopted for its watershed.

Response: TCEQ recommends that a permittee check to see if a TMDL has been completed and an implementation plan adopted at least during each quarterly site inspection and when conducting the annual comprehensive site compliance evaluation. If a TMDL has been completed, the permittee will need to also meet any applicable requirements of the TMDL. If a TMDL has not been completed, the permittee will still be required to comply with Part III.B.7, related to impaired water bodies and TMDL requirements.

Comment: AECOM requests clarification in Part II.B.7 regarding impaired water bodies and TMDL requirements. Specifically, AECOM wants clarification for existing discharges to impaired water bodies that have an approved TMDL, but do not have an adopted TMDL implementation plan.

Response: The proposed MSGP would require that a new or existing discharge to an impaired water body with an approved TMDL be consistent with the TMDL, even if a TMDL Implementation Plan (I-Plan) has not been adopted. If an industrial facility does discharge into such a water body and the TMDL includes storm water requirements, then the facility operator may need to contact TCEQ to determine what additional permit requirements apply to the facility. For clarity, the term “and TMDL Implementation Plan” was removed from the heading of Part II.B.7.(d).

Part II.B.10

Comment: Lloyd Gosselink comments that this section of the draft MSGP provides that "discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit." Lloyd Gosselink comments that a permittee cannot know, without direction from a state or federal agency, whether its industrial storm water discharge is adversely affecting a listed endangered or threatened species. Thus, Lloyd Gosselink recommends that this sentence be removed and that this section should only provide that federal requirements related to endangered species apply to TPDES permits.

Response: TCEQ coordinated with the EPA Region 6 regarding this language and the commentor’s concern, and believes that it is appropriate to retain this language to help insure that dischargers are aware that there may be additional requirements under federal law related to protection of Endangered Species.

Part II.B.13

Comment: AECOM comments that Part II.B.13, the automatic authorization of certain industrial activities, seems to expand the number of entities that will be covered by the MSGP and would, for example, include small business activities conducted in residential

homes. AECOM asks whether these activities were considered by TCEQ to be covered in the existing permit.

Response: The existing MSGP includes any facility described by an SIC code regulated in the federal regulations at 40 CFR §122.26(b)(14). TCEQ recognizes that many very small businesses operating out of residential homes with no exposure of industrial activity did not submit NEC forms, but maintains that the regulations do not provide for an exemption from permitting based on size of the business. TCEQ believes that adding this allowance will help operators of very small businesses inside of homes or shopping malls, with no possibility for exposure of industrial activity, to obtain streamlined coverage. This allowance will also be useful for MS4 operators who are seeking to regulate industrial storm water discharges in accordance with their MS4 permit.

Part II.C.1(a)(1) and (2)

Comment: Lloyd Gosselink comments that the draft MSGP provides procedures for permittees to seek an NEC from permit requirements and identifies activities that are not required to be isolated from storm water in order to meet the NEC, including materials that "are not deteriorated." Lloyd Gosselink requests that TCEQ define or clarify what qualifies for a material to not be deteriorated.

Response: As the term “deteriorated” is used in Parts II.C.1.(a)(1) and (2), it means that any container or final product that is impaired in quality, function, or condition to the point that there is a potential for material associated with the regulated industrial activity (including material contained within or on the surface of the container or product) to come into contact with storm water or storm water runoff in a manner that would violate the terms of no exposure.

Part II.C.1(a)(8)

Comment: PCCA asks for clarification regarding the meaning of “delivery vehicle” as the term is used in the conditional no exposure exclusion.

Response: The term “delivery vehicle,” includes a vehicle that transports fuel to an above-ground storage tank (AST). These vehicles may also receive fuel from an AST. The term does not apply to other types of vehicles at a facility that receive fuel from an AST. An AST that provides fuel to non-delivery vehicles would be considered exposed. However, if the fueling activity is not part of the regulated industrial activity at the site, then it is possible that the AST would not need to be considered in the determination of “no exposure.”

Part II.C.1(b)

Comment: TLM comments that this section addresses materials “that could be mobilized by wind.” TLM does not believe the TPDES program is the appropriate mechanism for the regulation of air emissions. TLM notes that the facilities covered by

the MSGP currently have Texas Clean Air Act requirements that must be met to address air emissions.

Response: TCEQ declines to make the requested change, because the requirement related to exceptions for no exposure is consistent with the EPA's "Guidance Manual for Conditional No Exposure from Storm Water Permitting Based on 'No Exposure' of Industrial Activities to Storm Water," as well as TCEQ's No Exposure Guidance Document, RG-467. TCEQ believes that it is appropriate to keep this provision in the permit because particles that could be mobilized by wind are clearly exposed to the environment and could come into contact with storm water or storm water runoff. However, TCEQ also points out that Part II.C.1.(a)(7) does allow for certain roof stacks and vents to qualify for "no exposure" so long as they are compliance with any applicable air permitting requirements. For clarification, EPA and TCEQ's no exposure guidance documents were added to the Administrative Record listed in Part XIV of the Fact Sheet and Executive Director's Preliminary Decision.

Part II.C.2(a)

Comment: Lloyd Gosselink comments that this section of the draft MSGP addresses how a permittee obtains authorization for storm water discharges. Lloyd Gosselink notes that this section provides that once an NOI is filed for authorization, the MSGP provides for provisional authorization seven days from the date the NOI is postmarked, "unless otherwise notified by the executive director." Such notification, if made, should be done "in writing." Additionally, if TCEQ determines that an NOI or NEC is incomplete and requests additional information, such notice and request should also be made in writing to provide sufficient notice. Thus, Lloyd Gosselink requests that TCEQ revise this section accordingly.

Response: In response to the comment, the phrase "in writing" is now included in the first sentence of (a), before the phrase "by the executive director." Also, the section was reorganized slightly to describe when provisional authorization begins for electronic submittals and to clarify that both electronic and paper NOIs are subject to review by the TCEQ. The revised language follows:

(a) Paper Notices of Intent (NOIs) and No Exposure Certifications (NECs).
  (1) Paper NOIs and NECs. Provisional authorization begins seven (7) days from the date that a completed NOI or NEC is postmarked for delivery to the TCEQ, unless otherwise notified in writing by the executive director.
  (2) Electronic NOIs and NECs. If electronic submission of NOIs or NECs is provided, and unless otherwise notified by the executive director, provisional authorization begins immediately following confirmation of receipt of the electronic NOI or NEC form by the TCEQ.
  (3) Following review of the NOI or NEC, the executive director will:
    a. determine that the NOI or NEC is complete and confirm coverage by providing a written notification and an authorization number; or
    b. determine that the NOI or NEC is incomplete and request additional information needed to complete the NOI or NEC; or

c. deny coverage in writing. Denial of coverage will be made in accordance with TCEQ rules at 30 TAC § 205.4, related to Authorizations and Notices of Intent.

Part II.C.2(c)

Comment: Harris County and HCFCD ask whether the omission of the NEC is an error and notes that it should be added to this section since it is included in Part II.C.2(c).

Response: In response to the comment, TCEQ added a reference to the NEC form in Part II.B.13. of the MSGP.

Part II.C.3(a)(1)

Comment: SKS comments that this section specifies that permittees who were authorized under the current MSGP permit can continue to operate under the provisions of that permit for up to 90 days until authorization is obtained under this MSGP. SKS asks whether that means that current permittees will not be subject to the new SWPPP requirements until an NOI for authorization is submitted to TCEQ.

Response: Upon expiration of the current MSGP on August 14, 2011, all permittees will receive provisional coverage for 90 days from the effective date of the reissued permit. During this time period, permittees who were authorized under the current MSGP will continue to operate under the provisions of that permit, and will not be subject to the requirements of the new permit until such time as they submit an NOI for authorization or the 90 day period ends.

Comment: Lloyd Gosselink comments that the draft MSGP, like the existing MSGP, requires the development and implementation of a SWP3 before submitting a Notice of Intent (NOI) for authorization. Lloyd Gosselink notes that the SWP3 requirements in the draft MSGP were revised and additional requirements were added for permittees to address, including more extensive development of BMPs. For permittees with existing MSGP coverage, some extensive revisions to their current SWP3 may be required based on the draft MSGP, once adopted. Thus, Lloyd Gosselink requests that TCEQ provide existing permittees with at least 180 days from submission of the NOI to implement any new or revised portions of their SWP3s. Lloyd Gosselink comments that the implementation of a revised SWP3 with new elements may require, in part, extensive coordination with other divisions or departments of the municipality or facility, governing board or council approval and action, and significant costs that will need to be addressed and funded. Thus, it is appropriate to provide some additional time to fully implement any new SPWP3 elements. This request is consistent with the time given to perform the necessary investigation for non-storm water discharges and SWP3 updates addressed in Part III.B.1(b).

Response: TCEQ believes that additional time is not necessary for permittees with existing MSGP coverage to incorporate the new and revised requirements into their SWP3. The MSGP requires that an SWP3 must be developed and implemented prior to

the submittal of an NOI. TCEQ notes that the general permit may be issued as soon as July 20, 2011, which is 117 days before the deadline of November 14, 2011 for permittees to submit an NOI for authorization under the new version of the MSGP.

Part II.C.3(a)(3)

Comment: Lloyd Gosselink comments that the draft MSGP provides that permit coverage for facilities currently covered under the existing MSGP "will expire 90 days following the effective date" of the new MSGP if permit coverage is not renewed during this period. Lloyd Gosselink asks for confirmation whether such facilities with existing MSGP coverage that do not need to renew such coverage under the new version of the MSGP, once issued, need to file a Notice of Termination (NOT) under the current MSGP or whether they can allow the existing MSGP authorization to expire and not renew coverage under the new MSGP, once issued.

Response: Facilities with storm water discharges authorized under the existing MSGP that no longer need permit coverage will not be required to file an NOT, as any authorizations not renewed within 90 days will be automatically cancelled. However, if an NOT is not submitted on or before September 1, 2011, the operator will be assessed an annual water quality fee of $200.oo for Fiscal Year 2012. The reason for this is because annual fees are assessed to each regulated facility that is “active” on September 1 of each year; and permittees who have provisional coverage under the MSGP will be considered “active” unless they submit an NOT. To clarify the requirement, Part II, Section C.3.(a)(3) has been revised to add the following language after the existing sentence:

> “(3)...However, facilities that do not submit a notice of termination on or before September 1, 2011, will be considered active facilities on that date and will be assessed an annual fee for Fiscal Year 2012, as described in Part II, Section C.10.(b) below.”

Part II.C.8

Comment: B&W Pantex requests clarification on whether there is a TCEQ form to be used for delegation of signatory authority pursuant to 30 TAC §305.44(a)(1).

Response: The referenced rule provides that for a corporation, authority to sign documents such as a permit application, may be assigned or delegated to a manager meeting certain criteria in the rule. If assigned or delegated in accordance with corporate procedures that govern authority to sign documents, then the NOI, NOT, NOC, or NEC form may be signed by that person or position rather than a responsible corporate officer such as a president or vice president. This assignment or delegation is an internal corporate process and TCEQ does not have any forms that address this delegation of signatory authority under 30 TAC §305.44(a)(1).

Part II.D.1

Comment: Westward comments that an individual permit application must be submitted 330 days prior to commencement of the regulated activity. Westward asks why this timeline was extended from the original 180 days and asks for the regulatory basis for the 330 day timeframe.

Response: TCEQ has rules governing the timeframes for processing permit applications, which can be found in 30 TAC Chapter 281, and generally can take up to 330 days for an individual permit to be issued after the application is submitted. Therefore, if an individual permit is needed, an applicant needs to allow a sufficient amount of time to obtain coverage, as discharge is not allowed without a valid permit issued by the Commission.

Part II.D.3(d)

Comment: Westward comments that in November 2010, the TCEQ Sunset Commission recognized the disproportionate effect of compliance history calculations on small businesses and mandates the Agency correct the rules: "The TCEQ's approach to compliance history fails to accurately measure entities' performance, negating its use as an effective tool." Westward recommends removing Section D.3(d) language regarding poor performer classification under 30 TAC Chapter 60.

Response: TCEQ agrees that the TCEQ Sunset Commission recommended changes to TCEQ's compliance history calculations, but as of the issuance of this permit TCEQ rules regarding compliance history remain in place. Note that the rules currently in effect in 30 TAC §60.3 prevent an entity with a compliance classification of "poor" from obtaining a general permit authorization.

Part III.A.1(a)

Comment: B&W Pantex believes that a clarifying statement in paragraph three is warranted. B&W Pantex suggests the wording be revised to read: "The SWP3 must be modified whenever changes are made to the facility that would change the quality or nature of the storm water runoff from the facility."

Response: TCEQ will maintain the language in the MSGP due to the fact that there are changes that could be made at the facility that would require the permittee to modify the SWP3, but that would not affect the nature of the storm water being discharged from the site.

Part III.A.2(a)

Comment: SKS comments that this section requires that a member of the storm water pollution prevention team must be identified by name and by title. SKS believes that simply referencing the job title/position should suffice instead of having to name the specific individual(s) since specific individuals may often change throughout the 5-year term of the permit.

Response: The MSGP states that if it is not feasible to provide the name of each team member, then the SWP3 may identify a position or positions within the organization that comprise the team. Members of the organization or the ranking employees or executive officers at the facility must be able to identify the particular individual(s) comprising the team. No changes were made in response to the comment.

Part III.A.3.

Comment: STPNOC comments that TCEQ should eliminate inconsistent terminology associated with spill information requirements. Specifically, in Part IILA.3(b)(11) and Part III.A.5(a)(4) define "significant spills and leaks" to be those involving a "reportable quantity" to be consistent with Part III.A.3(d)(13). Also, STPNOC recommends specifying in Part III.A.3(e) that the list be updated with subsequent "reportable quantity" spills not "all" spills. Same comment for Part III.B.5(a)(4).

Response: TCEQ disagrees that the terminology is inconsistent and responds that the intent is for the permittees to evaluate reportable quantity spills before the NOI is submitted, as it may not be feasible to include spills less than a reportable quantity for the three years preceding NOI submittal. However, it is the intent that all spills and leaks be included on the list that is to be updated and maintained in the SWP3.

A significant spill and leak might not meet the threshold for a reportable quantity spill, but still needs to be reported because it might cause a negative impact on water quality. TCEQ disagrees that it is necessary to update Part III.A.3(e) or Part III.B.5(a)(4) because recognizing the location of spills and having these documented as a part of the facility's SWP3, will assist the storm water pollution prevention team in assessing potential future spills and the need for revising existing BMPs. TCEQ points out that spills of a reportable quantity as defined in the federal rules at 40 CFR §302.4 and state rules at 30 TAC §327.4 must be reported to TCEQ separately.

Comment: STPNOC comments that the MSGP should allow the option to include certain information in a narrative description in the SWP3 instead of on the maps. Specifically, in PartIII.A.3(c) and Part III.A.3(d), surface area of the facility, impaired waters, documentation that all unauthorized discharges have been eliminated, and the description of pollutants in runon are best described in a narrative format in the body of the SWP3.

Response: The requirements for the content of the drainage site map correspond to the requirements in EPA's current MSGP issued in 2008. TCEQ disagrees that the information required on the map in this section would better described in a narrative format. No changes were made based on this general comment. However, Part III.A.3(d)(14) was changed to be consistent with EPA's current MSGP and now reads as follows:

> "(14) locations and sources of runon to the site from adjacent property that contains significant quantities of pollutants;"

Part III.A.3(a)

Comment: NRG suggests revising the first sentence to not include materials located in an area where the storm water discharges are permitted by another TPDES permit. NRG suggest wording the sentence as follows: "An inventory must be developed that lists materials currently handled at the facility that may be exposed to precipitation or runoff such that the runoff will be discharged via a storm water outfall and not a permitted wastewater outfall."

Response: In order to address the concern that the requirement could be construed to mean the inventory needs to include materials in an area covered under another TPDES permit, the requested sentence is revised as follows:

> "Inventory of Exposed Materials. An inventory must be developed that lists materials currently handled at the facility that may be exposed to precipitation or runoff in a drainage area of an outfall covered under this permit..."

Comment: B&W Pantex comments that the term "significant change" is defined twice in the third paragraph in different contexts. B&W Pantex recommends relocating these definitions to Part I – Definitions.

Response: TCEQ declines to make the requested change, because the existing descriptions within this section are adequate to describe the term. In addition, because the term "significant change" in this paragraph is used to describe two separate things, types of materials and material management practices, leaving the description within this paragraph will be less confusing than moving the definition to Part I. Finally, this is appropriate because the terms only occur in this section of the MSGP.

Part III.A.3(b)(11)

Comment: NRG suggests changing the word "significant" in the first sentence to "reportable." The revised language would read: "locations where all reportable spills and leaks..."

Response: TCEQ agrees that clarification of this item would be useful, and revised Part III.A.3(b)(11) as follows to describe what is meant by the term "significant" in this section:

> "locations where all significant spills and leaks (for example, reportable quantity spills and spills or leaks that have the potential to cause impacts on water quality) of oil or toxic or hazardous pollutants occurred at exposed areas that drained to a storm water conveyance in the three (3) years prior to the date the SWP3 was prepared or amended."

Comment: NRG recommends deleting the second paragraph because the site map already requires that the location of reportable spills be marked and because the site

map includes drainage path directions to the storm water outfall. NRG states that this comment also applies to "areas with a high potential for significant soil erosion." NRG believes that it is redundant to require this information as a narrative and on the site map.

Response: TCEQ will maintain the language in the second paragraph, because it will help to identify exposed pollutants or areas of concern. This paragraph provides enough flexibility to include this information on a site map or, alternatively, in the narrative description.

Part III.A.3(c)

Comment: Westward asks for clarification that the site map does not require depictions on a USGS Quadrangle Map.

Response: The site map must contain enough detail to identify the location of the facility and the surface waters that could potentially receive storm water discharges from the site. A USGS quadrangle map is given as an example of the style of map that could be used to satisfy this requirement.

Comment: Westward asks for clarification regarding the number of receiving streams intended to be depicted on this map, the immediate receiving water(s), or downstream tributaries, etc., to a classified stream segment, etc. Westward comments that the citation implies that the flow from one stream to another to another should be included on the map, potentially all the way to the ocean. Westward recommends including the nearest receiving water or water(s) if more than one could be reached by a direct discharge.

Response: This item is referring to the first surface water receiving discharges from each outfall, though a permittee may elect to include the discharge route until the discharge reaches a classified receiving water body. No changes were made in response to this comment.

Part III.A.3(d)(8)

Comment: NRG recommends deleting the requirement to put the surface area on the map. If needed, NRG comments that it should be in a narrative.

Response: TCEQ agrees in part with the commentor, and revised this item as follows to say that either the surface area or a clear scale must be provided on the map to insure that the approximate surface area can be calculated using the map:

> "the surface area of the facility (i.e., size in acres or square feet), or a clear scale such that the approximate surface area may be calculated;..."

Part III.A.3(d)(9)

Comment: NRG recommends deleting the requirement for information on impaired waters on the map. NRG comments that this information should be in a narrative.

Response: TCEQ declines to make the requested change because including impaired waters on the site map will be useful in assessing the potential for pollutant sources that flow to impaired water bodies and for choosing and implementing BMPs to address pollutants of concern if needed.

Part III.A.3(d)(12)

Comment: NRG recommends deleting the requirement to indicate if significant quantities of pollutants are present in the runon. NRG comments that this information should be in a narrative.

Response: TCEQ agrees in part, since some of the information requested may be difficult to include on a map. However, it is often useful for both the permittee and an inspector at a site to be able to look at the site map and determine if there are any particular areas of concern.

In response to the comment, TCEQ revised Part III.A.3.(d)(14) as follows to provide for the permittee to note if there are any particular areas of interest, such as areas where significant quantities of pollutants are present in the runon:

> "locations and sources of runon to the site from adjacent property that contain significant quantities of pollutants"

In addition, the requirement to describe if significant quantities of pollutants are present in the runon, was moved to the second sentence of the narrative requirements of Part III.A.3(b) as follows:

> "...This description must include locations and sources of runon to the site from adjacent property, and an indication if significant quantities of pollutants are present in the runon."

Comment: Westward recommends eliminating the requirement to include "descriptions" of non-storm water discharges and documentation of all unauthorized discharges on a map. Westward comments that language could be required in associated text, but inclusion of this information on the map will make the map illegible. NRG recommends deleting the requirement for showing the location of unauthorized discharges on the map and rather include it in the narrative.

Response: TCEQ agrees in part and removed the second section of Part III.A.3.(d)(12), related to documentation, because this should be included in the Inspection and Certification of Non-Storm Water Discharges required in Part III.B.1 of the MSGP. The requirement to describe the non-storm water discharges was retained, as this requirement could likely be accomplished with a short notation of the type of discharge (for example, air conditioning condensate or irrigation runoff).

Part III.A.3(e)

Comment: NRG suggests changing the word “all” to “reportable” in the second sentence requiring that the list of spills be updated quarterly. Also, NRG recommends clarifying the language to state that the list would be updated quarterly if a reportable spill has occurred. NRG states that the list should not need to be updated if there were no spills during the quarter.

Response: TCEQ believes that the language about reportable quantity spills in Part III.A.3.(e) is appropriate and respectfully declines to make the requested change. This language is consistent with the existing MSGP and is useful to help indicate areas of concern at the facility. Requiring permittees to update the list of spills on a quarterly basis will emphasize that the SWP3 is a living document that should always reflect current conditions on the site.

Part III.A.4(a)

Comment: TACA comments that the language of this section seems to indicate the list of pollution prevention measures is all inclusive and that every listed measure or control be utilized or a description of why the measure or control is infeasible. TACA recommends that TCEQ recognize that, even if feasible, a specific measure or control may have no measurable effect on the quality of storm water discharging from the site. TACA comments that the appropriateness of the operator’s chosen methods and controls should be determined based upon the water quality sampling and other monitoring required by the permit. TACA believes the list should be clearly identified as guidance.

Lloyd Gosselink comments that the draft MSGP requires the development and implementation of BMPs to reduce the discharge and potential discharge of pollutants found in storm water. The draft MSGP was expanded to require that permittees implement a certain list of specific BMPs or document in their SWPPP why such BMPs are not feasible. This requirement is unnecessary and overly burdensome. Permittees should be focused on developing and implementing site-and industry-specific BMPs, rather than addressing a pre-determined list of BMPs that may or may not be appropriate for a specific facility conducting a specific industrial activity. Lloyd Gosselink requests that TCEQ amend this section of the draft MSGP to either remove this language or to clarify that the listed BMPs are suggestions only for permittee consideration.

Westward comments that the requirement (last sentence under (a) states "...the permittee shall implement the following specific controls, or shall document why they are not feasible:") to divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff in order to minimize discharges of pollutants deviates from water quality based limitations to water quantity limitations. Westward recommends that this language be altered to indicate that these are preferred practices, but the use of all of the controls listed in (4)(a)(1) and (10) is not always necessary whether certain practices

are "feasible" or not. Especially considering that sites located on aquifer recharge zones may discourage or outright prohibit the use of infiltration practices. Westward disagrees that documentation of infeasibility should be included. Westward asks what would make a particular BMP "infeasible."

Response: In response to the comment, TCEQ revised the second paragraph as follows to clarify that the listed BMPs are simply suggestions and not requirements.

> "Examples of BMPs that the permittee may use to comply with this section include the following:"

However, paragraph (11), related to salt storage piles, is not simply a suggestion, but is a requirement and therefore was reworded slightly and moved to Part II, Section B.4, related to Storm Water Discharges from Salt Storage Piles.

> "The permittee(s) shall prevent exposure of salt storage piles, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. This material must be enclosed or covered. Appropriate BMPs (for example, good housekeeping, diversions, containment) must be implemented to minimize exposure resulting from adding to or removing materials from the pile(s)."

Part III.A.4(f)(1)

Comment: NRG recommends revising the requirement that training activities must be maintained in the SWP3 to include a reference to an accessible database or other filing system. STPNOC recommends amending the training record maintenance requirements to allow alternative methods that ensure records are maintained in a manner that is readily recoverable, e.g. in an electronic database or other standard business training record process that may be described in the SWP3.

Response: At this time, TCEQ will not require that a database or electronic filing system be used to maintain the records of training activities. However, it a permittee may find it beneficial to utilize such a system of recordkeeping. The permit language was not revised, as it already provides enough flexibility for an electronic database, provided that the information in the database is referenced in the SWP3 and is readily available. The electronic database would then be considered part of the SWP3, though it would be separate from the actual SWP3 document.

Comment: STPNOC recommends specifying that training conducted to comply with other regulatory required programs, e.g. 40 C.F.R. § 112 training, may be used to satisfy the training requirements of this section to the extent that such training addresses the components specified.

Response: TCEQ acknowledges that the training requirements listed in the MSGP may overlap the requirements that are within other regulatory programs, but respectfully declines to specify that training conducted to comply with other regulatory required

programs may be used to satisfy the training requirements. The permittee may combine the training requirements of the MSGP with requirements with those in other regulatory programs so long as compliance is maintained with the MSGP and with any other regulations.

Part III.A.5

Comment: B&W Pantex requests clarification of the term "significant" as it is used in this section so that the regulated community has clarity on the intent of record-keeping. B&W Pantex states that this provision could be re-worded to state: "Descriptions and dates of any releases of reportable quantities of materials that result in the discharge of pollutants to surface waters;..."

Response: TCEQ provides clarification that the term "significant" includes, but is not limited to reportable quantity spills and leaks, as well as other (smaller) spills and leaks that have a potential to migrate off site (such as may reach an MS4 or surface water body), that recur on a frequent basis, that have a potential to cause water quality or other environmental problems. The permittee may develop additional criteria for determining a significant release for the purpose of this section.

Comment: STPNOC requests clarification that records required in A.5(b) may alternatively be maintained in accordance with other standard business record processes as described in the SWP3.

Response: Paragraph III.A.5.(b) requires the permittee to include the listed information as an attachment to the SWP3, "or made readily available" upon request. The language does not limit the type of records that a permittee may use, so a permittee may use a variety of processes for keeping the required records so long as they are easily accessible upon request by TCEQ or other authorized personnel.

Part III.B.1(b)

Comment: B&W Pantex requests that this section be modified to read: "The SWP3 must ensure that non-storm water sources are not combined with storm water discharges authorized by this permit unless the discharges are authorized by another permit issued pursuant to the Texas Water Code."

Response: TCEQ agrees that this revision may provide more clarification of the intent, that non-storm water flows not be allowed to commingle with the permitted storm water unless it is being discharged under a TPDES permit. Therefore, the last sentence of the first paragraph of Part III.B.1(b) was revised as follows:

> "The SWP3 must ensure that non-storm water sources are not combined with storm water discharges authorized by this permit unless otherwise allowable under Part II.B.5. of this general permit."

TCEQ declines to change the term “TPDES permit” as suggested by the commentor, since all surface water discharge permits are in accordance with the TPDES program and consistent with the Texas Water Code.

Part III.B.2(a)

Comment: NRG recommends deleting the requirement to perform a quarterly inspection during a period when storm water is discharging. NRG comments that it is virtually impossible to collect the required samples at multiple outfalls and also perform a complete inspection. STPNOC suggests clarifying that the "period when a storm water discharge is occurring" for purposes of conducting a facility inspection includes some defined period following a qualified storm event or in the alternative, deleting the requirement.

Response: The existing language is sufficient because it indicates that performing a routine facility inspection during a period when storm water is discharging is required only “if feasible.” Therefore, where collecting samples from multiple outfalls is “virtually impossible” it would meet the exception provided in the current language of “if feasible.”

Part III.B.2.

Comment: Westward asks for clarification regarding the "certification" language required, if any. Otherwise, Westward assumes that the inspection report only needs to be signed by a signatory authority, per 30 TAC Chapter 305 and request that the word "certification" be changed to "signed."

Response: The certification language is required by 30 TAC §305.128 for the signing of any report required by the MSGP and is quoted verbatim from that rule. Also, *see* Part III.E.6(c) of the MSGP, which is referenced in Part III.B.2. The signatory requirement used for NOIs is in 30 TAC §305.44(b), relating to Signatories to Applications. The following is the certification language in §305.128:

> “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons 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.”

However, the reference to “certification” in the sentence following the list in Part III, Section B.2.(c) is meant to refer to the documentation of inspections; therefore, the word “certification” was replaced with “documentation” in this sentence.

Part III.B.3

Comment: NRG requests clarification of what “normal” hours means when the facility is fully staffed and not staffed with minimal personnel. STPNOC requests that TCEQ specify that "normal business hours" refers to normal work schedule hours for qualified personnel performing the monitoring.

Response: The language requiring visual monitoring during the normal hours of operation for the facility applies to those hours that the facility is actively involved in The language requiring visual monitoring during the normal hours of operation for the facility applies to those hours that the facility is actively involved in performing regulated industrial activities. Changes were made during the previous renewal process in response to comments concerning employee safety and additional costs associated with having employees that are on call for sampling during hours other than normal hours of operation. Monitoring must be conducted during daylight hours or in a well lit area to prevent unnecessary exposure of employees to adverse conditions.

TCEQ declines to revise the permit to include only those hours that qualified personnel are present at the facility, and encourages permittees to provide training for staff that will be present during the facility’s operating hours to collect visual samples.

Comment: TCE agrees with the provision that requires quarterly visual inspections by TCEQ, but does not think there are adequate TCEQ personnel to perform these inspections.

Response: TCEQ appreciates the comment, but would like to point out that the requirement to conduct regular visual inspections is the responsibility of the permittee. TCEQ will inspect some facilities authorized under this permit, but not at a specified frequency. Results of all self-inspections by the permittee must be documented and kept with the SWP3.

Part III.B.3(c)(6)

Comment: STPNOC recommends moving the requirement to identify the probable sources of any observed contamination to Part III.B.3(d). STPNOC comments that this responsibility more appropriately belongs to the storm water pollution prevention team with input from the qualified personnel conducting the visual monitoring.

Response: TCEQ declines to make the suggested change because the language about identifying the probable sources of any observed contamination in Part III.B.3(c)(6) is appropriate to include in the MSGP. However, TCEQ recognizes that the personnel performing the visual monitoring may not always be able to determine the exact source, but instead may need to notify the storm water pollution prevention team.

Part III.B.4.

Comment: AECOM requests clarification in Part III.B.4 whether water quality monitoring will be required for facilities who determine that the pollutant of concern is not present under Part II.B.7.

Response: Monitoring under this section is only required for new discharges to water quality impaired receiving waters that discharge the pollutant of concern at a level of concern as described in Part II.B.7(c)(3)e. In addition, Part II.B.7(c)(3)e. was revised to include the same reference the "level of concern" in the first paragraph:

> "(a) The permittee shall monitor the discharge from the facility at all outfall(s) determined to be discharging a pollutant of concern at a level of concern under Part II, Section B.7, Water Bodies and Total Maximum Daily Load (TMDL) Requirements."

In addition, Part II.B.7(e) was revised to include the same reference in the first paragraph:

> "e. If sampling results indicate that the pollutant of concern is present in the discharge at a level of concern, then the permittee shall perform the following activities:..."

Part III.B.4.(c)

Comment: Regarding the requirement to contact TCEQ for guidance on what pollutants to monitor, Westward asks TCEQ to identify the specific program area responsible for addressing these requests. Westward notes that TCEQ Regional Offices or certain municipalities may not have engineering staff that have the technical expertise to provide appropriate guidance. Westward thinks it may be more appropriate for TCEQ technical staff to develop and publish written guidelines for the regulated community to utilize.

Response: In response to the comment, the MSGP was revised to indicate that the TCEQ's Wastewater Permitting Section (MC-148) should be contacted for guidance on benchmark levels for additional pollutants. In addition, an allowance was added for use of TCEQ guidance on the matter in lieu of submitting a form request, if such guidance is developed by TCEQ. The second sentence of Part III.B.4.(c) was revised as follows:

> "...For the following pollutants of concern, monitoring must be conducted for the following alternative pollutants, unless an alternate is approved in writing by TCEQ's Wastewater Permitting Section (MC-148) or the TCEQ develops separate written guidance:"

Comment: AECOM would like to know what TCEQ considers a benchmark for bacteria in Part III.B.4.(f).

Response: At the current time, TCEQ has not determined a benchmark level for bacteria to be used for compliance with this section of the permit and will work with permittees as needed to provide a benchmark for their discharges.

Part III.B.5(a)(4)

Comment: B&W Pantex requests this section be re-worded to read: "(4) all areas where spills or releases of reportable quantities have occurred in the last three (3) years;..." B&W Pantex comments that the modified wording would add a degree of clarity for the regulated community and would be consistent with other regulations.

Response: TCEQ declines to revise the language to only require examination and assessment of areas where reportable quantity spills or releases occurred, because areas where other spills or releases have occurred may be especially useful in determining if changes are needed to the SWP3, particularly if repeated releases have occurred over the permit year.

Part III.B.5(a)(5)

Comment: AECOM requests that TCEQ revise the requirements for the training records in Part III.B.5(a)(5) to be located with the SWP3. AECOM thinks that the training records could be referenced in the SWP3 and made readily available as is similarly done with other records.

Response: TCEQ recognizes that training records may be separate from the SWP3 but does intend for basic information such as training dates be included in the SWP3. Additional information may be appropriate to include as an attachment or reference in the SWP3, and TCEQ does not believe that any additional changes are required to the permit language.

Part III.B.5(b)(6)

Comment: B&W Pantex comments that the term "incident of non-compliance" is defined in this section and recommends moving it to Part I – Definitions.

Response: The term "incident of non-compliance" is defined in this section and the term is only used in that section of the permit. Therefore, TCEQ respectfully declines to make the requested change.

Part III.D.1(a)

Comment: PCCA asks if there is a substantially significant discharge amount that must occur in order to be considered a "qualifying event."

Response: The current MSGP requires that sampling be conducted on discharges of runoff that result from a storm event that measures at least one-tenth of an inch. In the draft MSGP, TCEQ removed the requirement for the sampling to be conducted based on

the size rain event and instead requires sampling be conducted on an actual discharge from the site that results from a "measureable" storm event. A qualifying storm event under the MSGP is now one that produces any amount of discharge from an outfall regulated under the MSGP.

Comment: UPS requests that if the proposed language regarding "qualifying storm events" is adopted, that the requirement to maintain and monitor a rain gauge at every location be removed since it would no longer be applicable.

Response: TCEQ disagrees that the change in the MSGP related to a qualifying storm event reduces the need for a rain gauge. It will still be useful for a permittee and for a TCEQ inspector to be able to demonstrate that a measurable rainfall event did or did not occur when evaluating whether a sample should have been collected.

Part III.D.1(c)

Comment: SKS comments that this section contains a new requirement to maintain a rain gauge on-site and to monitor the rain gauge once per week; and once per day during storm events. SKS comments that there are going to be times when a storm event will take place and either there will be no one at the facility to monitor the rain gauge or any rainfall events occurred in the evening or during a weekend or a holiday when no one was available to conduct the monitoring of the rain gauge. SKS requests that this section be clarified regarding what would be expected when no one will be available to conduct the required rain gauge monitoring.

Response: The requirement to maintain a rain gauge on site is continued from the existing permit and will be retained in the renewed MSGP. The rain gauge provides the permittee a mechanism for demonstrating that a measurable rain event did or did not occur at the site that could have resulted in a discharge.

Part III.D.2(b)

Comment: Westward comments that the inclusion of a coefficient of runoff for drainage area deviates from water quality based limitations to water quantity limitations. While Westward recognizes that TCEQ included more information related to erosion and sedimentation controls throughout the MSGP in support of certain sectors being authorized to discharge construction-related storm water runoff; Westward recommends limiting these required practices to sectors that are allowed to discharge construction activity storm water runoff.

Response: This provision was included based on EPA's current MSGP, and TCEQ believes it is appropriate to retain in the permit in order to help determine if separate outfalls are indeed substantially similar for the purpose of reducing monitoring.

Part III.D.2(b)(4)

Comment: PCCA comments that they are opposed to having to monitor from each outfall that has been determined to be substantially similar, on a rotating basis. PCCA notes that they have installed permanent storm water monitors/samplers and having to move them would be burdensome and costly. PCCA questions whether if they are able to show that all the outfalls are substantially similar, why samples must be collected from each individual outfall on a rotating basis. NRG recommends deleting the requirement to rotate monitoring requirements at substantially similar outfalls. NRG comments that the monitoring point at some outfalls may be very difficult to reach and if there is a similar outfall that can be monitored more readily, it should be used. NRG recommends deleting the requirement to rotate monitoring requirements at substantially similar outfalls.

Response: TCEQ acknowledges that requiring that an operator monitor from each outfall that has been determined to be substantially similar, on a rotating basis may not be necessary based on the additional requirements that have been included for establishing substantially similar outfalls. Therefore, in response to the comments, the first sentence of Part III.D.2(b)(4) was removed, related to the requirement to rotate the outfall.

Part III.D.3(b)

Comment: Harris County and HCFCD comment that this section requires sampling, inspections, and examinations on a semiannual basis in the first full period following submission of a NOI. Harris County and HCFCD note that Part IV.B.1(a) requires benchmark sampling to be initiated during the first full period following permit issuance. Harris County and HCFCD believe that this language is ambiguous and difficult to enforce since the permit issuance date may occur in a different period than the NOI submittal date. Harris County and HCFCD request that the commencement of semi-annual monitoring be consistent throughout the permit.

Response: TCEQ acknowledges the concern, but notes that the purpose of benchmark sampling is partly to insure that TCEQ has reviewed benchmark data from all regulated sectors. Existing facilities will be renewing coverage before the end of the calendar year 2011, and all semiannual sampling will be required to commence beginning with the January through June 2012 period. However, for new facilities, benchmark sampling will only be required during the calendar year following NOI submittal, since the annual average result is reported (see IV.B.1.(b)). It is expected that this discrepancy will be worked out in subsequent MSGP permit renewals.

Part III.D.4(a)(1)

Comment: NRG and STPNOG recommend including poor lighting conditions as an example of adverse conditions. NRG comments that it is dangerous to attempt to collect samples when lighting is poor.

Response: TCEQ did not add the requested language to the permit because the existing language is sufficient to address the situation raised by the commenter. TCEQ did not intend for the list of examples of adverse weather conditions to be exhaustive and recognizes that there may be additional situations other than those listed when monitoring requirements may be temporarily suspended or waived. If a permittee is unable to sample, inspect, examine, or otherwise monitor storm water discharges due to potential risks to facility personnel or the inability to reach the sampling location, then the facility must document the occurrence and include it in the SWP3. This would also apply in circumstances where there is insufficient light to collect required samples.

Comment: AECOM asks that TCEQ address whether the environmental testing accreditation and certification requirement would prohibit an industrial facility from using its own laboratory in Part III.E.4.

Response: A facility operator may use its own laboratory if it is operated in accordance with 30 TAC §25.6 and analyses are conducted in accordance with 30 TAC Chapter 319.

Part IV.A.1

Comment: NRG recommends stating in this section that the benchmark monitoring requirements are subject to the exceptions to the monitoring requirements in Part III.D.4. STPNOC recommends including the adverse condition exceptions to the benchmark monitoring requirements in this section.

Response: Although a reference to Part III.D.4 is included in Part IV.B.2, it may be more clear to include specific language regarding adverse weather condition exceptions in Part IV.A.1. as well. Therefore, TCEQ added the following new paragraph to Part IV.A.5. to reference adverse weather conditions in Part III.D.4. of the permit:

> "5. Adverse Weather Conditions
> Sampling under this section is subject to the exceptions related to adverse weather conditions or drought in accordance with Part III, Section D.4. of this general permit."

Comment: TACA and Westward comment that they are unaware of any scientific basis that would justify the reduction of the TSS benchmark value on portions of Sectors A, C, E, U and all of Sectors D, H, J, O, Q, and AA to 50 mg/l from the existing 100 mg/l. TACA and Westward note that 50 mg/l is below the background concentration from undeveloped areas of the Edwards Aquifer Recharge Zone, which is 80 mg/l. TACA and Westward recommend keeping the benchmark value for TSS at 100 mg/l. NRG also recommends keeping the benchmark value for TSS at 100 mg/l for Sector O, and if not, explaining why steam electric generating facilities should be subject to a more stringent TSS benchmark value.

Response: The proposed benchmark values are based on analytical data submitted to TCEQ during calendar years 2007 and 2008. TCEQ performed statistical analysis of the data and lowered the TSS benchmark values for those sectors or part of sectors where

the median of the data was below or very close to 50 mg/L. Analytical results that exceed a benchmark value are not in violation of the permit, but rather indicators that modifications to the SWP3 may be necessary. However, if the benchmark values are set too high or too low, they may not serve as good indicators of performance of best management practices. The median of the analytical data for TSS in sector O was 29.5 mg/L, so it was determined that lowering the TSS benchmark to 50mg/L would provide permittees with a better indicator in this sector. This data will be evaluated again during the next permit renewal based on benchmark data submitted during this permit term.

Comment: Lloyd Gosselink comments that the draft MSGP provides a table of benchmark values that permittees shall compare against the results of their sector-specific analyses. Lloyd Gosselink asks that TCEQ confirm that this section of the MSGP does not require that all regulated sectors monitor for all constituents listed in this section, but that specific requirements to conduct benchmark monitoring for particular constituents are specified in Part V.

Response: Benchmark sampling is only required for a subset of regulated activities under the MSGP. To provide additional clarification, the first paragraph of Part IV, Section A.1. was changed to reflect that not all facilities are required to conduct benchmark sampling. The provision now reads:

> "(a) The permittee shall compare the results of analyses to the benchmark values listed below in Table 3 for any pollutants that the permittee is required to monitor in Part V of this general permit, and shall include this comparison in the overall assessment of the SWP3's effectiveness...."

The reference to Part V was not included; however, because there are some cases where a discharger to an impaired water body may be required to conduct sampling for a pollutant of concern that is included in this list.

Part V.D.4(a)

Comment: TACA and Westward request clarification why it is necessary and whether it is feasible for storm water runoff from asphalt paving and roofing emulsion production areas to be sampled prior to the runoff combining with storm water runoff or other waste streams that may be covered under the MSGP.

Response: Storm water runoff from a facility that manufactures asphalt paving and roofing emulsion is regulated under EPA's effluent limitations guidelines, specifically in 40 CFR Part 443, Subchapter A. This rule establishes technology-based effluent limits for process wastewaters and storm water runoff, so the concentrations provided in the MSGP, which were calculated from the mass and volume limits provided in the rule, must be met for the storm water runoff from these specific areas. Due to the intermittent nature of storm water, it is not possible to combine flows from asphalt paving and roofing emulsion areas with other areas while ensuring that the discharge from the emulsion production areas meets the required effluent limits. TCEQ notes that

if a facility cannot separate flows, or if the facilities discharge any process wastewater from these emulsion production areas, an individual permit may be required.

Part V.J.

Comment: Linda Pechacek supports the proposed benchmark change to 50 mg/l for TSS for the SIC codes listed in Table 20 of Sector J.

Response: TCEQ thanks the commentor for the feedback.

Comment: Linda Pechacek comments there are numerous sand mines operating in the Coastal Bend area of Texas. Ms. Pechacek states that once groundwater starts pooling at the bottom of a sand pit, the potential for contaminated groundwater seeping from those industrial activities is markedly increased. Ms. Pechacek recommends including appropriate BMPs to prevent the mixing of storm water with non-storm water; and to prevent erosion.

Response: Industrial activities related to mineral mining are required to implement a series of BMPs, in addition to BMPs described in Part III, to address the discharge of pollutants from a mining site. The MSGP authorizes the discharge of certain non-contaminated non-storm water discharges such as groundwater. However, if groundwater is comingled with pollutant sources then those combined waters would not be authorized to be discharged under the MSGP. TCEQ declines to revise the permit and notes that the proposed conditions are included in the existing MSGP.

Comment: Linda Pechacek comments that because the loading of dump trucks with sand/clay mixture occurs in a manner such that the trucks are not covered, sand mine sites should not be eligible for a No-Exposure Exclusion from MSGP requirements. Additionally, Ms. Pechacek comments that truck ingress and egress areas should be stabilized to minimize the generation of dust and off-tracking of raw materials or intermediate products, final products or waste materials.

Response: The conditional no-exposure exclusion is available for all sectors listed in the MSGP, in accordance with federal storm water rules at 40 CFR §122.26. However, if TCEQ determines that a facility does not meet the requirements described under the no-exposure exclusion, then the facility is ineligible for the NEC. In general, the loading and unloading of materials, intermediates, or products must be covered or be conducted indoors to be considered “no exposure.” Problems related to dust and off-tracking from a site must be addressed by using appropriate BMPs as described in Part III of the permit, and would not be allowable at a facility seeking a no-exposure exclusion. TCEQ declines to revise the permit, which is consistent with the existing MSGP.

Comment: Linda Pechacek comments that sand mining increases erosion potential at a site. Therefore, erosion and sediment control measures should be developed to reduce soil erosion, sedimentation, and to prevent the contamination of groundwater with TSS or other contaminants.

Response: All industrial sites, including sites where mining activities are performed, must implement erosion and sediment control measures to address soil erosion and sediment control. This is described in Part III in the permit; therefore additional requirements are not proposed.

Comment: Linda Pechacek comments that when a mine closes, a closure plan is needed to address long-term erosion, problems, or industrial pollutant hotspots resulting from these types of industrial activities.

Response: Section V.J.11, Termination of Permit Coverage, includes final stabilization requirements for facilities to be allowed to terminate coverage, which is consistent with the requirements in EPA's current MSGP. TCEQ disagrees that a separate closure plan is required.

Note that certain quarries located within the water quality protection area in the John Graves Scenic Riverway, are regulated under TPDES general permit TXG500000, which has more stringent closure requirements than the proposed MSGP.

Comment: TACA is concerned with several aspects in the proposed draft permit regarding Sector J. TACA and Westward comment that it appears TCEQ has included several requirements that are beyond the scope of the MSGP, such as requirements regarding safety (highwalls) and reclamation. TACA and Westward state that Texas does not currently have statutory authority to require mine reclamation and such a technically complex subject is not best addressed in the MSGP. Additionally, TACA comments that several of the requirements may conflict with existing contractual obligations between operators and landowners; and to not give any consideration regarding their appropriateness with respect to the after-mining use of the land. TACA requests that any requirements outside the scope of this permit be removed, particularly with regards to safety concerns and reclamation related issues.

Response: The TCEQ agrees in part with the commentor, and revised the permit as described below to be more consistent with the current EPA MSGP. It is appropriate to include some criteria for a permittee to determine when the regulated industrial activity has ceased, and the existing MSGP does not include any such guidance. TCEQ utilized this language to revise Part V.J.12 (renumbered as Part V.J.11), related to Termination of Permit Coverage. As a result, the definition for "final stabilization" that was proposed for Sector J was also removed

Additionally, note that the MSGP is not requiring mine reclamation, but in Part V.J.11(b)(2) is conditioning termination of MSGP permit coverage on a site having engaged in activities "to return the land to an appropriate post-mining use" once the regulated industrial activity is no longer taking place. This requirement is consistent with termination of MSGP coverage in other sectors once the regulated industrial activity has ended. For clarification purposes, the term "reclamation" was replaced with the phrase "alternative post mining use," where applicable, and additional language clarifying this section was included in the draft permit.

The language in Part V.J.11 (previously Part V.J.12) was revised as follows:

"11. Termination of Permit Coverage

(a) The permittee shall continue to meet the requirements of this general permit until authorization under the general permit is terminated. The permittee may terminate coverage by submitting an NOT in accordance with Part II.C.7 of this general permit. For the purposes of this section (Sector J), Part II.C.7.(a)(1)c. of the general permit, related to termination of coverage, means either that final stabilization of the site must be achieved or the site must be returned to an alternative post-mining use.

(b) A site or portion of a site is considered to have achieved final stabilization or to be returned to an alternative post mining use if the permittee can demonstrate that it has accomplished either of the following conditions, (1) or (2):

(1) Final Stabilization. To achieve final stabilization, the permittee shall insure that all of the following requirements (a through d) have been met:

a. Storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards.

b. Soil disturbing activities related to mining at the site or portion of the site have been completed.

c. The site or portion of the site has been stabilized to minimize soil erosion.

d. If appropriate depending on the type, location, or size of the site, and its potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use described in paragraph (2) below.

(2) Alternative Post Mining Use: For the purposes of this section, a permittee may submit an NOT to terminate coverage if the land has been returned to an alternative post-mining land use. For example, this may include construction pad sites or lakes.

Comment: Regarding Part V.J.12(b)(1)(a), Westward comments that the establishment of vegetative cover may not be a practicable solution for quarry sites intended for an alternative end use (construction pad site, lake, etc.). Additionally, Westward comments that quarry activities will have removed topsoil and active soil horizons necessary for the re-growth of vegetation. The remaining soils will not be comparable to the "native background." The replacement of soils and the implementation of native re-growth will have a significant negative economic

impact on quarry operations. Westward asks TCEQ for a fiscal analysis of what the costs of these proposed requirements would be. Westward also recommends modifying Parts V.J.12(b)(1)a(iii) and (1)b(iii) to require stabilization, without requiring revegetation.

Response: As describe above, the specific requirements to establish vegetative cover was revised for clarity and for consistency with EPA's MSGP. TCEQ thinks that these changes, along with the other revisions described in the previous response, will address the commentor's concern.

Comment: Westward comments that the Part V.J.12.(b)(1)c.(ii) regarding the requirement for permanent structural controls to be adequate to manage remaining on-site drainage is vague and does not provide sufficient information to the regulated community to adhere to a compliance standard. Westward states that this appears to regulate water quantity discharges rather than water quality discharges and does not provide a measurable standard (e.g., non-erosive flow at the discharge point, etc.). Westward recommends a modification to this requirement to provide a non-erosive flow velocity or other measurable metrics to achieve a water quality objective.

Response: In response to the comment, this paragraph was removed. Section V.J.11(b) was also revised as described in a previous response, to be more consistent with the EPA's MSGP.

Comment: In regards to Part J.12.b(1)(e)(i), Westward comments that some quarry operations screen and sell topsoil removed during the overburden stripping process. This material may also be utilized in the construction of perimeter berms required for highwall safety (MSHA standard) or for flow diversion (structural controls).

Response: TCEQ recognizes that this material would not be considered a waste if it is removed and sold. In fact, removal of topsoil for sale would be classified as a mining activity and regulated under Sector J of the MSGP.

Comment: Westward recommends modifying Part J.12.b.(1)(e)(ii) to utilize on-site materials in the preparation of the final elevations to prevent erosive flow surfaces to the extent practicable.

Response: In response to the comment and to other comments made regarding this section, TCEQ removed this paragraph and revised Section V.J.11.(b) as described in a previous response.

Comment: Westward comments that there are numerous quarries in the state where the landowner leases the site for specific projects such as Texas Department of Transportation (TxDOT) highway projects. TxDOT requires that the operator obtain any and all necessary permits, including storm water coverage. The owner of the site, however, will require that the operator leave the site as an un-reclaimed quarry so that future operators can use the site for future projects. Westward

comments that proposed Part J.12.(b)(1)(3) would place the operator in the impossible position where they could not file a NOT, because reclamation had not been accomplished and due to a lease that expired upon completion of a project, they may be legally unable to access the site to maintain BMPs. Westward notes that there are also cases where a longer term lease expires and the owner chooses not to extend the lease with the current operator and may in fact later lease the site to another operator. In cases such as these, were there are minable reserves remaining and the operator no longer has leasehold rights to the property, Westward asks how will the operator be able to terminate coverage and will the duty to stabilize or reclaim then fall to the owner.

Response: TCEQ believes that it is appropriate to require site stabilization for mining operations in order to insure that the regulated industrial activity as defined in 40 CFR §122.26(b)(14)(iii), related to active and inactive mining operations, has ceased and permit coverage is no longer required. There is also a provision allowing termination of coverage if a site is returned to an alternative post mining land use. If there is no operator at a site, but there are still regulated mining activities present at the site, it is possible that a landowner would need to retain or get separate coverage under the MSGP for the inactive mine until a new operator takes over the operation. Coverage under the MSGP is not transferrable, so a new operator would be required to submit an NOI for coverage if the site has not been finally stabilized or entered the reclamation phase. As described in an earlier response, the language regarding termination of coverage was revised for consistency with EPA's MSGP.

Part V.L.

Comment: TCE comments that the draft MSGP authorizes storm water runoff that comes into contact with garbage at landfills. TCE believes this is in conflict with other landfill rules that prohibit such runoff from leaving the landfill. TCE encourages TCEQ to maintain the exemptions for landfills and to not reduce monitoring at landfills.

Response: TCEQ recognizes that authorizing contaminated storm water may cause some confusion with respect to municipal solid waste regulations and the TPDES program, but disagrees that it would conflict with those regulations. However, in response to the comments and in order to prevent the possibility of a permittee utilized the MSGP to discharge storm water that has commingled with any landfill wastewater, including leachate, contaminated storm water was removed from the MSGP. This change will result in similar requirements as the existing MSGP, which does not allow the discharge of contaminated storm water. Similar changes were made to Sector K, related to hazardous waste landfills.

Comment: TLM comments that the proposed changes in Sector L conflict with the municipal solid waste rules in 30 TAC Chapter 330 by allowing leachate, not collected in a leachate collection system, to be discharged under a MSGP authorization.

Response: TCEQ points out that the MSGP includes a statement that the discharge of leachate and other landfill wastewater is not allowed under this permit (see Part V, Section L.4.(a)). As described in a previous response, the discharge of contaminated storm water was removed from the MSGP in response to comments.

Comment: TLM comments that it will be difficult for landfill operators to separate contaminated storm water from landfill leachate and in some cases, from noncontaminated storm water.

Response: TCEQ recognizes that it is important to insure that the only discharges occurring under the MSGP include storm water runoff and believes that the change described in the previous two comments address the commentor's concern, because the MSGP will not allow the discharge of storm water that has come into contact with landfill waste.

Comment: TLM expresses concern that the required sampling does not address the variety of pollutants found in municipal solid waste (MSW) landfills.

Response: TCEQ declines to revise the benchmark sampling parameters, which were established by EPA in their original MSGP and adopted by TCEQ in the original issuance of the MSGP as a TPDES permit. However, since contaminated storm water was removed from the list of authorized discharges, the effluent limits specific to contaminated storm water from MSW landfills was also removed. With the additional changes that are proposed in the previous comments, the existing provisions should be protective.

Comment: TLM states that the reference to 40 CFR Part 445 creates confusion with implementation of the state's authorized program.

Response: 40 CFR Part 445 contains federal technology-based effluent limitations for wastewater and storm water that may be discharged from a landfill regulated under this sector. Since contaminated storm water was removed from the list of authorized discharges in this section, the only reference to 40 CFR Part 445 is related to the definitions and to the prohibition on discharge of landfill wastewater under the MSGP.

Comment: TLM comments that they are unaware of any deficiency of the current MSGP requirements for landfills and the proposed changes are inadequate to address the issues associated with "contaminated water" discharges, impossible to appropriately enforce, and create an added regulatory burden on those landfills that chose not to discharge the newly defined "contaminated water" through their MSGP authorizations. TLM recommend re-adopting the current requirements in the MSGP for Sector L.

Response: As described in earlier responses, TCEQ removed contaminated storm water from the list of allowable discharges under this section. This change should alleviate the concerns of the commentor..

Comment: STPNOC recommends changing the term "uncontaminated" in Part V.

L.3(a)(1) to "non-contaminated" to be consistent with the Part V. L.2 definitions.

Response: This change was made as requested.

Comment: TCE is concerned that the draft MSGP does not require adequate monitoring for landfills and other waste facilities.

Response: The monitoring requirements established for landfills in the draft permit are at least as stringent as the previous MSGP, as well as EPA's current MSGP, and TCEQ respectfully declines to make additional changes. New controls were added to Part V.L.5, "Additional SWP3 Requirements," which TCEQ thinks will result in an improved SWP3 and more detailed periodic monitoring.

Part V.N.

Comment: TCE opposes reductions in requirements for scrap recycling facilities because of the prevalence of "sham" recycling facilities.

Response: TCEQ disagrees that the requirements are less stringent for scrap recycling facilities, and notes that the permit simply clarifies that certain specific types of facilities are considered to be "industrial activities" as described in the federal storm water regulations. The requirements of this permit do not negate or override any requirements related to solid waste, air, or other regulations. The renewed permit should actually provide additional controls for recycling facilities, because Section V.N.3. now includes more specific controls based on the type of material being recycled.

Authorization for storm water discharges is required for any site meeting the applicability criteria in Part II.A.1 of the MSGP, and the provisions of Sector N apply to any regulated facility conducting an activity described by SIC code 5093. The draft MSGP that was available for public comment included a paragraph at Part V.N.2.(b), stating that certain municipally-operated facilities are not covered if they do not include activities described by SIC code 5093. TCEQ removed this paragraph in the revised draft MSGP, because Part II.B.5, regarding "Requirements for Military Installations and Other Publically-Owned Facilities," was also revised to provide clarification as to when a publicly-operated industrial activity must obtain permit coverage.

Part V.O.

Comment: AEP questions the need for monitoring for total iron in Sector O and recommends removing it. AEP comments that with mineral deposits or iron-enriched soil, natural backgrounds of iron could easily affect storm water sampling without being a direct cause of industrial pollution.

Response: While iron may be present in soils, it has also been identified as a potential pollutant in discharges from steam electric power generating facilities by EPA during development of the 1995 MSGP, and was retained as a parameter to sample in subsequent NPDES and TPDES MSGP.

Analytical results that exceed a benchmark value are not in violation of the permit, but rather are indicators that modifications to the SWP3 may be necessary. If the permittee continues to find that the elevated benchmark levels are due solely to background levels in the soil, then the permittee may document that finding in the SWP3. Iron is also present in coal piles, so coal fired plants would have iron in storm water discharges, in addition to simply having background levels from soil.

Comment: AEP requests removing the benchmark value of 50 mg/l for TSS in Sector O. AEP comments that this would be consistent with EPA's current MSGP. In the alternative, AEP requests TCEQ retain the 100 mg/l value for TSS in the current version of the MSGP. STPNOC also requests retaining the 100 mg/l value for TSS.

Response: The proposed benchmark values are based on analytical data submitted to TCEQ during calendar years 2007 and 2008. TCEQ staff performed statistical analysis of the data and lowered the TSS benchmark values for those sectors or SIC codes where the median of the data was below or very close to 50 mg/L. Analytical results that exceed a benchmark value are not in violation of the permit, but rather indicators that modifications to the SWP3 may be necessary. However, if the benchmark values are set too high or too low, they may not serve as good indicators of performance of BMPs. The median of the analytical data for TSS in Sector O was 29.5 mg/L, so lowering the TSS benchmark to 50mg/L would provide permittees with a better indicator for Sector O.

Comment: PSEG asks whether it is fair to assume that a solely fired natural gas fired combined-cycle combustion turbine (the commentor provided an example of a 160 megawatt turbine) that is equipped with a natural gas fired duct burner unit is not required to have a TCEQ or EPA general or individual storm water permit.

Victoria WLE comments that Section V.O.3(b) exempts certain types of steam electric generating facilities from coverage under the MSGP. In particular, Victoria WLE notes that the MSGP proposes to exempt certain types of gas turbine facilities and certain types of combined cycle facilities. Victoria WLS requests TCEQ revise the language in O.3(b)(4) to eliminate any ambiguity regarding the intent of the MSGP coverage and to specifically exempt single fuel natural gas fired combined-cycle plants with natural gas fire duct burners. Victoria suggests that the exemption on O.3(b)(4) be revised to read: "Combined-cycle facilities, if the steam turbine is fueled completely with exhaust from the gas turbine(s) or if the steam turbine is fueled completely with the exhaust from the gas turbine(s) and natural gas fired duct burners."

Calpine requests that TCEQ expand its Sector O limitations on coverage to incorporate descriptive language identical to that found in the 2008 EPA MSGP Fact Sheet. Specifically, Calpine comments that it would help if clarification were provided regarding the non-applicability of storm water permitting requirements for gas turbine facilities with HRSG duct burners fueled only with gaseous fuels.

Response: This understanding is correct. In response to this comment, and to provide improved clarification on the intent of the changes to this section, TCEQ revised the

MSGP to more closely mirror the applicability section of EPA's current MSGP. Sections V.O.2. and V.O.3. were revised as follows:

"2. Covered Storm Water Discharges

The requirements of this section apply to storm water discharges from the following facilities:

(a) Steam electric generating facilities as defined in 40 CFR §122.26(b)(14)(vii), that use coal, natural gas, oil, nuclear energy, or other fuel to produce a steam source, including facilities regulated under 40 CFR Part 423 (Steam Electric Power Generating Point Source Category);

(b) coal handling areas located at regulated facilities;

(c) coal pile runoff at regulated facilities; and

(d) dual fuel facilities that could employ a steam boiler.

3. Limitations on Permit Coverage

(a) Non-storm water discharges subject to effluent limitations guidelines at 40 CFR Part 423 are not eligible for coverage under this general permit.

(b) Storm water discharges from the following types of facilities are not required to obtain permit coverage and are not eligible for coverage under this general permit:

(1) ancillary facilities (for example, fleet centers and substations) that are not contiguous to a steam electric power generating facility;

(2) gas turbine facilities (providing the facility is not a dual-fuel facility that includes a steam boiler) and combined-cycle facilities where no supplemental fuel oil is burned (and the facility is not a dual-fuel facility that includes a steam boiler); and

(3) cogeneration (combined heat and power) facilities utilizing a gas turbine."

In addition, new language was added to the fact sheet at Part V.B.(14)k, to provide more detail on permit applicability for Sector O facilities, consistent with EPA's fact sheet of 2008.

Comment: STPNOC recommends that the "immediate repair" requirements specified in Part V.O.4(c)(1) should be limited or applied to those situations that pose an immediate threat to storm water quality. STPNOC comments that minor issues that do not pose an immediate threat to storm water quality should be addressed in a reasonable timeframe to prevent potential storm water contamination.

Response: TCEQ agrees with the comment and revised the last sentence of Part V.O.4.(c)(1) to read:

> "If repairs are necessary, they must be performed as expeditiously as practicable; except that repairs must be made immediately if there is a risk to water quality."

Part V.Q.2(a)

Comment: Logos notes that the proposed permit, like the existing permit and the original EPA MSGP, identifies Sector Q - Water Transportation facilities as those facilities whose primary activity is identified by SIC Codes 4412 through 4499; and comments that the majority of Sector Q facilities permitted under the current permit are identified as SIC 4493 - Marinas. Logos comments that the primary qualifying activity for marinas and most other Sector Q facilities is fueling, though some minor maintenance takes place at some facilities. Further, Logos, comments that facilities sampling for lead and zinc as part of benchmark sampling are also subject to numeric effluent limits in the permit for lead and zinc. Logos objects to water transportation facilities having to perform benchmark sampling for aluminum, iron, lead, zinc, and TSS, as well as numeric effluent limits for total lead and total zinc, because of maintenance activities or fueling, since land and air transportation facilities (Sectors P and S), as well as ship and boat building and repair facilities (Sector R), are not required to do the same benchmark sampling. Logos comments that Sector R facilities often perform maintenance activities on a much larger scale than water transportation facilities and have neither benchmark sampling requirements nor sector-specific numeric effluent limits. Logos comments that marinas with fuel (SIC Code 4493) are already subject to TCEQ tank registration requirements, EPA's SPCC rule, and in some cases, a General Land Office Plan. Logos comments that the MSGP is redundant in regard to fueling operations, and is punitive and inappropriate for the majority of facilities in this sector. Logos proposes to apply the benchmark and Sector specific numeric effluent limit sampling requirements appropriately to Sector R facilities, (i.e. correct the original error). Then any Sector Q facility that has a secondary SIC Code activity that qualifies as a Sector R activity would be required to do benchmark sampling and sector-specific numeric effluent limit sampling.

Response: In the 1995 NPDES MSGP, the EPA provided guidance that marinas that only had retail fueling with no other maintenance or rehabilitation areas were not intended to be covered by the storm water regulations. *See* page 50985, 60 FR No. 189; September 29, 1995. From the 'Guidelines for the Determination of Regulatory Status of Marinas and Related Operations," EPA stated that:

"Facilities that are ''primarily engaged'' in operating marinas are best classified as SIC 4493—marinas. These facilities rent boat skips, store boats, and generally perform a range of other marine services, including boat cleaning and incidental boat repair. They frequently sell food, fuel, fishing supplies, and may sell boats. For facilities classified as 4493 that are involved in vehicle (vessel) maintenance activities (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning operations, those portions of the facility that are involved in such vehicle maintenance activities are considered to be associated with industrial activity and are covered under the storm water regulations. Facilities classified as 4493 that are not involved in equipment cleaning or vessel maintenance activities (including vehicle rehabilitation, mechanical repairs, painting, and lubrication) are not intended to be covered under 40 CFR §122.26(b)(14)(viii) of the storm water permit application regulations. The retail sale of fuel alone at marinas, without any other vessel maintenance or equipment cleaning operations, is not considered to be grounds for coverage under the storm water regulations."

This is consistent with the use of facility SIC codes, in that a marina that generates most of its revenue from the retail sale of fuel would have an SIC code of 5541, related to gasoline service stations, and the secondary SIC code would be 4493, related to marinas.

In response to the comment and to clarify the intent, TCEQ revised Sections V.Q.2. and 3. as follows.

> "2. Covered Storm Water Discharges
>
> (a) Permit coverage is only required for storm water discharges from areas where the following activities are performed at facilities described by the SIC codes listed above: vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning, except for retail fueling as described in paragraph 3.(b) below. Coverage ...
>
> 3. Limitations on Coverage
>
> (a) This permit does not authorize the discharge of ....
>
> (b) The retail sale of fuel performed at a marina without slip rental, boat storage, and other services such as cleaning and incidental repair is classified as SIC code 5541 (which includes "marine service stations – retail"). If retail fueling is the primary activity performed at the site, then permit coverage is not required. However, if a marina (SIC 4493) has a secondary SIC code of 5541, then coverage would be required for any areas of the marina where vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning operations occur, other than the retail fueling operation described by SIC 5541."

Because this change was made to clarify the applicability for marinas conducting fueling activities, TCEQ disagrees with the commentor that a change is required to the benchmark monitoring section for marinas.

Comment: PCCA asks for clarification regarding the requirement if the only maintenance function performed at the site is day-to-day fueling of support equipment and whether that would be considered "vehicle maintenance" triggering Sector Q requirements.

Response: As noted above, retail fueling at marinas would not trigger permit coverage; however, areas where other fueling activities occur at Sector Q facilities would be regulated, including day-to-day fueling of support equipment.

Part V.S.2

Comment: UPS asks whether the term "urea" applies to a pure product or to mixtures containing urea in any percentage. UPS requests that TCEQ specify that urea must be

the primary ingredient of the deicing materials in order for them to count towards the 100 ton threshold.

Response: For the purposes of this permit, the term “urea” applies to any deicing agent that contains urea as the primary component.

Comment: UPS is uncertain if urea could be used for deicing of locations at the airport not associated with the industrial activity, such as employee parking lots and sidewalks, without counting towards the 100 ton threshold.

Response: Urea used for deicing of areas of the airport not associated with industrial activity, such as parking lots and sidewalks, would still count towards the 100 ton threshold that would require benchmark monitoring, unless these areas are non-contiguous (i.e., completely separated and not sharing a common boundary) to areas where deicing activities are being performed.

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES General Permit TXR050000 - Multi Sector General Permit

For proposed Texas Pollutant Discharge Elimination System (TPDES) Multi Sector General Permit (MSGP) Number TXR050000 to discharge to surface water in the state.

Issuing Office:	Texas Commission on Environmental Quality (TCEQ) P.O. Box 13087 Austin, Texas 78711-3087
Prepared by:	Storm Water & Pretreatment Team (MC-148) Wastewater Permitting Section Water Quality Division, Office of Water (512) 239-4671
Date:	June 17, 2011
Permit Action:	Amendment and Reissuance of a General Storm Water Permit for Industrial Activities

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I. Summary

The Texas Commission on Environmental Quality (TCEQ) is proposing to renew TPDES Multi Sector General Permit (MSGP) TXR050000, issued August 14, 2006, which authorizes the discharge of storm water associated with industrial activity. The draft MSGP specifies which facilities must obtain permit coverage, which are eligible for exclusion from permit requirements, which may be automatically authorized, and which may be required to obtain individual permit coverage.

The principal changes to the existing MSGP include:

A. Added a section to the general permit stating that the following facilities are designated as covered under the general permit without submitting an NOI, nor having to implement a SWP3 according to the requirements of the general permit, provided that certain specific permit conditions are met (i.e.,. must maintain no exposure). These facilities will be notified of their coverage under the general permit as part of the public notice for the draft permit, per the requirements of 40 CFR §122.28(b)(2)(vi), relating to General Permits:.

1. Operators of regulated facilities that occur within a residential home, shopping mall, or office building, and that have no exposure of any regulated activity to storm water. Draft MSGP, Part II, Section B.12, and Part II, Section C.2.(c).

2. Operators of publishing and designing companies that do not perform printing activities and that have no exposure of any regulated activity to storm water. Draft MSGP, Part II, Section B.12, and Part V, Section X.

B. A new option for transportation facilities (land transportation and warehousing, water transportation, and air transportation) to include storm water discharges from material handling and storage areas in their MSGP authorization. This applies to situations where the TCEQ requires that storm water discharges from the material handling and storage areas be permitted and had traditionally required these authorizations through an individual permit. Material handling and storage areas are not currently eligible for coverage under the existing MSGP because they are not included in the definition of storm water associated with industrial activity. The draft permit would not change the definition of storm water associated with industrial activity for these transportation sectors, which includes only those areas of transportation facilities that are involved in vehicle/equipment maintenance or cleaning (see 40 CFR §122.26(b)(14)(vii). Draft MSGP, Part V, Sections P,Q, and S.

C. Changes to requirements for paper application forms:

1. Extended the period of time required to await provisional coverage after submitting a paper NOI from two (2) to seven (7) days, in order to insure that TCEQ receives the NOI. This is the same change that was made in the reissuance of the Construction General Permit No TXG150000 (CGP) in March 2008. Draft MSGP, Part II, Section C.2.

2. Increased the application fee by $100.00 for operators submitting a paper NOI or NEC form. Draft MSGP, Part II, Section C.10.a.

3. No changes proposed to NEC fees nor to annual fees.

D. Changes to benchmark sampling:

1. Revised benchmark levels based on data that was submitted during calendar years 2007 and 2008. Draft MSGP, Part V, Sections A through AD
2. Added benchmark sampling requirements in Sector AD (Miscellaneous Industrial Activities) for pollutants commonly regulated in individual storm water permits: pH, COD, TSS, and oil and grease. Draft MSGP, Part V, Section AD
3. Added a waiver option for benchmark sampling during Years 3 and 4, if sampling during Years 1 and 2 demonstrates that the annual average result for all benchmark parameters is below the benchmark level for the regulated sector. Draft MSGP, Part IV, Section B.1.(a)
4. Revised reporting requirements so that Years 1 and 2 data would be submitted to TCEQ and Years 3 and 4, if collected, would be retained on site, except that any annual average result exceeding a benchmark level must be submitted to the TCEQ. Draft MSGP, Part IV, Section B.

E. Revision of permit language regarding "representative storm event" changed to "qualifying storm event," to clarify that a precipitation event is considered representative (or qualifying) based on the fact that it produces a discharge, rather than based on the measured amount of precipitation (i.e., previously, a representative storm event would include at least 0.1 inch of measured precipitation). This change is consistent with the EPA's current MSGP.

F. Additional revisions within several specific industries in Part V of the draft MSGP, including the following significant items:

1. Removed effluent limits for runoff from coal piles that are not associated with a steam electric power generating facility, because the effluent limits are taken from federal rules in 40 CFR Part 423 that are required for discharges from steam electric power generating facilities. Also clarified which facilities are regulated under Sector O, Steam Electric Power Generation.
2. Added final stabilization requirements (or requirements to return mine to an alternate post mining use) for Sector J mining activities seeking to terminate coverage, consistent with EPA's MSGP.
3. Added or revised industry-specific requirements for most industrial sectors to be consistent with EPA's 2008 MSGP.

G. Revised the section "Impaired Water Bodies and Total Maximum Daily Load Requirements" to address new and existing discharges to impaired water bodies listed in accordance with Section 303(d)(1) of the federal Clean Water Act, including waters with an approved total maximum daily load (TMDL). Draft MSGP, Part II, Section B.7.

II. Executive Director's Recommendation

The Executive Director has made a preliminary decision that this general permit, if reissued, meets all statutory and regulatory requirements. It is proposed that the general permit be reissued to expire five years from the effective date of August 14, 2011, in accordance with the requirements of 30 TAC §205.5(a).

III. Permit Applicability and Coverage

A. Need for a Permit:

The MSGP authorizes the discharge of storm water associated with industrial activities into surface water in the state. "Storm water associated with industrial activity" is defined in federal rules at 40 CFR §122.26(b)(14), which TCEQ adopted in state rules at 30 TAC §281.25(a). The draft general permit specifies which facilities may be authorized under the general permit and which must be authorized by an individual permit or alternative general permit.

A facility must have authorization for storm water discharges if it is defined as an industrial activity by 40 CFR §122.26(b)(14) or designated by the Executive Director. A regulated facility may obtain authorization under the MSGP if coverage is not otherwise prohibited:

1. The Standard Industrial Classification (SIC) code that describes the facility (i.e., the primary SIC code) is specifically listed in Section II.A. of the general permit (see Part II, Section A of the draft permit);
2. The facility conducts an activity described by one or more Industrial Activity Codes that are described in the general permit (See Sectors K, L, O, and T in Part II, Section A. of the draft permit, and Part V, Sections K, L, O, and T);
3. Storm water discharges from the facility are subject to federal categorical effluent limitations at Title 40 of the Code of Federal Regulations (CFR) Subchapter N (Parts 400-471) (applicable to certain discharges within Sectors A, C, D, E, H, J, and O in Part V of the general permit); or
4. The facility has been designated by the Executive Director as requiring coverage under Sector AD.

Regulated industrial activities are grouped into 30 sectors, A through AD, and each sector consists of a group of similar industrial activities. For this reason, the permit is referred to as the "Multi-Sector General Permit," or MSGP. Most sectors of activity are further divided into more specific subsectors through the use of standard industrial classification (SIC) codes; although some sectors include only one SIC code, and four sectors (K, L, O, and T) are defined only by an industrial activity code (HZ, LF, SE, and TW, respectively). In addition, Sector AD is reserved and will be used to provide permit coverage for facilities that are designated in writing by the Executive Director as needing a permit to control pollution related to storm water discharges, but that are not described by Sectors A-AC.

Military installations and other federal facilities are also regulated under the MSGP if they have a potential to discharge storm water that is regulated under the MSGP, even though the facility SIC code may not be listed. For example, the SIC code for a military base is 9711; however, permit coverage is be required for any military base that conducts a regulated activity. Other public facilities are regulated under the MSGP if the facility is described in the general permit. For example, if a city operates a general warehousing operation, the city would need to determine the SIC code that best describes the actual facility rather than using the SIC code that describes the entire city.

B. No Exposure:

Facilities regulated under the MSGP may be excluded from permit requirements if there is no exposure of industrial materials or activities to precipitation or runoff. To qualify for this conditional exclusion from permit requirements, the operator of the facility must certify that industrial activities and materials are isolated from precipitation and runoff by storm resistant shelter. The certification must be submitted to the TCEQ on a No Exposure Certification (NEC) form, or other approved form.

Storm-resistant shelters include buildings or structures that have complete roofs and walls, as well as structures with only a top cover but no side coverings, as long as the materials or activities under the structure are not otherwise subject to any run-on and subsequent runoff of storm water, or mobilization by wind.

Facilities operating under a conditional no-exposure exclusion are subject to inspection by authorized TCEQ personnel to determine compliance with the exclusion. In addition, operators of facilities that qualify for this exclusion and that discharge storm water to a municipal separate storm sewer system (MS4) must provide a copy of their NEC form to the MS4 operator, even if not required by the MS4.

Exceptions to Storm Resistant Shelters:

1. A facility may be able to obtain a no-exposure exclusion even if the following materials and activities are not completely isolated from precipitation and runoff by a storm resistant shelter:

    a. drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak ("Sealed" means banded or otherwise secured and without operational taps or valves); and

    b. final products that are produced by the facility operator and that are designed for outdoor use (e.g., new cars, outdoor play-sets, lawn equipment), provided the final products have not deteriorated and are not otherwise a potential source of contaminants.

    However, the following types of final products would be considered exposed, and not eligible for the exclusion, even if they are designed for outdoor use:

    (1) Final products that could be mobilized by wind or rain into storm water discharges (e.g., rock salt, wood chips or shavings, compost, plastic pellets, or bricks). Final products that are sheltered from direct precipitation may still be considered exposed if the materials could be carried by wind;

    (2) final products that may, when exposed, oxidize, deteriorate, leak or otherwise be a potential source of contaminants (e.g., scrap cars, stockpiled train rails, scrap metal, metal products); and

    (3) final products that are actually intermediate products, i.e., that are used in the composition of yet another product (e.g., sheet metal, tubing and paint used in making tractors; plastic pellets; freshly chromed bumpers, creosoted railroad ties, galvanized building

panels, galvanized fencing; and unfinished portions of a final product). Even if the intermediate product is "final" for a manufacturer and is intended to be included in a "final product intended for use outdoors," these products are still considered intermediate products for the purpose of the MSGP, and are considered exposed if they are not located in a storm resistant shelter;

c. pallets used to store or transport final products intended for outdoor use, if the pallets are new or if they are used and do not contain pollutants;

d. vehicles used in material handling that are adequately maintained to prevent leaking fluids;

e. lidded dumpsters containing waste materials associated with the regulated activity, provided that the containers are completely covered, no pollutants can drain out, and no material can be lost while loading the contents into a refuse / trash vehicle (excludes trash compactors that handle waste materials associated with the regulated activity, unless the compactor is located indoors or protected by a storm-resistant shelter);

f. industrial refuse or trash that is stored in large roll-off containers located under a constructed cover or covered with securely-fastened heavy-duty tarps, provided that the tarps are properly maintained and in good condition. If tarps show any signs of beginning to deteriorate, they would need to be replaced before they deteriorate. Tarps must be fastened to the waste containers in such a way that they would need to be unfastened and refastened each time waste materials are added;

g. particulate emissions from roof stacks or vents, provided that they are in compliance with other applicable TCEQ rules and do not contaminate storm water; and

h. above-ground storage tanks (ASTs) that are equipped with valves for dispensing materials that support facility operations (e.g., heating oil, propane, butane, chemical feedstocks for facility equipment) or that dispense fuel (e.g., gasoline, diesel, compressed natural gas) for delivery vehicles provided that:

   (1) the ASTs are located away from vehicle maintenance areas;

   (2) there are no leaks from pipes, pumps, or other equipment that could come into contact with storm water; and

   (3) the ASTs are surrounded by secondary containment (e.g., impervious berm, dike, or concrete retaining structure) to prevent exposure to storm water runoff in the event of structural failure or leaks.

   ASTs that are used to directly fuel vehicles other than delivery vehicles (e.g., ASTs at airports that are used to dispense fuel to airplanes) are considered exposed.

2. Limitations on eligibility for the no-exposure exclusion:

   a. The exclusion from permit requirements is only available facility-wide, and is not available for individual buildings, or individual outfalls. Generally, if any exposed industrial materials or activities exist on any portion of a regulated facility, the facility is not eligible for the no-exposure exclusion.

   b. If a facility with a no-exposure exclusion undergoes any change that results in industrial activities or materials becoming exposed, then the exclusion ceases to apply. In such a case, the operator must obtain coverage under the MSGP or other applicable water quality permit for storm water discharges before making any changes that will expose industrial activities or materials.

   c. If the TCEQ or EPA determines that a facility's storm water discharges have a reasonable potential to cause or contribute to a violation of applicable water quality standards, then TCEQ or EPA may deny the no exposure exclusion.

      The TCEQ's Small Business and Environmental Assistance (SBEA) Division developed a guidance document, entitled "Conditional No-Exposure Exclusion for Storm Water Runoff (RG-467)," for determining if a facility may claim a conditional no-exposure exclusion from permit requirements when material and activities are not located under storm resistant shelter. The guidance document provides additional information on the no-exposure conditional exclusion.

      A facility that is able to meet the condition of no exposure is not prohibited from obtaining permit coverage.

C. Automatic Authorization:

The existing MSGP designates certain general warehousing facilities in Sector P, related to Land Transportation and Warehousing, that do not have any vehicle or equipment maintenance, fueling, or rehabilitation activities for automatic coverage. The draft general permit would designate certain facilities in Sector X, related to Printing and Publishing Facilities for coverage, as well as small facilities in other sectors that are located completely inside of a private residence, a shopping mall, or office building that is not exposed to storm water.

Under the draft MSGP, operators of the following industrial facilities would be designated for coverage under the general permit, and would not be required to: prepare a SWP3, submit an NOI for coverage nor an NEC form for a conditional no exposure exclusion, perform any inspections, monitoring, or representative sampling, maintain any discharge-related records, or perform any self-reporting:

1. Facilities described in Part V, Section P, related to General Warehousing and Storage (SIC 4225), that do not have areas for vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning activities.

2. Facilities described under Part V, Section X, that conduct publishing or design without printing.

3. Regulated facilities described in Part II, Section A, where the entire industrial activity is performed completely inside of a residential home, a shopping mall, or an office building.

Operators of the above facilities must meet all of the following requirements in order to retain the automatic authorization option and exception from permitting requirements, and must apply for coverage if any of the requirements are not met:

1. The industrial activity must not include a regulated industrial activity code (HZ, LF, SE, or TW);

2. The industrial activity must be conducted completely within fully enclosed building, such as a garage, an office building, or a retail shopping mall;

3. The regulated industrial activity must not be exposed to storm water; and

4. The facility operator must comply with the MSGP's Standard Permit Conditions, except that references to submittal of an NOI or an NEC form are not applicable.

If the Executive Director determines that additional controls are required other than those listed above, or if there is a concern regarding the discharge of elevated levels of pollutants, then the TCEQ may require a facility otherwise eligible for automatic authorization to obtain coverage and meet all permit conditions through submittal of an NOI or an individual permit application.

This provision is appropriate for these types of facilities, because they typically operate in such a way that industrial materials are not exposed to storm water, and storm water discharges are not expected to contain pollutants of concern. Facilities included under this provision of the permit are expected to contribute less pollutant loading than other facilities and it is appropriate for the TCEQ to automatically authorize these facilities. These facilities are hereby notified that they are regulated by the general permit even though they have not filed an NOI, in accordance with federal rules at 40 CFR §122.28(b)(2)(vi), and as adopted by TCEQ at 30 TAC §205.7. However, the TCEQ also recognizes that activities may occur at the site that do cause a water quality concern, in which case the TCEQ may require a facility otherwise eligible for automatic authorization to obtain coverage and meet all permit conditions through submittal of an NOI or an individual permit application.

A facility that is able to meet the requirements for automatic authorization would not be prohibited from obtaining permit coverage or a conditional no exposure exclusion by completing the NEC (based on having no exposure) or NOI application process for coverage.

D. Industrial facilities that qualify for coverage under the general permit may discharge the following non-storm water discharges through outfalls identified in the SWP3, according to the requirements of the general permit:

1. discharges from emergency fire fighting activities and uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the

water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

2. potable water sources (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
3. lawn watering and similar irrigation drainage, provided that all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
4. water from the routine external washing of buildings, conducted without the use of detergents or other chemicals;
5. water from the routine washing of pavement conducted without the use of detergents or other chemicals and where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed);
6. uncontaminated air conditioner condensate, compressor condensate, and steam condensate, and condensate from the outside storage of refrigerated gases or liquids;
7. water from foundation or footing drains where flows are not contaminated with pollutants, such as process materials, solvents, and other pollutants;
8. uncontaminated water used for dust suppression (excludes reclaimed or reuse water used for dust suppression);
9. springs and other uncontaminated ground water;
10. incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, excluding intentional discharges of utility wastewater from the cooling tower (e.g., cooling tower blowdown); and
11. other allowable non-storm water discharges specifically listed in individual sections of Part V of the MSGP.

The purpose of providing the list of approved non-storm water discharges is to clarify that certain discharges that may occur during normal operations of an industrial facility or a commercial facility, and these discharges do not require additional permit coverage. Inclusion of this list in the draft general permit is not meant to prohibit the above discharges that would otherwise be allowed without a TPDES permit. In addition, a facility that has obtained a conditional exclusion from permit requirements based on no exposure may discharge the above non-storm water flows provided they are not causing or contributing to contamination of water quality.

E. The following storm water 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 an impaired water body for which there is a TMDL implementation plan; however, the discharge may be eligible if it is consistent with the approved TMDL and the implementation plan. The TCEQ may amend the 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.

3. Discharges from facilities that are regulated by the Railroad Commission (RRC) of Texas, including crude oil and natural gas facilities; except that the TCEQ regulates storm water discharges from petroleum refineries, refined produce pipelines, and oil and gas field services activities that occur at a corporate headquarters or other similar base of operations, as described in the general permit. Additional information on which facilities the TCEQ regulates may be found in the Memorandum of Understanding (MOU) between the TCEQ and the RRC, 16 TAC §3.30.

4. Discharges that the TCEQ determines is causing or contributing to a receiving water not maintaining its existing uses.

5. Discharges that the TCEQ determines would adversely affect a listed endangered or threatened species or its critical habitat. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required via an individual storm water permit to ensure that protection of endangered species is achieved.

6. Contact storm water from certain facilities, as specifically described in the relevant sections of Part V of the MSGP, related to sector-specific requirements.

F. Facilities that dispose of storm water by any of the following practices would not be required to obtain coverage under the MSGP nor under an individual permit:

1. Recycling of the storm water with no resulting discharge into surface water in the state;

2. Pumping and hauling of the storm water to an authorized disposal facility;

3. Discharge of the storm water to a publicly-owned treatment works (POTW);

4. Underground injection of the storm water in accordance with 30 TAC Chapter 331;

5. Discharge to above-ground storage tanks (ASTs) with no resulting discharge into surface water in the state; or

6. Containment of all storm water within property boundaries, with no potential to discharge into surface water in the state, either during or as the result of any storm event.

The operator of the industrial activity may be required to demonstrate, using engineering calculations or other appropriate methods, that no discharge would occur from the site as a result of any storm event(s).

IV. Permit Conditions and Effluent Limitations

A. Numeric Effluent Limitations (Industry–Specific):

1. Federal Effluent Guidelines and Standards: The MSGP includes numeric effluent limits for storm water discharges from industrial facilities as described in EPA's effluent guidelines and standards, or effluent limitations guidelines (ELGs), in 40 Code of Federal Regulations (CFR), Subchapter N (Chapters 400-471). These

discharges are also required to submit DMRs on an annual basis, consistent with federal rules at 40 CFR §122.44 (i)(3), as adopted by reference in 30 TAC §281.25.

The following industrial sectors include numeric limits based on these ELGs, and include a sampling frequency of once per year (unless otherwise described below). For pollutants with a daily average or monthly average limit, the "average" limit only applies when more than one sample is collected and analyzed in a calendar month.

a. Sector A, Timber Products Facilities: 40 CFR Part 429, Subpart I (40 CFR §429.103), *Timber Products Processing Point Source Category, Wet Storage Subcategory:*

Table 1. Effluent Limitations for Discharges of Wet Decking Water

Pollutant	Limitations (mg/L)
Debris	No Discharge*
pH	6 – 9 standard (std) units

**Debris includes woody material that will not pass through a one-inch diameter round opening.*

b. Sector C, Chemical and Allied Products Manufacturing Facilities: 40 CFR Part 418, Subpart A (40 CFR §418.13), *Fertilizer Manufacturing Point Source Category, Phosphate Subcategory*

Table 2. Effluent Limitations for Discharges of Contact Storm Water from Facilities that Manufacture Phosphatic Fertilizers

Pollutant	Daily Average Limitations (mg/L)	Daily Maximum Limitations (mg/L)
Phosphorus (as P)	35	105
Fluoride	25	75

c. Sector D, Asphalt Paving and Roofing Materials and Lubricant Manufacturing Facilities: 40 CFR Part 443, Subpart A (40 CFR §443.13), *Paving and Roofing Materials (Tars and Asphalt) Point Source Category, Asphalt Emulsion Subcategory*

Table 3. Storm Water Runoff from Facilities that Produce Asphalt Paving and Roofing Emulsions

Pollutant	Daily Average Limitations (mg/L)	Daily Maximum Limitations (mg/L)
Total Suspended Solids (TSS)	15	23
Fluoride	10	15
pH		6 – 9 std units

d. Sector E, Glass, Clay, Cement Concrete, and Gypsum Product Manufacturing Facilities: 40 CFR Part 411, Subpart C (40 CFR §411.32),

Cement Manufacturing Point Source Category, Materials Storage Piles Runoff Subcategory

Table 4. Discharges of Storm Water Runoff from Material Storage Piles from Facilities that Manufacture Cement

Pollutant	Daily Maximum Limitations (mg/L)
TSS	50
pH	6 – 9 std units

e. Sector J, Mineral Mining and Processing Facilities: 40 CFR Part 436, Subparts B, C, and D (40 CFR §§436.22, 436.32, and 436.42), *Mineral Mining and Processing Point Source Category: Crushed Stone Subcategory, Construction Sand and Gravel Subcategory, and Industrial Sand Subcategory*

Table 5.Discharges of Storm Water and Ground Water Seepage from Mine Dewatering Activities at Construction Sand and Gravel, Industrial Sand, and Crushed Stone Mining Facilities

Pollutant	Daily Average Limitations (mg/L)	Daily Maximum Limitations (mg/L)
TSS	25	45
pH		6 – 9 std units

f. Sector O, Steam Electric Generating Facilities: 40 CFR Part 423 [§§423.12(b)(1), (9) and (10)], *Steam Electric Power Generating Point Source Category*

Table 6. Discharges of Coal Pile Runoff

Pollutant	Daily Maximum Limitations (mg/L)
TSS	50
pH	6 – 9 std units

2. Other Numeric Effluent Limitations (Hazardous Metals):

a. Effluent limits for hazardous metals are continued from the existing permit, and are consistent with TCEQ rules at 30 TAC Chapter 319, Subchapter B (related to Hazardous Metals). The monitoring frequency is once per year; therefore, only the daily maximum effluent limitations were included in the draft permit:

Table 7. Effluent limits for hazardous metals discharging into inland and tidal waters

Parameter (Total)	Discharges to Inland Waters (mg/l)	Discharges to Tidal Waters (mg/l)
Arsenic	0.3	0.3
Barium	4.0	4.0
Cadmium	0.2	0.3
Chromium	5.0	5.0
Copper	2.0	2.0

Parameter (Total)	Discharges to Inland Waters (mg/l)	Discharges to Tidal Waters (mg/l)
Lead	1.5	1.5
Manganese	3.0	3.0
Mercury	0.01	0.01
Nickel	3.0	3.0
Selenium	0.2	0.3
Silver	0.2	0.2
Zinc	6.0	6.0

b. The renewed permit continues the reporting requirement for facilities that discharge in excess of the following numeric effluent limitations for hazardous metals to submit DMRs on an annual basis. This requirement is according to 40 CFR §122.44 (i)(5), as adopted by reference by TCEQ, and would apply to facilities described in the permit under any of the sectors of industrial activity.

B. Storm Water Pollution Prevention Plan (SWP3, or plan):

The draft general permit continues the existing requirement to develop and implement a SWP3 to control discharges of storm water associated with industrial activities, in accordance with NPDES storm water regulations at 40 CFR §122.26 (b)(14)(viii), and as adopted by reference in 30 TAC §281.25(a)(4) (relating to Additional Facilities and Projects for which TPDES Permits are Required). The draft permit includes specific provisions that must be incorporated into facility's SWP3. These include, at a minimum, the following elements:

1. Establish a Storm Water Pollution Prevention Team
2. Inspect facility for non-storm water flows (e.g., process wastewater, vehicle or equipment cleaning water, contact or noncontact cooling water, boiler blowdown, cooling tower blowdown, hydrostatic testing water, groundwater.)
3. Describe potential pollutant sources:
   (a) List an inventory of exposed materials;
   (b) Develop a narrative description of activities and sources that may contribute to storm water pollution;
   (c) Develop a site map;
   (d) List historical spills and leaks (including reportable quantity (RQ) spills required by 30 TAC Chapter 327), and keep log of any additional spills and leaks; and
   (e) Summarize all sampling data.
4. Describe pollution prevention measures and controls, including:
   (a) Good Housekeeping;
   (b) Spill Prevention and Response;

(c) Erosion Control;

(d) Maintenance program for structural controls;

(e) BMPs used to reduce pollutants in runoff;

(f) Employee training and education programs;

(g) Monitoring activities; and

(h) Records of above.

C. Additional Monitoring and Reporting: The draft general permit continues the following monitoring requirements from the existing general permit, with revisions as noted:

1. Benchmark Monitoring and Reporting: The draft permit continues the requirement for certain industrial sectors to collect discharge samples for comparison to benchmark levels. The draft permit revises the levels of certain benchmark parameters, removes benchmark parameters for a few industrial sectors and adds benchmarks parameters for one sector. These changes are listed below (paragraph IV.C.1.(c) of this fact sheet) and are further described in Appendices A and B of this fact sheet:

(a) The draft permit requires sampling once per six months for the first two years of the permit term. The permittee would not be required to conduct benchmark monitoring during the third and fourth year, if the results of the first two year's monitoring are below benchmark levels. Results of monitoring for the first and second reporting years would be reported to the TCEQ; and results of monitoring for the third and fourth years would be retained on site.

If sampling is performed for a pollutant in which a waiver was obtained, and the result for that pollutant is greater than the benchmark level, then the waiver ceases for that pollutant. In addition, any waivers obtained from benchmark sampling do not affect sampling that is required to comply with numeric effluent limits in the permit.

(b) The draft permit includes revised benchmark levels for the following pollutants, which were established based on data evaluated during the 2007 and 2008 calendar years:

Table 8. Benchmark Levels for Pollutants Evaluated in 2007 & 2008

Benchmark Parameter	2006 MSGP (mg/L)	Proposed (mg/L)
TSS_1	100	100, for selected activities
TSS_2	100	50, for selected activities
Chemical Oxygen Demand (COD)	55	60
Arsenic, total	0.17	0.010
Ammonia-nitrogen	8.11	2.5
Silver, total	0.032	0.002
Cadmium, total	0.016	0.001

Benchmark Parameter	2006 MSGP (mg/L)	Proposed (mg/L)
Cyanide, total	0.064	0.02
Mercury, total	0.0019	0.0002
Selenium, total	0.05	0.01
Magnesium, total	0.064	1.4
Oil and Grease	NA	10

(c) Sector-Specific Changes to Benchmark Parameters:

Sector A (Timber Products): Added COD and TSS to SIC codes 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493, and 2499. These SIC codes were left out of the 2001 MSGP in error.

Sector E (Glass, Clay, Cement, Concrete and Gypsum Products): Added pH to SIC codes 3271-3275.

Sector G (Metal Mining / Ore Mining and Dressing): Added several pollutants for waste rock and overburden piles (one sample required, with additional sampling required throughout the permit term for any results over the benchmark level).

Sector S (Air transportation): Removed BOD5 (SIC codes 4512-4581).

Sector U (Food and Kindred products facilities): Removed BOD from SIC codes 2074-2079.

Sector AD (Miscellaneous Industrial Activities): Added pH, COD, TSS, and oil and grease.

The above changes to benchmark sampling are further described and explained in Part X.C. and Appendices A and B of this fact sheet.

2. Quarterly visual monitoring of discharges: The draft permit continues the existing requirement to conduct visual sampling of the discharge at least once per quarter, and adds that visual sampling is required only during normal operating hours. The draft permit would remove the requirement that sampling be performed during daylight hours, and instead would require sampling to occur in a well lit area.

3. Quarterly inspections of structural controls: The draft permit continues the existing requirement to inspect the structural controls used to control the discharge of pollutants in storm water.

4. Annual Comprehensive Site Compliance Investigation and Report: The draft permit continues the existing requirement to perform a comprehensive site compliance evaluation and to prepare a report detailing the findings.

V. Changes From Existing General Permit:

A. The major changes to the permit are listed below, and are also described in Part I (pages 1 and 2) of this fact sheet:

1. Designated for automatic authorization certain industrial facility operators in Sector X, as well as small businesses located in a residential home, shopping mall, or office building, which have no exposure of any regulated activity to storm water.
2. Added an option for transportation facilities to include storm water discharges from material handling and storage areas under the MSGP where those areas would require permit coverage, but had not previously been allowed under the MSGP because they were not associated with vehicle/equipment maintenance.
3. Created new incentives to promote electronic filing of application forms: extended the period of time required to await provisional coverage after submitting a paper NOI from two (2) to seven (7) days, and proposed an increased application fee for operators submitting a paper NOI or NEC form. No changes are proposed to the annual fees. See Part II, Sections C.2. and C.10. of the draft permit.
4. Proposed changes to benchmark sampling in Part IV of the draft permit: revised benchmark levels based on data that was submitted during calendar years 2007 and 2008, added sampling requirements to Sector AD, added a waiver option for Years 3 and 4, and revised reporting requirements so that Years 1 and 2 data would be submitted to TCEQ and Years 3 and 4 would be retained on site.
5. Revised the permit language regarding "representative storm event" to clarify that a precipitation event is considered representative (or qualifying) if it produces a discharge, rather than based on the measured amount of precipitation.
6. Revised conditions within several specific industries in Part V of the draft MSGP in order to be consistent with EPA's 2008 MSGP.
7. Revised the permit language "Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements" Part II, Section B in the permit to clarify discharges to impaired water bodies.

    a. <u>New Discharge to an impaired water body:</u>

    For a new discharge to an impaired water body, the permittee shall comply with one or more of the following:

    (1) prevent exposure to storm water of the pollutant(s) for which the water body is impaired;

    (2) document that the pollutant(s) for which the water body is impaired is/are not present at the site;

    (3) obtain analytical data to show that the discharge is not expected to cause or contribute to an exceedance of a water quality standard; or

    (4) conduct ongoing monitoring of the pollutant of concern.

    b. <u>Existing Discharge to an impaired water body with an approved TMDL</u>: The permittee must comply with additional controls required in the TMDL or I-Plan.

c. Existing Discharge to an impaired water body without an approved TMDL: The permittee shall either:

(1) prevent exposure to storm water of the pollutant(s) for which the water body is impaired;

(2) document that the pollutant(s) for which the water body is impaired is/are not present at the site; or

(3) obtain analytical data to show that the discharge is not expected to cause an exceedance of a water quality standard.

Added a new paragraph in Part III, Section B called "Water Quality Monitoring Requirements" to address monitoring requirements for discharges to impaired water bodies. The discharge must be monitored for the pollutant(s) of concern at a frequency of once per year. If the pollutant(s) is/are present below the level of concern (e.g. the analytical level is below the benchmark value in Part IV of the permit), then the permittee may discontinue monitoring for the pollutant(s).

B. Additional changes include the following:

1. Revised several definitions in Part I of the draft permit:

a. Added definitions for the following terms: "Arid Areas," "Constituent of Concern," "Control Measure," "Diffuse Point Source," "Drought," "Existing Discharge," "Hyper-chlorinated Water," "Impaired Water," "Industrial Activity," "New Discharge," "No Exposure," "Qualified Personnel," "Semi-Arid Areas," "Sheet Flow," "SIC Code," including the addition of definitions for "Primary SIC Code" and "Secondary SIC Code" as subsets of the definition for "SIC Code," and "Total Maximum Daily Load."

b. Updated definitions for the following terms, in Part I of the draft general permit: "Discharge," "General Permit," "Hyperchlorination of Waterlines or Vessels," "Inactive Industrial Facilities," "Municipal Separate Storm Sewer System (MS4)," "National Pollutant Discharge Elimination System (NPDES)," "Operator," "Outfall," "Point Source," "Pollutant," "Reportable Quantity Spill or Release," and "Storm Water Discharge Associated with Industrial Activity."

c. Deleted definitions for the term "Solid Waste Management Unit;" however, additional clarification on solid waste requirements was added to the "Solid Waste" section of the draft permit.

2. Clarified permit applicability, including the requirement that any storm water discharge subject to federal ELGs (40 CFR Parts 400-471) must obtain permit coverage, and may be eligible for coverage under the MSGP. See Part II, Section A of the draft permit.

3. Reorganized and clarified the list of regulated SIC codes in Part II, Section A of the draft permit to be consistent with the SIC Code Manual.

4. Added a statement about publicly-operated facilities to clarify that they would be regulated if they are described in the Applicability section of the general permit. See Part II, Section A.5. of the draft permit.

5. Removed the effluent limits for coal pile runoff that are not associated with a steam electric power generating facility.

6. Revised the list of allowable storm water discharges to include incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of facilities. This is consistent with the EPA 2008 MSGP and addresses a common question received from the regulated community. In addition, added clarification language regarding irrigation runoff and condensates. See Part II, Section A.6. of the general permit.

7. Added language in the "No Exposure" exclusion section that explains in more detail when materials or products do not have to be located within a storm resistant shelter. This change was made to address questions that are often received by the regulated community, and it is consistent with information provided in TCEQ Regulatory Guidance Document RG-467, as well as EPA's No Exposure Guidance Document of June 2000 (EPA 833-B-00-001). See Part II, Section C.1. of the draft permit.

8. Added information about specific items that may be submitted on a notice of change (NOC) form and which must be addressed on a notice of termination (NOT) form. See Part II, Sections C.6. and C.7. of the draft permit.

9. Made several changes to the SWP3 requirements in Part III of the draft permit to provide additional clarification of the intent of the permit.

10. Revised the quarterly visual monitoring requirements to remove the requirement that sampling be conducted during daylight; and replaced that language with the requirement to monitor in a well lit area. This is consistent with EPA's 2008 MSGP. See Part III, Section B.3.

11. Removed the daily average and composite limits for hazardous metals (retained daily maximum limit), since sampling is required only once per year, and clarified that any operator seeking a waiver from sampling must recertify each permit term. See Part III, Section C.1.

12. Revised the benchmark monitoring levels as described in this fact sheet (see paragraph IV.D.1.(c) above and Appendices A and B). See Part V of the general permit.

13. Revised the language regarding non-compliance notification to clarify that all non-compliances must be reported.

14. Revised permit conditions for specific industrial activities described in Part V of the draft permit:

    a. Added or modified certain sector-specific definitions to clarify the requirements of the section or to be consistent with other TCEQ rules or the EPA's 2008 MSGP. The specific changes include the following:

(1) Sector G - "active metal mining facility," "active phase," "construction phase," "exploration phase," "final stabilization," "inactive metal mining facility," "mining operations," "reclamation phase," and "temporarily inactive metal mining facility;"

(2) Sector H – "active coal mining facility," "active phase," "bond release," "construction phase," "exploration phase," "final stabilization," "inactive coal mining facility," "mining operation," "reclamation phase," and "temporarily inactive coal mining facility;"

(3) Sector J – "active mineral mining facility," "active phase," "aggregates," "construction phase," "exploration phase," "inactive mineral mining facility," "mine dewatering," "mining operations," "quarry," "temporarily inactive mineral mining facility," and "uncontaminated;"

(4) Sector K – "contaminated storm water," "drained free liquids," "landfill," "landfill wastewater," "leachate," and "non-contaminated storm water;"

(5) Sector L - "contaminated storm water," "drained free liquids," "final stabilization," "landfill" "landfill wastewater," "land application site, or land treatment facility," "leachate," "municipal solid waste (MSW)," "municipal solid waste facility," "municipal solid waste landfill unit," and "non-contaminated storm water;" and

(6) Sector S – "deicing."

b. Changes were made to nearly every sector of industrial activity regulated under the MSGP in order to provide additional clarification of the permit requirements or to be consistent with EPA's 2008 MSGP.

c. In several sectors (including A, E, H, I, J, O, Q, R, U, and V), added or revised the section entitled *Limitations on Permit Coverage*, to provide additional clarification on information such as prohibited discharges (storm water and non-storm water), discharges that do not require authorization, and other sector-specific conditions.

d. For most sectors (including E, G, H, I, J, L, M, N, O, P, Q, R, S, T, U, V, X, Y, Z, AA, and AB), reorganized the sector-specific BMP requirements (e.g., sections entitled *Description of Potential Pollutants Sources* and *Management of Runoff with Structural Controls*) into a single section entitled *Additional SWP3 Requirements*. This helps to simplify the organization of the sector-specific BMPs, and is consistent with the term used in EPA's 2008 MSGP. This combined section provides detailed information about additional BMPs, mapping requirements, certification of certain non-storm water discharges, additional periodic inspection requirements, and additional requirements related to the comprehensive site compliance evaluation.

e. For several sectors (including G, H, I, J, K, L, O, P, Q, S, T, and X), added or revised the section entitled *Covered Storm water Discharges* to provide additional clarification and information regarding which discharges may be authorized under the MSGP.

f. In several sectors, added sector-specific requirements for the drainage site area map required in Part III of the permit.

g. For the mining sectors (G, H, and J), added or revised the following sections:

(1) *Termination of Permit Coverage*, which provides sector specific requirements for operators of sites that have been finally stabilized or returned to an alternative post mining use, to terminate permit coverage. This is consistent with EPA's 2008 MSGP and helps to clarify when discharges from closed mines cease to be considered "storm water associated with industrial activity."

(2) In Sector G, added benchmark monitoring requirements for discharges from waste rock and overburden piles that had also been included in the 2001 TPDES MSGP.

(3) For Sector H, the section entitled *Limitations on Permit Coverage* was revised to clarify that the storm water discharges from completely reclaimed areas of a mine (i.e., where the performance bond has been released) are not required to maintain storm water permit coverage.

(4) For Sector H and J, added a section entitled *Inactive and Unstaffed Sites*, which provides information about the requirements for routine inspections, quarterly visual assessments and benchmark monitoring requirements at inactive or unstaffed sites. This is consistent with EPA's 2008 MSGP.

(5) For Sector J, modified the section entitled *Limitations on Permit Coverage* to clarify that operators of certain quarries located in the John Graves Scenic Riverway (JGSR) are not eligible for coverage and must obtain coverage under an individual permit or the general permit for certain quarries in the JGSR, TXG500000. This section also details the requirements for uncontaminated ground water seepage and permitting requirements for sites where mining claims are being maintained prior to disturbances associated with mining activity.

(6) For Sector J, added a section titled *Mining Related Non-Storm Water Discharges*, which provides detailed information about the requirements for discharges to meet effluent guidelines for this sector.

h. For Sector I, moved SIC code 2911 from Sector I (Oil and Gas Extraction Facilities) Sector C (Chemical and Allied Products) based on EPA's 2008 MSGP. This is appropriate because petroleum refining activities are more similar to chemical and allied products manufacturing than to oil and gas

extraction activities; therefore, storm water controls for these activities should be similar.

i. For sectors with numeric effluent limitations based on federal ELGs (40 CFR 400-471), modified the section entitled *Numeric Effluent Limitations* to clarify the applicability of the requirements of the numeric effluent limitations for facilities in those sectors.

j. Revised Requirements Related to Waste Handling (Sectors K and L):

(1) For Sector K, clarified which hazardous waste treatment, storage, and disposal facilities regulated under the TCEQ's waste rules (30 TAC Chapter 335) must obtain storm water permit coverage and which are exempted from coverage.

(2) For Sectors K and L, revised the section titled *Limitations on Permit Coverage* to clarify that the MSGP does not authorize the discharge of landfill wastewater, including contaminated storm water, as described in federal effluent guidelines at 40 CFR Part 445. For Sector K, also clarified the requirements for sites that temporarily store hazardous waste.

(3) For Sector L, clarified that noncontaminated storm water from a landfill that has never received waste associated with an industrial activity regulated by the MSGP is not required to obtain permit coverage; but that noncontaminated storm water from a landfill that receives or has ever received waste associated with an industrial activity regulated under the MSGP would need to be authorized.

k. For Sector O, revised the sections entitled *Covered Storm Water Discharges* and *Limitations on Permit Coverage* to be identical to EPA's MSGP and to clarify which power generating facilities are required to obtain permit coverage. These changes were made to clarify exactly what types of facilities are covered, while keeping the original intent of the NPDES storm water regulations and previous versions of the NPDES and TPDES MSGPs. In past permits, both in Texas and throughout the U.S. with respect to the EPA MSGP, there has been some confusion about the types of power generation facilities covered or not covered by the regulations. The clarifications in this permit do not change the definition of "industrial activities" nor the universe of covered facilities.

Changes to the *Covered Storm Water Discharges* (Section V.O.2. of the draft MSGP), which describes the industrial activities covered by Sector O:

The term "dual fuel co-generation facilities" has been replaced with "dual fuel facilities that could employ a steam boiler." As described in EPA's 2008 MSGP Fact Sheet, the EPA and accepted industry definition of "cogeneration" is "the merging of a system designed to produce electric power and a system used for producing industrial heat and steam" (Profile of the Fossil Fuel Fired Electric Power Generation Industry

notebook, September, 1997). Cogeneration technologies are classified as "topping cycle" and "bottoming cycle" systems, depending on whether the electrical (topping cycle) or thermal (bottoming cycle) energy is derived first. Most cogeneration systems use a topping cycle. The most common configurations are: 1) a boiler connected to a steam turbine; or 2) a gas turbine, followed by a heat recovery steam generator (HRSG) which may include a duct burner for supplemental firing, followed by a steam turbine. Regardless of the configuration, both electricity and steam (or heat) are end-products. Typically, the boilers in configuration 1 are fired with coal or oil and the gas turbines in configuration 2 are primarily fired with natural gas with fuel oil as a back up at some facilities. The duct burner in the HRSG is typically fired with natural gas. Boiler facilities (configuration 1) generate their electricity from the use of steam, whereas gas combustion turbine facilities (configuration 2) generate their electricity primarily from the gas turbine cycle. Configuration 1 facilities are the type EPA has always required to obtain permit coverage.

The EPA and accepted industry definition of "combined-cycle generation" is "a configuration using both gas turbines and steam generators. In a combined-cycle gas turbine, the hot exhaust gases of a gas turbine are used to provide all, or a portion of, the heat source for the boiler, which produces steam for the steam generator turbine." This type of facility produces only electric power, and needs permit coverage**.** Typical configurations include a gas turbine, a fired or unfired HRSG, and a steam turbine generator. The gas turbines are primarily fired with natural gas and some may fire fuel oil as a back-up (see dual-fuel discussion below).

The previous permit term "dual-fuel cogeneration facilities" (identified as needing coverage) has been removed from the draft MSGP because it is typically not used within the power generation industry. The concept of dual fuel will be addressed to preserve the intent of past permits. A "dual-fuel" facility has the capability of generating electricity by burning either natural gas or another fossil fuel (typically oil). Thus, a simple-cycle dual-fuel facility being regulated by this permit would have the capability of using both a gas turbine and an oil-fired steam boiler (or both in tandem), but would not include a facility that burns oil to generate power without a steam boiler (as in a diesel generator).

A regulated combined-cycle facility would also have a gas-steam option (in this context, prior to the HRSG component). For dual-fuel facilities, the option to burn fossil fuel for use in a steam boiler is sufficient to cause the facility to need permit coverage (regardless of whether the gas turbine alone is actually used). The inclusion of dual-fuel facilities, but only those that could employ a steam boiler, in this permit is consistent with the intent of previous storm water permits.

Purpose: In past permits, there has been considerable confusion about the types of power generation facilities covered or not covered by storm water permitting requirements. One source of confusion stemmed from EPA's and TCEQ's use of the term "dual-fuel cogeneration facilities," which were

covered by the MSGP. Because this term was not previously defined in the permit, and has, since its introduction, become archaic within the power generation industry, TCEQ has updated and defined the applicable terminology consistent with the EPA MSGP of 2008.

Change to the *Limitations on Coverage* (Section, V.O.3. of draft MSGP). Those types of facilities that do not need permit coverage (meaning, they do not have a steam component in their power generation) have been listed in this section of the permit due to the numerous types of power plants using different combinations of processes and technologies. One of these plant types not covered under the permit that uses multiple technologies was previously identified as a "heat capture co-generation facility," but the use of this terminology has long been a source of confusion and is regarded as obsolete. TCEQ added clarifying language for this term, as well as extra explanations regarding the absence of steam boilers for the other non-covered facility types, ancillary facilities and gas turbine facilities.

As previously noted, duct burners in HRSGs are typically fired with natural gas. Along with simple-cycle gas turbine facilities and configuration 2-type gas turbine cogeneration facilities, combined-cycle generation facilities are also not covered by storm water permitting requirements, provided no supplemental fuel oil is burned in the HRSG and the facility is not otherwise a dual-fuel facility which uses steam.

Cogeneration facilities, which are of the type described under configuration 2 above, are equivalent to the obsolete term "heat capture cogeneration facilities." Therefore, gas turbine cogeneration facilities (only those that do not have an oil-fired steam boiler as a back-up; see the dual-fuel discussion above) are likewise excluded from storm water permit coverage.

l. Sector X, designated certain facilities that publish or design without printing as automatically authorized, as previously discussed in this fact sheet.

m. For Sector AD, made the following changes:

(1) Added some clarification under *Limitations on Permit Coverage* to describe how a site would designated by TCEQ for coverage under this sector.

(2) Added a section titled *Co-located Activities*, which explains that if a facility is designated under Sector AD as requiring coverage, any co-located industrial activities described by secondary SIC codes listed under the general permit would be required to meet the conditions of the sector(s) that includes the regulated secondary SIC codes.

(3) As previously described, added benchmark monitoring requirements for pH, TSS, oil and grease, and COD.

15. Removed the copies of discharge monitoring report (DMR) forms from the MSGP, which will allow TCEQ to make revisions and corrections to the forms during the permit term without a permit modification or amendment.
16. Made additional changes throughout the permit that help to clarify the intent of the general permit.

VI. Addresses and Contact Information

Questions or informal comments concerning this draft general permit should be directed to:

MC 148
TCEQ, Storm Water & Pretreatment Team Leader
Wastewater Permitting Section
P.O. Box 13087
Austin, Texas 78711-3087
(512) 239- 4671
swgp@tceq.texas.gov

Comments regarding this general permit during the public comment period must be submitted either by mail to the following address, by fax followed by mail, or electronically as described below:

By Mail:
MC 105
Chief Clerk's Office (CCO)
P.O. Box 13087
Austin, Texas 78711-3087

By facsimile (fax): (512) 239-3311*

*Fax must be followed by hard copy in mail to CCO at address above within three days of fax date.

Electronically: www10.tceq.state.tx.us/epic/ecmnts/

Questions Regarding Public Comments Should Be Directed to CCO: (512) 239-3300

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

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 in the absence of authorizing permits. 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 (H.B.) 1542 in 1997, and to authorize waste discharges by general permit. On September 14, 1998, the TCEQ received authority from the U.S. Environmental Protection Agency (EPA) to administer the Texas Pollutant Discharge Elimination System (TPDES). The TCEQ and the United States Environmental Protection Agency (EPA) have signed a Memorandum of Agreement (MOA) that authorizes the administration of the Texas Pollutant Discharge Elimination System (TPDES) program by the TCEQ as it applies to the State of Texas.

Clean Water Act (CWA) Sections 301, 304, and 401 (33 United States Code 1331, 1314 and 1341) include provisions which state that TPDES 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 U.S.C. §1370.

Two types of technology-based effluent limitations must be included in the proposed general permit. With regard to conventional pollutants, CWA §301 (b)(1)(E) requires effluent limitations based on "best conventional pollution control technology" (BCT). With regard to nonconventional and toxic pollutants, CWA §301(b)(2)(A), (C), and (D) require effluent limitations based on "best available pollution control 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).

VIII. Regulatory Background

The 1972 amendments to the Federal Water Pollution Control Act, later referred to as the Clean Water Act (CWA), prohibit the discharge of any pollutant to navigable waters of the United States from a point source unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Efforts to improve water quality under the NPDES program traditionally have focused on reducing pollutants in industrial process wastewater and municipal sewage treatment plant discharges. Over time, it has become evident that more diffuse sources of water pollution, such as storm water runoff from industrial facilities, construction sites, and municipal separate storm sewer systems (MS4s) are also significant contributors to water quality problems.

EPA promulgated rules establishing requirements for discharges of storm water runoff associated with industrial activities, at 40 CFR §122.26. These rules were subsequently adopted by reference in TCEQ rules at 30 TAC §281.25(a) and are being implemented in part through reissuance of the MSGP.

TCEQ received authority to administer the Texas Pollutant Discharge Elimination System (TPDES) permit program in Texas, for those discharges under the regulatory authority of the agency, on September 14, 1998. Under the MOA between the two agencies, EPA agreed to continue to administer the multi-sector general permit (MSGP) permit until the September 29, 2000 expiration date. The original TPDES permit was issued on August 20, 2001, and included the Phase II rules for the NPDES storm water permit program were which were finalized on December 8, 1999. The existing MSGP, which replaced the 2001 TPDES MSGP, was issued August 14, 2006 and expires on August 14, 2011. The renewed MSGP would continue the authorization for industrial facilities in Texas for five years from the effective date of the permit.

IX. Permit Coverage

A. Scope of Permit Coverage

This general permit applies to discharges of storm water runoff associated with industrial activity, and certain non-storm water discharges, into surface water in the state. The general permit specifies which particular industrial facilities are eligible for authorization by the general permit, which must be authorized by a separate permit, and the specific conditions that must be met in order to receive an exclusion from requirements to develop a SWP3 and to submit a notice of intent. The proposed general permit would provide authority for any facility currently authorized under the TPDES permit to continue to discharge. The general permit would also continue the requirements for certain oil exploration, production, processing, or treatment operations that are controlled under the authority of the Railroad Commission of Texas (RCT) to apply to EPA and the RCT for authorization to discharge storm water runoff associated with industrial activities.

Permit applicability is based on the facility's primary SIC code, or by a listed Industrial Activity Code, and includes storm water discharges regulated in federal guidelines in 40 CFR Parts 400-471 (effluent limitations guidelines, or ELGs). Industrial facilities that are required to obtain authorization to discharge storm water runoff are grouped into 30 sectors, Sectors A through AD. A facility's SIC Code is the SIC code which best describes the main activity occurring at the site. EPA provided information regarding the primary SIC code by referencing the SIC manual. According to the EPA, the SIC Manual recommends using the value of receipts or revenues to determine the primary activity. If such information is not available for a particular facility, then number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In the case of industrial activity codes, a facility is subject to permitting requirements regardless of whether the Industrial Activity Code describes the primary activity or only a minor activity occurring at the site. If a facility conducts secondary activities that are described by an SIC code that is listed in the table, then discharges from these additional activities are described as co-located activities and must be authorized. Storm water discharges from co-located industrial activities may be authorized under the general permit, provided that the operator complies with all of the sector specific requirements defined in the general permit for each of the co-located activities. Co-located activities are only required to be permitted at a facility that is already required to be regulated based on the primary SIC code or the Industrial Activity Code.

The following industrial activities are proposed to be eligible for authorization under the draft general permit:

Table 9. SECTOR A: TIMBER PRODUCTS

SIC Code(s)	Description of Industry Sub-sector
2411	Log Storage and Handling (without the use of chemical additives in spray water or applied to the logs)
2421	General Sawmills and Planning Mills
2426	Hardwood Dimension and Flooring Mills
2429	Special Product Sawmills, Not Elsewhere Classified
2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (2434 - Wood Kitchen Cabinets, see Sector W)
2441-2449	Wood Containers
2451, 2452	Wood Buildings and Mobile Homes
2491	Wood Preserving
2493	Reconstituted Wood Products
2499	Wood Products Not Elsewhere Classified

Table 10. SECTOR B: PAPER AND ALLIED PRODUCTS

SIC Code(s)	Description of Industry Sub-sector
2611	Pulp Mills
2621	Paper Mills
2631	Paperboard Mills
2652 - 2657	Paperboard Containers and Boxes
2671 - 2679	Converted Paper and Paperboard Products, Including Plastic Bags Produced from Plastics Film

Table 61 SECTOR C: CHEMICAL AND ALLIED PRODUCTS

SIC Code(s)	Description of Industry Sub-sector
2812 - 2819	Basic Industrial Inorganic Chemicals
2821 - 2824	Plastic Materials, Synthetic Resins, Non-vulcanizable Elastomers (Synthetic Rubber), Cellulose Plastics Materials, and Other Manmade Fibers Except Glass
2833 - 2836	Medicinal Chemicals and Botanical Products, Pharmaceutical Preparations, In Vitro and In Vivo Diagnostic Substances, Biological Products (Except Diagnostic Substances).
2841 - 2844	Soaps and Detergents; Specialty Cleaning, Polishing, and Sanitation Preparations, Surface Active Agents, Finishing Agents, Sulfonated Oils, and Assistants, Perfumes, Cosmetics, and Other Toilet Preparations;

SIC Code(s)	Description of Industry Sub-sector
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
2861 - 2869	Industrial Organic Chemicals
2873 - 2879	Agricultural Chemicals (Including Fertilizers, Pesticides, Fertilizers Solely from Leather Scraps and Leather Dust, and Mixing of Fertilizers, Compost, and Potting Soils)
2891 - 2899	Miscellaneous Chemical Products (Including Adhesives and Sealants, Explosives, Printing Ink, and Carbon Black)
2911	Petroleum Refineries
3952 (Limited to List)	Inks and Paints, including: China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting; Artist's Paints, and Artist's Watercolors

Table 12 SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS

SIC Code(s)	Description of Industry Sub-sector
2951, 2952	Asphalt Paving and Roofing Materials, Portable Asphalt Plants
2992, 2999	Miscellaneous Products of Petroleum and Coal Including Oils and Greases

Table 13. SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS

SIC Code(s)	Description of Industry Sub-sector
3211	Flat Glass
3221, 3229	Glass and Glassware, Pressed or Blown
3231	Glass Products Made of Purchased Glass
3241	Hydraulic Cement
3251 - 3259	Structural Clay Products
3261	Vitreous China Plumbing Fixtures and China Earthenware Fittings and Bathroom Accessories
3262-3269	Pottery and Related Products
3271 - 3275	Concrete, Lime, Gypsum and Plaster Products
3281	Cut Stone and Stone Products
3291	Abrasive Products
3292	Asbestos Products
3295	Minerals and Earths, Ground or Otherwise Treated
3296	Mineral Wool
3297	Non-Clay Refractories
3299	Nonmetallic Mineral Products, Not Elsewhere Classified

Table 74. SECTOR F: PRIMARY METALS

SIC Code(s)	Description of Industry Sub-sector
3312 - 3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
3321 - 3325	Iron and Steel Foundries
3331 - 3339	Primary Smelting and Refining of Nonferrous Metals
3341	Secondary Smelting and Refining of Nonferrous Metals
3351 - 3357	Rolling, Drawing, and Extruding of Nonferrous Metals
3363 - 3369	Nonferrous Foundries (Castings)
3398, 3399	Miscellaneous Primary Metal Products

Table 85. SECTOR G: METAL MINING (ORE MINING AND DRESSING)

SIC Code(s)	Description of Industry Sub-sector
1011	Iron Ores
1021	Copper Ores
1031	Lead and Zinc Ores
1041, 1044	Gold and Silver Ores
1061	Ferro alloy Ores, Except Vanadium
1081	Metal Mining Services
1094, 1099	Miscellaneous Metal Ores

Table 96. SECTOR H: COAL MINES AND COAL MINING RELATED FACILITIES

SIC Code(s)	Description of Industry Sub-sector
1221	Bituminous Coal and Lignite Surface Mining
1222	Bituminous Coal Underground Mining
1231	Anthracite Mining
1241	Coal Mining Services

Table 107. SECTOR I: OIL AND GAS EXTRACTION FACILITIES *Industrial Activities Regulated under the EPA's NPDES Program*

SIC Code(s)	Description of Industry Sub-sector
1311	Crude Petroleum and Natural Gas
1321	Natural Gas Liquids
1381, 1382	Drilling Oil and Gas Wells; and Oil and Gas Field Exploration Services
1389	Oil and Gas Field Services, Not Elsewhere Classified, that occur in the field

Table 18. SECTOR I: OIL AND GAS EXTRACTION FACILITIES *Industrial Activities Regulated under this General Permit*

SIC Code(s)	Description of Industry Sub-sector
1389	Oil and Gas Field Services, Not Elsewhere Classified, that occur at a company headquarters, permanent offices, or base of operations.

Table 19. SECTOR J: MINERAL MINING AND DRESSING FACILITIES

SIC Code(s)	Description of Industry Sub-sector
1411	Dimension Stone
1422 - 1429	Crushed and Broken Stone, Including Rip Rap
1442, 1446	Sand and Gravel Mining
1455, 1459	Clay, Ceramic, and Refractory Materials
1474 - 1479	Chemical and Fertilizer Mineral Mining
1481	Nonmetallic Minerals, Except Fuels
1499	Miscellaneous Nonmetallic Minerals, Except Fuels

Table 110. SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Activity Code	Description of Industry Sub-sector
HZ	Hazardous Waste Treatment, Storage, and Disposal Facilities

Table 121. SECTOR L: LANDFILLS AND LAND APPLICATION SITES

Activity Code	Description of Industry Sub-sector
LF	Limited to Landfills, Land Application Sites, and Open Dumps that Receive or Have Previously Received Industrial Waste, including sites subject to regulation under Subtitle D of the Resource Conservation and Recovery Act (RCRA).

Table 132. SECTOR M: AUTOMOBILE SALVAGE YARDS

SIC Code(s)	Description of Industry Sub-sector
5015	Automobile Salvage Yards

Table 143. SECTOR N: SCRAP AND WASTE RECYCLING FACILITIES

SIC Code(s)	Description of Industry Sub-sector
5093	Scrap and Waste Recycling Facilities (Scraps include metals, paper, plastic, cardboard, glass, animal hides, used oil, antifreeze, mineral spirits, industrial solvents, computers, electronics, and other materials listed in the SIC Code Manual for SIC 5093)

Table 154. SECTOR O: STEAM ELECTRIC GENERATING FACILITIES

Activity Code	Description of Industry Sub-sector

Activity Code	Description of Industry Sub-sector
SE	Steam Electric Power Generating Facilities

Table 165. SECTOR P: LAND TRANSPORTATION AND WAREHOUSING

SIC Code(s)	Description of Industry Sub-sector
4011, 4013	Railroad Transportation
4111 - 4173	Local and Highway Passenger Transportation
4212 - 4215	Trucking and Courier Services, Except Air
4221 and 4222	Farm Product Warehousing and Storage; and Refrigerated Warehousing and Storage
4225	General Warehousing and Storage
4226	Special Warehousing and Storage, Not Elsewhere Classified
4231	Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation
4311	United States Postal Service
5171	Petroleum Bulk Stations and Terminals

Table 176. SECTOR Q: WATER TRANSPORTATION

SIC Code(s)	Description of Industry Sub-sector
4412 - 4499	Water Transportation

Table 187. SECTOR R: SHIP AND BOAT BUILDING OR REPAIRING YARDS

Activity Code	Description of Industry Sub-sector
3731, 3732	Ship and Boat Building or Repairing Yards

Table 28. SECTOR S: AIR TRANSPORTATION

Activity Code	Description of Industry Sub-sector
4512	Air Transportation, Scheduled
4513	Air Courier Services
4522	Air Transportation, Nonscheduled
4581	Airports, Flying Fields, and Airport Terminal Services, including aircraft maintenance and fueling

Table 29. SECTOR T: TREATMENT WORKS

Activity Code	Description of Industry Sub-sector
TW	Certain Wastewater Treatment Plants

Table 30. SECTOR U: FOOD AND KINDRED PRODUCTS FACILITIES

SIC Code(s)	Description of Industry Sub-sector
2011 - 2015	Meat Products
2021 - 2026	Dairy Products
2032 - 2038	Canned, Frozen and Preserved Fruits, Vegetables and Food Specialties
2041 - 2048	Grain Mill Products
2051 - 2053	Bakery Products
2061 - 2068	Sugar and Confectionery Products
2074 - 2079	Fats and Oils
2082 - 2087	Beverages
2091 - 2099	Miscellaneous Food Preparations and Kindred Products
2111 - 2141	Tobacco Products

Table 191. SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT

SIC Code(s)	Description of Industry Sub-sector
2211 - 2299	Textile Mill Products
2311 - 2399	Apparel and Other Finished Products Made From Fabrics and Similar Materials
3131 - 3199	Leather and Leather Products, except Leather Tanning and Finishing (See Sector Z)

Table 202. SECTOR W: FURNITURE AND FIXTURES

SIC Code(s)	Description of Industry Sub-sector
2434	Wood Kitchen Cabinets
2511 - 2599	Furniture and Fixtures

Table 213. SECTOR X: PRINTING AND PUBLISHING

SIC Code(s)	Description of Industry Sub-sector
2711 - 2796	Printing, Publishing, and Allied Industries

Table 224. SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING FACILITIES

SIC Code(s)	Description of Industry Sub-sector
3011	Tires and Inner Tubes
3021	Rubber and Plastics Footwear

SIC Code(s)	Description of Industry Sub-sector
3052, 3053	Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and Belting
3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
3081 - 3089	Miscellaneous Plastics Products
3931	Musical Instruments
3942 - 3949	Dolls, Toys, Games and Sporting and Athletic Goods
3951 – 3955, except 3952 (see Sector C)	Pens, Pencils, and Other Artists' Materials (except certain inks and paints as specified in Sector C)
3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
3991 - 3999	Miscellaneous Manufacturing Industries

Table 235. SECTOR Z: LEATHER TANNING AND FINISHING

SIC Code(s)	Description of Industry Sub-sector
3111	Leather Tanning and Finishing

Table 246. SECTOR AA: FABRICATED METAL PRODUCTS FACILITIES

SIC Code(s)	Description of Industry Sub-sector
3411 - 3499	Fabricated Metal Products, Except Machinery and Transportation Equipment
3911 - 3915	Jewelry, Silverware, and Plated Ware

Table 257. SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY MANUFACTURING FACILITIES

SIC Code(s)	Description of Industry Sub-sector
3511 – 3599, except 3571 – 3579 (see Sector AC)	Industrial and Commercial Machinery (Computer and Office Equipment, see Sector AC)
3711 – 3799, except 3731, 3732 (see Sector R)	Transportation Equipment (Ship and Boat Building and Repairing, see Sector R)

Table 38. SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS

SIC Code(s)	Description of Industry Sub-sector
3571 - 3579	Computer and Office Equipment

SIC Code(s)	Description of Industry Sub-sector
3612 - 3699	Electronic, Electrical Equipment and Components, except Computer Equipment
3812 - 3873	Measuring, Analyzing and Controlling Instrument; Photographic and Optical Goods

Table 39. SECTOR AD: MISCELLANEOUS INDUSTRIAL ACTIVITIES

SIC Code(s)	Description of Industry Sub-sector
N/A	Limited to facilities that are designated by the executive director as needing a permit to control pollution related to storm water discharges and that do not meet the description of an industrial activity covered by Sectors A-AC

B. Procedures for Obtaining Permit Coverage

1. Except as described in Section IX.B.(2) below, facilities eligible for coverage under the proposed general permit would apply for coverage through submission of a notice of intent (NOI) to the Executive Director. Facilities seeking to obtain an exclusion from permit requirements based on a condition of no exposure would notify the TCEQ through submission of a No Exposure Certification (NEC) form to the Executive Director. NOTE: An NEC is effectively an alternate NOI for facilities eligible to claim a no-exposure exclusion.

2. The NOI or NEC must be signed in accordance with 30 TAC §305.44 (relating to Signatories to Application). Provisional authorization to discharge would begin seven (7) days after a completed NOI or NEC is postmarked for delivery to the TCEQ. If the NOI or NEC is submitted electronically through the STEERS system or other approved electronic means, then provisional authorization would not be applicable, and coverage would begin immediately upon receiving electronic notification from TCEQ.

3. Designation of Permit Coverage (Automatic Authorization):

   a. The following facilities are designated by TCEQ as requiring coverage under the MSGP, but are not required to submit an NOI for coverage, provided that certain conditions are met:

      i. Facilities that are regulated based on their primary SIC code or industrial activity code, and that occur completely within a residential home, a shopping mall, or an office building , and that have no exposure of any regulated activity to storm water;

      ii. Publishing and designing companies that do not perform printing activities and that have no exposure of any regulated activity to storm water; and

      iii. General warehousing and storage facilities described by SIC Code 4225 that have no exposure of industrial activity to storm water, and that have no areas used for vehicle and equipment maintenance activities, vehicle and equipment rehabilitation,

mechanical repairs, painting, fueling and lubrication, and cleaning.

b. The above-referenced facilities will be notified of their coverage under the general permit as part of the public notice for the draft permit, which is appropriate based on EPA rules at 40 CFR §122.28(b)(2)(vi), relating to General Permits. These designated facilities are not required to submit an NOI for coverage, but must meet the following permit requirements:

i. Maintain a condition which ensures that there is no exposure of industrial activities to storm water; and

ii. Comply with the Standard Permit Conditions, except that references to the submittal of an NOI are not applicable.

The facility operator must apply for coverage if any of the above requirements are not met. If the TCEQ determines that additional controls are required other than those listed above, or that there is a concern regarding the discharge of elevated levels of pollutants, then the TCEQ may require a facility operator to meet all permit conditions and obtain coverage through submittal of an NOI or an individual permit application. This permit condition is appropriate for the designated facilities, because they typically operate in such a way that industrial materials are not exposed to storm water, and storm water discharges are not expected to contain pollutants of concern. However, the Executive Director also recognizes that activities may occur at the site that do cause a water quality concern, and an NOI or an individual permit application may be required at any time

4. Review of Application: Following an administrative review of an NOI or NEC, the Executive Director will either confirm coverage (or conditional exclusion, as applicable) by providing a notification and an authorization number to the applicant or will deny coverage. If coverage is denied, then the operator must either submit an application for an individual permit or obtain coverage under an alternative general permit, if available. Submittal of the NOI or NEC is an acknowledgment by the applicant that the general permit applies to the proposed discharges and that the applicant agrees to comply with the terms of the permit.

5. Deadlines for Obtaining Coverage:

a. Existing Facilities: Facilities that have coverage under the existing TPDES MSGP must re-apply within 90 days of the permit effective date to maintain continued coverage under the renewed general permit and to retain the existing authorization number.

Existing facilities that were not provisionally authorized by the existing TPDES MSGP must apply immediately.

Existing facilities that do not submit NOIs or NECs within 90 days of permit issuance will automatically be cancelled. Any forms submitted after the deadline will be processed as new applications, and a new authorization number will be assigned.

b. New Facilities: Facilities which are new or which were not previously authorized under the existing MSGP must submit an NOI (or an NEC, if applicable) prior to the initiation of industrial activity that could result in a discharge of regulated storm water runoff.

6. Information to be Submitted on an NOI or NEC form:

The NOI form requires, at a minimum, the following information:

a. Operator Information: legal name and contact information

b. Site Information:

(1) Location (name, address, county, latitude / longitude)

(2) A determination of whether the site is located on Indian Land

(3) The name of the receiving water(s)

(4) The name of the MS4 operator, if the discharge is first to an MS4

(5) Appropriate certification statement (for NOIs, a certification statement that a SWP3 has been developed and implemented according to the provisions of the permit; and for NECs, a certification that the facility meets a condition of no exposure as required in the MSGP)

(6) The primary SIC code and any other SIC code(s) or Industrial Activity Code(s) that describe additional activities that are identified in the permit as requiring permit coverage

(7) The industrial sector(s) of the general permit that applies to the facility

c. The existing TPDES authorization number (or no exposure authorization number) for existing facilities seeking to renew coverage (or the conditional exclusion from coverage)

d. An original signature, signed according to 30 TAC §305.44 (relating to Signatories to Application).

C. Terminating Permit Coverage

A permittee may terminate coverage under the proposed permit or may terminate a no exposure authorization by submitting a notice of termination (NOT) form to the Executive Director. The NOT must be signed in accordance with 30 TAC §305.44 (relating to Signatories to Application). Authorization to discharge terminates at midnight on the day that a NOT is postmarked for delivery to the TCEQ. If TCEQ provides for electronic submission of NOTs during the term of this permit, then authorization to discharge terminates immediately following confirmation of receipt of the electronic NOT form by the TCEQ. An NOT must be submitted within 10 days after the potential to discharge storm water associated with industrial activity has ceased or the operator obtains coverage under an individual permit or alternative general permit. See the following paragraph for a discussion on no exposure, and see paragraph D. below for information on how to process a transfer of operational control.

Changing Condition Related to Exposure: An NOT must also be submitted in order to terminate coverage or to terminate a conditional exclusion based on no exposure. If a facility changes operations such that a condition of no exposure is obtained, then the permittee must submit an NOT to terminate the original NOI before submitting an NEC. If a facility which changes conditions such that a condition of no exposure no longer exists, the permittee must submit an NOT to terminate the conditional exclusion, and must obtain coverage before discharge occurs. The only exception to this is within the first 90 days of permit issuance. If a permittee does not submit an NOT within the first 90 days of permit issuance, then the existing NOI or NEC will automatically be terminated, as stated above in Part IX.B.(1) of this fact sheet.

D. Transfer of Permit Coverage

Permit coverage may not be transferred. When a new operator assumes responsibility for a facility, a new NOI must be submitted at least 10 days before taking operational control of the facility. The previous owner or operator must terminate permit coverage within 10 days prior to the transfer of ownership or responsibility. This timeframe is required by 30 TAC §210.4(h).

E. Public Involvement

Information on the ability for the public to participate in the development and issuance of the MSGP is discussed in Part XIII of this fact sheet, *Procedures for Final Decision*.

In general, coverage is considered nonprovisional upon submittal of an application or upon meeting requirements to obtain authorization without submitting an application. Because MSGP authorizations are acted on by the Executive Director of the TCEQ, a person who does not agree with the action may file a motion to overturn the authorization, or decision, within 23 days after the application is deemed approved (See 30 TAC §50.139, related to Motion to Overturn Executive Director's Decision). In addition, any interested person may petition the Executive Director to require a discharger authorized by a general permit to apply for and obtain an individual TPDES permit. (See 40 CFR §122.28(b)(3)(i), which was adopted by TCEQ at 30 TAC §205.7). Examples of factors that may require a discharger to obtain an individual permit include: noncompliance with the conditions of the general permit; a change in operations since the initial application was made so that the discharger is no longer appropriately controlled under the general permit, or the discharge(s) is a significant contributor of pollutants.

X. Technology-Based Requirements

A. Storm Water Pollution Prevention Plan (SWP3)

The draft general permit continues the requirement to develop and implement a SWP3 to control discharges of contact storm water and storm water associated with industrial activities, in accordance with NPDES storm water regulations at 40 CFR §122.26 (b)(14)(viii), and as adopted by reference in 30 TAC Chapter 281 (relating to Applications Processing).

A SWP3 is required to be prepared and implemented for each facility covered by this permit. However, the permit also provides for shared SWP3s for collocated facilities (e.g., tenants at an industrial complex or airport). The plan must identify potential

sources of pollution that may reasonably be expected to affect the quality of the discharges. The plan must describe the BMPs that are used to reduce the pollutants in storm water, ensure the implementation of these practices, and ensure compliance with the terms and conditions of the general permit. Permittees must implement the provisions of the SWP3 as a condition of the general permit.

The draft general permit also requires that the permittees amend the plan whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the potential for the discharge of pollutants to water in the state, or if the SPW3 proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified in the contents of the SWP3, or in otherwise achieving the general objectives of controlling pollutants in the storm water discharges.

The draft permit includes specific provisions which must be incorporated into a SWP3. These include, at a minimum, the following elements:

1. Establishing a pollution prevention team to oversee development and implementation of the storm water pollution prevention plan;
2. Investigating and eliminating non-storm water discharges that are not covered under the authority of the proposed general permit or a separate individual permit;
3. Identifying potential pollutants and sources of pollution to storm water runoff;
4. Establishing pollution prevention measures and controls, including good housekeeping measures and other BMPs;
5. Considering the management of runoff using BMPs such as structural controls and discharge minimization to protect the natural physical characteristics of receiving waters; and
6. Evaluating the effectiveness of the SWP3 through inspections.

B. Numeric Effluent Limitations

The draft general permit would continue the numeric effluent limitations of the current permit. The MSGP includes technology-based numeric effluent limitations for discharges subject to federally established guidelines delineated in the Code of Federal Regulations as well as technology-based numeric effluent limitations that are listed in state rules for hazardous metals. The technology-based numeric effluent limitations are proposed as follows:

1. For All Discharges - Limitations for hazardous metals delineated at 30 TAC Chapter 319 (General Regulations Incorporated into Permits), Subchapter B (Hazardous Metals). A waiver from these effluent limits will continue to be available in the proposed MSGP for one (1) or more of the regulated metals if any of the following criteria are met:
    a. the permittee certifies that the regulated facility does not use a raw material, produce an intermediate product, or produce a final product that contains the hazardous metal(s) for which the waiver is being sought; or

b. the permittee certifies that any raw materials, intermediate products, or final products that contain any hazardous metal(s) are never exposed to storm water or runoff, except that final products are not considered to expose hazardous metals to storm water or runoff if the final product is designed for outdoor use, unless it is a product that could be transported by storm water runoff or unless the final product will be used as a material or intermediate product (similar to the considerations for "no exposure" described in Paragraph III.B.1. of this fact sheet); or

c. the permittee collects a sample of the discharge from the facility, analyzes the sample for the hazardous metal(s) for which a waiver is being sought, and the results indicate that the metal(s) is/are not present in detectable levels based on the minimum analytical level (MAL).

2. For Industry-Specific Discharges Subject to Federal Categorical Effluent Limitations Guidelines (ELGs): Refer to Paragraphs IV.A.1.a through k of this fact sheet.

C. Benchmark Monitoring Requirements

The current TPDES MSGP continues a requirement from EPA's 1995 MSGP and TCEQ's 2001 and 2006 MSGP for certain industries to monitor for one or more specific pollutants that are generally associated with discharges from those industries. The results are then compared to a set of benchmark values to determine the relative effectiveness of the SWP3. The draft general permit retains this requirement as a method for evaluating the facility's SWP3, but includes some modifications.

1. Monitoring Frequency

The current MSGP requires permittees to conduct semiannual benchmark monitoring throughout the permit term, and reported by March 31st of each year following the monitoring year. The existing permit does not include a waiver option, which had previously been available in the 2001 MSGP as well as in each version of EPA's MSGP. Requiring benchmark sampling during each permit year allowed all facilities subject to benchmark monitoring to use the data collected throughout the permit term to ascertain whether their BMPs are continuing to be effective, and also helped TCEQ determine whether longer term trends could be established. Also, it may be more likely that a facility would not overlook any of the required benchmark monitoring requirements if there is not a suspension of the monitoring requirements. In turn, the monitoring frequency had been decreased from quarterly for certain years to semiannually every year.

For this proposed MSGP, the E.D. is proposing to require benchmark monitoring semiannually during the four (4) permit years following the permit effective date, and the draft permit would offer an opportunity for a facility operator to obtain a waiver from benchmark sampling. This waiver would be available for sampling years 3 and 4 if annual average sampling results for the first two (2) permit years are less than the benchmark levels. However, a waiver would not be available for any pollutant where the annual average result measured equal to or greater than the benchmark level.

The draft MSGP waives reporting requirements for benchmark results during Years 3 and 4 (for those facilities required to sample during those years) for all results measuring below the benchmark levels, in which case the results would need to be retained on site. Any results equal to or greater than the benchmark levels would need to be reported to TCEQ in the same manner that Year 1 and 2 data was reported.

2. Levels for Specific Pollutants

The levels and parameters for benchmarks in the current MSGP are based on results of benchmark values submitted to the TCEQ in calendar year 2003. The benchmark levels proposed in the draft MSGP are based on analysis of benchmark results submitted to TCEQ during calendar years 2007 and 2008.

The results of the compiled data are described in Appendix A and Appendix B of this fact sheet. Based on the results, changes were made to the benchmark levels of the following pollutants: chemical oxygen demand (COD), total suspended solids (TSS), total arsenic, ammonia-nitrogen, total silver, total cadmium, total cyanide, total mercury, total selenium, and total magnesium. A few parameters were removed as benchmarks for most sectors, including biological oxygen demand, 5-day (BOD_5).. In addition, pH was added to two sectors, and COD, TSS, and oil and grease were added to one sector. The changes should provide permittees with benchmark levels that will be helpful in determining whether their BMPs are effectively reducing the level of pollutants in runoff associated with industrial activity, and how they compare with results of other dischargers.

Explanation of Revisions to Benchmark Monitoring Levels:

a. Levels for the following pollutants were raised from the existing levels based on the results of the benchmark monitoring in years 2007 and 2008:

<u>COD</u>: Increased to 60 mg/l, which was close to the median result of all data collected.

<u>Total magnesium:</u> increased to 1.4 mg/L, which was the median result of the data.

b. Levels for the following pollutants were lowered from the 2006 levels based on the results of the benchmark monitoring in years 2007 and 2008:

<u>TSS</u>: decreased to 50 mg/L in selected sectors and SIC codes. This value was close to the median result of data in these sectors and SIC codes. Generally, there were two distinct median results observed: results were either generally near or above 100 mg/L, or were below 50 mg/L. The TSS value of 100 mg/l was retained for those sectors with median results that were near or above 100 mg/l; and the TSS value was reduced to 50 mg/l for sectors that demonstrated a median value under 50 mg/l.

<u>Total arsenic</u>: decreased to 0.01 mg/L, which was the median result of the data.

Ammonia-nitrogen: decreased to 2.5 mg/L, which was equal to the highest value of all the data.

Total silver: decreased to 0.002 mg/L, which was equal to the median result of the data and equal to the minimum analytical level (MAL). Only two samples were reported above the MAL.

Total cadmium: decreased to 0.001 mg/L, which was equal to the median result of the data and equal to the MAL. Only five (5) out of 16 samples were reported above the MAL.

Total cyanide: decreased to 0.02 mg/L, which was equal to the median result of the data and equal to the MAL. Only one (1) sample of 13 was reported above the MAL.

Total mercury: decreased to 0.0002 mg/L, which was equal to the median result of the data and equal to the MAL. Only five (5) of 13 samples were reported above the MAL.

Total selenium: decreased to 0.01 mg/L, which was equal to the median result of the data and equal to the MAL. All 13 samples were reported less than or equal to the MAL.

c. There were no changes to the following pollutants, either because the original benchmark is appropriate to continue based on the fact that it is based on data suggesting that the existing level is appropriate for storm water runoff, or a sufficient number of sample points were not available to justify a change: TSS (for some sectors and SIC codes), BOD_5 (for sector T) total zinc, total copper, total iron, nitrate-nitrite- nitrogen, total lead, total phosphorous, total aluminum, and pH.

d. Benchmark sampling for the following pollutant was removed from certain sectors, either because they were evaluated as having limited benefit for the permittee in determining if their BMPs were effective in removing pollutants from storm water, or because other pollutants were measured simultaneously and would provide similar information.

BOD: was removed from sectors S and U, because COD is already measured in these sectors and should be an appropriate parameter to evaluate the effectiveness of a site's BMPs.

3. New Sectors to Monitor Benchmark Pollutants

a. COD, TSS, pH, and oil and grease were added to sector AD because this sector may include a wide variety of facility types, and these pollutants are commonly limited in individual storm water permits.

b. pH was added to SIC codes 3271-3275 in sector E, thus requiring all permittees in sector E to monitor this benchmark parameter.

XI. Water Quality-Based Requirements

The Texas Surface Water Quality Standards (TSWQS) are located at 30 TAC Chapter 307, and 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*, RG-194 (January 2003) is designed to ensure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to ensure 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 conditions are included in the TPDES permits, which may include discharge limitations. 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.

TPDES storm water permits generally do not contain numeric water-quality-based effluent limits (WQBELs). As stated in 30 TAC §307.8(e), controls on the quality of permitted storm water discharges are largely based on implementing BMPs or technology-based limits in combination with instream monitoring to assess standards attainment and to determine whether additional controls on storm water are needed. Properly implemented BMPs should preclude adverse water quality impacts that would impair designated uses or violate water quality standards. It has been preliminarily determined that if permit requirements are properly implemented, no significant degradation is expected and existing uses will be maintained and protected.

The revisions to the benchmark monitoring include some increases in the benchmark values. Benchmark levels are not effluent limits, and are established as a tool for permittees to determine whether BMPs are properly functioning; however, the levels must be established with consideration given to applicable water quality standards. The following pollutants are proposed to be increased; however, water quality standards are expected to be met or exceeded where discharges are below the established level:

COD: Increased to 60 mg/l, which was close to the median result of all data collected. COD is not a toxic parameter in 30 TAC Chapter 307, and an increase in the benchmark level should not affect surface water quality.

Total magnesium: increased to 1.4 mg/L, which was the median result of the data. This level is not expected to impact surface water quality.

In certain situations, and to insure that water quality standards are being met, the TCEQ may require an individual storm water permit of any discharger otherwise eligible for coverage under the MSGP. Examples include: a history of substantive noncompliance with the MSGP, requirements of a TMDL and Implementation Plan, or other site-specific considerations.

XII. Monitoring

Monitoring requirements are being continued from the existing permit based on TCEQ rules, TCEQ practice, EPA's existing NPDES MSGP, and best professional judgment (BPJ). Federal rules 40 CFR §122.44(i) require monitoring to be conducted for each pollutant limited in a permit to assure compliance with the permitted effluent limitations. The frequency of this monitoring may be established on a case-by-case basis, but must not be less than once per year.

The draft general permit continues the requirement to report annually all sampling results for discharges that are subject to categorical effluent limits at 40 CFR Subpart N. This is consistent with federal rules at 40 CFR §122.44(i)(3). In addition, the draft general permit would continue the requirement to report all *violations* of non-categorical effluent limits (i.e., state-based limits) once per year, which is consistent with 40 CFR §122.44(i)(4). Results of analyses would be completed on DMR forms, and reported as described above.

XIII. Procedures for Final Decision

The MOA between the EPA and TCEQ provides that EPA has no more than 90 days to comment, object, or make recommendations to the draft general permit before it is published in the Texas Register. According to 30 TAC Chapter 205, when the draft general permit is proposed, notice must be published, at a minimum, in at least one newspaper of statewide or regional circulation. The commission may also publish notice in 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 (10) days before the commission acts on the general permit.

Once the draft permit is completed, it is sent to the Office of the Chief Clerk of the TCEQ. The notice is published in the Texas Register, and the draft permit is placed on the Commission's agenda. For additional information about this general permit, contact the Storm Water & Pretreatment Team at (512) 239-4671.

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, including Parts 112, 122, 124, 136, 257, 258, 262, 263, 264, 265, 270, and Subchapter N (Parts 400-471, including 40 CFR Parts 403, 411, 418, 419, 423, 429, 434, 443, 436, 437, 440, 443, 445, and 450)

B. Records of Communication

Interoffice Memorandum dated May 24, 2010 to Storm Water Permits Team (TCEQ) from Standards Implementation Team (John Trevino, TCEQ).

C. Miscellaneous

1. Quality Criteria for Water (1986), EPA 440/5-86-001, 5/1/86.
2. The State of Texas Water Quality Inventory, 13th Edition, Publication No. SFR-50, Texas Natural Resource Conservation Commission, December 1996.
3. Texas Surface Water Quality Standards - 30 TAC Sections 307.1-307.10, effective August 17, 2000.
4. *Procedures to Implement the Texas Surface Water Quality Standards,* Texas Commission on Environmental Quality, Publication RG-194, January 2003.
5. *Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits,* TCEQ Document No. 98-001.000-OWR-WQ, May 1998.
6. *General Guidance Industrial Permits for Stormwater Runoff Associated With Industrial Activity*, EPA Region 6, March 22, 1999.
7. TCEQ Rules, including: 30 TAC Chapters 39, 50, 205, 213, 281, 305, 307, 309, 311, 319, 327, 330, 332, and 335.
8. Standard Industrial Classification Manual, United States Office of Management and Budget, 1987.
9. 2008 Texas 303(d) List, Texas Commission on Environmental Quality, March 19, 2008 (approved by EPA on March 19, 2008).
10. *Development Document for Final Effluent Limitations Guidelines and Standards for the Landfills Point Source Category,* U.S. EPA Publication Number EPA-821-R-99-019, January 2000.
11. *Guidance Manual for Conditional No Exposure from Storm Water Permitting Based on 'No Exposure' of Industrial Activities to Storm Water,* U.S. EPA Office of Water, Publication Number EPA 833-B-00-001, June, 2000.
12. *Conditional No-Exposure Exclusion for Storm Water Runoff: A Guide for Industries Operating under the TPDES Multi-Sector General Permit, TXR050000*, TCEQ Small Business and Environmental Assistance Division, Regulatory Guidance, RG-467, February, 2009.
13. *NPDES Storm Water Program Question and Answer Document, Volume 1,* U.S. EPA, 1993.

Appendix A - Benchmark Sampling

1. Methods Used to Evaluate Data:

   The benchmark monitoring results were compiled in a spreadsheet. The data were divided by industrial sectors, then further into individual standard industrial classification (SIC) codes or industrial activity (IA) codes. The median, the average, the maximum, the minimum and the total number of samples were calculated for each group. If a benchmark result was reported as ND (not detected), the minimum analytical level (MAL) was entered as a result. Furthermore, the value of each benchmark was plotted into a graph showing all values in the respective group.

   The results of monitoring for permit years 2007 and 2008 are shown in appendix B of this fact sheet.

   The median of all groups were compared to the existing MSGP benchmark values, and these results are provided in the table below:

2. Table of Proposed Changes:

Table 260. Table of Proposed Changes

Pollutant	**2006 Benchmark Level**	**2006 Sectors required to monitor**	**Proposed Level** *{Justification of change}*	**Proposed Sector(s) to monitor** *{Explanation of change}*
COD	55 mg/L	A, B, G, K, N, S, U	60 mg/L *{Raised to be near median result}*	A, B, G, K, N, S, U *{No change}* AD *{Added as new sector}*
TSS_1	100 mg/L	A, C, D, E, F, G, H, J, L, M, N, O, Q, U, AA	100 mg/L	A (2426), C (2873-2879), E (3262-3269), F, G, L, M, N, U (2074-2079) *{No change}* AD *{Added as new sector}*
TSS_2	100 mg/L	A, C, D, E, F, G, H, J, L, M, N, O, Q, U, AA	50 mg/L *{Lowered to be near median result of certain sectors}*	A (2411, 2421), C (2812-2819), D, E(3251-3259, 3271-3275), H, J, O, Q, U (2041-2048), AA *{Sectors with median result less than 50 mg/l}*

Pollutant	**2006 Benchmark Level**	**2006 Sectors required to monitor**	**Proposed Level** *{Justification of change}*	**Proposed Sector(s) to monitor** *{Explanation of change}*
Zinc	0.16 mg/L	A, C, F, N, Q, Y, AA	0.16 mg/L *{No change since median is similar to existing benchmark level}*	A, C, F, N, Q, Y, AA *{No change}*
Arsenic	0.17 mg/L	A, K	0.01 mg/L *{Lowered to be near median result}*	A, K *{No change}*
Copper	0.03 mg/L	A, F, N	0.03 mg/L *{No change}*	A, F, N *{No change}*
Aluminum	1.2 mg/L	C, E, F, H, M, N, Q, AA	1.2 mg/ L *{No change in value, since values are in same range as existing benchmark level}*	C,E, F, H, M,N,Q, AA *{No change}*
Iron	1.3 mg/L	C, E, F, H, L, M, N, O, Q, AA	1.3 mg/L *{No change, since values are in same range as existing benchmark level}*	C, E, F, H, L, M, N, O, Q, AA *{No change}*
Nitrate-nitrite-nitrogen	0.68 mg/L	C, G, J, U, AA	0.68 mg/L *{No change, since values are in same range as existing benchmark level}*	C, G, J, U, AA *{No change}*
Lead	0.01 mg/L	C, K, M, N, Q	0.01 mg/L *{{No change, since values are in same range as existing benchmark level}*	C, K, M, N, Q *{No change}*

Pollutant	**2006 Benchmark Level**	**2006 Sectors required to monitor**	**Proposed Level** *{Justification of change}*	**Proposed Sector(s) to monitor** *{Explanation of change}*
Phosphor-ous	1.25 mg/L	C	1.25 mg/L *{No change, since values are in same range as existing benchmark level}*	C *{No change}*
pH	6 to 9 STU	E, J, S	6 to 9 standard units *{No change, since values are in same range as existing benchmark levels, and value is appropriate for storm water}*	E (3251-3259, 3262-3269), J, S, AD, and E (3271-3275) *{Added to AD since pH is a typical parameter that is regulated in individual storm water permits.}*
Ammonia-nitrogen	8.11 mg/L	K, S	2.5 mg/L *{All data points except for one were less than 2.5 mg; therefore the maximum level reported was established as the new benchmark level}*	K, S *{No change}*
Silver	0.032 mg/L	K	0.002 mg/L *{Lowered to the MAL which is equal to the median}*	K *{No change}*
Cadmium	0.016 mg/L	K	0.001 mg/L *{Lowered to the MAL which is equal to the median}*	K *{No change}*

Pollutant	**2006 Benchmark Level**	**2006 Sectors required to monitor**	**Proposed Level** *{Justification of change}*	**Proposed Sector(s) to monitor** *{Explanation of change}*
Cyanide	0.064 mg/L	K	0.02 mg/L *{Lowered to the MAL which is equal to the median}*	K *{No change}*
Mercury	0.0019 mg/L	K	0.0002 mg/L *{Lowered to the MAL which is equal to the median}*	K *{No change}*
Selenium	0.05 mg/L	K	0.01 mg/L *{Lowered to the MAL which is equal to the median}*	K *{No change}*
Magnesium	0.064 mg/L	K	1.4 mg/L *{Increased to the median}*	K *{No change}*
BOD_5	30 mg/L	S, T, U	30 mg/L	T *{Eliminated monitoring in Sectors S and U, which also monitor COD}*
Oil and grease	10 mg/L	Not applicable	10 mg/L	AD *{Included since oil and grease is a typical parameter that is regulated in individual storm water permits.}*

Appendix B – Analytical data

Table 271. Chemical Oxygen Demand Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
A	2421	42	72		55
A	2426	3	81		55
B	2631	0	NA		55
G	1021	0	NA		55
K	HZ	24	46		55
N	5093	192	55		55
S	4512-4581	0	NA		55
U	2074-2079	11	86		55
	Median of all samples	272	61	**60***	55

Table 28. TSS Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
A	2411	19	17	**50***	100
A	2421	42	46	**50***	100
A	2426	3	118	100	100
C	2812-2819	86	33	**50***	100
C	2873-2879	42	97	100	100
D	2951 2952	115	28	**50***	100
E	3251-3259	5	33	**50***	100
E	3262-3269		NA	100	100
E	3271-3275	257	27	**50***	100
F	3312-3317	37	71	100	100
F	3321-3325	43	104	100	100
G	1021		NA	100	100
H	1221-1241	20	18	**50***	100
J	1411,22-29,81	62	10	**50***	100
J	1442, 1446	44	26	**50***	100
L	LF	173	63	100	100
M	5015	261	66	100	100
N	5093	197	79	100	100
O	SE	104	30	**50***	100
Q	4412-4499	57	31	**50***	100
U	2041-2048	63	49	**50***	100
U	2074-2079	11	436	100	100
AA	3411,71,82,99,3911,15	248	32	**50***	100

Table 29. Zinc Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
A	2421	42	0.039	0.16	0.16
C	2821-2824	55	0.13	0.16	0.16

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
C	2841-2844	33	0.08	0.16	0.16
C	2873-2879	45	0.06	0.16	0.16
F	3312-3317	40	0.2	0.16	0.16
F	3321-3325	43	0.23	0.16	0.16
F	3351-3357	0	NA	0.16	0.16
F	3363-3369	0	NA	0.16	0.16
N	5093	190	0.23	0.16	0.16
Q	4412-4499	65	0.12	0.16	0.16
Y	3011	0	NA	0.16	0.16
Y	3021	0	NA	0.16	0.16
Y	3052-3053	5	0.25	0.16	0.16
Y	3061-3069	8	0.05	0.16	0.16
AA	3411,71,82,99,3911,15	287	0.21	0.16	0.16
AA	3411,71,82,99,3911,15	79	0.2	0.16	0.16
	Median of all samples	892	0.17		

Table 30. Arsenic Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
A	2491	33	0.01	**0.01***	0.17
K	HZ	17	0.01	**0.01***	0.17
	Median of all samples	50	0.01		

Table 315. Copper Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
A	2491	33	0.059	0.03	0.03
F	3321-3325	43	0.035	0.03	0.03
F	3351-3357	0	NA	0.03	0.03
F	3363-3369	0	NA	0.03	0.03
N	5093	176	0.034	0.03	0.03

Table 326. Aluminum Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
C	2812-2819	92	1.2	1.2	1.2
E	3251-3259	19	4.4	1.2	1.2
E	3262-3269	0	NA	1.2	1.2
F	3312-3317	35	1.7	1.2	1.2
F	3321-3325	42	1.2	1.2	1.2
H	1221-1241	22	0.4	1.2	1.2
M	5015	262	1.5	1.2	1.2
N	5093	192	2.3	1.2	1.2
Q	4412-4499	66	0.95	1.2	1.2
AA	3411,71,82,99,3911,15	286	1	1.2	1.2

Table 337. Iron Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
C	2812-2819	94	0.9	1.3	1.3
C	2873-2879	44	1.83	1.3	1.3
E	3271-3275	251	0.95	1.3	1.3
F	3321-3325	40	2.9	1.3	1.3
H	1221-1241	22	0.55	1.3	1.3
L	LF	179	2	1.3	1.3
M	5015	261	1.2	1.3	1.3
N	5093	191	2.9	1.3	1.3
O	SE	112	1	1.3	1.3
Q	4412-4499	66	1.3	1.3	1.3
AA	3411,71,82,99,3911,15	287	1.3	1.3	1.3
		1547			

Table 48. Nitrate, Nitrite, and Nitrogen Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
C	2812-2819	90	0.58	0.68	0.68
C	2841-2844	33	0.46	0.68	0.68
C	2873-2879	49	2	0.68	0.68
G	1021	0	NA	0.68	0.68
J	14,421,446	37	0.22	0.68	0.68
U	2074-2079	11	1.6	0.68	0.68
AA	3411,71,82,99,3911,15	265	0.5	0.68	0.68
AA	3479	76	0.49	0.68	0.68
		561			

Table 49. Lead Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
C	2873-2879	30	0.0075	0.01	0.01
K	HZ	27	0.01	0.01	0.01
M	5015	251	0.023	0.01	0.01
N	5093	195	0.026	0.01	0.01
Q	4412-4499	65	0.008	0.01	0.01
		568			

Table 34. Phosphorus Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
C	2873-2879	45	0.78	1.25	1.25

Table 35. pH Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed std units	MSGP mg/L
E	3251-3259		7	6 to 9	6 to 9

Sector	SIC	Samples Number	Medians mg/L	Proposed std units	MSGP mg/L
J	1411,22,29,81		8	6 to 9	6 to 9
S	4512-4581		NA	6 to 9	6 to 9

Table 52. Ammonia-Nitrogen Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
K	HZ	16	0.22	**2.5***	8.11
S	4512-4581	0	NA		8.11
		16			

Table 36. Silver Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
K	HZ	14	0.002	**0.002***	0.032
		14			

Table 37. Cadmium Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
K	HZ	16	0.001	**0.001***	0.016
		16			

Table 385. Cyanide Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
K	HZ	13	0.02	**0.02***	0.064
		13			

Table 396. Mercury Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
K	HZ	13	0.0002	**0.0002***	0.0019
		13			

Table 407. Selenium Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
K	HZ	13	0.01	**0.01***	0.05
		13			

Table 58. Magnesium Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
K	HZ	40	1.4	**1.4***	0.064
		40			

Table 59. Biochemical Oxygen Demand (5 day) Analytical Data

Sector	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
S	4512-4581	0	NA	**Delete***	30
T	TW	368	5.3	30	30
U	2074-2079	11	17	**Delete***	30
		379			

Table 410. Sector AD Benchmark Levels

Pollutant	SIC	Samples Number	Medians mg/L	Proposed mg/L	MSGP mg/L
pH (s.u.)				**6.0-9.0***	N/A
COD				**60***	N/A
TSS				**100***	N/A
Oil & Grease				**10***	N/A

***** The highlighted fields and **bold numbers** indicate the benchmark level has been modified.

Texas Commission on Environmental Quality

P.O. Box 13087 Austin, Texas 78711-3087

GENERAL PERMIT TO DISCHARGE UNDER THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

This permit supersedes and replaces
TPDES General Permit No. TXR050000, issued August 14, 2006.

Facilities that discharge storm water associated with industrial activity

located in the state of Texas

may discharge to surface water in the state

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(s) 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(s) to acquire property rights as may be necessary to use the discharge route.

This permit and the authorization contained herein shall expire at midnight, five years from the permit effective date.

EFFECTIVE DATE: August 14, 2011

ISSUED DATE:

_____

For the Commission

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Part I. DEFINITIONS

All definitions in the Texas Water Code §26.001 and Title 30 Texas Administrative Code Chapter 305 apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

Arid Areas. Areas with an average annual rainfall of less than ten (10) inches.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other techniques to control, prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spills or leaks, sludge or waste disposal, or drainage from raw material storage areas.

Co-located Industrial Activities. Industrial activities conducted at a facility that are described by two or more SIC codes listed in this general permit.

Co-located Industrial Facilities. Industrial facilities, having different operators, that are located on a common property or adjoining property and that conduct industrial activities described by one or more sectors of this general permit.

Composite Sample. A sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9 (b).

Constituent of Concern. For the purpose of this permit, a pollutant that is identified in the Clean Water Act §303(d) List as a cause of impairment for a water body.

Construction Activity. Includes soil disturbance activities, including clearing, grading, and excavating; and does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities). Regulated construction activity is defined in terms of small and large construction activity.

> **Small Construction Activity** is construction activity that results in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land.
>
> **Large Construction Activity** is construction activity that results in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land.

Control Measure. Any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to water in the state.

Daily Average Concentration. The arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements. When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month must be used as the daily average concentration.

Daily Maximum Concentration. The maximum concentration measured on a single day, as determined by laboratory analysis of a grab sample or a composite sample.

Diffuse Point Source. A conveyance from which pollutants are or may be discharged that results from grading land for the purpose of adding parking lots, roads, and buildings so as to collect and convey storm water off-site to prevent flooding (i.e. without a single point of origin or not introduced into a receiving stream from a specific outlet). Diffuse point sources include any identifiable conveyance from which pollutants might enter surface water in the state. By changing the surface or establishing grading patterns of the land, runoff is conveyed along the resulting drainage or grading patterns. A diffuse point source is not true sheet flow.

Discharge. For the purpose of this permit, the drainage, release, or disposal of storm water associated with industrial activity and certain allowable non-storm water sources listed in this general permit to surface water in the state.

Drought. For the purpose of this permit, an extended period of no precipitation in which a storm water discharge does not occur during a monitoring or reporting period.

Edwards Aquifer. As defined under 30 Texas Administrative Code §213.3 (relating to the Edwards Aquifer), that portion of an arcuate belt of porous, water-bearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Formation, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

Edwards Aquifer Recharge Zone. Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the offices of the TCEQ and the appropriate underground water conservation district.

Existing Discharge. For the purpose of this permit, this term applies to the discharge of storm water associated with industrial activity and certain allowable non-storm water sources listed in this general permit that has been authorized previously under an NPDES or TPDES general or individual permit.

Facility. For the purpose of this permit, all contiguous land and fixtures (including ponds and lagoons), structures, or appurtenances used at an industrial facility described by one or more of Sectors A through AD of this general permit.

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

General Permit. A permit issued to authorize 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 §26.040.

Hyperchlorinated Water. Water resulting from hyperchlorination of waterlines or vessels, with a chlorine concentration greater than 10 milligrams per liter (mg/l).

Hyperchlorination of Waterlines or Vessels. Treatment of potable water lines or tanks with chlorine for disinfection purposes, typically following repair or partial replacement of the waterline or tank, and subsequently flushing the contents.

Impaired Water. A surface water body that is identified on the latest approved Clean Water Act §303(d) List as not meeting applicable state water quality standards. Impaired waters include waters with approved or established total maximum daily loads (TMDLs), and those where a TMDL has been proposed by TCEQ but has not yet been approved or established.

Inactive Industrial Facilities. A facility where all industrial activities that are described in Part II, Section A.1.of this permit are suspended, and authorization under this general permit is required to be maintained. Also see sector-specific definitions for Inactive facilities in Part V, Sections G, H, J, and L of this general permit.

Industrial Activity. Any of the ten (10) categories of industrial activities included in the definition of "storm water discharges associated with industrial activity" as defined in 40 CFR §122.26(b)(14)(i)-(ix) and (xi).

Inland Waters. All surface water in the state other than those defined as tidal waters.

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):

(a) owned or operated by the United States , a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the 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 CWA §208 that discharges to surface water in the state;

(b) that is designed or used for collecting or conveying storm water;

(c) that is not a combined sewer; and

(d) that is not part of a publicly owned treatment works (POTW) as defined in 40 CFR §122.2.

National Pollutant Discharge Elimination System (NPDES) (from 40 CFR §122.2). The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §§307, 402, 318, and 405. The term includes an "approved program."

New Discharge. For the purpose of this permit, this term applies to the discharge of storm water associated with industrial activity that did not commence prior to August 13, 1979, that is not a new source, and that has never received an NPDES or TPDES water quality permit for the storm water discharge from the site. See 40 CFR §122.2.

Non-structural Controls. Pollution prevention methods that are not physically constructed, including best management practices used to prevent or reduce the discharge of pollutants.

No Exposure. A condition at an industrial facility where all industrial activities are conducted indoors or protected in a manner to prevent exposure of those activities to rain, snow, snowmelt, or runoff.

No Exposure Certification (NEC). A written submission to the executive director from an applicant notifying that they intend to obtain a conditional exclusion from permit requirements by certifying that there is no exposure of industrial materials or activities to rain, snow, snowmelt, or storm water runoff.

Notice of Change (NOC). Written notification from the permittee to the executive director providing changes to information that was previously provided to the agency in a notice of intent or no exposure certification (NEC) form.

Notice of Intent (NOI). A written submission to the executive director from an applicant requesting coverage under this general permit.

Notice of Termination (NOT). A written submission to the executive director from a discharger authorized under a general permit requesting termination of coverage.

Operator. A person responsible for the management of an industrial facility subject to the provisions of this general permit. Industrial facility operators include entities with operational control over industrial activities, including the ability to modify those activities; or entities with day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).

Outfall. For the purpose of this permit, a point source at the point where storm water runoff associated with industrial activity, and certain non-storm water discharges listed in this permit, exits the facility and discharge(s) to surface water in the state or a municipal or private separate storm sewer system. An outfall from a diffuse point source includes the point or points where the diffuse point source discharges to surface water in the state or a municipal or private separate storm sewer system.

Permittee. An operator authorized under this general permit to discharge storm water runoff associated with industrial activity and certain non-storm water discharges to surface water in the state.

Point Source. Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff. For the purpose of this permit, a point source includes any identifiable conveyance from which pollutants might enter surface water in the state, including a diffuse point source as defined in this section.

Pollutant. (from Texas Water Code, §26.001(13)) Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into any water in the state. The term: (A) includes: (i) tail water or runoff water from irrigation associated with an animal feeding operation or concentrated animal feeding operation that is located in a major sole source impairment zone as defined by Texas Water Code (TWC) §26.502; or (ii) rainwater runoff from the confinement area of an animal feeding operation or concentrated animal feeding operation that is located in a major sole source impairment zone, as defined by TWC §26.502; and (B) does not include tail water or runoff water from irrigation or rainwater runoff from other cultivated or uncultivated rangeland, pastureland, and farmland or rainwater runoff from an area of land located in a major sole source impairment zone, as defined by TWC §26.502, that is not owned or controlled by an operator of an animal feeding operation or concentrated animal feeding operation on which agricultural waste is applied.

Qualified Personnel. A person or persons who are knowledgeable of the requirements of this general permit, familiar with the industrial facility, knowledgeable of the storm water pollution prevention plan (SWP3) at the industrial facility, able to assess conditions and activities that could impact storm water quality at the facility, and able to evaluate the effectiveness of control measures.

Reportable Quantity Spill or Release. A discharge or spill of oil, petroleum product, used oil, industrial solid waste, hazardous substances including mixtures, streams, or solutions, or other substances into the environment in a quantity equal to or greater than the reportable quantity listed in 30 TAC §327.4 (relating to Reportable Quantities) in any 24-hour period and subject to 30 TAC §327.3 (relating to Notification Requirements).

Semiarid Areas. Areas with an average annual rainfall of at least ten (10) inches but less than 20 inches.

Separate storm sewer system. A conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), designed or used for collecting or conveying storm water; that is not a combined sewer, and that is not part of a publicly owned treatment works (POTW).

Sheet Flow. An overland flow or downslope movement of water taking the form of a thin, continuous film over relatively smooth soil or rock surfaces that have not been changed or graded, where there are no defined channels, and the flood water spreads out over a large area at a uniform depth. This definition does not include changing the surface of land or establishing grading patterns on land where a facility described in this permit is located, which would result in a point source as defined in this permit.

Significant Materials. Including, but not limited to: raw materials; fuels; materials (e.g., solvents, detergents, and plastic pellets); final products that are not designed for outdoor use; raw materials that are used for food processing or production; hazardous substances designated under CERCLA §101(14) of; any chemical the operator is required to report pursuant to Emergency Planning & Community Right-To-Know Act (EPCRA) §313, also known as Title III of Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

Standard Industrial Classification (SIC) Code. A four (4) digit code created by the U.S. Office of Management & Budget for statistical classification purposes that describes an industrial activity that takes place at a facility or site. It is possible for a facility or site to have multiple SIC codes depending on the varying activities that take place.

> **Primary SIC Code - (also known as "Site SIC Code" or "Facility SIC Code").** For the purpose of this permit, an SIC code that describes the principal product or group of products produced or distributed at a facility, or that describes services rendered. The primary SIC code may be determined based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary SIC code.
>
> **Secondary SIC Code**. For the purpose of this permit an SIC code that describes an industrial activity that is performed at a regulated facility or site that is in addition to the primary SIC code. Determining the secondary industrial activity that occurs at a facility or site is accomplished by using the same criteria as determining the primary industrial activity at the facility (e.g., production value, receipts, employment).

Storm Resistant Shelter. A building or structure that is completely roofed and walled, or a structure with only a top cover but no side coverings, provided that any material or industrial activity located under or within the structure is not subject to any run-on and subsequent runoff of storm water, or mobilization by wind.

Storm Water and Storm Water Runoff. Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Discharge Associated with Industrial Activity. The discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial facility. For the purpose of this general permit, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling areas; refuse/waste disposal areas; sites used for the application or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms), intermediate products, and final products; similar areas where storm water can contact pollutants related to industrial activity; and areas where industrial activity have taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this definition, materials handling areas include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located at industrial sites that are separate from the facility's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from areas of a facility that are covered by this general permit. This term includes discharges from facilities described under this general permit that are operated by federal, state, or municipal entities. For the complete regulatory definition, including the categories of industrial activity, see 40 CFR §122.26(b)(14).

Structural Controls. Physical or constructed features, such as silt fencing, sediment traps, and detention/retention ponds that prevent or reduce the discharge of pollutants.

Surface Water in the State. Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHWM) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems that are authorized by state or federal law, regulation, or permit, and that are created for the purpose of waste treatment are not considered to be 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, Texas Water Code, and Texas Administrative Code regulations.

Tidal Waters. Those waters of the Gulf of Mexico within the jurisdiction of the State of Texas, bays and estuaries, and those portions of rivers and streams that are subject to the ebb and flow of the tides and that are subject to the intrusion of marine waters.

Total Maximum Daily Load (TMDL). The total amount of a pollutant that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

Waters of the United States (from 40 Code of Federal Regulations §122.2). Waters of the United States or waters of the U.S. means:

(a) all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;

(b) all interstate waters, including interstate wetlands;

(c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) that are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(3) that are used or could be used for industrial purposes by industries in interstate commerce;

(d) all impoundments of waters otherwise defined as waters of the United States under this definition;

(e) tributaries of waters identified in paragraphs (a) through (d) of this definition;

(f) the territorial sea; and

(g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act (CWA) (other than cooling ponds as defined in 40 CFR §423.11(m) that also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water that neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. [See Note 1 of this section.] Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Part II. PERMIT APPLICABILITY AND COVERAGE

This general permit provides authorization for point source discharges of storm water associated with industrial activity and certain non-storm water discharges to surface water in the state (including direct discharges to surface water in the state and discharges to municipal separate storm sewer systems, or MS4s). The permit contains effluent limitations and requirements applicable to all industrial activities that are eligible for coverage under this general permit. Industrial activities are subdivided into 30 industrial sectors.

This permit does not cover return flows from irrigated agriculture or agricultural storm water runoff.

Section A. Discharges Eligible for Authorization by General Permit

1. Industrial Activities Covered

(a) Need for a Permit. If any of the following criteria are met, a facility must have authorization for storm water discharges and may obtain authorization under this general permit, if coverage is not otherwise prohibited:

(1) The Standard Industrial Classification (SIC) code that describes the facility (i.e., the primary SIC code) is listed in Part II, Section A.1.b. below and in Part V of this general permit; or

(2) The facility conducts an activity described by one or more Industrial Activity Codes described in Sectors K, L, O, or T (as listed in Part II, Section A.1.b. below and in Part V., Sections K, L, O, and T of this general permit); or

(3) Storm water discharges from the facility are subject to federal categorical effluent limitations for storm water in Title 40 Code of Federal Regulations (CFR) Subchapter N Parts 400-471 (See Sectors A, C, D, E, H, J, and O in Part V of this general permit), or

(4) The facility has been designated by the executive director as requiring coverage under Sector AD.

The requirements for publicly-owned facilities are further described below in Part II, Section A.5. of this general permit.

(b) Regulated SIC Codes and Industrial Activity Codes (Industrial Sectors)

Industrial activities are grouped into 30 sectors of similar activities based on either SIC codes or Industrial Activity Codes. These sectors are further divided into sub-sectors and further defined by SIC codes in Part V of this general permit.

SECTOR A: TIMBER PRODUCTS

SIC Codes	*Description of Industry Sub-sector*
2411	Log Storage and Handling (without the use of chemical additives in spray water or applied to the logs)
2421	General Sawmills and Planning Mills
2426	Hardwood Dimension and Flooring Mills
2429	Special Product Sawmills, Not Elsewhere Classified

2431 – 2439	(except 2434) -Millwork, Veneer, Plywood, and Structural Wood (SIC Code 2434 - Wood Kitchen Cabinets, see Sector W)
2441 - 2449	Wood Containers
2451, 2452	Wood Buildings and Mobile Homes
2491	Wood Preserving
2493	Reconstituted Wood Products
2499	Wood Products Not Elsewhere Classified

SECTOR B: PAPER AND ALLIED PRODUCTS

SIC Codes	*Description of Industry Sub-sector*
2611	Pulp Mills
2621	Paper Mills
2631	Paperboard Mills
2652 – 2657	Paperboard Containers and Boxes
2671 – 2679	Converted Paper and Paperboard Products, Including Plastic Bags Produced from Plastics Film

SECTOR C: CHEMICAL AND ALLIED PRODUCTS

SIC Codes	*Description of Industry Sub-sector*
2812 – 2819	Basic Industrial Inorganic Chemicals
2821 – 2824	Plastic Materials, Synthetic Resins, Non-vulcanizable Elastomers (Synthetic Rubber), Cellulose Plastics Materials, and Other Manmade Fibers Except Glass
2833 – 2836	Medicinal Chemicals and Botanical Products, Pharmaceutical Preparations, In Vitro and In Vivo Diagnostic Substances, Biological Products (Except Diagnostic Substances)
2841 – 2844	Soaps and Detergents; Specialty Cleaning, Polishing, and Sanitation Preparations, Surface Active Agents, Finishing Agents, Sulfonated Oils, and Assistants, Perfumes, Cosmetics, and Other Toilet Preparations
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
2861 – 2869	Industrial Organic Chemicals
2873 – 2879	Agricultural Chemicals (Including Fertilizers, Pesticides, Fertilizers Solely from Leather Scraps and Leather Dust, and Mixing of Fertilizers, Compost, and Potting Soils)
2891 – 2899	Miscellaneous Chemical Products (Including Adhesives and Sealants, Explosives, Printing Ink, and Carbon Black)
2911	Petroleum Refineries
3952	(Limited to List)-Inks and Paints, including: China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting; Artist's Paints, and Artist's Watercolors

SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS

SIC Codes	*Description of Industry Sub-sector*
2951, 2952	Asphalt Paving and Roofing Materials, Portable Asphalt Plants
2992, 2999	Miscellaneous Products of Petroleum and Coal Including Lubricating Oils and Greases

SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS

SIC Codes	*Description of Industry Sub-sector*
3211	Flat Glass
3221, 3229	Glass and Glassware, Pressed or Blown
3231	Glass Products Made of Purchased Glass
3241	Hydraulic Cement
3251 – 3259	Structural Clay Products
3261	Vitreous China Plumbing Fixtures and China Earthenware Fittings and Bathroom Accessories
3262 – 3269	Pottery and Related Products
3271 – 3275	Concrete, Lime, Gypsum and Plaster Products (includes Ready-Mix Concrete Plants)
3281	Cut Stone and Stone Products
3291	Abrasive Products
3292	Asbestos Products
3295	Minerals and Earths, Ground or Otherwise Treated
3296	Mineral Wool
3297	Non-Clay Refractories
3299	Nonmetallic Mineral Products, Not Elsewhere Classified

SECTOR F: PRIMARY METALS

SIC Codes	*Descriptions of Industry Sub-sector*
3312 – 3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
3321 – 3325	Iron and Steel Foundries
3331 – 3339	Primary Smelting and Refining of Nonferrous Metals
3341	Secondary Smelting and Refining of Nonferrous Metals
3351 – 3357	Rolling, Drawing, and Extruding of Nonferrous Metals
3363 – 3369	Nonferrous Foundries (Castings)
3398, 3399	Miscellaneous Primary Metal Products

SECTOR G: METAL MINING (ORE MINING AND DRESSING)

SIC Codes	*Descriptions of Industry Sub-sector*
1011	Iron Ores
1021	Copper Ores
1031	Lead and Zinc Ores
1041, 1044	Gold and Silver Ores
1061	Ferro alloy Ores, Except Vanadium
1081	Metal Mining Services
1094, 1099	Miscellaneous Metal Ores

SECTOR H: COAL MINES AND COAL MINING RELATED FACILITIES

SIC Codes	*Description of Industry Sub-sector*
1221	Bituminous Coal and Lignite Surface Mining
1222	Bituminous Coal Underground Mining
1231	Anthracite Mining
1241	Coal Mining Services

SECTOR I: OIL AND GAS EXTRACTION FACILITIES

SIC Codes	*Description of Industry Sub-sector*
Industrial Activities Regulated under the EPA's NPDES Program:	
1311	Crude Petroleum and Natural Gas
1321	Natural Gas Liquids
1381, 1382	Drilling Oil and Gas Wells; and Oil and Gas Field Exploration Services
1389	Oil and Gas Field Services, Not Elsewhere Classified, that occur in the field
Industrial Activities Regulated under this General Permit:	
1389	Oil and Gas Field Services, Not Elsewhere Classified, that occur at a company headquarters, permanent offices, or base of operations.

SECTOR J: MINERAL MINING AND PROCESSING FACILITIES

SIC Codes	*Description of Industry Sub-sector*
1411	Dimension Stone
1422 – 1429	Crushed and Broken Stone, Including Rip Rap
1442, 1446	Sand and Gravel Mining
1455, 1459	Clay, Ceramic, and Refractory Materials
1474 – 1479	Chemical and Fertilizer Mineral Mining
1481	Nonmetallic Minerals, Except Fuels
1499	Miscellaneous Nonmetallic Minerals, Except Fuels

SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Activity Codes and Description of Industry Sub-sector

HZ Hazardous Waste Treatment, Storage, and Disposal Facilities

SECTOR L: LANDFILLS AND LAND APPLICATION SITES

Activity Codes and Description of Industry Sub-sector

LF -Landfills, Land Application Sites, and Open Dumps that Receive or Have Previously Received Industrial Waste, including sites subject to regulation under Subtitle D of the Resource Conservation and Recovery Act (RCRA).

SECTOR M: AUTOMOBILE SALVAGE YARDS

SIC Codes	*Description of Industry Sub-sector*
5015	Automobile Salvage Yards

SECTOR N: SCRAP AND WASTE RECYCLING FACILITIES

SIC Codes	*Description of Industry Sub-sector*
5093	Scrap and Waste Recycling Facilities (e.g., metals, paper, plastic, cardboard, glass, animal hides, used oil, antifreeze, mineral spirits, industrial solvents, computers, electronics, and other materials listed in the SIC Code Manual Under SIC 5093)

SECTOR O: STEAM ELECTRIC GENERATING FACILITIES

Activity Code and Description of Industry Sub-sector

SE - Steam Electric Power Generating Facilities

SECTOR P: LAND TRANSPORTATION AND WAREHOUSING

SIC Codes	*Description of Industry Sub-sector*
4011, 4013	Railroad Transportation
4111 – 4173	Local and Highway Passenger Transportation
4212 – 4215	Trucking and Courier Services, Except Air
4221, 4222	Farm Product Warehousing and Storage; and Refrigerated Warehousing and Storage
4225	General Warehousing and Storage
4226	Special Warehousing and Storage, Not Elsewhere Classified
4231	Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation
4311	United States Postal Service
5171	Petroleum Bulk Stations and Terminals

SECTOR Q: WATER TRANSPORTATION

SIC Codes	*Description of Industry Sub-sector*
4412 – 4499	Water Transportation

SECTOR R: SHIP AND BOAT BUILDING OR REPAIRING YARDS

SIC Codes	*Description of Industry Sub-sector*
3731, 3732	Ship and Boat Building or Repairing Yards

SECTOR S: AIR TRANSPORTATION

SIC Codes	*Description of Industry Sub-sector*
4512	Air Transportation, Scheduled
4513	Air Courier Services
4522	Air Transportation, Nonscheduled
4581	Airports, Flying Fields, and Airport Terminal Services, including aircraft maintenance and fueling

SECTOR T: TREATMENT WORKS

Activity Codes and Description of Industry Sub-sector	
TW	Certain Wastewater Treatment Plants

SECTOR U: FOOD AND KINDRED PRODUCTS FACILITIES

SIC Codes	*Description of Industry Sub-sector*
2011 – 2015	Meat Products
2021 – 2026	Dairy Products
2032 - 2038	Canned, Frozen and Preserved Fruits, Vegetables and Food Specialties
2041 - 2048	Grain Mill Products
2051 - 2053	Bakery Products
2061 - 2068	Sugar and Confectionery Products
2074 - 2079	Fats and Oils
2082 - 2087	Beverages
2091 - 2099	Miscellaneous Food Preparations and Kindred Products
2111 - 2141	Tobacco Products

SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING FACILITIES

SIC Codes	*Description of Industry Sub-sector*
2211 – 2299	Textile Mill Products
2311 – 2399	Apparel and Other Finished Products Made From Fabrics and Similar Materials

3131 – 3199 Leather and Leather Products, except Leather Tanning and Finishing (See Sector Z)

SECTOR W: FURNITURE AND FIXTURES

SIC Codes	*Description of Industry Sub-sector*
2434	Wood Kitchen Cabinets
2511 – 2599	Furniture and Fixtures

SECTOR X: PRINTING AND PUBLISHING

SIC Codes	*Description of Industry Sub-sector*
2711 – 2796	Printing, Publishing, and Allied Industries

SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING FACILITIES

SIC Codes	*Description of Industry Sub-sector*
3011	Tires and Inner Tubes
3021	Rubber and Plastics Footwear
3052, 3053	Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and Belting
3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
3081 – 3089	Miscellaneous Plastics Products
3931	Musical Instruments
3942 – 3949	Dolls, Toys, Games and Sporting and Athletic Goods
3951 – 3955,	except 3952 (see Sector C) - Pens, Pencils, and Other Artists' Materials (except certain inks and paints as specified in Sector C)
3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
3991 – 3999	Miscellaneous Manufacturing Industries

SECTOR Z: LEATHER TANNING AND FINISHING

SIC Codes	*Description of Industry Sub-sector*
3111	Leather Tanning and Finishing

SECTOR AA: FABRICATED METAL PRODUCTS FACILITIES

SIC Code	*Description of Industry Sub-sector*
3411 – 3499	Fabricated Metal Products, Except Machinery and Transportation Equipment
3911 – 3915	Jewelry, Silverware, and Plated Ware

SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY MANUFACTURING FACILITIES

SIC Codes *Description of Industry Sub-sector*

3511 – 3599, except 3571 – 3579 (see Sector AC) - Industrial and Commercial Machinery, except Computer and Office Equipment (see Sector AC)

3711 – 3799, except 3731, 3732 (see Sector R) - Transportation Equipment,except Ship and Boat Building and Repairing (see Sector R)

SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS

SIC Codes	*Description of Industry Sub-sector*
3571 – 3579	Computer and Office Equipment
3612 – 3699	Electronic, Electrical Equipment and Components, except Computer Equipment
3812 – 3873	Measuring, Analyzing and Controlling Instrument; Photographic and Optical Goods

SECTOR AD: MISCELLANEOUS INDUSTRIAL ACTIVITIES

Activity Codes and Description of Industry Sub-sector

Limited to facilities that are designated by the executive director as needing a permit to control pollution related to storm water discharges and that do not meet the description of an industrial activity covered by Sectors A-AC

2. Miscellaneous Industrial Activities

Sector AD is used to provide permit coverage for facilities that are designated by the executive director as needing a permit to control pollution related to storm water discharges and do not meet the description of an industrial activity covered by Sectors A through AC. A facility that is not otherwise listed in Part V of this general permit is not eligible to apply for coverage under Sector AD, unless directed to do so in writing by the executive director.

3. Co-located Industrial Activities

A facility operator is required to either obtain authorization under this general permit, under an individual TPDES storm water permit, or under an alternative general permit if the facility meets one or more of the criteria listed in Part II, Section A.1.(a) above. If these facilities have additional activities that are described by a secondary SIC code that is listed in the table above, then these additional activities are described as co-located industrial activities. Storm water discharges from co-located industrial activities may be authorized under this general permit provided that the operator complies with all of the sector specific requirements defined in Part V of this general permit for each of these co-located activities. The sector specific requirements apply only to the portion of the facility where that specific sector of activity occurs, except where runoff from different activities combines before leaving the property. In cases where these discharges combine, the monitoring requirements and effluent limitations from each sector that contributes runoff to the discharge must be met.

4. Co-located Industrial Facilities

A facility operator is required to either obtain authorization under this general permit, under an individual TPDES storm water permit, or under an alternative general permit if the facility meets one or more of the criteria in Part II, Section A.1.(a) above. Multiple industrial facilities may be described as “co-located” if they share a common property

boundary. If authorization under this general permit is sought, the operator of each of co-located facility must individually obtain authorization to discharge under this general permit.

Each co-located facility will be issued a distinct authorization number. Each co-located industrial facility operator may either develop a separate storm water pollution prevention plan (SWP3 or plan), or may participate in a shared SWP3. Co-located industrial facilities that develop a shared SWP3 must develop the SWP3 to meet the requirements stated in Parts III and V of this general permit, in addition to the following:

(a) Participants. The SWP3 must clearly list the name and authorization number (when known) for each facility that participates in the shared SWP3. Each participant in the shared plan must sign the SWP3 according to 30 TAC §305.128 (relating to Signatories to Reports.)

(b) Responsibilities. The SWP3 must clearly indicate which permittee is responsible for performing each shared element of the SWP3. If the responsibility for performing an element is not described in the plan, then each permittee is entirely responsible for performing the element within the boundaries of its facility and in any common or shared area. The SWP3 must clearly describe responsibilities for meeting each element in shared or common areas.

(c) Site Map. The site map must clearly delineate the boundaries around each co-located industrial facility and the boundaries around shared or common areas that are used by two or more facilities.

Co-located facilities may alternatively obtain a conditional exclusion based on no-exposure, in accordance with Part II, Section C.1. of this general permit, if applicable.

5. Requirements for Military Installations and Other Publicly-Owned Facilities

(a) Storm water discharges from military or other public installations or institutions that conduct any industrial activities described by an SIC code or an industrial activity code that is listed in Part II, Section A.1. and Part V of this general permit, or that otherwise meet the conditions described in Part II, Section A.1.(a) relating to the need for a permit, must either be authorized under this general permit, an individual TPDES storm water permit, or an alternative general permit. For example, the SIC code of military installations is 9711 and the SC code for universities is 8821, neither of which are listed in this general permit; however, the need for a permit will be based on individual activities that occur at the installation.

(b) Other publicly operated facilities (i.e., stand-alone facilities) that conduct activities described under Part II, Section A.1. of this general permit must meet the conditions of the general permit for those regulated activities. For example, a city-operated landfill would be described by industrial activity code LF and would need a permit, and a county-operated bus maintenance facility would fall under SIC Code 4111 or 4173 and would also need a permit. However, the general vehicle maintenance shop for a city's motor pool would not typically be regulated unless the vehicles being maintained would classify the maintenance yard under an SIC code in the 4100 or 4200 series (for example if the city motor pool also maintains the city's public transportation busses and the yard performs at least 50% of its maintenance activities on the city's public transportation busses).

6. Non-Storm Water Discharges

Industrial facilities that qualify for coverage under this general permit may discharge the following non-storm water discharges through outfalls identified in the SWP3, according to the requirements of this general permit:

(a) discharges from emergency fire fighting activities and uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

(b) potable water sources (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

(c) lawn watering and similar irrigation drainage, provided that all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;

(d) water from the routine external washing of buildings, conducted without the use of detergents or other chemicals;

(e) water from the routine washing of pavement conducted without the use of detergents or other chemicals and where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed);

(f) uncontaminated air conditioner condensate, compressor condensate, and steam condensate, and condensate from the outside storage of refrigerated gases or liquids;

(g) water from foundation or footing drains where flows are not contaminated with pollutants (e.g., process materials, solvents, and other pollutants);

(h) uncontaminated water used for dust suppression;

(i) springs and other uncontaminated ground water;

(j) incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but excluding intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown or drains); and

(k) other discharges described in Part V of this permit that are subject to effluent guidelines and effluent limitations.

Section B. Limitations on Permit Coverage

1. Suspension or Revocation of Permit Coverage

Authorization under this general permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee shall furnish to the executive director, upon request, any information necessary for the executive director to determine whether cause exists for revoking, suspending, or terminating authorization under this permit. Additionally, the permittee shall provide to the executive director, upon request, copies of all records that the permittee is required to maintain as a condition of the permit.

Failure to comply with any permit condition is a violation of the permit and the statutes under which it was issued, and is grounds for enforcement action, revoking coverage under this general permit, or requiring the permittee to apply for and obtain an individual TPDES permit or alternative general permit.

2. Discharges Authorized by Another TPDES Permit

Discharges authorized by an individual TPDES permit or another general TPDES permit may only be authorized under this TPDES general permit if all of the following conditions are met:

(a) the discharges meet the applicability and eligibility requirements for coverage under this general permit;

(b) the individual or alternative general permit does not contain numeric water quality-based effluent limitations for the discharge (unless industrial activities that resulted in the limitations have ceased and any contamination that resulted in these limitations has been removed or remediated);

(c) specific best management practice (BMP) requirements of the current individual permit are continued as a provision of the SWP3;

(d) the executive director has not determined that continued coverage under an individual permit is required based on consideration of a TMDL model, anti-backsliding policy, history of substantive non-compliance or other considerations and requirements of 30 TAC Chapter 205, or other site-specific considerations; and

(e) a previous application or permit for the discharges was not 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 the operations of the facility are the responsibility of a new operator.

3. Storm Water Discharges from Construction Activity

Storm water discharges associated with construction activities are not eligible for authorization under this general permit. Discharges of storm water that are regulated under this permit and that combine with storm water from construction activities are not eligible for coverage under this general permit unless the construction site runoff meets one of the following conditions:

(a) authorization is under a separate TPDES permit;

(b) authorization is under a separate National Pollutant Discharge Elimination System (NPDES) permit; or

(c) TPDES or NPDES permit coverage is not required.

4. Storm Water Discharges from Salt Storage Piles

Storm water that contacts salt storage piles (e.g., salt for deicing or other commercial or industrial purposes) may not be discharged to surface water in the state under authority of this general permit. Storm water that contacts salt storage piles must be discharged under the authority of an individual TPDES permit or alternative general permit, or must be captured within a containment structure. Storm water that contacts salt storage piles and is captured must either be disposed of in a manner that does not allow a discharge into or adjacent to water in the state, or in a manner otherwise approved by the executive director.

The permittee(s) shall prevent exposure of salt storage piles, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. This material must be enclosed or covered. Appropriate BMPs (for example, good housekeeping, diversions, containment) must be implemented to minimize exposure resulting from adding to or removing materials from the pile(s).

5. Discharges of Storm Water Mixed with Non-Storm Water

Storm water discharges associated with industrial activity that combine with sources of non-storm water are not eligible for coverage by this general permit, unless either the non-storm water source is described in Part II, Section A.6. of this permit or the non-storm water source is authorized under a separate TPDES permit.

6. Compliance with Water Quality Standards

Discharges that would cause or contribute to a violation of water quality standards, or that would fail to protect and maintain existing designated uses of receiving waters are not eligible for coverage under this general permit. The executive director may require an application for an individual permit or alternative general permit to authorize discharges of storm water from any industrial facility that is determined to cause a violation of water quality standards or is found to cause, or contribute to, the loss of a designated use of receiving waters.

7. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements

Discharges of the constituent(s) of concern to impaired water bodies for which there is a total maximum daily load (TMDL) are not eligible for coverage under this permit unless they are consistent with the approved TMDL. Permittees must incorporate the limitations, conditions, and requirements applicable to their discharges, including monitoring frequency and reporting required by TCEQ rules, into their storm water pollution prevention plan in order to be eligible for permit coverage under this general permit.

(a) The permittee shall determine whether the permitted discharge is to an impaired water body listed in accordance with section 303(d)(1) of the federal Clean Water Act. A water body is impaired for purposes of this permit if it has been identified, pursuant to the latest TCEQ and EPA approved Clean Water Act Section 303(d) List, as not meeting Texas Surface Water Quality Standards.

(b) The permittee shall determine whether the discharge from the site is into an impaired water body with an approved TMDL.

(c) New Discharges to Water Quality Impaired Water Bodies

For a new discharge to an impaired water body, the permittee shall either:

(1) Prevent exposure to storm water of the pollutant(s) for which the water body is impaired (i.e., the pollutant(s) of concern), and retain on-site documentation of the preventive measures within the SWP3;

(2) Document that the pollutant(s) for which the water body is impaired is/are not present in the regulated industrial activity at the site, and retain documentation of this finding in the SWP3 (e.g., if the pollutant of concern is bacteria, but the only identifiable source of bacteria that is wildlife occurring on the property, then the bacteria levels could be considered “background” for the purposes of this permit requirement); or

(3) Obtain analytical data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard. The data and technical evaluation must demonstrate that the discharge of the pollutant of concern for which the water is impaired is below the level of concern (e.g. benchmark value). If the pollutant of concern is present above the level of concern,

the permittee must follow the requirements in Part II, Section B.7.(c)(5) below. Data and supporting technical information must be retained with the SWP3. The permittee shall use the following method to demonstrate this finding, unless an alternate method is authorized by the TCEQ in writing:

a. The permittee shall collect one or more representative sample(s) of storm water in accordance with Part III, Section D.2. of this general permit, and analyze the sample(s) for the pollutant of concern (e.g., hazardous metals, bacteria, nutrients, etc.).

   For example, if the pollutant of concern is bacteria, the permittee shall sample for *E. coli* if discharging to fresh water, and enterococci if discharging to salt water. If the impairment is due to low dissolved oxygen (DO), the permittee shall monitor for BOD, COD, or both, based on the nature of the industrial activity, or in accordance with guidance provided by the TCEQ (e.g., information may be sent in writing directly to the permittee on request, or may be available on the TCEQ's TPDES storm water web pages). If the impairment is due to nutrients, the permittee shall sample for total phosphorous if the discharge is to fresh water and for total nitrogen if the discharge is to salt water.

   If the impairment is due to a parameter for which there is not a clear analytical testing protocol (e.g., sediment, fish tissue, etc.), the permittee shall contact the TCEQ for guidance on which pollutant(s), if any, to monitor for, and the TCEQ will respond in writing to the permittee. This documentation must be retained in the SWP3.

b. If the facility operator is not able to collect a sample because the facility is not yet in operation, then the operator may submit an application to obtain coverage prior to sampling. The permittee shall collect the representative sample(s) from the first available discharge after commencing operation.

c. The permittee shall compare the analytical results with the benchmark monitoring levels in Table 1 of Part IV, Section A.1. of this permit. Where a benchmark result is not available, the permittee shall compare the results to the water quality criteria in 30 TAC Chapter 307, or to the minimum analytical level (MAL). The pollutant is not considered to be present within the discharge when not detected above the MAL. The pollutant is considered below the level of concern when sampling results are below benchmark levels, the applicable water quality criteria, or natural background levels.

d. If the first year sampling results indicate that the discharge is below the level of concern or is not present in the discharge, then no additional sampling for the pollutant of concern is required.

e. If sampling results indicate that the pollutant of concern is present in the discharge at a level of concern, then the permittee shall perform the following activities:

   (i) Monitor the discharge in accordance with Part III, Section B.4., "Water Quality Monitoring Requirements," and

   (ii) Revise the SWP3 to address controls that the permittee will utilize to reduce the discharge of the pollutant of concern.

(4) A new discharge is not eligible for coverage under this permit for discharges to waters designated by the Texas Surface Water Quality Standards as Tier 3.

(d) Existing Discharges to Impaired Water Bodies with an approved TMDL.

An existing discharge to an impaired water body with an approved TMDL may only be authorized under this general permit if the permittee complies with additional controls required by the TCEQ in the TMDL, the TMDL Implementation Plan, or as otherwise directed by the Executive Director in writing to the permittee.

If the TMDL or TMDL Implementation Plan does not identify monitoring requirements for the permittee, then additional monitoring is not required under Part III.B.4(a) and the permittee may still obtain authorization under this general permit.

(e) Existing Discharge to Water Quality Impaired Water Bodies without an approved TMDL. If the permittee discharges to an impaired water body without an approved TMDL, the permittee shall either:

(1) Prevent exposure to storm water of the pollutant(s) for which the water body is impaired (i.e., the pollutant(s) of concern), and retain on-site documentation of the preventive measures within the SWP3;

(2) Document that the pollutant(s) for which the water body is impaired is/are not present in the regulated industrial activity at the site, and retain documentation of this finding in the SWP3 (e.g., if the pollutant of concern is bacteria, but the only identifiable source of bacteria is wildlife occurring on the property, then the bacteria levels could be, for the purposes of this permit condition, considered "background" from a non-point source that is not regulated under this permit); or

(3) Obtain analytical data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard, using the steps in Paragraph II.B.7.(c)(3) above.

a. If the results indicate that the discharge is below the level of concern or is not present in the discharge, then no additional action is required.

b. If the results indicate that the pollutant of concern is present in the discharge at a level that may contribute to water quality impairment (e.g., a result that is above the benchmark level for a pollutant as described in Table 1 of Part IV, Section A.1. of this general permit), then the permittee shall implement an interim pollutant reduction plan (PRP) for the pollutant of concern. This PRP must be included in the SWP3 and must discuss the management practices and control measures that the permittee will implement to reduce, with the goal of eliminating, the discharge of pollutant(s) of concern that contribute to the impairment of the water body. The PRP must specifically identify control measures and practices that will collectively be used to try to eliminate the discharge of pollutant(s) of concern that contribute to the impairment of the water body and explain why these control measures and practices were chosen as opposed to other alternatives.

(4) Beginning upon the date that the permittee is authorized for coverage under this permit, the permittee may not establish a new or increased discharge potentially containing a pollutant of concern to an impaired water body unless there is no exposure of the pollutant of concern to storm water, the pollutant of concern is not present at the site nor in the discharge, or analytical data shows the pollutant of concern is not present at a level of concern as described in Part II, Sections B.7.(e)(1), (2), and (3) above. TCEQ may notify the permittee if additional control measures are necessary, or if an individual permit application is necessary.

8. Discharges to the Edwards Aquifer Recharge Zone

Discharges may not be authorized by this general permit where prohibited by 30 TAC Chapter 213 (relating to Edwards Aquifer).

(a) For new discharges located within the Edwards Aquifer Recharge Zone, or within that area upstream from the recharge zone and defined as the Contributing Zone, operators must meet all applicable requirements of, and operate according to, 30 TAC Chapter 213 (Edwards Aquifer Protection Rule), in addition to the provisions and requirements of this general permit.

(b) For existing discharges located within the Edwards Aquifer Recharge Zone, the requirements of the agency approved Water Pollution Abatement Plan under the Edwards Aquifer Rules are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural storm water controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Protection Rule for reductions of suspended solids in storm water runoff are in addition to the effluent limitation requirements and benchmark goals in this general permit for this pollutant. A copy of the TCEQ approved Water Pollution Abatement Plan(s) that are required by the Edwards Aquifer Rule must be attached or referenced as a part of the SWP3.

(c) For discharges located within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants shall also submit a copy of the NOI to the appropriate TCEQ regional office.

Counties: **Comal, Bexar, Medina, Uvalde, and Kinney**
Contact: TCEQ Water Program Manager
San Antonio Regional Office
14250 Judson Road
San Antonio, Texas 78233-4480
(210) 490-3096

Counties: **Williamson, Travis, and Hays**
Contact: TCEQ Water Program Manager
Austin Regional Office
2800 South IH 35, Suite 100
Austin, Texas 78704-5712
(512) 339-2929

9. Discharges to Specific Watersheds and Water Quality Areas

Discharges of storm water associated with industrial activity and other non-storm water discharges may not be authorized by this general permit where prohibited by 30 TAC Chapter 311 (relating to Watershed Protection) for water quality areas and watersheds.

10. Endangered Species Act

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

11. Protection of Streams and Watersheds by Home-Rule Municipalities

This general permit does not limit the authority of a home-rule municipality provided by the Texas Local Government Code §401.002.

12. Facilities with No Discharge to Surface Water in the State

A facility that does not discharge storm water to an MS4 nor to surface water in the state may not be required to obtain coverage under this general permit if the operator demonstrates that no discharges have occurred nor will occur in the future. The operator may be required to demonstrate, using engineering calculations or similar methods, that the facility will not discharge storm water associated with industrial activity.

Facilities that dispose of all storm water associated with industrial activity by any of the following practices would not be required to obtain coverage for the storm water under this general permit nor under an individual TPDES permit or alternative general permit:

(a) Recycling of the storm water with no resulting discharge into surface water in the state.

(b) Pumping and hauling of the storm water to an authorized disposal facility.

(c) Discharge of the storm water to a publicly-owned treatment works (POTW); however, this permit does not grant authorization to discharge into a POTW and the permittee would need to obtain authorization from the POTW operator to discharge storm water into the POTW.

(d) Underground injection of the storm water in accordance with 30 TAC Chapter 331.

(e) Discharge to above ground storage tanks with no resulting discharge into surface water in the state.

(f) Containment of all storm water within property boundaries, with no discharge into surface water in the state, including no discharge during, or as the result of, any storm event.

13. Automatic Authorization for Certain Industrial Activities

Operators of the following industrial activities are designated for coverage under this general permit, and are not required to prepare a SWP3, conduct analytical sampling, or submit an NOI for coverage nor an NEC form for a conditional exclusion based on no exposure. However, the facility operator must comply with all other requirements of Part III, Section E. of this general permit, related to Standard Permit Conditions; and must comply with Part II, Section C.1. of the permit related to maintaining “no exposure” of industrial activity to storm water.

(a) Operators of facilities described in Part V, Section P, related to General Warehousing and Storage (SIC 4225), that do not have areas for vehicle maintenance or equipment cleaning activities, provided that the requirements of Part V, Section P.2.c. are met.

(b) Operators of facilities described under Part V, Section X, that conduct publishing or design without printing, provided that the requirements of Part V, Section X.2. are met.

(c) Operators of small businesses who conduct a regulated activity described in Part II, Section A, where the entire industrial activity is performed in a residential home, a shopping mall, or an office building, and all of the requirements listed below are met:

(1) The industrial activity does not include the following industrial activity codes: HZ, LF, SE, or TW;

(2) The industrial activity is conducted in an area inside the operator's primary residence home structure itself or inside another fully enclosed building, located within the property boundaries of the operator's primary residence (e.g., a stand-alone garage);

(3) The regulated industrial activity is not exposed to storm water; and

(4) The facility operator complies with the requirements of Part III Section E. of this general permit, related to Standard Permit Conditions. However, the operator is not required to submit an NOI or an NEC form, conduct analytical monitoring for permit compliance, nor develop a SWP3.

The facility operator must apply for coverage if any of the requirements listed above are not met. If the TCEQ determines that additional controls are required other than those listed above, or if there is a concern regarding the discharge of elevated levels of pollutants, then the TCEQ may require a facility otherwise eligible for automatic authorization to obtain coverage and meet all permit conditions through submittal of an NOI or an individual permit application.

14. Transfer of Liability

This permit does not transfer liability for the act of discharging without, or in violation of, a NPDES or a TPDES permit from the operator of the discharge to the permittee(s).

15. Force Majeure

Nothing in Part II of the general permit is intended to negate any person's ability to assert the *force majeure* (act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC §70.7."

Section C. Obtaining Authorization to Discharge

1. Conditional No Exposure Exclusion from Permit Requirements

Facilities regulated under this general permit may be excluded from permit requirements if there is no exposure of industrial materials or activities from precipitation or runoff. To qualify for a no exposure exclusion from permit requirements, the operator of the facility must provide certification that industrial activities and materials are isolated from storm water by storm resistant shelters. The certification must be submitted to the TCEQ on a no exposure certification (NEC) form provided by the executive director, or using a format approved by the executive director. The facility is subject to inspection by authorized TCEQ personnel to determine compliance with the no exposure exclusion. Facilities that qualify for this exclusion and that contribute storm water discharges to a municipal separate storm sewer system (MS4) shall provide copies of the certification to the operator of the MS4.

(a) The following materials and activities are not required to be isolated from storm water and storm water runoff in order to meet the no exposure exclusion:

(1) drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak ("Sealed" means banded or otherwise secured and with-out operational taps or valves);

(2) final products that are designed for outdoor use (e.g., new cars, outdoor play-sets, lawn equipment) provided the final products have not deteriorated or are otherwise a potential source of contaminants;

(3) pallets used to store or transport final products intended for outdoor use, if the pallets are new or do not contain pollutants;

(4) vehicles used in material handling that are adequately maintained to prevent leaking fluids;

(5) lidded dumpsters containing waste materials, providing the containers are completely covered, nothing can drain out, and no material can be lost while loading the contents onto a garbage truck (excludes trash compactors unless located indoors or protected by a storm-resistant shelter);

(6) industrial refuse and trash that is stored large roll-off containers that are either located under a constructed cover or covered with heavy-duty tarps that are properly maintained and in good condition. The tarps must be securely fastened to the waste container in such a manner that the tarp has to be unfastened to add waste materials to the container and then refastened to the container;

(7) particulate emissions from roof stacks or vents, provided they comply with other applicable TCEQ rules and do not contaminate storm water; and

(8) above ground storage tanks (ASTs) that are equipped with valves for dispensing materials that support facility operations (e.g., heating oil, propane, butane, chemical feedstocks) or that dispense fuel for delivery vehicles (e.g., gasoline, diesel, compressed natural gas) provided that:

a. the ASTs are located away from vehicle maintenance operations areas;

b. there are no leaks from pipes, pumps, or other equipment that could come into contact with storm water; and

c. the ASTs are surrounded by secondary containment (e.g., impervious berm, dike, or concrete retaining structure) to prevent exposure to storm water runoff in the event of structural failure or leaks.

ASTs that dispense fuel to vehicles other than delivery vehicles are considered exposed (e.g., ASTs that distribute fuel to airplanes at a regulated air transportation facility are considered exposed unless located under storm resistant shelter).

(b) The following types of final products do not qualify for a certification of no exposure:

(1) Products that could be mobilized by wind or rain into storm water discharges (e.g., rock salt, wood chips or shavings, compost). Materials sheltered from precipitation may still be deemed exposed if the materials could be carried by wind;

(2) products that may, when exposed, oxidize, deteriorate, leak or otherwise be a potential source of contaminants (e.g., scrap cars, stockpiled train rails, scrap metal, metal products); or

(3) “final” products that are actually “intermediate” products used in the composition of yet another product (e.g., sheet metal, tubing and paint used in making tractors, unfinished portions of a final product, plastic pellets, glass to be installed in vehicles or buildings). Even if the intermediate product is “final” for a manufacturer and is intended to be included in a “final product intended for use outdoors,” these products are still considered intermediate products and are considered to be exposed if located outdoors.

Deposits of particles or residuals from roof stacks or vents not otherwise regulated that could be carried by storm water runoff and are considered exposed. Exposure also

occurs when, as a result of particulate emissions, pollutants are visibly being "tracked out" or carried on the tires of vehicles.

(c) Limitations on eligibility for the no-exposure exclusion:

(1) The exclusion from permit requirements is only available facility-wide, and is not available for individual outfalls. Generally, if any exposed industrial materials or activities are found on any portion of a facility, the facility is not eligible for the no-exposure exclusion.

(2) If a facility with a conditional No-Exposure exclusion undergoes any change(s) that result in industrial activities or materials becoming exposed, or if it is found that a facility does not (or no longer) meets the no exposure requirements, then the NEC exclusion that the facility is under ceases to apply. If this occurs, the operator of the facility covered (under an NEC) shall prepare a SWP3 and submit an NOI to apply for coverage under the MSGP or shall apply for an individual water quality permit (as applicable) to discharge storm water from the facility before making any changes that will expose industrial activities or materials. Discharges that occur after losing the conditional no exposure exclusion are not authorized unless permit coverage has been re-established by filing an NOI for this permit or via an individual permit. The operator will be required to submit a Notice of Termination (NOT) to terminate their NEC coverage.

(3) If the TCEQ determines that a facility's storm water discharges have a reasonable potential to cause or contribute to a violation of applicable water quality standards, then the TCEQ may deny the no exposure exclusion.

2. Application for Coverage

Applicants seeking authorization to discharge under this general permit shall submit a completed notice of intent (NOI) or a completed no exposure certification (NEC), as applicable, on a form approved by the executive director. Applications are not required for facilities that are automatically authorized by designation under this general permit.

(a) Notices of Intent (NOIs) and No Exposure Certifications (NECs).

(1) Paper NOIs and NECs. Provisional authorization begins seven (7) days from the date that a completed NOI or NEC is postmarked for delivery to the TCEQ, unless otherwise notified in writing by the executive director.

(2) Electronic NOIs and NECs. If electronic submission of NOIs or NECs is provided, and unless otherwise notified by the executive director, provisional authorization begins immediately following confirmation of receipt of the electronic NOI or NEC form by the TCEQ.

(3) Following review of the NOI or NEC, the executive director will:

a. determine that the NOI or NEC is complete and confirm coverage by providing a written notification and an authorization number; or

b. determine that the NOI or NEC is incomplete and request additional information needed to complete the NOI or NEC; or

c. deny coverage in writing. Denial of coverage will be made in accordance with TCEQ rules at 30 TAC § 205.4, related to Authorizations and Notices of Intent.

(b) Automatic Authorization. Facilities that meet the eligibility requirements for automatic authorization in Part II, Section B.13 are automatically authorized and are not required

to submit an NOI for coverage or an NEC for conditional exclusion, provided that all of the technical requirements are met. Permit coverage for existing facilities automatically authorized under Part II, Section B.13 of this general permit begins immediately upon the effective date of this general permit; and permit coverage for new facilities begins upon the commencement of industrial activities regulated under this general permit.

3. Application Deadlines

(a) Existing Industrial Facilities.

(1) Permittees who were authorized under the previous TPDES MSGP permit for discharges associated with industrial activity (TXR050000, issued August 14, 2006) shall continue to operate under the provisions of that permit until authorization is obtained under this general permit, and may continue to do so for up to 90 days after the effective date of this general permit.

On or before the ninetieth (90th) day following the effective date of this general permit, existing permittees shall submit an application (NOI or NEC) for coverage under this general permit, or shall comply with the automatic authorization option (in accordance with Part II, Section B.13. of this general permit). The executive director may grant a written request for extension for good cause if such written request is received no later than 15 days before the application deadline (75 days following the permit effective date).

(2) Facilities that were required to obtain permit coverage under the previous TPDES MSGP (issued August 14, 2006) are considered to be existing facilities, regardless of whether an NOI or NEC was previously submitted under that general permit. The deadline for existing facilities that did not obtain coverage under the previous TPDES MSGP permit is immediately upon the effective date of this general permit. However, this permit does not prohibit a facility from submitting an NOI or NEC after the effective date of the general permit.

(3) Permit coverage for facilities that do not renew permit coverage will expire 90 days following the effective date of this general permit. However, facilities that do not submit a notice of termination on or before September 1, 2011, will be considered active facilities on that date and will be assessed an annual fee for Fiscal Year 2012, as described in Part II, Section C.10.(b) below.

(b) New Industrial Facilities.

An NOI or NEC must be submitted prior to commencement of industrial activity that is regulated under this general permit, or the facility operator must comply with the automatic authorization requirements listed in Part II, Section B.13. of this general permit.

(c) New Operator.

Permit coverage may not be transferred. When the operator of a facility changes, the new operator must submit an NOI or NEC, and the previous operator must submit an NOT, at least ten days before the change in operator occurs, or in accordance with 30 TAC §205.4(h), related to Authorizations and Notices of Intent. Also see Part III, Section C.7, related to Terminating Coverage.

When the operational control of a portion of a facility changes, the new operator shall submit an NOI or an NEC, and the existing operator shall revise its SWP3 and submit an NOC as needed.

4. Storm Water Pollution Prevention Plan (SWP3)

A permittee authorized under this general permit must develop and implement a storm water pollution prevention plan (SWP3, or plan) according to the requirements of this permit before submitting an NOI for permit coverage. The plan must be developed according to the requirements of Part III of this general permit and must also include all sector specific requirements of Part V. The SWP3 must be signed and certified according to TCEQ rules at 30 TAC §305.128, as described in Part III, Section C.8 of this general permit.

5. Contents of the Notice of Intent (NOI)

The NOI must contain the following information, at a minimum:

(a) Operator Information.

(1) the name, address, and telephone number of the operator filing the NOI for permit coverage; and

(2) the legal status of the operator (e.g., federal, state, private or public entity).

(b) Site Information.

(1) the name, address, county, and latitude and longitude of the site;

(2) a determination of whether the site is located on Indian Land;

(3) the name of the receiving water(s);

(4) the name of the MS4 operator(s), if the discharge is to an MS4;

(5) a certification statement that a SWP3 has been developed and implemented according to the provisions of this permit;

(6) the primary SIC code that best describes the industrial activity of the facility and any other SIC codes or Industrial Activity Codes that describe additional activities and that are listed in Part V of this permit; and

(7) the industrial sector(s) of this general permit for which the applicant requests coverage.

(c) Existing TPDES authorization number, for facilities previously regulated under the TPDES MSGP.

6. Changes to Information Submitted

(a) If the operator becomes aware that any of the following occurred, then correct information must be provided to the executive director in a notice of change (NOC) within 14 days after discovery:

(1) Relevant information provided on the NOI or NEC has changed;

(2) The operator failed to submit relevant facts; or

(3) The operator submitted incorrect information on an NOI or NEC.

(b) The NOC must be submitted on a form provided by the executive director, or by letter if an NOC form is not available. A copy of the NOC must also be provided to the operator of any MS4 receiving the discharge (if required by the MS4), and the SWP3 must include a list of the names and addresses of the MS4 operator(s) receiving a copy.

(c) Examples of information that may be submitted on an NOC include the following:

(1) Change to applicant contact or billing information.

(2) Changes to the General Characteristics section, such as adding, removing, or changing an SIC code or industrial activity code, or changing the discharge information.

(3) Operator name change, provided that only the name has changed and that no transfer of ownership has occurred (see Part II, Section C.7.(a) below).

(d) Information that may not be submitted on an NOC includes, but is not limited to, the following:

(1) Transfer of operational control from one operator to another, including a transfer of the ownership of a company. A transfer of ownership of a company includes changes to the structure of a company, such as changing from a partnership to a corporation or changing corporation types, so that the filing or charter number that is on record with the Texas Secretary of State must be changed. See Part II, Section C.7.(a) below, related to Transfer of Operational Control.

(2) Change in the physical location of the facility. Authorizations may not be transferred to a different location; therefore, if a facility moves, the operator will need to submit an NOI for the new location and an NOT for the previous location.

(e) Additional changes that may be made to the operator's SWP3 and that are not required to be submitted on an NOC include, but may not be limited to, the following:

(1) Addition, removal, or change in the location of an outfall.

(2) Change to other information on the site map that was not originally provided on the NOI (e.g., location of processing areas, loading areas, or best management practices).

7. Terminating Coverage

(a) Submitting Notice of Termination (NOT).

(1) A permittee must submit a notice of termination (NOT) to the TCEQ to cancel coverage or to cancel a conditional exclusion based on no exposure. An NOT must be submitted in the following situations:

a. An existing facility covered under an NOI changes operations such that a condition of no exposure is obtained.

b. An existing facility with a conditional exclusion based on having no exposure of industrial activities changes operations such that a condition of no exposure no longer exists. The permittee must submit an NOI before a condition of exposure occurs, then must submit an NOT to terminate the existing exclusion.

c. A facility that was covered under an NOI or an NEC is no longer doing business in the original location, and no industrial activities (e.g., manufacturing, processing, material storage, waste material disposal areas and similar areas) remain or continue to be conducted at the site that would require permit coverage. An NOT must be submitted within 10 days after the facility ceases discharging storm water associated with industrial activity.

d. An operator that submitted an NOI or NEC obtains coverage under an individual permit or obtains coverage under an alternative general permit for

storm water discharges. An NOT must be submitted within 10 days after the operator obtains coverage under the alternative permit.

e. A transfer of operational control occurs. The original operator who submitted the NOI or NEC must submit an NOT to cancel coverage or to cancel a conditional exclusion based on no exposure.

Coverage under this general permit is not transferable. A transfer of operational control includes changes to the structure of a company, such as changing from a partnership to a corporation, or changing to a different corporation type such that a different filing (or charter) number is established with the Texas Secretary of State. When the operator of a regulated industrial facility changes or operational control is transferred, the original operator must submit an NOT within 10 days prior to the date that responsibility for operations terminates, and the new operator must submit an NOI at least 10 days prior to the transfer of operational control.

(2) Operators of regulated industrial activities who are designated as being automatically authorized by this general permit, and who are not required to submit an NOI or NEC, are not required to submit an NOT to terminate coverage.

(b) NOT Form.

The NOT must be submitted on a form approved by the executive director, and a copy of the NOT must be provided to the operator of any MS4 receiving the discharge (if required by the MS4).

(c) Effective Date of Termination of Coverage.

Authorization to discharge terminates at midnight on the day that an NOT is postmarked for delivery to the TCEQ. If TCEQ provides for electronic submission of NOTs, then authorization to discharge terminates immediately following confirmation of receipt of the electronic NOT form by the TCEQ.

8. Signatory Requirements

NOI, NOT, NOC, and NEC forms must be signed according to 30 TAC §305.44 (relating to Signatories for Applications). Signatory authority may not be delegated to a person who does not meet the requirements listed in the referenced rule.

9. Additional Notification

Industrial facilities that contribute storm water discharges to an MS4 must provide a copy of the completed NOI or NEC to the operator of the system. These facilities must also provide a copy of all NOCs and NOTs to the operator of the MS4.

10. Fees

(a) Application Fees:

An application fee of $200.00 must be submitted with each paper NOI and each paper NEC. If the TCEQ provides for electronic submittal of NOIs and NECs, the application fee for submittal of an electronic NOI or NEC is $100.00.

A fee is not required for submission of an NOT or NOC.

(b) Annual Fees:

A facility authorized under this general permit and required to submit an NOI must pay an annual water quality fee of $200.00 under Texas Water Code, §26.0291, and according to 30 TAC Chapter 205 (relating to General Permits for Waste Discharges).

An annual fee is not required for a facility that obtained a no-exposure exclusion by submitting an NEC form, nor for a facility that is automatically authorized under the general permit without submitting an NOI or NEC form.

11. Permit Expiration

This general permit is issued for an effective term not to exceed five (5) years. Following public notice and comment, as provided by 30 TAC §205.3 (relating to Public Notice, Public Meetings, and Public Comment), the Commission may amend, revoke, cancel, or renew this general permit. If the TCEQ fails to publish public notice of its intent to renew or amend this general permit within 90 days of its expiration date, then dischargers under this general permit must submit an application for an individual permit prior to expiration of this general permit. If TCEQ publishes notice of its intent to renew or amend this general permit 90 days or more prior to expiration, existing authorizations under this general permit will remain in effect until the Commission takes final action on the permit. The renewed or amended general permit will prescribe how to obtain authorization for all dischargers regulated by the general permit, including a deadline for submitting an NOI, if required.

Section D. Alternative Coverage Under an Individual TPDES Permit

1. Individual Permit Alternative

Any discharge eligible for coverage under this general permit may alternatively be authorized under an individual TPDES permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). An operator of a facility described under Part II, Section A.1. of this general permit who chooses to be excluded from coverage under this general permit shall submit an application for coverage under an individual permit. Applications for individual permit coverage for new facilities should be submitted at least 330 days prior to the commencement of a regulated industrial activity to ensure timely permit coverage. Coverage under this general permit should not be terminated for existing facilities until the permittee receives an issued individual permit.

2. General Permit Alternative

Any discharge eligible for authorization under this general permit may alternatively be authorized under a separate general permit according to 30 TAC Chapter 205(relating to General Permits for Waste Discharges), if applicable.

3. Individual Permit Required

The executive director may require an operator of a regulated industrial activity otherwise eligible for authorization under this general permit to apply for an individual TPDES permit in the following circumstances:

(a) the conditions of an approved total maximum daily load (TMDL) limitation or TMDL implementation plan on the receiving stream(s);

(b) the discharge being determined to cause a violation of water quality standards or being found to cause, or contribute to, the loss of a designated use of surface water in the state; and

(c) any other consideration defined in 30 TAC Chapter 205 including 30 TAC §205.4(c)(3)(D), which allows the commission to deny authorization under the general permit and require an individual permit if a discharger has been determined by the executive director to have been out of compliance with any rule, order, or permit of the commission, including non-payment of fees assessed by the executive director.

(d) for a discharger classified as a "poor" performer under 30 TAC Chapter 60, 30 TAC §60.3 requires the executive director to deny or suspend a person's authority relating to that site to discharge under this general permit.

Denial of authorization to discharge under this general permit or suspension of a permittee's authorization under this general permit must be done according to commission rules in 30 TAC, Chapter 205.

Part III. PERMIT REQUIREMENTS AND CONDITIONS COMMON TO ALL COVERED INDUSTRIAL ACTIVITIES

Section A. General Storm Water Pollution Prevention Plan (SWP3) Requirements

1. Implementation of SWP3 and Consistency with Other Plans

(a) An applicant seeking authorization under this general permit must develop and implement a storm water pollution prevention plan (SWP3) before submitting an NOI for coverage.

The SWP3 must be signed and certified in accordance with Part III, Section E.6.(c) of this general permit, and must be maintained onsite and made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction.

The SWP3 must be modified whenever necessary to address changing conditions at the site.

Permittees who discharge storm water to a municipal separate storm sewer system (MS4) shall also provide a copy of the SWP3 to the operator of that MS4 upon receiving a request from the MS4 operator.

The SWP3 must be developed according to the requirements of this general permit. At a minimum, the SWP3 must:

(1) identify actual and potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges from the facility (see Part III, Section A.3.);

(2) establish practices and any necessary control measures that will prevent or effectively reduce pollution in storm water discharges from the facility and that ensure compliance with the terms and conditions of this general permit (see Part III, Section A.4.);

(3) describe how the selected practices and controls are appropriate for the facility and how each will effectively prevent or reduce pollution (see Part III, Section A.4.);

(4) describe how controls and practices interrelate to comprise an integrated, facility-wide approach for storm water pollution prevention, including any useful references to literature or site-specific performance information on the selected controls and practices to demonstrate the appropriateness of each (see Part III, Section A.4.);

(5) establish a Storm Water Pollution Prevention Team (team) and identify team members who will be responsible for developing and revising the SWP3 (see Part III, Section A.2);

(6) provide a description of the facility that includes information about activities, materials, and physical features of the facility that may contribute pollutants to storm water and any pollutant discharges that could occur during dry weather (see Part II, Section A.4.); and

(7) document the monitoring and inspection procedures and schedules that will be implemented at the site (see Part III, Section B).

(b) Existing plans and measures that are developed based on other regulatory requirements, such as Spill Prevention Control Countermeasures (SPCC) plans that are required for certain operations under the federal guidelines of 40 CFR Part 112, may satisfy in whole or in part specific requirements of this general permit. These plans or measures may either be attached as a component of the SWP3, or referenced in the SWP3 and made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction.

2. Storm Water Pollution Prevention Team

The permittee shall establish a storm water pollution prevention team (team). The SWP3 must be kept readily available to the members of the team.

(a) Members of the Team. The SWP3 must identify the members of the team by name and by title, and must list and clearly identify the responsibilities of each team member. The team may consist of a single individual or a group of individuals as appropriate for the facility. Additional members of the team may include environmental professionals that are under contract to the permittee. If the facility is not staffed on a continuous or permanent basis, then company employee(s) from outside of the facility may be identified as a part of the team.

If it is not feasible to provide the name of each team member, then the SWP3 may identify a position or positions within the organization that comprise the team. Members of the organization or the ranking employees or executive officers at the facility must be able to identify the particular individual(s) comprising the team.

(b) Responsibility of the Team. The team is responsible for development of the SWP3 and for assisting the operator or the operator's designee in the implementation, maintenance, and revision of the SWP3.

3. Description of Potential Pollutants and Sources

The SWP3 must identify and describe all activities and significant materials that may potentially be pollutant sources. The SWP3 must include, at a minimum:

(a) Inventory of Exposed Materials. An inventory must be developed that lists materials currently handled at the facility that may be exposed to precipitation or runoff in a drainage area of an outfall covered under this permit. The list must include all materials that are handled, stored, processed, treated, or disposed of in a manner that would allow exposure to precipitation or runoff. Materials stored in drums, barrels, tanks, and similar containers that are tightly sealed, in good structural condition, and do not have leaking valves are not required to be listed in the inventory.

The inventory of materials must include specific pollutants that maybe attributed to those materials. For facilities subject to reporting requirement under EPCRA §313, the SWP3 must list all potential pollutant sources for which they have reporting requirements under EPCRA §313.

The inventory must be updated within 30 days following a significant change in the types of materials that are exposed to precipitation or runoff, or significant changes in material management practices that may affect the exposure of materials to precipitation or runoff. A significant change in the types of materials is exposure of a material, not already included in the inventory that could be transported by precipitation or storm water runoff and subsequently discharged. A significant change in material management practices is a change that would result in either initial exposure of a material not already listed in the inventory or increased exposure of a

material to the extent that the material could be transported by precipitation or storm water runoff and subsequently discharged.

(b) Narrative Description. The SWP3 must include a narrative description that describes all activities and potential sources of pollutants that may reasonably be expected to add pollutants to storm water discharges, or that may result in dry weather discharges from the storm sewer system. This description must include locations and sources of runon to the site from adjacent property, and an indication if significant quantities of pollutants are present in the runon.

Examples include the following activities and potential sources when they are exposed to storm water:

(1) loading, unloading, and material transfer areas;

(2) outdoor storage areas;

(3) outdoor processing areas;

(4) dust producing activities;

(5) on-site waste disposal areas;

(6) vehicle/equipment maintenance, cleaning, and fueling areas;

(7) liquid storage tank areas;

(8) railroad sidings, tracks, and rail cars;

(9) storage piles containing salt used for deicing or other commercial or industrial purposes;

(10) locations where potential spills and leaks could occur that could contribute pollutants to storm water discharges; and

(11) locations where all significant spills and leaks (for example, reportable quantity spills and spills or leaks that have the potential to cause impacts on water quality) of oil or toxic or hazardous pollutants occurred at exposed areas that drained to a storm water conveyance in the three (3) years prior to the date the SWP3 was prepared or amended.

For each pollutant or material listed in the Inventory of Exposed Materials, the direction of flow or potential flow to the final permitted outfalls must be identified in the SWP3. The outfall and direction of flow must either be narratively described or identified by referencing the location on the site map. Areas of the facility that have a high potential for significant soil erosion, due to topography, activities, or other factors, must also be identified and either narratively described or identified by referencing the location on the site map.

The narrative description must be updated within 30 days following a change in the types or quantities of materials exposed to precipitation or runoff that, in the judgment of the storm water pollution prevention team, may reasonably be expected to add pollutants to storm water discharges. The narrative description must be updated to describe changes in material management practices or other factors that may affect the exposure of materials to precipitation or runoff.

(c) General Location Map. The SWP3 must contain a general location map (e.g., USGS quadrangle map) with enough detail to identify the location of the facility, including all surface waters that could potentially receive the storm water discharges from the site.

(d) Drainage Area Site Map. A site map(s) must be developed that depict(s) the following:

(1) the location of each outfall covered by the permit and the location of each sampling point (if different from the outfall location);

(2) an outline of the facility's drainage area that shows the direction of the storm water flow, and the location of all storm water conveyances (e.g., ditches, gutters, pipes, swales) that drain to each permitted outfall;

(3) connections or discharges to MS4(s);

(4) locations of all structures (e.g. buildings, garages, storage tanks, fueling stations, machinery) and impervious surfaces (e.g., parking lots, paved or concrete pads);

(5) structural control devices designed to reduce pollution in storm water runoff;

(6) process wastewater treatment units (including ponds);

(7) bag house and other air treatment units exposed to storm water;

(8) the surface area of the facility (i.e., size in acres or square feet), or a clear scale such that the approximate surface area may be calculated;

(9) locations of all receiving waters, including wetlands, and information as to whether they are impaired or have established TMDLs;

(10) vehicle and equipment maintenance areas;

(11) physical features of the site that may influence storm water runoff or contribute a dry weather flow;

(12) locations and descriptions of all non-storm water discharges;

(13) locations where reportable quantity spills or leaks have occurred during the three (3) years before the NOI is submitted to obtain coverage under this general permit;

(14) locations and sources of runon to the site from adjacent property that contains significant quantifies of pollutants;

(15) processing, storage, and material loading/unloading areas; and

(16) any additional locations where significant materials are exposed to precipitation or runoff.

The site map must clearly show the flow of storm water runoff from each of these locations so that the final outfall(s) where the discharge leaves the facility's boundary is apparent. A series of maps must be developed if the amount of information would cause a single map to be difficult to read and interpret.

(e) Spills and Leaks. The SWP3 must contain a list of reportable quantity spills that occurred in areas exposed to storm water, or that occurred within the drainage area that contributes to an outfall, during the three (3) years before the NOI was submitted. The list must be updated on a quarterly basis and must include all additional spills and leaks (in addition to the previously listed spills of "reportable quantity" only). The updated list may be limited to spills and leaks that have occurred within the previous five (5) years.

(f) Sampling Data. All data from the laboratory analyses of storm water discharge samples must be summarized. The summary must be updated on an annual basis to include the results of all additional analyses. The data summary must either be included as an attachment to the SWP3 or may be referenced and maintained separately. The data

summary must be readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction.

4. Pollution Prevention Measures and Controls

The permittee shall implement all pollution prevention practices that are determined to be necessary, reasonable, and effective by the storm water pollution prevention team, or that are required by a state or local authority, that are necessary to protect the water quality in receiving waters, or that are necessary to remain compliant with this general permit. The SWP3 must include detailed descriptions of the following minimum components and a schedule for implementation:

(a) Best Management Practices (BMPs). A section within the SWP3 must be developed to establish BMPs to reduce the discharge and potential discharge of pollutants in storm water and to minimize exposure of areas of the site with industrial activity to storm water. The location and type of BMPs or control measures that have been adopted or installed must be documented in the SWP3. Development of BMPs must be based on the activities and potentials for contamination that are identified in Part III, Section A.4. of this permit.

Examples of BMPs that the permittee may use to comply with this section include the following:

(1) use grading, berming, or curbing when possible to prevent runoff of contaminated flows and to divert runon away from these areas;

(2) locate materials, equipment, and activities in such a way that leaks are contained in existing containment and diversion systems;

(3) clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;

(4) use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;

(5) use spill/overflow protection equipment;

(6) drain fluids from equipment and vehicles prior to on-site storage or disposal;

(7) perform cleaning operations indoors, within storm resistant shelters, or within bermed areas that prevent runoff and runon and that also that capture overspray;

(8) ensure that waste, garbage, and floatable debris are not discharged to receiving waters, by keeping exposed areas free of such materials or by intercepting them before they are discharged;

(9) minimize generation of dust and off-site tracking of raw materials, intermediate products, final products, or waste materials; and

(10) divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, in order to minimize pollutants in discharges.

(b) Good Housekeeping Measures. A section within the SWP3 must be developed to ensure that areas of the facility that contribute or potentially contribute pollutants to storm water discharges (e.g., areas around trash dumpsters, storage areas, loading docks, and outdoor processing areas) are maintained in a clean and orderly manner. Good housekeeping measures must include measures to eliminate or reduce exposure of garbage and refuse materials to precipitation or runoff prior to their disposal. Typical good housekeeping measures include activities that are performed on a daily basis by

employees during the course of normal work activities. The good housekeeping measures must be incorporated as a part of the employee training program.

(c) Erosion and Sedimentation Control Measures. A section within the SWP3 must be developed to address soil erosion and sedimentation. The permittee shall evaluate and use appropriate measures and controls to reduce soil erosion and sedimentation in areas of the facility with demonstrated or potential soil erosion and sedimentation.

Potential use of the following controls must be evaluated, at a minimum: soil stabilization through vegetative cover; contouring slopes; paving; and installation of structural controls.

(d) Structural Controls

(1) Physical structures may be used in conjunction with other pollution prevention measures and controls, as necessary, to reduce pollutants in storm water discharges. Examples of structural controls that may be used include vegetated swales, oil/water separators, settling ponds, catch basins, berms, and other physical structures.

(2) Velocity Dissipation Devices. Discharge velocities must be controlled to the extent necessary to prevent the destruction of the natural physical characteristics of receiving waters by erosion. Velocity dissipation devices may be constructed at discharge points or along channels and other storm water collection areas that lead to outfalls. Management alternatives to minimize runoff, such as limiting impervious cover, may also be considered.

(3) A section within the SWP3 must be developed to establish a maintenance program for storm water structural controls. These controls must be inspected on a regular basis and maintenance frequencies must be established for each of the controls at intervals that ensure effective operation. Mechanical equipment that is part of a structural control, such as a storm water pump, must also be inspected at intervals described in the SWP3 and maintained at intervals necessary to prevent failures that could result in a discharge of pollutants.

This section of the SWP3 must identify qualified personnel to conduct inspections and establish inspection and maintenance schedules. Records must document the estimated volumes of solids removed from catch basins, sediment ponds, and other similar control structures.

(e) Spill Prevention and Response Measures. A section within the SWP3 must be developed and implemented to prevent spills and to provide for adequate spill response. This section must:

(1) identify areas where spills could contribute pollutants to storm water discharges;

(2) develop and implement procedures to minimize or prevent contamination of storm water from spills;

(3) require drums, tanks, and other containers to be clearly labeled;

(4) clearly mark hazardous waste containers that require special handling, storage, use, and disposal;

(5) develop and implement specific spill prevention, detection, and clean up procedures and techniques;

(6) develop procedures to notify appropriate facility personnel, emergency response agencies, public health, or drinking water supply agencies and other regulatory

agencies of a reportable quantity spill or other release of oil or a hazardous substance;

(7) make available to facility personnel materials and equipment necessary for spill clean-up;

(8) develop and maintain an inventory of spill cleanup materials and equipment; and

(9) incorporate these measures as a part of the employee training program.

(f) Employee Training Program and Employee Education.

(1) Training. A section within the SWP3 must be developed to establish a training program. Training must be provided to all employees who are responsible for implementing or maintaining activities identified in the SWP3. Employee training must include the following, at a minimum:

a. proper material management and handling practices for specific chemicals, fluids, and other materials used or commonly encountered at the facility;

b. spill prevention methods;

c. the location of materials and equipment necessary for spill clean-up;

d. spill clean-up techniques;

e. proper spill reporting procedures; and

f. familiarization with good housekeeping measures, BMPs, and goals of the SWP3.

The schedule for employee training sessions must be developed based on pollutant potential, employee turnover rate, and other factors the permittee determines are applicable. Training must be conducted at least once per year and records of training activities must be maintained in the SWP3.

(2) Education. Education must be provided to those employees at the facility who are not directly responsible for implementing or maintaining activities identified in the SWP3, and who do not participate in the employee training program. At a minimum, these employees must be informed of the basic goal of the SWP3 and how to contact the storm water pollution prevention team regarding storm water issues.

5. Additional Documentation Requirements

(a) The following records must be kept with the SWP3, in addition to any records required elsewhere in this permit:

(1) A copy of the NOI submitted to TCEQ along with any correspondence exchanged between the permittee and TCEQ related to coverage under this permit;

(2) A copy of the acknowledgment letter from the TCEQ;

(3) A copy of this permit (either paper or electronic version), either as part of the SWP3 or as an attachment to the SWP3 (sections in Part V of this general permit that are not related to the industrial activities at the site need not be included);

(4) Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in the discharge of pollutants to surface waters;

a. the circumstances leading to the release and actions taken in response to the release; and

b. measures taken to prevent the recurrence of such releases;

(5) Records of employee training, including date(s) training received;

(6) Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules;

(7) Copies of inspection reports;

(8) Description of any corrective action taken at the site, including triggering event and dates when problems were discovered and modifications occurred;

(9) Documentation to support a claim that the facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections, quarterly visual assessments, or benchmark monitoring; and

(10) Results of monitoring and inspection activities as described in Part III, Section B.

(b) Records - Records for each element described above in Part III, Section A.4., related to Pollution Prevention Measures and Controls, must either be included as an attachment to the SWP3 and retained on-site or made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction. Records must document and describe maintenance activities, inspections, spills, discharge quality, employee training activities, employee education activities, SWP3 updates or modifications, and other events relative to each element.

6. SWP3 Review

The SWP3 must be maintained either at the site or be readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction. The SWP3 must be modified by the permittee as often as necessary. Each revision must be dated and all revisions must be retained according to Part III, Section D.5. The executive director may determine, following a review or site inspection, that the SWP3 is not sufficient and may require that the SWP3 be revised to correct all deficiencies;

Section B. Periodic Inspections and Monitoring

1. Inspection and Certification of Non-Storm Water Discharges

(a) Permit Coverage for Non-Storm Water Discharges. Non-storm water discharges eligible for coverage are described in Part II, Section A.6. of this general permit and in the individual sections within Part V of this general permit. The permittee shall identify and evaluate all non-storm water discharges that qualify for permit coverage. The SWP3 must include a list of the non-storm water discharges at the facility, as well as the results of this evaluation.

(b) Investigation for Non-Storm Water Discharges. Within 180 days of filing an NOI for coverage (or a renewal NOI) the permittee shall conduct a survey of potential non-storm water sources and shall provide the certification required in Part III, Section B.1.(c) below. The facility's storm sewer system must be tested or inspected (e.g.,

screened for dry weather flows) for the presence of non-storm water flows. Procedures must be evaluated and implemented to eliminate any potential sources that are discovered and are not permitted. The SWP3 must ensure that non-storm water sources are not combined with storm water discharges authorized by this permit unless otherwise allowable under Part II.B.5. of this general permit.

The SWP3 must be updated based on this evaluation to include the following:

(1) the date that the evaluation occurred and description of the criteria used for evaluation;

(2) the outfalls or onsite discharge points observed;

(3) the different types of identified non-storm water discharges and their source locations; and

(4) appropriate BMPs for the non-storm water discharges, or the actions taken or the control measures used to eliminate them.

(c) Certification. The SWP3 must include a certification, signed according to Part III, Section E.6.(c) of this general permit, relating to Signatory Requirements for Reports and Certifications, that states that the facility's storm sewer system has been evaluated for the presence of non-storm water discharges and that the discharge of non-permitted, non-storm water does not occur. The certification must include documentation of how the evaluation was conducted, results of any testing, dates of evaluations or tests, and the portions of the storm sewer system that were observed during the inspection. The inspection for non-storm water discharges must be completed and the certification must be prepared within 180 days after filing an NOI for permit coverage. The certification must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction.

(d) Failure or Inability to Certify.

(1) If a part of the storm sewer system cannot be accessed to complete the evaluation, certification must be provided for the remainder of the system. Notice of this inability to certify a portion of the storm sewer system must be provided to the TCEQ within 180 days after the NOI is submitted. Operators of facilities that contribute storm water discharges to an MS4 shall provide notice of this inability to certify a portion of the storm sewer system to the MS4 operator upon request from the MS4 operator. The notice must include an explanation of why the evaluation could not be performed and a list of all known potential, non-permitted, non-storm water sources that could not be included in the certification. The notification must be submitted to the TCEQ's Enforcement Division (MC-224).

(2) If, in the course of evaluating the storm sewer system, the permittee is unable to certify that non-permitted, non-storm water discharges are not occurring due to noncompliance, then the certification must identify the noncompliance issues and the steps being taken to remedy and prevent further noncompliance.

2. Routine Facility Inspections

Qualified personnel, who are familiar with the industrial activities performed at the facility, shall conduct periodic routine facility inspections to determine the effectiveness of the Pollution Prevention Measures and Controls (Part III, Section A.3.). These inspections must include at least one member of the storm water pollution prevention team.

(a) Inspections must be conducted at least once per quarter unless otherwise specified in Part V of this permit. If feasible, at least one of these routine facility inspections each calendar year must be conducted during a period when a storm water discharge is occurring.

(b) The permittee shall document the findings of each routine facility inspection performed and shall maintain this documentation onsite with the SWP3.

(c) The inspections must be documented through the use of a checklist that is developed to include each of the controls and measures that are evaluated. At a minimum, the documentation of each routine facility inspection must include:

(1) the inspection date and time;

(2) the name(s) of the inspector(s);

(3) weather information and a description of any discharges occurring at the time of the inspection;

(4) any previously unidentified discharges of pollutants from the site;

(5) any control measures needing maintenance or repairs;

(6) any failed control measures that need replacement;

(7) any incidents of noncompliance that are observed;

(8) any additional control measures needed to comply with the permit requirements; and

(9) identification of any existing BMPs that are not being properly or completely implemented.

This documentation must be signed in accordance with Part III, Section E.6.(c) of this permit.

When revisions or additions to the SWP3 are recommended as a result of inspections, a summary description of these proposed changes must be attached to the inspection checklist. The summary must identify any necessary time frames required to implement the proposed changes. The routine facility inspection checklists must be made readily available for inspection and review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction.

3. Quarterly Visual Monitoring

Storm water discharges from each outfall authorized by this general permit must be visually examined on a quarterly basis. Monitoring must be conducted during the normal hours of operation for the facility and samples must be collected in a clean, clear, glass or plastic container and examined in a well lit area.

(a) Findings must document observations of the following:

(1) color;

(2) clarity;

(3) floating solids;

(4) settled solids;

(5) suspended solids;

(6) foam;

(7) oil sheen;

(8) other obvious indicators of storm water pollution; and

(9) noticeable odors.

Some examinations, such as an examination for odor and foam, may necessarily be conducted immediately following collection of the sample.

(b) All examinations must be performed in a manner that ensures the sample is representative of the discharge (see Part III, Section D). If this is not possible, then the report must include the reason.

(c) Records of quarterly visual monitoring must include the following information, and the report must be included in the SWP3:

(1) sample location(s);

(2) date and time samples were collected and examined;

(3) names of personnel who collected and examined the samples;

(4) nature of the discharge (e.g., runoff, snow melt);

(5) results of the observations;

(6) probable sources of any observed contamination;

(7) visual quality of the storm water discharge; and

(8) the reason why any samples were not collected within the first 30 minutes of discharge.

(d) Results of the examination must be reviewed by the storm water pollution prevention team. The team must investigate and identify probable sources of any observed storm water contamination. The SWP3 must be modified as necessary to address the conclusions of the team.

(e) Part V of this general permit may include alternative schedules for visual monitoring at specific industrial sectors, and may include additional requirements.

4. Water Quality Monitoring Requirements

(a) The permittee shall monitor the discharge from the facility at all outfall(s) determined to be discharging a pollutant of concern at a level of concern under Part II, Section B.7, Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements.

(b) The permittee may not establish substantially similar outfalls for sampling required under this section.

(c) The permittee shall monitor the discharge(s) from regulated industrial activities for the pollutant of concern at a frequency of once per year. For the following pollutants of concern, monitoring must be conducted for the following alternative pollutants, unless an alternate is approved in writing by TCEQ's Wastewater Permitting Section (MC-148), or the TCEQ develops separate written guidance:

Pollutant(s) of Concern:

Bacteria: E.coli (for discharge to fresh water); or enterococci (for discharges to marine waters).

Dissolved Oxygen: BOD5, COD, or both (based on the nature of the industrial activity, and whether there is an existing benchmark sampling requirement for the facility's industrial sector)

Nutrients: Phosphorous (for discharges to fresh water); or Nitrogen (for discharges to marine waters), unless otherwise established in an applicable TMDL or TMDL Implementation Plan.

Hazardous Metals: Specific Metal Listed in 303d list or TMDL*

Other: If the impairment is due to a parameter for which there is not an obvious analytical test or benchmark value (e.g., sediment, fish tissue, etc.), the permittee shall contact the TCEQ for guidance on which pollutant(s) to monitor for, if any, and the TCEQ will respond in writing. The permittee shall retain this information with the SWP3.

The permittee may utilize the analytical results of sampling for other sections of this general permit to comply with this annual sampling requirements (e.g., hazardous metals sampling in Part III, Section C, or benchmark monitoring in Parts IV and V of this general permit).

(d) Sampling, monitoring, and analyses must be conducted according to procedures specified in Part III, Section E.4 (d) of this permit unless otherwise specified and using test procedures with minimum analytical levels (MALs) at or below benchmark values for all the benchmark parameters for which sampling is required.

(e) Reporting: The permittee shall report the result of sampling for this section to the TCEQ by March 31 following the calendar year in which the samples were collected. Results must be submitted to the TCEQ's Storm Water & Pretreatment Team (MC-148).

(f) If sampling results indicate that the pollutant is present below the level of concern (e.g., the analytical result is below the benchmark values in Part IV of this permit) or is not present (e.g., analytical result is below the MAL), then the permitee may discontinue sampling under this section for the remainder of the permit term.

5. Annual Comprehensive Site Compliance Inspection

The comprehensive site compliance inspection is a required site evaluation and an overall assessment of the effectiveness of the current SWP3. This inspection is in addition to other routine inspections required by the permit; however, it may substitute for a routine facility inspection if it is conducted during the regularly scheduled period of the routine facility inspection and the scope of the inspection is sufficient enough to address both the minimum requirements of the routine inspection and the comprehensive site compliance inspection.

(a) General Requirements. The comprehensive site compliance inspection must be conducted at least once each permit year by one or more qualified employees or designated representatives, including at least one member of the storm water pollution prevention team. The inspection must include an examination and assessment of:

(1) all areas identified in the Inventory of Exposed Materials section of the SWP3;

(2) all structural controls, including the maintenance and effectiveness;

(3) all non-structural controls (e.g., good housekeeping measures, scheduling, etc.);

(4) all areas where spills and leaks have occurred in the past three (3) years;

(5) all reasonably accessible areas immediately downstream of each outfall that is authorized under this general permit;

(6) industrial materials, residue, or trash that may have or could come into contact with storm water;

(7) leaks or spills from industrial equipment, drums, tanks, and other containers;

(8) offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;

(9) tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas;

(10) a review of the results of the past year's visual and analytical monitoring when planning and conducting inspections that are required by this general permit; and

(11) any control measures needing replacement, maintenance, or repair.

(b) Annual Comprehensive Site Compliance Inspection Report. Within 30 days of performing the annual site compliance inspection, the permittee shall prepare a report that includes a narrative discussion of compliance with the current SWP3. The report must be signed and certified in accordance with Part III, Section E.6.(c) of this permit, and must either be included as a part of the SWP3 or referenced in the SWP3 and be made readily available for inspection and review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction. The report must document all of the following information:

(1) name(s) and title(s) of the personnel conducting the inspection;

(2) the date(s) of the inspection;

(3) findings from the inspection of areas of the facility;

(4) observations relating to the implementation of control measures:

a. previously unidentified discharges from the site;

b. previously unidentified pollutants in existing discharges;

c. evidence of, or the potential for, pollutants entering the drainage system;

d. evidence of pollutants discharging to receiving waters, and the condition of and around each outfall; and

e. additional control measures needed to address any conditions requiring corrective action identified during the inspection.

(5) revisions to the SWP3 made as a result of the inspection; and

(6) any incidents of non-compliance:

a. For purposes of this inspection, an incident of non-compliance is any instance where an element of the SWP3 is either not implemented, or where specific conditions of the permit are not met.

b. If no incidents of non-compliance are discovered, the report must contain a certification by the permittee that the facility, or in the case of a shared SWP3, the portion of the facility the permittee is responsible for, is in compliance with the SWP3.

c. If an incident or incidents of non-compliance is identified, then the report must include all necessary actions to remedy the non-compliance. The identified actions must be completed as soon as practicable, but no later than 12 weeks following the completion of the report.

(c) Revision of the SWP3. Within 12 weeks following the completion of the Annual Site Compliance Inspection Report, the permittee shall revise and implement the SWP3 to include and address the findings of the report. Revisions must include all changes resulting from the report and all applicable updates to the following:

(1) elements of the SWP3 requiring modification;

(2) controls (e.g. structural controls or BMPs) that should be added or modified;

(3) site map;

(4) inventory of exposed materials;

(5) description of the good housekeeping measures;

(6) description of structural and non-structural controls; and

(7) any other element of the plan that was either found to be inaccurate or will be modified.

6. Results of Inspections and Monitoring

If the findings of the inspections and monitoring activities in this section demonstrate compliance with the general permit, then the results of the monitoring are not required to be submitted to the TCEQ, unless specifically requested to do so. The permittee shall submit the results of monitoring conducted under this permit that demonstrates noncompliance with any permit condition (see Part III, Section E.6. (a)).

7. Exceptions to Periodic Inspections and Monitoring

Refer to Part III, Section D.4. for exceptions related to adverse weather conditions and inactive and unstaffed sites.

Section C. Numeric Effluent Limitations

1. Discharges of Storm Water Runoff

(a) Numeric Limitations for Hazardous Metals.

Table 1. Daily Maximum Effluent Limitation

Parameter (Total)	Discharges to Inland Waters (mg/L)	Discharges to Tidal Waters (mg/L)	Monitoring Frequency
Arsenic	0.3	0.3	1/Year
Barium	4.0	4.0	1/Year
Cadmium	0.2	0.3	1/Year
Chromium	5.0	5.0	1/Year
Copper	2.0	2.0	1/Year
Lead	1.5	1.5	1/Year

Parameter (Total)	Discharges to Inland Waters (mg/L)	Discharges to Tidal Waters (mg/L)	Monitoring Frequency
Manganese	3.0	3.0	1/Year
Mercury	0.01	0.01	1/Year
Nickel	3.0	3.0	1/Year
Selenium	0.2	0.3	1/Year
Silver	0.2	0.2	1/Year
Zinc	6.0	6.0	1/Year

(b) Daily Maximum Effluent Limitation. A grab sample must be collected at a minimum frequency of once per year at the final outfall or a designated sampling location, in accordance with Part III, Section D.2. For the purpose of collecting samples for hazardous metals, all designated sampling points must be representative of the discharge(s) from the facility that would reach surface water in the state.

(1) Samples of discharges collected at the final outfall must be collected either immediately prior to entering surface water in the state or immediately prior to leaving the permitted facility property.

(2) Samples of discharges collected at a designated sampling point must be collected in accordance with the requirements in Part III, Section E.4. of this permit.

A designated sampling point must be established when it can be determined that samples taken at a final outfall, as described in Part III, Section C.1.(b)(1) above, would not be considered representative of the discharge from the facility.

(3) If there is not an obvious outfall location, a designated sampling point may need to be created in accordance with the requirement in Part III, Section E.4.(a) of this permit.

(c) Reporting Requirements.

(1) Results of monitoring for determining compliance with numeric effluent limitations must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form, a duplicate of the form, or as otherwise provided by the executive director.

(2) Monitoring must be conducted prior to December 31st for each annual monitoring period and the results must be reported as required in Part III, Section E.6. of this permit. A copy of the DMR must either be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction by March 31st following the annual monitoring period.

(3) If the results indicate the violation of one or more of the numeric limitations listed above in Part III, Section C.1.(a), the permittee shall also submit the DMR to the TCEQ's Information Resources Division, Central File Room (MC-213) by March 31st following the annual monitoring period in which the violation(s) occurred.

(d) Waiver from Numeric Effluent Limitation. Permittees qualify for a waiver from monitoring requirements for one or more hazardous metal if one of the following criteria are met, and the waiver is obtained by certifying the conditions exist. This

certification must be completed on a form provided by the executive director. A new form must be completed during each permit term, no later than prior to the first sampling event that the permittee is seeking to waive. The form must be either maintained onsite or made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction. Waivers may be obtained on a metal by metal basis, or on an outfall by outfall basis:

(1) the permittee certifies that the regulated facility does not use a raw material, produce an intermediate product, or produce a final product that contains one (1) or more of the hazardous metals listed at Part III, Section C.1.(a) of this permit; or

(2) the permittee certifies that any raw materials, intermediate products, or final products that contain one or more hazardous metal are never exposed to storm water or runoff (final products are not considered to expose hazardous metals to storm water or runoff if the final product is designed for outdoor use, unless it is a product that could be transported by storm water runoff or the final product will be used as a material or intermediate product); or

(3) the permittee collects a sample from the first available discharge from the facility occurring during first sampling period of this permit, analyzes the sample for one or more of the listed hazardous metals, and the results indicate that the metal(s) is/are not present in detectable levels. Test methods used must be sensitive enough to detect the following parameters at the minimum analytical level (MAL) specified below, and results of sampling must be retained on site and available for review by TCEQ personnel:

Table 2. Minimum Analytical Levels (MAL) for Hazardous Metals

Pollutants	**MAL (mg/L)**
Arsenic, total	0.010
Barium, total	0.010
Cadmium, total	0.001
Chromium, total	0.010
Copper, total	0.010
Lead, total	0.005
Manganese, total	0.002
Mercury, total	0.0002
Nickel, total	0.010
Selenium, total	0.010
Silver, total	0.002
Zinc, total	0.005

When an analysis of a discharge sample for any of the parameters listed above indicates no detectable levels above the MAL, and the test method detection level is as sensitive as the specified MAL, a value of zero (0) may be used for that measurement, and a waiver may be obtained for the duration of the permit term following the sample collection, for any hazardous metal that measures zero (0).

(4) Hazardous metals monitoring waivers are effective beginning on the date that the waiver certification is made following submittal of an NOI, and lasting for the duration of the term of this general permit. The permittee will be required to comply with any requirements of a reissued general permit with respect to sampling and waivers, including obtaining a new hazardous metals monitoring wavier (see the criteria listed above).

(e) Relation to Benchmark Monitoring. If a facility is required to sample for any of the above hazardous metals as part of the benchmark requirements in Part V of this permit, then the permittee is subject to the effluent limitations listed in Part III, Section C.1. of this general permit for those hazardous metals sampled at a final outfall as part of benchmark monitoring. There are no waivers available for pollutants that are required in Part V of the general permit. If sampling for benchmark metals is not performed at a final outfall, then the above effluent limits may not apply for the benchmark sample if the sample is not representative of the discharge from the site. In this situation, the discharge must also be sampled at each final outfall to comply with the sampling and analyses requirements of this section.

2. Discharges Subject to Federal Categorical Guidelines

Part V of this general permit includes additional effluent limitations for certain storm water discharges as required under 40 CFR Subchapter N (Parts 400-471). The permittee is subject to the sampling and reporting requirements as stipulated in the applicable sections of Part III, Section D, and Part V of this general permit.

Section D. General Monitoring and Records Requirements

1. Qualifying Storm Events

(a) Monitoring, sampling, examinations, and inspections of storm water discharges that are required as a provision of this general permit must be conducted on discharges from a measureable storm event that results in an actual discharge from the site, and that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour storm interval does not apply if the permittee is able to document that less than a 72-hour (3-day) interval is representative for local qualifying storm events during the sampling period. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at the site.

(b) A facility that has retention ponds as BMPs will not always have a discharge from the pond(s) immediately following a qualifying storm event. If any storm events occurred prior to discharge from the outfall, regardless of the time period between the last storm event and the discharge, the permittee may consider the discharge to be the result of the previous qualifying storm event.

(c) The permittee shall maintain a rain gauge on-site to determine when a qualifying storm event occurs. The rain gauge must be monitored a minimum of once per week, and once per day during storm events. Records of the date and rainfall total must be retained on-site or made readily available for review. Rain gauge monitoring and recordkeeping may be temporarily suspended during a given monitoring period if a qualifying storm event has occurred and the required sampling and analyses or visual observations have been performed.

2. Representative Discharge Samples

(a) All samples must be representative of the discharge.

(1) Sampling should be conducted within the first 30 minutes of discharge using a grab sample. Sampling from retention ponds described in Part III, Section D.1.b. above should be conducted within 30 minutes of the initiation of discharge from the pond. If it is not practicable to collect the sample or to complete the sampling within the first 30 minutes, then sampling must be completed within the first hour of discharge.

If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.

In the case of snowmelt, samples must be taken during a period with a measurable discharge.

(2) If alternate sampling requirements are defined in the permit where numeric effluent limitations have been established, the permittee shall comply with the requirements described in the section with the numerical effluent limits; however, other applicable portions of this section will still apply.

(3) Authorized Storm Water Discharges that Combine with Other Permitted Flows. If storm water discharges authorized under this general permit combine with other storm water or with wastewater authorized under a separate permit, then sampling must be conducted at a point before the waters combine.

(4) Non-Storm Water Discharges. Monitoring of allowable non-storm water discharges is only required when they are commingled with storm water discharges associated with industrial activity.

(b) Representative Discharges from Substantially Similar Outfalls.

(1) Monitoring requirements apply to all outfalls authorized by this permit, unless the permittee establishes substantially similar outfall(s). If discharges of storm water through two (2) or more outfalls are substantially the same, then sampling and monitoring may be conducted at only one (1) of those outfalls that are substantially identical, and the results may be reported as representative of the discharge from the substantially similar outfall(s).

Before results may be submitted as representative of discharges from substantially similar outfalls, the permittee shall ensure that the SWP3 includes a description of all outfall locations and a detailed justification of why the discharge qualities from the outfalls are substantially similar.

To determine if outfalls are substantially similar, the following characteristics of each outfall must be compared:

a. the industrial activities that occur in the drainage area to each outfall;

b. significant materials stored or handled within the drainage area to each outfall; and

c. the management practices and pollution control structures that occur within the drainage area of each outfall.

(2) Substantially similar outfalls may be established for the following monitoring requirements described in this general permit:

a. Quarterly Visual Monitoring (Part III, Section B.3);

b. Hazardous Metals Monitoring (Part III, Section C); and

c. Benchmark Monitoring (Parts IV and V)

(3) Substantially similar outfalls may not be established for the following:

a. Outfalls with any non-storm water discharges; and

b. Outfalls with discharges subject to numeric effluent limits listed in Part V (sector-specific effluent limits).

(4) The following information must be documented in the SWP3 if the substantially similar outfall exception is being used for any required monitoring:

a. location of each of the substantially similar outfalls;

b. description of the general industrial activities conducted in the drainage area of each outfall;

c. description of the control measures implemented in the drainage area of each outfall;

d. description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to storm water discharges;

e. estimate of the runoff coefficient of the drainage areas;

f. explanation regarding why the outfalls are expected to discharge substantially identical effluents; and

g. assurance that control measures have been assessed and modified as appropriate for each outfall represented by the monitored outfall, if necessary due to storm water contamination being identified through visual assessment of substantially identical outfall.

3. Monitoring Periods

(a) Sampling, inspections, and examinations that are required on a quarterly basis must be conducted during the following periods:

First (1st) quarter - January 1 thru March 31;
Second (2nd) quarter - April 1 thru June 30;
Third (3rd) quarter - July 1 thru September 30; and
Fourth (4th) quarter - October 1 thru December 31.

Permittees shall begin required sampling, inspections, and examinations on a quarterly basis in the first full quarter following submission of a NOI.

(b) Sampling, inspections, and examinations that are required on a semiannual basis must be conducted during the following periods:

First (1st) period - January 1 thru June 30; and
Second (2nd) period - July 1 thru December 31.

Permittees shall begin required sampling, inspections, and examinations on a semiannual basis in the first full period following submission of a NOI.

(c) Monitoring, inspections, and examinations that are required on an annual basis must be conducted before December 31st of each calendar year, beginning with the calendar year that includes the first full quarter following submittal of an NOI.

4. Exceptions to Monitoring Requirements

(a) Adverse Conditions.

(1) Requirements to sample, inspect, examine or otherwise monitor storm water discharges within a prescribed monitoring period may be temporarily suspended for adverse conditions. Adverse conditions are conditions that are either dangerous to personnel (e.g., high wind, excessive lightning) or conditions that prohibit access to a discharge (e.g., flooding, freezing conditions, extended periods of drought). Adverse conditions that result in the temporary suspension of a permit requirement to sample, inspect, examine, or otherwise monitor storm water discharges must be documented and included as part of the SWP3. Documentation must include the date, time, names of personnel that witnessed the adverse condition, and the nature of the adverse condition.

(2) Monitoring Waivers. When monitoring is temporarily suspended due to adverse conditions, that monitoring must be conducted in the next monitoring period, in addition to any monitoring required for that period. If the temporarily suspended monitoring requirement cannot be fulfilled during the next monitoring period, then it is permanently waived.

(3) The SWP3 must include records of why monitoring was temporarily suspended due to adverse conditions.

(b) Inactive Facilities. Permitted facilities in this inactive status must provide written notice to the executive director of this status. Following this notification, permit requirements to sample, inspect, examine, or otherwise monitor storm water discharges are waived during the period that a facility maintains inactive status, unless the requirements in Part V. of this permit include specific requirements for inactive facilities.

Inactive facilities must notify the executive director in writing at least 48 hours before commencing industrial activities and transferring to active status.

5. Records Retention

Monitoring and reporting records, copies of all other records required by this general permit, and records of all data used to complete the application for this general permit must be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction for a period of three (3) years from the date of the record or sample, measurement, report, application, or certification. This period must be extended at the request of the executive director.

The SWP3 must be maintained, and be made readily available for inspection and review uon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction. Additionally, a copy of all SWP3s for the preceding three (3) year period must be maintained and made readily available for review. In circumstances where the number of revisions to the SWP3 makes this requirement burdensome, a log or record of revisions for the preceding three (3) year period may be maintained and made available.

If the general permit is terminated or allowed to expire without renewal, the SWP3 must be maintained and made readily available for review for a minimum period of one (1) year following cessation of permit coverage.

6. Monitoring and Inspection Documentation

The procedures for conducting the required analytical monitoring must be documented in the SWP3.

(a) For each type of monitoring required in the permit, the SWP3 must include the following:

(1) a list of locations where samples are collected, including any determination that two (2) or more storm water only outfalls are considered to be substantially similar;

(2) parameters that must be sampled, including the frequency of sampling for each parameter;

(3) schedules for conducting monitoring activities;

(4) any numeric control values applicable to discharges from each outfall (e.g., benchmark sampling levels, numeric effluent limitations, or other requirements); and

(5) procedures for gathering storm event data.

(b) if the permittee is not conducting monitoring due to claiming an inactive and unstaffed site, the information to support this claim must be included in the SWP3.

(c) The procedures for performing the inspections specified by this permit must be documented in the SWP3, including routine facility inspections, quarterly visual assessment of storm water discharges, and comprehensive site inspections.

For each type of inspection performed, the SWP3 must identify the person(s) or positions of person(s) responsible for inspection; schedules for conducting inspections, including tentative schedule for facilities in climates with irregular storm water runoff discharges; and specific items to be covered by the inspection, including schedules for specific outfalls.

Section E. Standard Permit Conditions

30 TAC Chapter 305 requires certain regulations appear as standard conditions in waste discharge permits. 30 TAC §§305.121 - 305.129, Subchapter F, Permit Characteristics and Conditions, as promulgated under the Texas Water Code §§5.103 and 5.105, the Texas Health and Safety Code §§361.017 and 361.024(a), and those sections of 40 CFR Part 122 adopted by reference by the Commission, establish the characteristics and standards for waste discharge permits. This section includes these conditions and incorporates them into this general permit. More specific requirements for some of these standard permit conditions may be defined for specific sectors of industrial activity that are authorized to discharge under this general permit.

1. General Conditions

(a) Duty to Comply.

(1) Submission of an NOI for permit coverage is an acknowledgment that the applicant agrees to comply with the conditions of the general permit. Acceptance of authorization under the provisions of this general permit constitutes acknowledgment and agreement that the permittee will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.

(2) The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code and is grounds for enforcement action, for revocation or suspension of coverage under this general permit, and for requiring a permittee to apply for a TPDES individual permit or coverage under an alternative general permit.

(b) Toxic Pollutants.

(1) If any toxic effluent standard or prohibition is promulgated according to the Texas Water Code §26.023 for a toxic pollutant that is present in the discharge and that standard or prohibition is more stringent than the conditions of this general permit, this general permit must be modified or revoked and reissued to conform to the toxic effluent standard or prohibition.

(2) The permittee shall comply with effluent standards or prohibitions established according to the Texas Water Code §26.023 for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if this general permit has not yet been modified to incorporate the requirement.

(c) Permit Flexibility. Authorization under this general permit may be modified, suspended or revoked for cause according to 30 TAC §§305.62 and 305.66 and the Texas Water Code Section §7.302. The filing of a notice of planned changes or anticipated noncompliance does not stay any permit condition.

(d) Property Rights. A permit does not convey any property rights of any sort, or any exclusive privilege.

(e) Duty to Provide Information. The permittee shall furnish to the executive director, upon request, any information, including records that are maintained as a requirement of this permit, necessary to determine whether cause exists for revoking, suspending, or terminating authorization under this general permit.

(f) Criminal and Civil Liability.

(1) As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act, the Texas Water Code, Chapters 26, 27, and 28, and Texas Health and Safety Code, Chapter 361, including but not limited to: knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance; falsifying or tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit; or violating any other requirement imposed by state or federal regulations. Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

(2) Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit or applicable regulation, which avoids or effectively defeats the regulatory purpose of this general permit, may subject the permittee to criminal enforcement.

(g) Severability. The provisions of this general permit are severable and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this general permit, shall not be affected thereby.

2. Proper Operation and Maintenance

(a) Need to Halt or Reduce Not a Defense. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this general permit.

(b) Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.

(c) Operation of Treatment and Control Systems.

(1) The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained in a manner that will minimize discharges of excessive pollutants and will achieve compliance with the conditions of this permit. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

(2) The permittee shall provide an adequate operating staff that is duly qualified to carry out operation, maintenance, and testing functions required to ensure compliance with the conditions of this general permit.

(d) Anticipated Noncompliance. The permittee shall give advance notice to the executive director of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

3. Inspection and Entry Requirements

(a) Inspection and Entry. Inspection and entry must be allowed as prescribed in the Texas Water Code Chapters 26, 27, and 28, and Texas Health and Safety Code Chapter 361.

(b) Entry to Public or Private Property. The members of the commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of surface water in the state or the compliance with any rule, regulation, permit or other order of the commission. Members, employees, or agents of the commission and commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of surface water in the state. Members, employees, commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the executive director may invoke the remedies authorized in Texas Water Code §7.002.

4. Monitoring and Sampling

(a) Representative Sampling. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity or activities and must be

taken at an outfall or outfalls that will best represent the types of industrial activity or activities conducted at a facility site. If no obvious outfall location is present (e.g., a diffuse point source), the permittee may need to create a sampling point. This may include creating a depression or using physical means (e.g., sandbags or curbs) to direct the runoff for easier collection for sampling and measurement purposes.

(b) Monitoring Procedures.

(1) Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§319.11 - 319.12.

(2) All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

(c) Monitoring Results. Monitoring results must be provided at the intervals specified in this general permit.

(d) Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this general permit using approved analytical methods, all results of the monitoring must be included in the calculation and reporting of the values recorded on the DMR form and must be included in any other calculation, record, or reports required to be maintained as a provision of this general permit. Increased frequency of sampling must be indicated on the DMR.

5. Records Requirements

(a) Retention of Records.

(1) The period records are required to be retained must be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

(2) Monitoring and reporting records, including records of calibration and maintenance, and copies of all records and reports required by this permit, must be retained at the facility or must be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification unless otherwise specified in this permit. This period must be extended at the request of the Executive Director.

(b) Record Contents.

Records of monitoring must include, at a minimum, the following:

(1) date, time, and place of sample or measurement;

(2) identity of the individual who collected the sample, made the measurement or observation, or performed the analysis;

(3) date and time the sample, measurement, or observation was made, and the analysis conducted;

(4) identity of the individual and laboratory who performed the analysis;

(5) technique or method of analysis;

(6) results of the measurement, observation, or analysis; and

(7) quality assurance/quality control records.

6. Reporting Requirements

(a) Self-Reporting of Numeric Effluent Limits Results.

(1) Results of analyses for determining compliance with numeric effluent limitations must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form, a duplicate of the form, or as otherwise provided by the executive director.

(2) Monitoring must be conducted prior to December 31st for each annual monitoring period. Results of the monitoring must be recorded on a DMR and made available by March 31 of the following year as described below:

(3) DMRs for hazardous metals sampling (see Part III, Section C.1. of this general permit) must either be retained at the facility or must be otherwise made readily available for review upon request by March 31st of the following year.

(4) In addition, DMRs for the following sampling results must be submitted to the TCEQ at the address shown on the DMR and to the appropriate TCEQ Regional Office:

a. Noncompliance with any effluent limit (e.g. hazardous metals effluent limits) (also see Part III, Section E.6.(b) below), or

b. Results of all sampling and monitoring performed to comply with effluent limitations guidelines, or ELGs (40 CFR Parts 400 through 471) as described in Part V of this permit (See Part V, Sections A.7., C.4., D.4., E.5., J.7., K.5., L.6., and O.5.). If no discharge occurs from facilities subject to ELGs under these sections, a DMR must be submitted that indicates no discharge occurred during the reporting period. In addition to reporting requirements for numeric effluent limits that are recorded on DMRs, the permittee shall report to the TCEQ the results of all sampling and monitoring performed to comply with any non-numeric as described in Part V of this permit, and this information shall be submitted along with the DMR form, by March 31 of each year.

(b) Noncompliance Notification.

(1) According to 30 TAC §305.125(9) any noncompliance that may endanger human health or safety, or the environment, must be reported by the permittee to the TCEQ. Report of such information must be provided orally or by electronic facsimile transmission (fax) to the TCEQ regional office within 24 hours of becoming aware of the noncompliance. A written report must be provided by the permittee to the TCEQ regional office and to the TCEQ Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written report must contain:

a. a description of the noncompliance and its cause;

b. the potential danger to human health or safety, or the environment;

c. the period of noncompliance, including exact dates and times;

d. if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

e. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

(2) In addition to the above, any violation that deviates from the permitted effluent limitation by more than 40% must be reported in writing to the appropriate TCEQ regional office and to the Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance.

(3) Other Noncompliance.

In addition to the reporting requirements listed in Part III, Sections E.6.(b)(1) and (2) above, any noncompliance with the permit must be reported in writing to the TCEQ:

a. Non-compliance with an effluent limitation for a discharge subject to federal numeric effluent limitations guidelines (40 CFR Subchapter N – Parts 400-471) must be recorded on a DMR. All DMRs recording the compliant annual sampling results must be submitted to the appropriate regional office of the TCEQ by March 31st of the following year. This requirement is in addition to the reporting requirement for all results of ELG sampling as described in Part III, Section 6.(a)(4) above.

b. Any non-compliance with an effluent limit for any of the hazardous metals required in Part III, Section C.1 of this permit must be recorded on a DMR and reported at a frequency of at least once per year. The DMR must be submitted by March 31st of the following year to the address shown on the DMR and to the appropriate regional office.

c. Any other noncompliance(s) with the general permit must be reported to the TCEQ by March 31 following the calendar year in which the noncompliance(s) occurred. The permittee shall report any additional noncompliance(s) not described above under this paragraph to the TCEQ, Information Resource Division, MC-213, or to the address shown on a reporting form, if one is made available by TCEQ. The permittee may meet this requirement by submitting a copy of the Annual Comprehensive Site Compliance Inspection Report (see Part III, Section B.5.(b) or by submitting a narrative explanation of the noncompliance(s).

(c) Signatory Requirements for Reports and Certifications. All reports and certifications required in this permit or otherwise requested by the executive director must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

(d) Other Information. When the permittee becomes aware that it either submitted incorrect information or failed to submit any relevant facts on an NOI, NOT, NEC, NOC, or any report, it must promptly submit the facts or information to the executive director.

7. Solid Waste

(a) Industrial Solid Waste:

Facilities that generate industrial solid waste as defined in 30 TAC §335.1 must comply with these provisions:

(1) Any solid waste, as defined in 30 TAC §335.1, generated by the permittee during the management and treatment of storm water, must be managed according to all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste and Municipal Hazardous Waste.

For the purpose of storm water treatment, a solid waste management unit includes structural controls such as detention ponds, retention ponds, or other similar dedicated ponds used for removal of pollutants in storm water, and does not include other control structures such as berms; grass swales; pipes and ditches (or similar storm water conveyances); or silt fences.

(2) Storm water that is being collected, accumulated, stored, or processed within a solid waste management unit, before discharge through any final outfall authorized by this permit, is considered to be solid waste until the storm water passes through the actual point source discharge, and must be managed according to all applicable provisions of 30 TAC Chapter 335.

(3) The permittee shall provide written notification, pursuant to the requirements of 30 TAC §335.6, to the Corrective Action Section (MC-127) of the Remediation Division informing the Commission of any closure activity involving a Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

(4) Construction of any solid waste management unit requires the prior written notification of the proposed activity, pursuant to the requirements of 30 TAC §335.6(a) to the Registration and Reporting Section (MC 129) of the Permitting and Registration Support Division. No person shall dispose of industrial solid waste or municipal hazardous waste, including sludge or other solids from storm water treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC §335.5.

(5) The permittee shall keep management records for all sludge or other waste removed from any storm water treatment process. These records must fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:

a. volume of waste and date generated from treatment process;

b. volume of waste disposed of onsite or shipped off-site;

c. date of disposal;

d. identity of hauler or transporter;

e. location of disposal site; and

f. method of final disposal.

The above records must be updated on a monthly basis. The records must be retained at the facility or must be readily available for review by authorized representatives of the TCEQ for at least five years.

(b) Municipal Solid Waste:

All facilities regulated under this general permit that generate municipal solid waste must comply with applicable rules and regulations, including 30 TAC Chapter 330.

Part IV. BENCHMARK MONITORING REQUIREMENTS

Certain industrial activities are required to conduct additional sampling for the purpose of characterizing the discharge from the regulated activity (ies). Not all sectors of industrial activity are required to conduct benchmark sampling. Refer to Part V for the sampling requirements within each regulated industrial sector.

Section A. Use of Benchmark Data

1. Monitoring for Benchmark Parameters in Discharges

The permittee shall monitor the discharge(s) from regulated industrial activities as required in Part V of this general permit, for the benchmark parameters specified within each section of Part V. Monitoring is required for all industrial sector(s) listed in Part V of this permit that are applicable to the permittee's facility/site. This includes the primary industrial activity and any co-located industrial activities (i.e., secondary industrial activities) that are conducted at the site and are described in this permit.

(a) The permittee shall compare the results of analyses to the benchmark values listed below in Table 3 for any pollutant(s) that the permittee is required to monitor in this general permit, and shall include this comparison in the overall assessment of the SWP3's effectiveness. Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. Results of analyses are indicators that modifications of the SWP3 may be necessary.

Table 3 List of Benchmark Parameters and Values

Pollutant	**Benchmark value (mg/L)**
Aluminum, total	1.2
Ammonia-nitrogen	2.5
Antimony, total	0.636
Arsenic, total	0.010**
Beryllium, total	0.13
BOD5	30
Cadmium,total	0.001**
COD	60
Copper, total	0.030
Cyanide, total	0.02
Iron, total	1.3
Lead, total	0.010
Magnesium, total	1.4
Manganese, total	1.0
Mercury, total	0.0002**
Nickel, total	1.417
Nitrate-nitrite, nitrogen	0.68
Oil and grease	10
pH	6.0-9.0 S.U.
Phosporous	1.25

Pollutant	**Benchmark value (mg/L)**
Selenium, total	0.01**
Silver, total	0.002**
TSS	100*
Turbidity	5 NTU above background
Zinc, total	0.16

* The TSS benchmark value is 50 mg/L for portions of Sectors A (SIC 2411, 2421), C (2812-2819), E (3251-3259, 3271-3275), and U (2041-2048); and for all of Sectors D, H, J, O, Q, and AA.

**The benchmark values in Part V, Sector G for waste rock and overburden piles may differ from the value in this table.

(b) The permittee is not eligible for a sampling waiver under Part III, Section C. of this permit for any hazardous metals that are required to be sampled as part of benchmark monitoring. The permittee is subject to the effluent limitations in Part III, Section C. for any monitoring for hazardous metals that is conducted at a final outfall.

(c) Sampling, monitoring, and analyses must be conducted according to procedures specified in Part III, Section E.4.(d) of this permit unless otherwise specified and using test procedures with minimum analytical levels (MALs) at or below benchmark values for all the benchmark parameters for which sampling is required.

2. Background Concentrations

If during benchmark monitoring the average concentration of a pollutant exceeds a benchmark value and it is determined that the exceedance is attributable solely to the presence of that pollutant in the natural background, the permittee is not required to perform corrective action or additional benchmark monitoring provided that:

(a) the average concentration of the benchmark monitoring results are less than or equal to the concentration of the pollutant in the natural background;

(b) the permittee documents in the SWP3 the supporting rationale for concluding that benchmark exceedance are attributable solely to natural background pollutant levels, as outlined in Part IV, Section A.2.of this permit. Any data previously collected (including literature studies) must be included in the supporting rationale that describe the levels of natural background pollutants in the storm water discharge; and

(c) the permittee notifies TCEQ in writing during the reporting period for the sampling period that the permittee determined the benchmark exceedance are attributable solely to natural background pollutant levels.

Natural background pollutants include substances that are naturally occurring in the soil or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity at the site, or pollutants in runon from neighboring sources that are not naturally occurring. Background concentrations may be identified by laboratory analyses of samples of storm water runon to the permitted facility, laboratory analyses of samples of storm water runoff from adjacent non-industrial areas, or by identifying the pollutant as a naturally occurring material in soil at the site.

3. Pollution Prevention Team

The Pollution Prevention Team must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 within 90 days following the sampling event.

The Pollution Prevention Team investigation must identify the following:

(a) any additional potential sources of pollution, such as spills that might have occurred;

(b) necessary revisions to the Good Housekeeping Measures section of the SWP3;

(c) additional BMPs, including a schedule to install or implement the BMPs; and

(d) other parts of the SWP3 for which revisions are appropriate.

Background concentrations of specific pollutants may be considered during the investigation as described in Part IV, Section A.2. above. If the Pollution Prevention Team is able to relate the cause of the exceedance to background concentrations, then subsequent exceedance of benchmark values for that pollutant may be resolved by referencing the earlier finding in the SWP3.

4. Exception for Inactive and Unstaffed Sites

The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, provided that there are no industrial materials or activities exposed to storm water and that the permittee performs the following:

(a) include a written statement in the SWP3 stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water. This statement must be signed and certified in accordance with 30 TAC §305.128; and

(b) immediately begin complying with the applicable benchmark monitoring requirements in this section if circumstances change and industrial materials or activities become exposed to storm water, or the facility becomes active or staffed, as this creates a condition where the exception no longer applies. Benchmark monitoring must be resumed as if in the first year of permit coverage. The permittee must indicate in the first benchmark monitoring report that the facility has materials or activities exposed to storm water or has become active or staffed.

(c) If a site or facility is not qualified for this exception at the time authorization is obtained under this permit, but becomes qualified because the facility is inactive and unstaffed at some point during the permit term, and there are no industrial materials or activities that are exposed to storm water, then the permittee must notify TCEQ in writing of this change in the next benchmark monitoring report. Benchmark monitoring may be discontinued once TCEQ has been notified in writing, and a certification statement has been prepared and signed and certified in accordance with 30 TAC §305.128.

5. Adverse Weather Conditions

Sampling under this section is subject to the exceptions related to adverse weather conditions or drought in accordance with Part III, Section D.4. of this general permit.

Section B. Benchmark Monitoring Requirements

The benchmark monitoring parameters for each industrial sector are listed in Part V of this general permit under the individual sectors. Benchmark monitoring must be conducted once every six months for four (4) years following permit issuance.

1. Monitoring Periods

(a) Semiannual sampling must be initiated during the first monitoring period (January through June) in the first calendar year (January through December) following permit issuance, and then once during each semiannual monitoring period (i.e., January through June and July through December) during the next four years, except that a waiver is available for the third and fourth year according to Part IV, Section B.1.(c) below.

(b) Operators of industrial facilities that obtain coverage after the beginning of the first monitoring period (January through June) of the first calendar year following permit issuance shall initiate benchmark monitoring during the first monitoring period (January through June or July through December) that falls within the first calendar year following submittal of the NOI. Sampling must be conducted once per semiannual monitoring period (January through June and July through December) thereafter, for a total of four (4) years, or eight (8) semiannual monitoring periods. A waiver is available if the annual average results of monitoring during the first two (2) years are all below benchmark levels, in accordance with Part IV, Section B.1.(c) below.

(c) Waiver from Benchmark Monitoring. If the annual average results of benchmark sampling for the first two monitoring years are all below the benchmark levels, the permittee is not required to conduct benchmark monitoring during the third and fourth monitoring years. The annual average result is the average of all samples collected for a particular pollutant for a specific SIC code during the previous calendar year, January through December. If sampling for any monitoring period was not performed, then the average annual result must be calculated using the remaining samples for that calendar year.

Permittees who obtain a waiver are subject to the following limitations:

(1) The permittee may exercise this waiver from benchmark monitoring, so long as the analytical result for any pollutant limited in the annual hazardous metal monitoring does not exceed the corresponding benchmark monitoring level for that pollutant, if that pollutant is included in the list of parameters in Part V of this permit for which monitoring is required of the permittee.

(2) If during monitoring for annual hazardous metals, sampling to comply with sector-specific effluent specific limits, or any additional sampling performed by the facility operator, an analytical result exceeds the benchmark level for a pollutant for which a benchmark waiver was obtained, the permittee shall investigate the source of the exceedance, make the necessary correction or mitigation (as outlined above in section A) and return to performing benchmark monitoring according to: the requirements of Part IV; the applicable schedule outlined in Part III, Section D.3.; and any sector specific requirements that apply.

(3) This waiver does not affect the requirements for a permittee to sample and analyze its discharge to comply with any numeric effluent limitations established in this permit. (See Part III, Section C, related to hazardous metals monitoring, and Part V for discharges subject to federal effluent limitations guidelines listed in Part V of this permit.

2. Reporting Requirements

(a) Results of analyses for sampling during the first two benchmark monitoring years must be submitted to TCEQ before March 31st of each year following sample collection. The

reported values must be the average yearly result of analysis for each specific pollutant discharged under a specific SIC code, rather than an outfall-by-outfall, basis. The report must be completed on a form provided by the executive director and mailed to the TCEQ's Wastewater Permitting Section (MC-148).

(b) Substantially similar outfalls may be established for benchmark monitoring, in accordance with Part III, Section D.2. of this general permit.

(c) Results of analysis during the third and fourth benchmark monitoring years must be retained on site, unless the results exceed benchmark levels, in which case, the results must be submitted to TCEQ's Wastewater Permitting Section (MC-148) by March 31st of each year following sample collection.

(d) If sampling during any six month period is not conducted for a pollutant due to adverse weather conditions or drought in accordance with Part III, Section D.4. of this general permit, then the reported average annual result must be based on data collected for that year.

Part V. SPECIFIC REQUIREMENTS FOR INDUSTRIAL ACTIVITIES

The requirements in Part V of this general permit are sector specific and are in addition to the requirements in Parts III and IV of this general permit. Where co-located industrial activities occur (refer to Part II, Section A.4. of this general permit) the additional conditions and requirements in Part V of this general permit for each of these activities also apply.

Section A. Sector A of Industrial Activity - Timber Products Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector A. Sector A industrial activities are described by the following Standard Industrial Classification (SIC) codes:

SECTOR A: TIMBER PRODUCTS

SIC Codes	*Description of Industry Sub-sector*
2411	Log Storage and Handling (without the use of chemical additives in spray water or applied to the logs)
2421	General Sawmills and Planning Mills
2426	Hardwood Dimension and Flooring Mills
2429	Special Product Sawmills, Not Elsewhere Classified
2431 – 2439	(except 2434) -Millwork, Veneer, Plywood, and Structural Wood (SIC Code 2434 - Wood Kitchen Cabinets, see Sector W)
2441 - 2449	Wood Containers
2451, 2452	Wood Buildings and Mobile Homes
2491	Wood Preserving
2493	Reconstituted Wood Products
2499	Wood Products Not Elsewhere Classified

2. Definitions

(a) Debris. For the purposes of this section, debris is woody material such as bark, twigs, branches, heartwood, or sapwood that will not pass through a 2.54 centimeter (one-inch) diameter round opening and is present in the discharge from a wet storage facility.

(b) Wet decking water. Water that is intentionally sprayed or deposited onto logs or roundwood that are being stored on land.

3. Limitations on Permit Coverage

(a) Prohibition of Process Wastewater. This general permit does not authorize the discharge of wastewater resulting from the storage of logs or round wood before or after removal of bark in self-contained bodies of water (i.e., mill ponds or log ponds). Discharges from these activities must be authorized under an individual TPDES permit or other authorized means, or must be disposed in a manner that does not constitute a discharge into or adjacent to water in the state.

(b) Prohibition of Storm Water from Wood Treatment Areas. This general permit does not authorize the discharge of storm water that has come in contact with areas where chemical formulations designed to provide wood surface protection and wood preservation were sprayed. Storm water discharges from these areas must either be captured within a containment structure and disposed of in a manner that does not constitute a discharge into or adjacent to water in the state or must discharged under authority of an individual TPDES permit or other authorized means.

4. Authorized Non-Storm Water Discharges

Wet Decking Water. In addition to the non-storm water discharges allowed under Part II of this general permit, wet decking water may be discharged from lumber and wood storage yards where the wet decking process does not include chemical additives and where chemicals are not applied to the wood during storage.

5. Description of Potential Pollutants and Sources

(a) Inventory of Exposed Materials. Facilities that use or have previously used chlorophenolic compounds, creosote, chromium, copper, or arsenic formulations for the surface protection of wood or wood preserving activities must address these activities in the SWP3 according to the requirements of Part III, Section A.4. of this general permit. The following areas must be included in the inventory of exposed materials:

(1) areas where treatment chemicals have contaminated any soils;

(2) areas where any wood treatment equipment remains or is stored, including equipment that is no longer in use;

(3) areas where treatment chemicals and treated materials remain; and

(4) BMPs that are implemented to minimize these materials from coming into contact with storm water.

(b) Site Map. The site map must include documentation of any of the following that may be exposed to storm water: processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas.

6. Pollution Prevention Measures and Controls

The SWP3 must include the following elements in addition to the requirements of Part III, Section A.4 and Part III, Section A.5. of this general permit:

(a) BMPs and good housekeeping measures must be implemented to limit the discharge of wood debris, minimize the leachate generated from decaying wood materials, and minimize the generation of dust.

(b) Structural controls may be used to limit the discharge of wood debris, minimize the leachate generated from decaying wood materials, and minimize the generation of dust.

(c) Facilities that conduct surface protection or preservation of wood products shall develop specific BMPs, including an implementation schedule, to reduce pollution in runoff from these areas of industrial activity.

(d) Periodic Inspections. Periodic inspections for facilities that conduct surface protection or preservation of wood products must include additional inspection procedures for processing areas, transport areas, and treated wood storage areas. The inspection

procedures must provide an assessment of the effectiveness of BMPs in minimizing the amount of treatment chemicals that drip on unprotected soils and on other areas that come in contact with storm water.

(1) Where feasible, the permittee shall conduct monthly inspections, in the same manner as developed for quarterly inspections. If monthly inspections are not feasible, then the permittee shall document the reason in the SWP3 and shall retain a minimum inspection frequency of once per quarter.

(2) The permittee shall conduct monthly inspections of wood treatment areas, treated wood storage areas, and treated wood transport loading and unloading areas to assess the effectiveness of specific BMPs and controls.

(3) Results and records of inspections must be evaluated, maintained, and incorporated into the standard periodic inspection reports as described in Part III, Section B., regardless of the frequency that the inspections are conducted.

(4) Follow-up procedures must be identified to ensure that appropriate actions are taken in response to the evaluations of the inspections.

7. Numeric Effluent Limitations Based on Federal Effluent Guidelines and Standards - Applicable to Sector A facilities discharging Wet Decking Water

(a) The following numeric effluent limitations, based on guidelines from the Wet Storage Subcategory (Subpart I) of the Timber Products Processing Point Source Category (40 CFR Part 429), apply to discharges of wet decking water. These discharges must not exceed the following numeric effluent limitations and monitoring requirements:

Table 4. Numeric Effluent Limitations for Sector A Facilities Discharging Wet Decking Water

Parameter	**Limitation**	**Monitoring Frequency**
Debris	No Discharge	1/Year
pH	6.0-9.0 S.U.	1/Year

(b) Sample Type. Grab samples must be collected for analyses prior to combining with other flows.

(c) Reporting Requirements. Monitoring for compliance with numeric effluent limitations in this section is subject to the following requirements:

(1) Results of monitoring must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form, a duplicate of the form, or as otherwise provided by the executive director.

(2) Monitoring must be conducted prior to December 31st for each annual monitoring period and the DMR must be submitted to the TCEQ by March 31st of the following year, as described in Part III, Section E.6. of this permit.

(3) In addition, a copy of the DMR must either be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction by March 31st following the annual monitoring period.

8. Benchmark Monitoring Requirements

The following subsectors must conduct benchmark monitoring on discharges of storm water associated with industrial activities according to the requirements in Part IV of this general permit.

Table 5. Benchmark Monitoring Requirements for Subsections in Sector A

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
2421	General Sawmills and Planning Mills	COD TSS Zinc, total	60 mg/L 50 mg/L 0.16 mg/L
2491	Wood Preserving	Arsenic, total Copper, total	0.010 mg/L 0.030mg/L
2411	Log Storage and Handling (Wet deck storage areas where no chemical additives are used in the spray water or applied to the logs)	TSS	50 mg/L
2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493 and 2499	Hardwood Dimension and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood, and Structural Wood; Wood Pallets and Skids; Wood Containers, not elsewhere classified; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified	COD TSS	60 mg/L 100 mg/L

Section B. Sector B of Industrial Activity - Paper and Allied Products Manufacturing Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector B. Sector B industrial activities are described by the following SIC codes:

SECTOR B: PAPER AND ALLIED PRODUCTS

SIC Codes Description of Industry Sub-sector

2611 Pulp Mills

2621 Paper Mills

2631 Paperboard Mills

2652 – 2657 Paperboard Containers and Boxes

2671 – 2679 Converted Paper and Paperboard Products, Including Plastic Bags Produced from Plastics Film

2. Benchmark Monitoring Requirements

The following subsectors must conduct benchmark monitoring according to the requirements in Part IV of this general permit and must conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 6. Benchmark Monitoring Requirements for Subsections in Sector B

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
2631	Paperboard Mills	COD	60 mg/L

Section C. Sector C of Industrial Activity - Chemical and Allied Products Manufacturing Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector C. Sector C industrial activities are described by the following SIC codes:

SECTOR C: CHEMICAL AND ALLIED PRODUCTS

SIC Codes *Description of Industry Sub-sector*

2812 – 2819 Basic Industrial Inorganic Chemicals

2821 – 2824 Plastic Materials, Synthetic Resins, Non-vulcanizable Elastomers (Synthetic Rubber), Cellulose Plastics Materials, and Other Manmade Fibers Except Glass

2833 – 2836 Medicinal Chemicals and Botanical Products, Pharmaceutical Preparations, In Vitro and In Vivo Diagnostic Substances, Biological Products (Except Diagnostic Substances)

2841 – 2844 Soaps and Detergents; Specialty Cleaning, Polishing, and Sanitation Preparations, Surface Active Agents, Finishing Agents, Sulfonated Oils, and Assistants, Perfumes, Cosmetics, and Other Toilet Preparations

2851 Paints, Varnishes, Lacquers, Enamels, and Allied Products

2861 – 2869 Industrial Organic Chemicals

2873 – 2879 Agricultural Chemicals (Including Fertilizers, Pesticides, Fertilizers Solely from Leather Scraps and Leather Dust, and Mixing of Fertilizers, Compost, and Potting Soils)

2891 – 2899 Miscellaneous Chemical Products (Including Adhesives and Sealants, Explosives, Printing Ink, and Carbon Black)

2911 Petroleum Refineries

3952 (Limited to List)-Inks and Paints, including: China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting; Artist's Paints, and Artist's Watercolors

2. Limitations on Permit Coverage

(a) Prohibition of Contaminated Runoff from Petroleum Refineries. Discharges of storm water from petroleum refineries subject to federal guidelines found at 40 CFR Part 419 are not authorized under this general permit and must be authorized by an individual TPDES wastewater discharge permit or other authorized means. This general permit only authorizes the discharge of non-process area storm water runoff from petroleum refineries described by SIC code 2911 that are not subject to 40 CFR Part 419 guidelines.

(b) Prohibition of Non-Storm Water Discharges. Non-storm water discharges are not eligible for coverage except according to the conditions of Part II, Section A.6. of this general permit. The following non-storm water discharges are specifically prohibited under this section: discharges containing inks, paints, and other substances resulting from an onsite spill; contents from drip pans; wash-waters from material handling and processing areas; and wash waters/rinse-waters from drums, tanks, and other containers.

3. Pollution Prevention Measures and Controls/Management of Runoff with Structural Controls

The following requirements must be included in the SWP3 according to requirements of Part III, Sections A.4. and A.5. of this general permit:

(a) Security System. A security system must be developed to prevent accidental or intentional discharges by unauthorized individuals. The system may include fences, lights, traffic controls, building security, and equipment security.

(b) Practices for Material Handling and Storage Areas. Practices must be developed to conform to the following:

(1) Diking, curbing, berms, or other appropriate controls must be used in areas where liquid or powdered materials are stored to reduce the potential of contamination of storm water from these materials.

(2) Curbs, culverts, gutters, sewers, or other forms of drainage control must be used to minimize contamination of storm water in all other outside storage areas, including areas for machinery, scrap and construction materials, and pallets.

(3) Roofs, covers, or other types of protection must be used in all other outside storage areas to limit or prevent exposure of materials to precipitation or runoff.

(4) In areas where liquid or powdered materials are transferred in bulk from truck or rail cars, permittees shall develop and implement measures to minimize contact of materials with precipitation or runoff. Hose connection points at storage containers must be located within containment areas and drip pans or other measures must be used outside the containment area (e.g. at hose reels, connection

points with rail cars, tank trucks) to prevent spills from contacting precipitation or runoff.

(5) In areas where materials are transferred as packaged materials, permittees shall consider providing appropriate protection such as overhangs or door skirts to enclose trailer ends at truck loading docks, or equivalent controls.

(6) Structures used to limit pollution at material handling and storage areas should control drainage through the use of manually operated valves or other similar positive control devices. Flapper-type gate valves are not allowed. Pumps may be used to empty containment areas, but pumps must not be automatically activated. If a facility is not engineered with such controls, the facility's separate storm sewer system should be equipped to prevent or divert a discharge of spilled materials until the materials can be recovered.

4. Numeric Effluent Limitations Based on Federal Effluent Limitations Guidelines - Applicable to Sector C facilities discharging storm water from phosphate fertilizer manufacturing activities.

(a) The following numeric effluent limitations, based on guidelines from the Phosphate Subcategory (Subpart A) of the Fertilizer Manufacturing Point Source Category (40 CFR Part 418) apply to storm water runoff that has come into contact with any raw materials, intermediate product, finished product, by-product or waste from areas of industrial activity described by SIC code 2874 (Phosphatic Fertilizers). These numeric effluent limits do not apply to other discharges covered under this section.

Samples of these discharges must be obtained before the runoff combines with other storm water runoff. Discharges must not exceed the following numeric effluent limitations, and are subject to monitoring as follows:

Table 7. Numeric Effluent Limitations for Sector C Facilities Discharging from Phosphate Fertilizer Manufacturing Activities

Parameter	**Limitations Daily Avg***	**Limitations Daily Max**	**Monitoring Frequency**
Total Phosphorus (as P)	25 mg/L	75 mg/L	1/Year
Fluoride	35 mg/L	105 mg/L	1/Year

*The daily average limit only applies when two or more samples are collected during a calendar month.

(b) Sample Type. Grab samples must be collected for analyses prior to combining with other flows.

(c) Reporting Requirements. Monitoring for compliance with numeric effluent limitations in this section is subject to the following requirements:

(1) Results of monitoring must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form, a duplicate of the form, or as otherwise provided by the executive director.

(2) Monitoring must be conducted prior to December 31st for each annual monitoring period and the DMR must be submitted to the TCEQ by March 31st of the following year, as described in Part III, Section E.6. of this permit.

(3) In addition, a copy of the DMR must either be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as

well as any local pollution control agency with jurisdiction by March 31st following the annual monitoring period.

5. Benchmark Monitoring Requirements

The following subsectors must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 8. Benchmark Monitoring Requirements for Subsections in Sector C

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
2812-2819	Basic Industrial Inorganic Chemicals	Aluminum, total Iron, total Nitrate+Nitrite N TSS	1.2 mg/L 1.3 mg/L 0.68 mg/L 50 mg/L
2821-2824	Plastics, Synthetic Resins, Non-vulcanized Elastomers (Synthetic Rubber), Cellulose Plastics Materials, and Other Manmade Fibers Except Glass.	Zinc, total	0.16 mg/L
2841-2844	Soaps and Detergents; Specialty Cleaning, Polishing, and Sanitation Preparations; Surface Active Agents, Finishing Agents, Sulfonated Oils, and Assistants; Perfumes, Cosmetics, and Other Toilet Preparations	Nitrate + Nitrite N Zinc, total	0.68 mg/L 0.16 mg/L
2873-2879	Agricultural Chemicals (Including Fertilizers, Pesticides, Fertilizers Solely from Leather Scraps and Leather Dust, and Mixing of Fertilizers, Compost, and Potting Soils)	Nitrate + Nitrite N Lead, total Iron, total Zinc, total Phosphorus TSS	0.68 mg/L 0.010 mg/L 1.3 mg/L 0.16 mg/L 1.25 mg/L 100 mg/L

Section D. Sector D of Industrial Activity - Asphalt Paving and Roofing Materials and Lubricant Manufacturing Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector D. Sector D industrial activities are described by the following SIC codes:

SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS

SIC Codes	*Description of Industry Sub-sector*
2951, 2952	Asphalt Paving and Roofing Materials, Portable Asphalt Plants
2992, 2999	Miscellaneous Products of Petroleum and Coal Including Lubricating Oils and Greases

2. Limitations on Permit Coverage

The following facilities are not eligible for coverage under this general permit:

(a) petroleum refining facilities, including those that manufacture asphalt or asphalt products, including facilities described by SIC 2911 (also see Sector C);

(b) oil recycling facilities; and

(c) fats and oils rendering facilities.

3. Pollution Prevention Measures and Controls

Periodic Inspections. Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B.2. of this general permit and conducted at least once per month in the following areas:

(a) material storage and handling areas;

(b) areas containing liquid storage tanks, hoppers or silos;

(c) vehicle and equipment maintenance, cleaning, and fueling areas; and

(d) material handling, equipment storage, and processing areas.

Results of the inspections must be evaluated and records of inspections maintained. Follow-up procedures must be identified to ensure that appropriate actions are taken in response to the inspector's findings.

4. Numeric Effluent Limitations - Applicable to Sector D Facilities Discharging Storm Water from Asphalt Emulsion Manufacturing Production Areas

(a) The following numeric effluent limitations, based on guidelines from the Asphalt Emulsion Subcategory of the Paving and Roofing Materials (Tars and Asphalt) Manufacturing Point Source Category (40 CFR § 443.13) apply to all storm water runoff from asphalt paving and roofing emulsion production areas. Samples of these discharges must be obtained before the runoff combines with storm water runoff or other waste streams that may be covered under this permit. Samples must be analyzed as follows, and must not exceed the following numeric effluent limitations:

Table 9. Numeric Effluent Limitations for Sector D Facilities Discharging from Asphalt Emulsion Manufacturing Production Areas

Parameter	**Limitations Daily Avg***	**Limitations Daily Max**	**Monitoring Frequency**
TSS	15 mg/L	23 mg/L	1/Year
Oil and Grease	10 mg/L	15 mg/L	1/Year
pH	6.0-9.o S.U.	6.0-9.o S.U.	1/Year

*The daily average limit only applies when two or more samples are collected during a calendar month.

(b) Sample Type. Grab samples must be collected for analyses prior to combining with other flows.

(c) Reporting Requirements. Monitoring for compliance with numeric effluent limitations in this section is subject to the following requirements:

(1) Results of monitoring must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form, a duplicate of the form, or as otherwise provided by the executive director.

(2) Monitoring must be conducted prior to December 31st for each annual monitoring period and the DMR must be submitted to the TCEQ by March 31st of the following year, as described in Part III Section D.3 of this permit.

(3) In addition, a copy of the DMR must either be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction by March 31st, following the annual monitoring period.

5. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring on discharges of storm water associated with industrial activities according to the requirements in Part IV of this general permit.

Table 10. Benchmark Monitoring Requirements for Subsections in Sector D

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
2951, 2952	Asphalt Paving and Roofing Materials, Portable Asphalt Plants	TSS	50 mg/L

Section E. Sector E of Industrial Activity - Glass, Clay, Cement Concrete, and Gypsum Product Manufacturing Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector E. Sector E industrial activities are described by the following SIC codes:

SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS

SIC Codes	*Description of Industry Sub-sector*
3211	Flat Glass
3221, 3229	Glass and Glassware, Pressed or Blown
3231	Glass Products Made of Purchased Glass
3241	Hydraulic Cement
3251 – 3259	Structural Clay Products
3261	Vitreous China Plumbing Fixtures and China Earthenware Fittings and Bathroom Accessories

3262 – 3269	Pottery and Related Products
3271 – 3275	Concrete, Lime, Gypsum and Plaster Products (includes Ready-Mix Concrete Plants)
3281	Cut Stone and Stone Products
3291	Abrasive Products
3292	Asbestos Products
3295	Minerals and Earths, Ground or Otherwise Treated
3296	Mineral Wool
3297	Non-Clay Refractories
3299	Nonmetallic Mineral Products, Not Elsewhere Classified

2. Non-Storm Water Discharges

This section does not authorize the discharge of any additional wastestreams. Facilities are required to seek authorization to discharge or land apply process wastewater resulting from washing of trucks, mixers, transport buckets, concrete forms, and other equipment under a separate TPDES or TCEQ wastewater permit.

3. Pollution Prevention Measures and Controls

The following requirements must be included in the SWP3 according to requirements of Part III, Section A.4. of this general permit:

(a) Specific good housekeeping measures must be developed to minimize and prevent exposure of spilled cement, aggregate (including sand and gravel), kiln dust, fly ash, and other dust to precipitation or runoff.

(b) Wherever possible, fine solids such as cement, fly ash, and kiln dust must be stored in enclosed silos, hoppers, buildings or other structures to prevent exposure to precipitation or runoff.

(c) Sweeping or an equivalent control measure must be performed at least once each week in areas where cement, aggregate, kiln dust, fly ash, or settled dust are being handled or processed.

(d) Periodic Inspections. Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B.2. of this general permit, but inspections must be conducted at least once per month.

4. Additional SWP3 Requirements

(a) The permittee shall document in the SWP3 the locations of the following, as applicable: bag house or other dust control device; recycle/sedimentation pond, clarifier, or other device used for the treatment of process wastewater; and the areas that drain to the treatment device.

(b) Non-storm water discharge certification. In addition to the requirements in Part III, Section B.1 related to inspection and certification of non-storm water discharges, the SWP3 must describe the measures that will ensure that process wastewaters resulting from washing trucks, mixers, transport buckets, forms, or other equipment are either discharged or disposed in accordance with state permitting requirements or are recycled.

5. Numeric Effluent Limitations

(a) The following numeric effluent limitations apply to discharges resulting from the runoff of rainfall which derives from the storage of materials, including raw materials, intermediate products, finished products, and waste materials, which are used in or derived from the manufacture of cement based on guidelines from the Materials Storage Piles Runoff Subcategory (Subpart C) of the Cement Manufacturing Point Source Category (40 CFR Part 411).

These effluent limitations do not apply to Sector E facilities that are not subject to federal guidelines at 40 CFR Part 411, related to Cement Manufacturing.

Samples of storm water discharges from cement manufacturing facilities subject to these effluent limits must be obtained before the runoff combines with other discharges that are covered under this permit. The samples must be analyzed at the frequency described below and must not exceed the following numeric effluent limitations:

Table 11. Effluent Limitations for Sector E Facilities Manufacturing Cement

Parameter	**Limitations Daily Max**	**Monitoring Frequency**
TSS	50 mg/L	1/Year
pH	6.0-9.0 S.U.	1/Year

(b) Sample Type. Grab samples must be collected for analyses prior to combining with other flows.

(c) Reporting Requirements. Monitoring for compliance with numeric effluent limitations in this section is subject to the following requirements:

(1) Results of monitoring must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form, a duplicate of the form, or as otherwise provided by the executive director.

(2) Monitoring must be conducted prior to December 31st for each annual monitoring period and the DMR must be submitted to the TCEQ by March 31st of the following year, as described in Part III, Section E.6. of this permit.

(3) In addition, a copy of the DMR must either be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction by March 31st following the annual monitoring period.

(d) Waiver from Numeric Effluent Limitations. Any untreated overflow from facilities designed, constructed, and operated to treat the volume of runoff from materials storage piles that is associated with a 10-year, 24-hour rainfall event will not be subject to the pH and TSS limitations in this section.

Rainfall records are required to document events that equal or exceed a 10-year 24-hour event. The operator shall maintain, as a part of the SWP3, the following information in order to receive this waiver:

(1) engineering design records that demonstrate structural controls are adequate to intercept, contain, and treat the volume of runoff from a 10-year, 24-hour storm event; and

(2) records of rainfall from a either a rain gauge that is located onsite or a rain gauge maintained in the immediate area of the facility.

6. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 12. Benchmark Monitoring Requirements for Subsections in Sector E

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
3251-3259	Structural Clay Products	Aluminum, total TSS pH	1.2 mg/L 50 mg/L 6.0-9.0 S. U.
3262-3269	Pottery and Related Products	Aluminum, total TSS pH	1.2 mg/L 100 mg/L 6.0-9.0 S.U.
3271-3275	Concrete, Lime, Gypsum and Plaster Products	TSS Iron, total pH	50 mg/L 1.3 mg/L 6.0-9.0 S.U.

Section F. Sector F of Industrial Activity - Primary Metals Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector F. Sector F industrial activities are described by the following SIC codes:

SECTOR F: PRIMARY METALS

SIC Codes	*Descriptions of Industry Sub-sector*
3312 – 3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
3321 – 3325	Iron and Steel Foundries
3331 – 3339	Primary Smelting and Refining of Nonferrous Metals
3341	Secondary Smelting and Refining of Nonferrous Metals
3351 – 3357	Rolling, Drawing, and Extruding of Nonferrous Metals
3363 – 3369	Nonferrous Foundries (Castings)
3398, 3399	Miscellaneous Primary Metal Products

2. Description of Potential Pollutants and Sources

The inventory of exposed materials must include areas where material handling and air emissions may result in deposits of particulate matter.

3. Pollution Prevention Measures and Controls

(a) Good Housekeeping Measures. This section of the SWP3 must include a program for cleaning and maintaining all impervious areas of the facility where dust, debris, or

other particulate matter may accumulate, especially areas where material loading/unloading, storage, handling and processing occur. Areas where materials are stored, or where there is vehicular traffic, should be paved if vegetative and other stabilization methods are not practical. For areas where paving and vegetative measures are not practical, structural controls must be developed to trap and limit transport of sediment offsite. Sediment traps, filter fabric fences, and other equivalent measures may be considered.

(b) Drainage Area Site Map. The map must identify any of the following activities that may be exposed to storm water: storage or disposal of wastes such as spent solvents and baths, sand, slag and dross; liquid storage tanks and drums; processing areas including pollution control equipment (e.g., baghouses); and storage areas of raw material such as coal, coke, scrap, sand, fluxes, refractories, or metal in any form. In addition, indicate where an accumulation of significant amounts of particulate matter could occur from such sources as furnace or oven emissions, or losses from coal and coke handling operations.

(c) Periodic Inspections. The periodic inspections must specifically include areas of the facility that contain air pollution control equipment, such as bag houses, electrostatic precipitators, cyclones, and scrubbers for signs of degradation or improper operation. Process material handling equipment must be inspected for leaks and problems that may result in material loss and spills. Material storage areas, such as piles or bins that contain coal, scrap, and slag, must be inspected for material loss due to wind and precipitation or runoff.

4. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 13. Benchmark Monitoring Requirements for Subsections in Sector F

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills	Aluminum, total Zinc, total TSS	1.2 mg/L 0.16 mg/L 100 mg/L
3321-3325	Iron and Steel Foundries	Aluminum, total TSS Copper, total Iron, total Zinc, total	1.2 mg/L 100 mg/L 0.030 mg/L 1.3 mg/L 0.16 mg/L
3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals	Copper, total Zinc, total	0.030 mg/L 0.16 mg/L
3363-3369	Nonferrous Foundries (Castings)	Copper, total Zinc, total	0.030 mg/L 0.16 mg/L

Section G. Sector G of Industrial Activity - Metal Mining (Ore Mining and Dressing)

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector G. Sector G industrial activities are described by the following SIC codes:

SECTOR G: METAL MINING (ORE MINING AND DRESSING)

SIC Codes	*Descriptions of Industry Sub-sector*
1011	Iron Ores
1021	Copper Ores
1031	Lead and Zinc Ores
1041, 1044	Gold and Silver Ores
1061	Ferro alloy Ores, Except Vanadium
1081	Metal Mining Services
1094, 1099	Miscellaneous Metal Ores

2. Covered Storm water Discharges

The requirements in this section apply to storm water from metal mining facilities, including mines abandoned on federal lands, as identified by the SIC codes specified the table above. Coverage is required for metal mining facilities that discharge storm water contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate product, finished product, byproduct, or waste product.

(a) The storm water discharges covered under this permit include all storm water discharges from inactive facilities; exploration and construction of metal mining or ore dressing facilities; and storm water discharges from facilities undergoing reclamation.

(b) Storm water discharges from the following areas of active and temporarily inactive facilities areas are authorized under this general permit:

(1) waste rock and overburden piles, if composed entirely of storm water and not combined with mine drainage;

(2) topsoil piles;

(3) haul and access roads:

a. all off site roads;

b. onsite haul and access roads constructed of waste rock, overburden, or spent ore if composed entirely of storm water and not combining with mine drainage; and

c. onsite haul and access roads not constructed of waste rock, overburden, or spent ore, unless mine drainage is used for dust control.

(4) runoff from tailings dams or dikes that are:

a. not constructed of waste rock or tailings, provided no process fluids are present; or

b. constructed of waste rock or tailings and no process fluids are present, if composed entirely of storm water and not combining with mine drainage.

(5) concentration building if no contact with material piles;

(6) mill site if no contact with material piles;

(7) office or administrative building and housing if mixed with storm water from industrial area;

(8) chemical storage;

(9) docking facility if no excessive contact with waste product that would otherwise constitute mine drainage;

(10) explosives storage;

(11) fuel storage;

(12) vehicle and equipment maintenance;

(13) parking areas, if necessary;

(14) power plant, except that steam electric power plants are regulated as collocated activities in Part V, Section O;

(15) truck wash areas (if no excessive contact with waste product that would otherwise constitute mine drainage);

(16) un-reclaimed, disturbed areas outside of the active mining area(s);

(17) reclaimed areas released from reclamation requirements prior to December 17, 1990; and

(18) partially or inadequately reclaimed areas or areas not meeting reclamation requirements.

3. Definitions

The following definitions apply only to Section G of this general permit:

Active metal mining facility. A place where work or other activity related to the extraction, removal, or recovery of metal ore is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR §440.132(a).

Active phase. Activities including the extraction, removal or recovery of metal ore. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR §440.132(a). The active phase is considered part of "mining operations."

Exploration phase. Entails exploration and land disturbance activities to determine the viability of a site. The exploration phase is not considered part of "mining operations."

Final Stabilization. All soil disturbing activities at the site have been completed and a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have

been employed. Alternatively, for arid, semi-arid, and drought stricken areas only, final stabilization means that all soil disturbing activities at the site have been completed and both of the following criteria have been met: temporary erosion control measures are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator; and the temporary erosion control measures are selected, designed, and installed to achieve 70% vegetative coverage within three years.

Inactive metal mining facility. A site or portion of a site with an identifiable operator, where metal mining or milling occurred in the past but is not an active facility as defined above, where the inactive portion is not covered by an active mining permit, and where the reclamation phase has not been completed.

Mining operations. Consists of the active mining, inactive mining, temporarily inactive mining, and reclamation phases, but excludes the exploration and construction phases.

Reclamation phase. Activities undertaken to return the land to an appropriate post-mining land use prior to termination of permit coverage.

Temporarily inactive metal mining facility. A site or portion of a site where metal mining or milling occurred in the past and is not currently being actively undertaken, and where the facility is covered by an active mining permit.

4. Limitations on Permit Coverage

(a) Prohibition on Certain Storm Water Discharges. Discharges from active metal mining facilities that are subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440) are not authorized under this general permit.

Storm water from active metal mining facilities is only subject to 40 CFR Part 440 (and therefore not eligible for coverage under this permit) if it commingles with other discharges that are subject to 40 CFR Part 440. Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless they:

(1) drain naturally (or are intentionally diverted) to a point source; and

(2) combine with "mine drainage" that is otherwise regulated under the 40 CFR Part 440.

Such sources may obtain coverage under this general permit if the discharge is composed entirely of storm water, does not commingle with other sources of mine drainage that are not subject to 40 CFR Part 440, and meets the other eligibility criteria contained in the general permit.

(b) Prohibition on Non-Storm Water Discharges. The following discharges are not authorized by this general permit: process generated wastewater, including but not limited to truck wash water, adit drainage (e.g., drainage from mine passageways or tunnels), contaminated springs, and seeps discharging from waste rock dumps that do not directly result from precipitation events from active, temporarily inactive, and inactive mines.

(c) Authorization Not Required. Storm water from sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for

the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require authorization.

5. Additional SWP3 Requirements

In addition to the requirements of Part III, Section A.4. of this general permit, the following is required:

(a) Inventory of Exposed Materials. This section of the SWP3 must contain a summary of any existing ore, waste rock, and overburden characterization data. The summary must include results of all testing for acid rock generation potential. The inventory and the SWP3 must be updated if the characterization is updated due to a change in the type of ore mined. For inactive metal mining facilities the inventory must identify any significant materials that remain at the facility and include any available characterization data of the material.

(b) Narrative Description. For inactive metal mining facilities, this section of the SWP3 must include a description of the mining and associated activities that took place at the site. The description must define the dates of operation, total acreage within the mine, total acreage within the processing area, an estimate of the acres of remaining disturbed area, and any current activities at the site (e.g. reclamation).

(c) Site Map. A topographic site map (or maps) must be developed to indicate mining or milling site boundaries; access and haul roads; equipment storage, fueling, and maintenance areas; an outline of the overburden, materials, soils, tailings or wastes storage areas; points of discharge from the property of mine drainage or any other process wastewater, a depiction of the discharge route, and a listing of the type of wastewater; location of existing and proposed tailings piles and ponds; heap leach pads; locations of springs, streams, wetlands, and other surface waters; and boundaries of tributary areas that are subject to effluent limitations and guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

(d) Management of Runoff with Structural Controls. The elimination of a contaminant source through capping of the source may be the most effective control measure. Where capping is used, the source being capped must be identified and the materials and procedures used to cap the source must be described within the SWP3.

(e) Inactive and Unstaffed Sites. Subject to the following conditions, if the facility is inactive and unstaffed, the permittee is not required to conduct quarterly visual assessments and routine facility inspections. Waivers are not given for exception from conducting the comprehensive site inspection. Permittees are encouraged to inspect their site more frequently where there is reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

(1) If circumstances change and the facility becomes active or staffed, this exception no longer applies and the permittee must immediately begin complying with the quarterly visual assessment requirements; and

(2) The TCEQ retains the authority to revoke this exemption or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

6. Benchmark Monitoring Requirements

(a) Active copper ore mining or dressing facilities must conduct benchmark monitoring according to the standard benchmark monitoring requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 14. Benchmark Monitoring Requirements for Subsections in Sector G

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
1021	Copper Ores	COD TSS Nitrate + Nitrite N	60 mg/L 100 mg/L 0.68 mg/L

(b) All storm water discharges from waste rock and overburden piles, resulting from active ore mining or dressing operations included in Sector G, must collect one benchmark monitoring sample according to the requirements in Part IV of this general permit for the following pollutants. For parameters measured above the benchmark value, monitoring must be continued throughout the term of the permit.

Table 15. Benchmark Monitoring Requirements for Subsections in Sector G

SIC Codes and Description of Industrial Activity	Parameter	Benchmark Monitoring Cutoff Concentration
1011- Iron Ores; 1021- Copper Ores; 1031- Lead and Zinc Ores; 1041, 1044 - Gold and Silver Ores; 1061- Ferroalloy Ores, Except Vanadium; 1081- Metal Mining Services 1094, 1099 - Miscellaneous Metal Ores	TSS Turbidity pH Total Antimony Total Arsenic Total Beryllium Total Cadmium Total Copper Total Iron Total Lead Total Manganese Total Mercury Total Nickel Total Selenium Total Silver Total Zinc	100 mg/L 5 NTUs above background 6.0-9.0 S.U. 0.636 mg/L 0.17 mg/ L 0.13 mg/L 0.0010 mg/ L 0.030 mg/ L 1.3 mg/L 0.010 mg/ L 1.0 mg/L 0.0019 mg/L 1.417 mg/L 0.05 mg/L 0.0318 mg/L 0.16 mg/L

(c) In addition to other required monitoring for discharges from waste rock and overburden piles, the permittee shall also conduct monitoring for additional pollutants as follows based on the type of ore mined at the site. Where a pollutant in the table below is the same as a pollutant required to be monitored in the table above (i.e., for all of the metals) the permittee shall use the corresponding benchmark value from the table above; otherwise, no benchmark levels apply.

The monitoring results conducted for the benchmark monitoring requirements for discharges from Waste Rock and Overburden Piles at active Metal Mining Facilities (section above) may be used to satisfy the monitoring requirement for the pollutant for this section. There are no applicable benchmarks for Radium and uranium in the table above. The frequency and schedule for monitoring the additional parameters, in the table below, is the same as that specified in Part IV of this permit.

Additional Monitoring Requirements for Discharges from Waste Rock and Overburden Piles.

Table 16. Requirements for Waste Rocks and Overburden Piles

Type of Ore Mined	Parameter
Tungsten Ore	pH, TSS, Total Arsenic, Total Cadmium, Total Copper, Total Lead, Total Zinc
Nickel Ore	pH, TSS, Total Arsenic, Total Cadmium, Total Copper, Total Lead Total Zinc
Aluminum Ore	pH, TSS, Total Iron
Mercury Ore	pH, TSS, Total Nickel
Iron Ore	pH, TSS, Dissolved Iron
Platinum Ore	Total Cadmium, Total Copper, Total Mercury, Total Lead, Total Zinc
Titanium Ore	pH, TSS, Total Iron, Total Nickel, Total Zinc
Vanadium Ore	pH, TSS, Total Arsenic, Total Cadmium, Total Copper, Total Lead, Total Zinc
Molybdenum	pH, TSS, Total Arsenic, Total Cadmium, Total Copper, Total Lead, Total Mercury, Total Zinc
Uranium, Radium, and Vanadium Ore	pH, TSS, Chemical Oxygen Demand, Total Arsenic, Total Radium, Dissolved Radium, Total Uranium, Total Zinc

7. Termination of Permit Coverage

(a) Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.

A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined above in section 3.

(b) Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.

A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if:

(1) storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards;

(2) soil disturbing activities related to mining at the sites or portion of the site have been completed;

(3) the site or portion of the site has been stabilized to minimize soil erosion; and

(4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been re-vegetated, will be amenable to natural re-vegetation, or will be left in a condition consistent with the post-mining land use.

Section H. Sector H of Industrial Activity - Coal Mines and Coal Mining Related Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector H. Sector H industrial activities are described by the following SIC codes:

SECTOR H: COAL MINES AND COAL MINING RELATED FACILITIES

SIC Codes	*Description of Industry Sub-sector*
1221	Bituminous Coal and Lignite Surface Mining
1222	Bituminous Coal Underground Mining
1231	Anthracite Mining
1241	Coal Mining Services

2. Covered Storm Water Discharges

The requirements of Section H apply to storm water discharges from the following areas of facilities identified by the SIC Codes specified in the table above, except that discharges regulated under 40 CFR Part 434 are not covered under this permit:

(a) haul roads;

(b) access roads;

(c) railroad spurs, sidings, and internal lines used to transport coal;

(d) areas around conveyor belts, chutes, and trams that convey coal;

(e) equipment storage and maintenance areas;

(f) coal handling areas, including buildings and structures;

(g) waste disposal areas;

(h) inactive coal mines where the performance bond has been released; and

(i) related areas where coal mining/processing activities take place.

3. Definitions

The following definitions apply only to Section H of this general permit:

Active coal mining facility. A place where work or other activity related to the extraction, removal, or recovery of coal is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR Section 434.11(b).

Active phase. Activities including the extraction, removal or recovery of coal. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR §434.11(b). The active phase is considered part of "mining operations."

Bond Release. The time at which the appropriate regulatory authority returns a reclamation or performance bond based upon its determination that reclamation work (including, in the case of underground mines, mine sealing and abandonment procedures) has been satisfactorily completed. Phase Two completion is that point in the reclamation process where the property has been re-contoured and replanted but prior to final bond release.

Exploration phase. Entails exploration and land disturbance activities to determine the viability of a site. The exploration phase is not considered part of "mining operations."

Final Stabilization. All soil disturbing activities at the site have been completed and a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent (%) of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. Alternatively, for arid, semi-arid, and drought stricken areas only, final stabilization means that all soil disturbing activities at the site have been completed and both of the following criteria have been met: Temporary erosion control measures are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator; and The temporary erosion control measures are selected, designed, and installed to achieve 70 % vegetative coverage within three years.

Inactive coal mining facility. A site or portion of a site, with an identifiable operator, where coal mining or milling occurred in the past but is not an active facility as defined above, where the inactive portion is not covered by an active mining permit and where the reclamation has not been completed.

Mining operation. Consists of the active and temporarily inactive phases, and the reclamation phase, but excludes the exploration and construction phases.

Reclamation phase. Activities undertaken to return the land to an appropriate post-mining land use prior to termination of permit coverage.

Temporarily inactive coal mining facility. A site or portion of a site where coal mining or milling occurred in the past but is not an active facility as defined above, where the inactive portion is not covered by an active mining permit, and where the reclamation phase has not been completed.

4. Limitations on Permit Coverage

The following discharges are not eligible for coverage under this general permit:

(a) discharges from coal mining activities subject to effluent limitation guidelines for the Coal Mining Point Source Category (40 CFR Part 434);

(b) seeps and underground drainage from inactive coal mines and refuse disposal areas that may constitute dry-weather flows and do not occur as a direct result of precipitation or runoff; and

(c) discharges from floor drains in maintenance buildings and similar drains in mining and preparation plant areas.

Reclaimed areas of a mine, where the performance bond has been released, are no longer considered industrial activity. Storm water discharges from those areas are not required to be authorized under the TPDES program.

5. Additional SWP3 Requirements

The following requirements apply to all Sector H facilities:

(a) Site Map. Document where any of the following that are covered under this general permit and that may be exposed to storm water: haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; inactive mines and related areas; acidic spoil, refuse, or un-reclaimed disturbed areas; and liquid storage tanks containing pollutants such as caustics, hydraulic fluids, and lubricants.

(b) Potential Pollutant Sources.

(1) The SWP3 must document the following sources and activities that have potential pollutants associated with them:

a. truck traffic on haul roads and resulting generation of sediment subject to runoff and dust generation;

b. fuel or other liquid storage; pressure lines containing slurry, hydraulic fluid, or other potential harmful liquids; and loading or temporary storage of acidic refuse or spoil.

(2) In the summary of potential pollutant sources, the SWP3 must document areas at the facility where industrial materials or activities are exposed to storm water and from which allowable non-storm water discharges are released.

For each area identified, the description must include:

a. a list of the industrial activities exposed to storm water;

b. a list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity, that includes all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to storm water in the 3 years prior to the date that the SWP3 was prepared or amended;

c. a list of the areas at the site where potential spills and leaks could occur that could contribute pollutants to storm water, and the corresponding outfall(s) that would be affected by such spills and leaks. All significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a storm water conveyance, in the 3 years prior to the date that the SWP3 was prepared or amended, must be documented; and

d. The location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

(c) Erosion Control Measures. Erosion, siltation, dust, and other pollutant control regulations administered by the Railroad Commission of Texas or TCEQ must either be included as components of this section of the SWP3, or incorporated by reference. The

permittee shall minimize disturbed areas and preserve vegetated areas to the maximum extent practicable. The SWP3 must include the following at a minimum:

(1) Stabilization Measures. Temporary and permanent stabilization measures must be employed to minimize erosion. These may include: maintaining existing native vegetative cover; seeding for temporary or permanent cover; temporary mulching, matting, or netting; sodding; soil binding; using non-acid material for road surfacing; planting trees; and preserving existing trees.

(2) Structural Measures. Such as silt fences; earthen dikes; straw bales; graded terraces; pipe slope drains; porous rock check drains; sedimentation ponds; vegetated drainage swales; capping of contaminant sources; and physical or chemical treatment of storm water.

(d) Preventive Maintenance. Perform inspections or other equivalent measures of storage tanks and pressure lines of fuels, lubricants, hydraulic fluid, and slurry to prevent leaks due to deterioration or faulty connections. Operators must regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in storm water discharged to receiving waters.

(e) Additional Inspection Requirements

(1) Inspections of Active Mining-Related Areas. Except for areas of the site subject to clearing, grading, or excavation activities conducted as part of the exploration and construction phase, the permittee shall perform quarterly inspections of active mining areas covered by this permit.

(2) Comprehensive site inspections must be conducted by qualified personnel with at least one member of the storm water pollution prevention team participating in the comprehensive site inspections. Comprehensive site inspections must cover all areas of the facility affected by the requirements in this permit, including the areas identified in the SWP3 as potential pollutant sources where industrial materials or activities are exposed to storm water and areas where spills and leaks have occurred in the past 3 years. The inspections must also include a review of monitoring data collected in accordance with this permit.

6. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 17. Benchmark Monitoring Requirements for Subsections in Sector H

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
1221-1241	Coal Mines and Coal Mining-Related Facilities	TSS Aluminum, total Iron, total	100 mg/L 1.2 mg/L 1.3 mg/L

7. Inactive and Unstaffed Sites

If the permittee operates an inactive and unstaffed Sector H facility (including temporarily inactive and unstaffed sites), the permittee may waive the routine inspection, quarterly visual assessment and benchmark monitoring requirements. The permittee is conditionally

exempt from the requirement to certify that there are no industrial materials or activities exposed to storm water, provided that all of the following conditions are met:

(a) if circumstances change and the facility becomes active or staffed, this exemption no longer applies and the operator must immediately begin complying with the applicable benchmark monitoring requirements as if they were in their first year of permit coverage, as well as the quarterly visual assessment requirements; and

(b) the discharge does not cause, have a reasonable potential to cause, or contribute to a violation of applicable water quality standards.

Subject to the two conditions above, if a Sector H facility is inactive and unstaffed, the operator is waived from the requirement to conduct quarterly visual assessments and routine facility inspections. Inactive industrial facilities must continue to conduct comprehensive site compliance inspections on at least an annual basis, instead of the regularly scheduled quarterly basis as described in Part III., Section B.5 of this permit. Inactive Sector H facilities may not obtain a waiver from comprehensive site compliance inspections.

8. Termination of Permit Coverage

(a) Termination of Permit Coverage for Sites Reclaimed After December 17, 1990. A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in the following:

(b) Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990. A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if:

(1) storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards;

(2) soil disturbing activities related to mining at the sites or portion of the site have been completed;

(3) the site or portion of the site has been stabilized to minimize soil erosion; and

(4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been re-vegetated, will be amenable to natural re-vegetation, or will be left in a condition consistent with the post-mining land use.

Section I. Sector I of Industrial Activity - Oil and Gas Extraction Facilities

1. Description of Industrial Activity

Sector I facilities include facilities with activities directly related to oil and gas exploration, production, processing, or treatment operations; oil and gas transmission facilities prior to refining; and to oil and gas field service operations.

SECTOR I: OIL AND GAS EXTRACTION FACILITIES

SIC Codes	*Description of Industry Sub-sector*
Industrial Activities Regulated under the EPA's NPDES Program:	
1311	Crude Petroleum and Natural Gas
1321	Natural Gas Liquids
1381, 1382	Drilling Oil and Gas Wells; and Oil and Gas Field Exploration Services
1389	Oil and Gas Field Services, Not Elsewhere Classified, that occur in the field
Industrial Activities Regulated under this General Permit:	
1389	Oil and Gas Field Services, Not Elsewhere Classified, that occur at a company headquarters, permanent offices, or base of operations.

2. Covered Storm Water Discharges

(a) Agency Jurisdiction. The requirements in Subpart I apply to storm water discharges associated with industrial activity from oil and gas extraction facilities that are under the jurisdiction of the TCEQ, as identified by the SIC Codes specified in the table above. Specifically, this general permit only provides coverage for facilities described by SIC Code 1389 that occur at the service company headquarters, permanent offices, or similar bases of operations where this industrial activity may occur. This may include non-contiguous facilities, but excludes all activities that occur at a well site or that are regulated by the U.S. EPA or the Texas Railroad Commission.

All of the other facilities with SIC codes listed above are not under the jurisdiction of the TCEQ and must obtain storm water permit coverage from the U.S. EPA or the Texas Railroad Commission (RRC) as applicable.

(b) Contaminated Storm Water. Facilities that are regulated under this general permit are only required to obtain permit coverage for contaminated storm water. For the purposes of this section, contaminated storm water is defined as storm water runoff from a facility described by SIC Code 1389 that functions as a company headquarters, permanent office, or similar base of operations, and that has had one or more releases of a reportable quantity in storm water for which notification has been required any time since November 16, 1987.

3. Limitations on Permit Coverage

(a) Non-contaminated Storm Water. Facilities regulated under this general permit are not required to obtain authorization if the facility has not had a release of a reportable quantity in storm water for which notification has been required any time since November 16, 1987.

(b) Storm Water Regulated by U.S. EPA.

(1) Coverage under this general permit is limited to oil and gas field service companies described by SIC code 1389 that occur at the company headquarters, permanent office, or similar base of operations. The requirements of this general permit are specific to those operations. Any facility described by an SIC code listed in the table above that is not covered by the TCEQ must obtain coverage as required from the U.S. EPA and the Texas RRC.

(2) General permit coverage for other storm water discharges associated with industrial activity described by Sector I are not eligible for coverage under this general permit, and coverage must be obtained, as required, from the U.S. EPA and / or the Texas RRC.

(c) Wash Water. Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit and such wash water discharges must be authorized under a separate TPDES permit, discharged to a sanitary sewer in accordance with applicable requirements, or disposed by an alternate authorized means.

4. Additional SWP3 Requirements

(a) Drainage Area Site Map. The SWP3 must include the following information, in addition to what is required in Part III of this permit: location(s) of any reportable quantity (RQ) releases; locations used for the treatment, storage, or disposal of wastes; processing areas and storage areas; and chemical mixing areas.

(b) Potential Pollutant Sources. The SWP3 must document the following sources and activities, in addition to those already required in Part III of this general permit:

(1) chemical, cement, mud, or gel mixing activities,

(2) equipment cleaning and rehabilitation activities,

(3) information about the reportable quantity (RQ) release(s) that triggered the permit application requirements:

a. nature of the release (e.g., spill of oil from a drum storage area),

b. amount of oil or hazardous substance released,

c. amount of substance recovered,

d. date of the release,

e. cause of the release,

f. area(s) affected by the release,

g. procedure to clean up release,

h. actions or procedures implemented to prevent or improve response to a release, and

i. remaining potential contamination of storm water from release.

(4) A “Summary of Potential Pollutant Sources.” The permittee shall document areas at their facility where industrial materials or activities are exposed to storm water and from which allowable non-storm water discharges are released.

Section J. Sector J of Industrial Activity - Mineral Mining and Processing Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector J. Sector J industrial activities are described by the following SIC codes:

SECTOR J: MINERAL MINING AND PROCESSING FACILITIES

SIC Codes	*Description of Industry Sub-sector*
1411	Dimension Stone
1422 – 1429	Crushed and Broken Stone, Including Rip Rap
1442, 1446	Sand and Gravel Mining
1455, 1459	Clay, Ceramic, and Refractory Materials
1474 – 1479	Chemical and Fertilizer Mineral Mining
1481	Nonmetallic Minerals, Except Fuels
1499	Miscellaneous Nonmetallic Minerals, Except Fuels

2. Covered Discharges

The requirements in Section J apply to storm water discharges associated with industrial activity from Active and Inactive Non-Metallic Mineral Mining and Dressing facilities as identified by the SIC Codes specified under Sector J above. These include storm water discharges and mine dewatering discharges that consist solely of storm water and non-contaminated groundwater seepage from Inactive; Active and Temporarily Inactive Facilities; Exploration and Construction of Non-Metallic Mineral Mining Facilities; and from sites undergoing Reclamation.

This general permit also authorizes the discharge of storm water runoff associated with the construction phase; including any clearing, grading, and excavation activities that are conducted as part of the exploration and construction phase of mineral mining activities.

3. Definitions

The following definitions apply only to Section J of this general permit:

Active Mineral Mining Facility. A place where work or other activity related to the extraction, removal, or recovery of minerals is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR §440.132(a), related to Ore Mining and Dressing Point Source Category.

Active phase. Activities including the extraction, removal or recovery of minerals. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR 440.132(a), related to Ore Mining and Dressing Point Source Category. The active phase is considered part of mining operations.

Aggregates. Any commonly recognized construction material originating from a quarry or pit by the disturbance of the surface, including dirt, soil, rock asphalt, granite, gravel, gypsum, marble, sand, stone, caliche, limestone, dolomite, rock, riprap, or other non-mineral substance. The term does not include clay or shale mined for use in manufacturing structural clay products.

Exploration phase. Entails exploration and land disturbance activities to determine the financial viability of a site. The exploration phase is not considered part of mining operations.

Inactive Mineral Mining Facility. A site or portion of a site, with an identifiable operator, where mineral mining or milling occurred in the past but is not an active facility as defined above, where the inactive portion is not covered by an active mining permit, and where the reclamation phase has not been completed.

Mine Dewatering. (From 40 CFR §436.21) any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. However, if a mine is also used for treatment of process generated waste water, discharges of commingled water from the facilities must be deemed discharges of process generated waste water.

Mining operations. Includes the active mining, inactive mining, the temporarily inactive mining, and the reclamation phases, but excludes the exploration and construction phases.

Quarry. The site from which aggregates for commercial sale are being or have been removed or extracted from the earth to form a pit, including the entire excavation, stripped areas, haulage ramps, and the immediately adjacent land on which the plant processing the raw materials is located. The term does not include any land owned or leased by the operator not being currently used in the production of aggregates for commercial sale or an excavation to mine clay or shale for use in manufacturing structural clay products.

Temporarily Inactive Mineral Mining Facility. A site or portion of a site where mineral mining or milling occurred in the past and is not currently being actively undertaken, and where the facility is covered by an active mining permit.

Non-contaminated. Free from the presence of pollutants attributable to industrial activity.

4. Annual Comprehensive Site Compliance Evaluation

The SWP3 must be revised to reflect the findings of the annual comprehensive site compliance evaluation within a maximum of 12 weeks following completion of the evaluation for inactive mining facilities.

5. Limitations on Permit Coverage

(a) This general permit does not authorize the discharge of storm water runoff described in the Texas Water Code, §26.553 (related to certain quarries located in the John Graves Scenic Riverway, in the Brazos River Basin), where TCEQ rules require coverage under an individual permit or alternative general permit. These facilities must obtain coverage under an alternative TPDES permit as described in applicable TCEQ rules.

(b) This permit does not authorize discharges from facilities described under the federal effluent limitations guidelines in 40 CFR Part 436 (Mineral Mining and Processing Point Source Category), except that storm water and non-contaminated ground water seepage from sand, gravel, and crushed stone mining operations described in this rule may be discharged, as described in section J.2. above and section J.6. below.

(c) Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require a permit for storm water discharges associated with industrial activity.

6. Numeric Effluent Limitations

Applicable to Sector J facilities discharging storm water and mine dewatering consisting solely of storm water and non-contaminated groundwater seepage from the following sand, gravel, and crushed stone mining operations that are subject to federal effluent limits. The following SIC codes are subject to numeric effluent limits for mine dewatering: 1422 – 1429 (Crushed Stone), 1442 (Construction Sand and Gravel), and 1446 (Industrial Sand).

(a) Construction Sand and Gravel (SIC 1442), Industrial Sand (SIC 1446), and Crushed Stone (SIC 1422 – 1429). The following numeric effluent limitations, based on guidelines for mine dewatering from the Mineral Mining and Processing Point Source Category (40 CFR Part 436), apply to mine dewatering operations (discharges from the mine pit of accumulated storm water and non-contaminated ground water seepage) at construction sand and gravel, industrial sand, or crushed stone mining facilities. Samples of these discharges must be obtained before the runoff combines with other storm water runoff, analyzed, and must not exceed the following numeric effluent limitations:

(1) For mine dewatering discharges from facilities regulated under 40 CFR Part 436, Subpart B (Crushed Stone Subcategory) and Subpart C (Construction Sand and Gravel Subcategory), the following effluent limits apply:

Table 18. Numeric Effluent Limitations for Sector J Facilities Regulated under 40 CFR Subpart B and Subpart C

Parameter	**Limitations Daily Avg.**	**Limitations Daily Max.**	**Monitoring Frequency**
pH	6.0-9.0 S.U.	6.0-9.0 S.U.	1/Year

(2) For mine dewatering discharges from facilities regulated by 40 CFR Part 436, Subpart D (Industrial Sand Subcategory), the following effluent limits apply:

Table 19. Numeric Effluent Limitations for Sector J Facilities Regulated under 40 CFR Subpart D

Parameter	**Limitations Daily Avg.**	**Limitations Daily Max.**	**Monitoring Frequency**
TSS	25 mg/L	45 mg/L	1/Year
pH	6.0-9.0 S.U.	6.0-9.0 S.U.	1/Year

These limitations do not apply to Sector J facilities that are not subject to federal guidelines at 40 CFR Part 436.

(b) Sample Type. Grab samples must be collected for analyses prior to combining with other flows.

(c) Reporting Requirements. Monitoring for compliance with numeric effluent limitations in this section is subject to the following requirements:

(1) Results of monitoring must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form, a duplicate of the form, or as otherwise provided by the executive director.

(2) Monitoring must be conducted prior to December 31st for each annual monitoring period and the DMR must be submitted to the TCEQ by March 31st of the following year, as described in Part III, Section E.6. of this permit.

(3) In addition, a copy of the DMR must either be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction by March 31st following the annual monitoring period.

(d) Waivers from Numeric Effluent Limitations. Numeric effluent limitations for mine dewatering do not apply to discharges that overflow from structural control facilities that are designed, constructed, and maintained to contain or treat the volume of mine dewatering wastewater that would result from a 10-year, 24-hour storm event. The permittee shall maintain, as a part of the SWP3, the following information in order to receive this waiver: engineering design records that demonstrate structural controls are adequate to intercept, contain, and treat the volume of runoff from a 10-year, 24-hour storm event; and records of rainfall from either a rain gauge that is located onsite or a rain gauge maintained in the immediate area of the site. Rainfall records are only required to document events that equal or exceed a 10-year, 24-hour event.

7. Benchmark Monitoring Requirements

The following subsectors must conduct benchmark monitoring on discharges of storm water associated with industrial activities according to the requirements in Part IV of this general permit.

Table 20. Benchmark Monitoring Requirements for Subsections in Sector J

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
1411 1422-1429 1481	Dimension Stone Crushed and Broken Stone, Incl. Rip Rap Nonmetallic Minerals, Except Fuels	TSS pH	50 mg/L 6.0-9.0 S.U.
1442,1446	Sand and Gravel Mining	Nitrate + Nitrite N TSS	0.68 mg/L 50 mg/L

8. Mining Related Non-Storm Water Discharges

Certification of Discharge Testing. The permittee shall test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-storm water discharges such as discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 436). The SWP3 must include information on the discharge from each outfall.

9. Additional SWP3 Requirements

(a) Employee Training. The permittee shall conduct employee training at least once per year at active and temporarily inactive sites.

Training must be conducted for all employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of the Pollution Prevention Team. Training must cover the specific control measures used to achieve the requirements in this section, plus the monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit.

(b) The following requirements are required to be in the SWP3 for active mineral mining facilities, temporarily inactive mineral mining facilities, and sites being returned or transitioned into an appropriate post mining use, and are in addition to the requirements listed in Part III of this general permit. These requirements are not applicable to inactive mineral mining facilities. (see Part V, Section J.12. below)

(1) A description of the nature of the industrial activities at the facility;

(2) A map showing the general location of the facility and all surface waters for receiving discharges authorized under this general permit; and

(3) A site map showing:

a. the size of the property in acres;

b. the location and extent of significant structures and impervious surfaces;

c. locations of all existing structural control measures;

d. locations of all of the immediate receiving, with an indication whether any of the waters are impaired and, if so, whether the waters have TMDLs established for them;

e. locations of all storm water conveyances including ditches, pipes, and swales;

f. locations of all storm water monitoring points;

g. locations of storm water inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 001, 002, etc), indicating if one or more outfalls is being treated as “substantially similar” in accordance with Part III, Section D.2.(b) of this general permit, and an approximate outline of the areas draining to each outfall;

h. locations and descriptions of all non-storm water discharges identified under Part V, Section J.9.

i. locations of the following activities where such activities are exposed to storm water:

(i) fueling and maintenance areas;

(ii) locations used for the treatment, storage, or disposal of wastes;

(iii) liquid storage tanks;

(iv) immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;

(v) transfer areas for substances in bulk; and machinery; and

(vi) locations and sources of runon to the facility from adjacent property that contains significant quantities of pollutants.

(c) Potential Pollutant Sources. For each area of the mine or mill site where storm water discharges associated with industrial activities occur, the permittee shall document in the SWP3 the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts.

10. Inactive and Unstaffed Sites – Monitoring Waivers

Conditional exemption from routine inspections, quarterly visual assessments, and benchmark monitoring:

A permitted operator of an inactive and unstaffed Sector J facility, including temporarily inactive and unstaffed sites may be waived from the routine inspection, quarterly visual assessment and benchmark monitoring requirements. These permittees are conditionally exempt from the requirement to certify that there are no industrial materials or activities exposed to storm water, provided that all of the following conditions are met:

(a) If circumstances change and the facility becomes active or staffed, this exemption no longer applies and the operator must immediately begin complying with the applicable benchmark monitoring requirements as if they were in their first year of permit coverage, as well as the quarterly visual assessment requirements; and

(b) the discharge does not cause, have a reasonable potential to cause, or contribute to a violation of applicable water quality standards.

Subject to the two conditions above, if a Sector J facility is inactive and unstaffed, the operator is waived from the requirement to conduct quarterly visual assessments, routine facility inspections, and benchmark monitoring. Inactive industrial facilities must continue to conduct comprehensive site compliance inspections on at least an annual basis, instead of the regularly scheduled quarterly basis as described in Part III, Section B.5 of this permit. Inactive Sector J facilities may not obtain a waiver from comprehensive site compliance inspections.

11. Termination of Permit Coverage

(a) The permittee shall continue to meet the requirements of this general permit until authorization under the general permit is terminated. The permittee may terminate coverage by submitting an NOT in accordance with Part II.C.7 of this general permit. For the purposes of this section (Sector J), Part II.C.7.(a)(1)c. of the general permit, related to termination of coverage, means either that final stabilization of the site must be achieved or the site must be returned to an alternative post-mining use.

(b) A site or portion of a site is considered to have achieved final stabilization or to be returned to an alternative post mining use if the permittee can demonstrate that it has accomplished either of the following two conditions, (1) or (2):

(1) Final Stabilization. To achieve final stabilization, the permittee shall insure that all of the following requirements (a through d) have been met:

a. Storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards.

b. Soil disturbing activities related to mining at the site or portion of the site have been completed.

c. The site or portion of the site has been stabilized to minimize soil erosion.

d. If appropriate depending on the type, location, or size of the site, and its potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use described in paragraph (2) below.

(2) Alternative Post Mining Use: For the purposes of this section, a permittee may submit an NOT to terminate coverage if the land has been returned to an alternative post-mining land use. For example, this may include construction pad sites and lakes.

Section K. Sector K of Industrial Activity - Hazardous Waste Treatment, Storage, and Disposal Facilities

1. Description of Industrial Activity

Sector K facilities include those facilities with activities directly related to the treatment, storage, and disposal of hazardous wastes, including those that are operating under the regulatory authority and authorization of Subtitle C of the Resource Conservation and Recovery Act (RCRA).

SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Activity Codes and Description of Industry Sub-sector

HZ Hazardous Waste Treatment, Storage, and Disposal Facilities

2. Covered Storm Water Discharges

Storm water discharges from treatment, storage, or disposal facilities as defined under 30 TAC Chapter 335, Subchapter E (40 CFR Part 265), 30 TAC Chapter 305 (40 CFR Part 270), and 30 TAC Chapter 335, Subchapter F (40 CFR Part 264), including those operating under interim status or a permit under these rules, may obtain coverage under this general permit if other applicable requirements are met.

3. Limitations on Permit Coverage

(a) Coverage is limited to those facilities that treat, store, or dispose of hazardous waste and are defined under 30 TAC Chapter 335, Subchapter E (40 CFR Part 265), 30 TAC Chapter 305 (40 CFR Part 270), or 30 TAC Chapter 335, Subchapter F (40 CFR Part 264), including those operating under interim status or a permit under these rules. The executive director may require an individual TPDES permit for any discharges under this sector if conditions warrant.

(b) This section does not include generators who temporarily store hazardous waste pursuant to the requirements in 30 TAC §§335.69 (40 CFR §262.34), 335.2(d)(5), 335.41, or 335.94 (40 CFR §263.12). Based on the facility SIC code, operators of such facilities may be regulated under an alternative sector of this general permit, or may not require permit coverage.

(c) This general permit does not authorize the discharge of landfill wastewater subject to federal effluent guidelines at 40 CFR Part 445 (Landfills Point Source Category), including, but not limited to: leachate; gas collection condensate; drained free liquids; laboratory derived wastewater; contaminated storm water; and contact washwater from washing truck, equipment and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility. The discharge or disposal of landfill wastewater subject to federal effluent guidelines at 40 CFR Part 445 must be authorized under an individual TPDES permit or other authorized means.

(d) All facilities regulated under this general permit that treat, store, or dispose of hazardous waste must comply with all applicable rules and regulations, including 30 TAC Chapters 305 and 335.

4. Definitions

Contaminated storm water. Storm water that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some specific areas of a landfill that may produce contaminated storm water include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

Drained free liquids. Aqueous wastes drained from waste containers (e.g., drums) prior to land filling.

Landfill. A disposal facility or part of a facility where solid waste or hazardous waste is placed in or on land and that is not a pile, a land treatment facility, a surface impoundment, an injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit, as these terms are defined elsewhere in TCEQ or EPA rules.

Landfill wastewater. As defined in 40 CFR Part 445 (Landfills Point Source Category), all wastewater associated with, or produced by, land filling activities except for sanitary wastewater, non-contaminated storm water, contaminated groundwater, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated storm water, and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

Leachate. Any liquid, included any suspended components in the liquid, that has percolated through or drained from solid waste or hazardous waste.

Non-contaminated storm water. Storm water that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated storm water includes storm water that flows off the cap, cover, intermediate cover, daily cover, or final cover of the landfill.

5. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 21. Benchmark Monitoring Requirements for Sector K

Activity Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value

HZ	Hazardous Waste Treatment, Storage, and Disposal	Ammonia-Nitrogen Magnesium, total COD Arsenic, total Cadmium, total Cyanide, total Lead, total Mercury, total Selenium, total Silver, total	2.5 mg/L 1.4 mg/L 60 mg/L 0.010 mg/L 0.001 mg/L 0.02 mg/L 0.010 mg/L 0.0002mg/L 0.01 mg/L 0.002 mg/L

Section L. Sector L of Industrial Activity - Landfills and Land Application Sites

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector L. Sector L industrial activities are described by the following Industrial Activity Code:

SECTOR L: LANDFILLS AND LAND APPLICATION SITES

Activity Codes and Description of Industry Sub-sector

LF -Landfills, Land Application Sites, and Open Dumps that Receive or Have Previously Received Industrial Waste, including sites subject to regulation under Subtitle D of the Resource Conservation and Recovery Act (RCRA).

2. Definitions

The following definitions apply only to Section L of this general permit:

Contaminated Storm Water. Storm water that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated storm water include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

Drained Free Liquid. Aqueous wastes drained from waste containers (e.g., drums) prior to land filling.

Final Stabilization. For the purpose of this permit, includes all requirements needed to achieve final regulatory closure of the site.

Inactive Landfill. A facility that no longer receives waste and has completed closure according to all applicable federal, state, and local requirements, but where an authorization under this general permit is maintained.

Industrial Waste. Solid waste from manufacturing portions of industrial activities defined in this general permit.

Landfill. A solid waste management unit where solid waste is placed in or on land and that is not a pile, a land treatment unit, a surface impoundment, an injection well, a salt dome formation, an underground mine, a cave, or a corrective action management unit.

Landfill Wastewater. As defined in 40 CFR Part 445 (Landfills Point Source Category) all wastewater associated with, or produced by, land filling activities except for sanitary wastewater, non-contaminated storm water, contaminated groundwater, and wastewater

from recovery pumping wells. Landfill process wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory-derived wastewater, contaminated storm water, and contact wash water from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

Land Application Site, or Land Treatment Facility. For the purpose of this permit, a facility or part of a facility at which solid waste is applied onto or incorporated into the soil surface and that is not a corrective action management unit; such facilities are disposal facilities if the waste will remain after closure.

Leachate. Liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

Municipal Solid Waste (MSW). Solid waste, resulting from or incidental to municipal, community, commercial, institutional, and recreational activities, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and all other solid waste other than industrial solid waste.

Municipal Solid Waste Facility. All contiguous land, structures, other appurtenances, and improvements on the land used for processing, storing, or disposing of solid waste. A facility may be publicly or privately owned and may consist of several processing, storage, or disposal operational units, e.g., one or more landfills, surface impoundments, or combinations of them.

Municipal Solid Waste Landfill Unit. A discrete area of land or an excavation that receives household waste and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 40 CFR §257.2. A municipal solid waste (MSW) landfill unit also may receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D wastes, such as commercial solid waste, nonhazardous sludge, conditionally exempt small-quantity generator waste, and industrial solid waste. Such a landfill may be publicly or privately owned. An MSW landfill unit may be a new MSW landfill unit, an existing MSW landfill unit, a vertical expansion, or a lateral expansion.

Non-Contaminated Storm Water. Storm water that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated storm water includes storm water that flows off the cap, cover, intermediate cover, intact daily cover, or final cover of the landfill.

Open Dump. A facility for the disposal of solid waste that is not otherwise defined in this section.

Temporary Stabilization. A condition where exposed soils or disturbed areas are provided a protective cover, which may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place.

3. Covered Storm Water Discharges

(a) This permit authorizes the discharge of non-contaminated storm water and uncontaminated groundwater associated with waste disposal at landfills, land application sites, and open dumps that receive or have received solid waste from an industrial activity covered under this general permit, including sites subject to regulation under Subtitle D of RCRA.

(b) Landfill activities include the construction of new landfill cells that take place as part of normal landfill operations. This permit does not cover storm water discharges from the initial construction of the landfill.

(c) Storm water discharges from sites where wastewater or sludge is land applied is not required to be permitted, provided that the disposal site is properly permitted by the TCEQ or the EPA, and that storm water runoff from the disposal site does not contact the wastewater or sludge.

4. Limitations on Permit Coverage

(a) This general permit does not authorize the discharge of landfill wastewater subject to federal effluent guidelines at 40 CFR Part 445 (Landfills Point Source Category), including: leachate; gas collection condensate; drained free liquids; laboratory derived wastewater; contaminated storm water; and contact wash water from washing truck, equipment and railcar exteriors. The discharge or disposal of landfill wastewater must be authorized under an individual TPDES permit or other authorized means.

(b) Non-contaminated storm water discharges from any landfill; land application site; or open dump that does not receive or has not received any solid waste from industrial activities regulated under this permit does not require authorization under this permit.

(c) Closed Landfills. Permit Coverage is not required where a site has achieved final regulatory closure with respect to solid waste regulations, and where the entire landfill area has been filled in, re-graded, and finally stabilized. If the landfill has been closed according to TCEQ regulations (including re-grading and stabilization) and is in the regulatory post closure monitoring period, then MSGP coverage is not required as long as there is no other industrial activity occurring at the site. Industrial activity may include, but is not limited to, associated vehicles and equipment, material handling or storage areas, buildings, waste or material storage piles, and access roads.

Closed or inactive landfills that are no longer in use but that have not received closure approval from TCEQ (and hence have not begun the 30 year post closure monitoring), would still be considered industrial activities and coverage should be maintained as an inactive landfill.

(d) All permittees regulated under this section of the general permit that generate solid waste, including municipal solid waste, shall comply with all applicable rules and regulations, including 30 TAC Chapter 330.

5. Additional SWP3 Requirements

(a) Maintenance Program. The permittee shall maintain all elements of leachate collection and treatment systems in order to prevent the discharge of storm water that has commingled with leachate, contaminated storm water, or other landfill wastewater. The permittee shall also maintain integrity and effectiveness of any intermediate or final cover (including repairing the cover as necessary), for the purpose of minimizing the effects of settlement, sinking, and erosion.

(b) Erosion and Sedimentation Control Measures. The permittee shall provide temporary stabilization (for example, temporary seeding, mulching, and placing geotextiles on the inactive portions of stockpiles) for the following areas and activities:

(1) materials stockpiled for daily, intermediate, and final cover;

(2) inactive areas of the landfill or open dump;

(3) landfills or open dump areas that have gotten final covers but where vegetation has yet to establish itself; and

(4) land application sites where waste application has been completed but final vegetation has not yet been established.

(c) Investigation and Certification of Non-Storm Water Discharges. The permittee shall include leachate, vehicle wash water, and contaminated storm water in its investigation and certification of non-storm water discharges.

(d) Site Map. The site map must depict the locations of the following:

(1) active and closed landfill cells or trenches;

(2) active and closed land application areas;

(3) any known leachate springs or similar uncontrolled leachate sources that could contact storm water; and

(4) leachate collection and treatment systems.

(e) Summary of Potential Pollutant Sources. The SWP3 must include documentation of the following activities:

(1) fertilizer, herbicide, and pesticide application;

(2) earth and soil moving;

(3) waste hauling and loading or unloading;

(4) outdoor storage of significant materials, including daily, interim, and final cover material stockpiles as well as temporary waste storage areas;

(5) exposure of active and inactive landfill and land application areas;

(6) uncontrolled leachate flows; and

(7) failure or leaks from leachate collection and treatment systems.

(f) Periodic Inspections.

(1) Inactive sites. For inactive landfills and land application sites, this section of the SWP3 must include inspection procedures for qualified personnel to evaluate the stabilization and structural erosion control measures, as well as the leachate collection and treatment systems.

(2) Periodic Inspection Frequency. Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B. of this general permit, but inspections must be conducted at the following frequencies:

a. for active landfills, open dumps, and land application sites, at least once every seven (7) days; alternatively, in arid areas, inspections may be conducted at least once each month; or

b. for areas of landfill sites where landfill activities are completed and soils are finally stabilized, and for land application sites where land application has been completed, inspections must be conducted at least once every month.

(g) Erosion Control Measures. The permittee shall provide temporary stabilization of all materials that are stockpiled and stored for future use. Inactive areas of the landfill with stockpiled materials that have intermediate cover, but no final cover, must be

stabilized. Inactive areas that have received final cover must be temporarily stabilized until final stabilization measures are completed. Inactive land application areas must be temporarily stabilized until final stabilization measures are completed.

(h) Records. Operators of landfills or open dumps shall keep records of the types of wastes disposed of in each cell or trench, and land application site operators shall maintain a tracking system to define the types and quantities of wastes applied within specific areas of the application site. These records must either be included in the SWP3 or be referenced and made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction.

6. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 22. Benchmark Monitoring Requirements for Activity Codes in Sector L

Activity Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
LF	Landfills, Land Application Sites, and Open Dumps	TSS Iron, total*	100 mg/L 1.3 mg/L

*Sampling for total iron is not required for discharges from municipal solid waste landfill areas that have been closed in accordance with 40 CFR §258.60.

Section M. Sector M of Industrial Activity - Automobile Salvage Yards

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector M. Sector M industrial activities are described by the following SIC code:

SECTOR M: AUTOMOBILE SALVAGE YARDS

SIC Codes *Description of Industry Sub-sector*

5015 Automobile Salvage Yards

2. Additional SWP3 Requirements

(a) Employee Training. The following areas must be addressed in the employee training program: proper handling (collection, storage, and disposal) of oil, used mineral spirits, anti-freeze, mercury switches, and solvents.

(b) Site Map. Include the locations of the following:

(1) vehicle and vehicle parts storage areas;

(2) vehicle dismantling areas;

(3) vehicle and equipment fueling and maintenance areas;

(4) vehicle, parts, and equipment cleaning areas;

(5) waste treatment, storage and disposal areas; and

(6) areas where fluids or fuels are stored in drums, tanks, or other containers.

(c) The SWP3 must include an assessment of the potential for each of the areas listed above to contribute pollutants to storm water discharges from the site.

(d) Spill Prevention and Response Measures.

(1) Vehicles must be inspected for leaking fluids upon arrival at the facility. Actions must be immediately taken to prevent the discharge of fluids according to specific measures established by the operator within the spill prevention and response measures section of the SWP3. Upon the arrival (or as soon after the arrival as feasible) of vehicles at the site that are intended to be dismantled, the permittee shall drain those vehicles of all fluids, or shall employ another equivalent mean to prevent spills and leaks.

(2) Vehicles that are stored but are not drained of fluids must be inspected for leaks at least once per quarter. These inspections may be incorporated as part of the standard periodic inspections. The spill prevention and response measures must be developed with specific guidelines for inspecting stored vehicles and measures to be taken when vehicles are identified as leaking or in danger of developing leaks. All fluids must be handled and disposed of according to all applicable state and federal regulations.

(e) Periodic Inspections. Equipment containing oily parts, hydraulic fluids, or other fluids must be inspected for leaks during the periodic inspections.

(f) Good Housekeeping Measures. Equipment operators shall conduct inspections of equipment on a daily basis when equipment is in use.

(g) Employee Training Program and Employee Education. The employee training program must include training on the following operations at facilities where these activities occur or wastes are generated:

(1) used oil and spent solvent management;

(2) management of metal filings and dust from welding, grinding, and similar operations that produce metal waste; and

(3) lead-acid battery management.

3. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 23. Benchmark Monitoring Requirements for Subsections in sector M

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
5015	Automobile Salvage Yards	Aluminum, total TSS Iron, total Lead, total	1.2 mg/L 100 mg/L 1.3 mg/L 0.010 mg/L

Section N. Sector N of Industrial Activity - Scrap and Waste Recycling Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector N. Sector N industrial activities are described by the following SIC Code :

SECTOR N: SCRAP AND WASTE RECYCLING FACILITIES

SIC Codes	*Description of Industry Sub-sector*
5093	Scrap and Waste Recycling Facilities (e.g., metals, paper, plastic, cardboard, glass, animal hides, used oil, antifreeze, mineral spirits, industrial solvents, computers, electronics, and other materials listed in the SIC Code Manual Under SIC 5093)

2. Limitations on Permit Coverage

Storm water discharges from storage or stockpile areas for metal turnings previously exposed to cutting oils, are only eligible for coverage if these materials are isolated from storm water by storm resistant shelters or if the following BMPs are implemented:

(a) dedicated containment areas are used that include a perimeter barrier to prevent storm water runon and runoff;containment areas and perimeter barriers are constructed of concrete, or other similar impermeable oil-resistant materials; and

(b) if discharges only occur following treatment through an oil/water separator or similarly efficient treatment unit.

3. Additional SWP3 Requirements

(a) Requirements for Specific Facilities:

(1) Scrap and Waste Recycling Facilities (Non-Source Separated, Non-liquid Recyclable Materials). The requirements below apply to facilities that receive, process, and wholesale distribute non-liquid recyclable wastes (e.g., ferrous and nonferrous metals, plastics, glass, cardboard, and paper) and that may receive both non-recyclable and recyclable materials. These requirements do not apply to facilities that accept recyclables only from sources that are primarily non-industrial and residential.

a. Inbound Recyclable and Waste Material Control Program. The permittee shall conduct inspections of inbound recyclables and waste materials to minimize the acceptance materials that could be significant sources of pollutants.

b. Scrap and Waste Material Stockpiles and Storage (Outdoor). The permittee shall minimize the potential for storm water to contact stockpiled materials, processed materials, and non-recyclable wastes.

c. Stockpiling of Turnings Exposed to Cutting Fluids (Outdoor Storage). The permittee shall minimize the potential for storm water to contact residual cutting fluids.

d. Scrap and Waste Material Stockpiles and Storage (Covered or Indoor Storage). The permittee shall minimize the potential for storm water to contact residual liquids and particulate matter from materials stored indoors or under cover.

e. Scrap and Recyclable Waste Processing Areas. The permittee shall minimize the potential for storm water to contact scrap processing equipment by addressing operations that generate visible amounts of particulate residue (e.g., shredding) and minimizing the contact of accumulated particulate matter and residual fluids with runoff (e.g., through good housekeeping, preventive maintenance).

f. Scrap Lead-Acid Battery Program. The permittee shall properly handle, store, and dispose of scrap lead-acid batteries, and shall segregate scrap lead-acid batteries from other scrap materials.

g. Spill Prevention and Response Procedures. The permittee shall install alarms or pump shutoff systems on outdoor equipment with hydraulic reservoirs exceeding 150 gallons in the event of a line break. Alternatively, the permittee may use a secondary containment system capable of holding the entire contents of the reservoir plus room for precipitation. The permittee shall use a mercury spill kit for any release of mercury from switches, anti-lock brake systems, and switch storage areas.

(2) Waste Recycling Facilities (Liquid Recyclable Materials).

a. Waste Material Storage (Indoor). The permittee shall minimize the potential for storm water to contact residual liquids from waste materials stored indoors.

b. Waste Material Storage (Outdoor). The permittee shall minimize the potential for storm water to contact stored residual liquids. The SWP3 may refer to applicable portions of other existing plans, such as SPCC plans required by 40 CFR Part 112.

c. Trucks and Rail Car Waste Transfer Areas. The permittee shall minimize the potential for pollutants in discharges from truck and rail car loading and unloading areas, and shall include measures to clean up minor spills and leaks resulting from the transfer of liquid wastes.

(3) Recycling Facilities (Source-Separated Materials). The following requirements apply to facilities that receive only source-separated recyclables, primarily from non-industrial and residential sources.

a. Inbound Recyclable Material Control. The permittee shall minimize the chance of accepting non-recyclables (e.g., hazardous materials) that could be a significant source of pollutants by conducting inspections of inbound materials.

b. Outdoor Storage. The permittee shall minimize exposure of recyclables to storm water, and shall use good housekeeping measures to prevent accumulation of particulate matter and fluids, particularly in high traffic areas.

c. Indoor Storage and Material Processing. The permittee shall minimize the release of pollutants from indoor storage and processing areas.

d. Vehicle and Equipment Maintenance. The permittee shall establish controls to minimize pollutants in storm water from vehicle and equipment maintenance areas.

(b) Drainage Area Site Map. The site map must include the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: scrap and

waste material storage, outdoor scrap and waste processing equipment; and containment areas for turnings exposed to cutting fluids.

(c) Maintenance Schedules/Procedures for Collection, Handling, and Disposal or Recycling of Residual Fluids at Scrap and Waste Recycling Facilities. For any facility that is subject to Part V, Section N.2.(a).3 above, the SWP3 must identify any applicable maintenance schedule and the procedures to collect, handle, and dispose or recycle residual fluids.

(d) Additional Inspection Requirements. Routine Facility Inspections must be performed once per quarter as described in Part III, Section B.2., and must include, at a minimum, all areas where waste is generated, received, stored, treated, or disposed and that are exposed storm water.

4. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 24. Benchmark Monitoring Requirements for Subsections in sector N

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
5093	Scrap and Waste Recycling Facilities	Copper, total Aluminum, total Iron, total Lead, total Zinc, total TSS COD	0.030 mg/L 1.2 mg/L 1.3 mg/L 0.010 mg/L 0.16 mg/L 100 mg/L 60 mg/L

Section O. Sector O of Industrial Activity - Steam Electric Generating Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector O. Sector O industrial activities are described by the following Industrial Activity Code:

SECTOR O: STEAM ELECTRIC GENERATING FACILITIES

Activity Code and Description of Industry Sub-sector

SE - Steam Electric Power Generating Facilities

2. Covered Storm Water Discharges

The requirements of this section apply to storm water discharges from the following facilities:

(a) Steam electric power generating facilities as defined in 40 CFR §122.26(b)(14)(vii), that use coal, natural gas, oil, nuclear energy, or other fuel to produce a steam source, including facilities regulated under 40 CFR Part 423 (Steam Electric Power Generating Point Source Category);

(b) coal handling areas located at regulated facilities;

(c) coal pile runoff at regulated facilities; and

(d) duel fuel facilities that could employ a steam boiler.

3. Limitations on Permit Coverage

(a) Non-storm water discharges subject to effluent limitations guidelines at 40 CFR Part 423 are not eligible for coverage under this general permit.

(b) Storm water discharges from the following types of facilities are not required to obtain permit coverage and are not eligible for coverage under this general permit:

(1) ancillary facilities (for example, fleet centers and substations) that are not contiguous to a steam electric power generating facility;

(2) gas turbine facilities (providing the facility is not a dual-fuel facility that includes a steam boiler) and combined-cycle facilities where no supplemental fuel oil is burned (and the facility is not a dual-fuel facility that includes a steam boiler); and

(3) cogeneration (combined heat and power) facilities utilizing a gas turbine.

4. Additional SWP3 Requirements

(a) Drainage Area Site Map. The site map must clearly identify the locations of any of the following activities or sources, if they are exposed to storm water: storage tanks, scrap yards, and general refuse areas; areas used for short-term or long-term storage of general materials; landfills; and stock pile areas.

(b) Good Housekeeping Measures. The permittee shall implement the following housekeeping measures, which must also be documented in the SWP3:

(1) Fugitive Dust Emissions. Minimize fugitive dust emissions from coal handling areas, and the tracking of coal dust offsite.

(2) Minimize the potential for storm water contamination from the following areas or activities:

a. delivery vehicles arriving at the plant site;

b. fuel oil unloading areas;

c. chemical loading and unloading;

d. miscellaneous loading and unloading areas;

e. above-ground liquid storage tanks;

f. large bulk fuel storage tanks;

g. oil-bearing equipment in switchyard areas;

h. areas adjacent to disposal ponds or landfills; and

i. landfills, scrap yards, surface impoundments, open dumps, general refuse sites.

(3) Spill Reduction Measures. Implement BMPs to minimize the potential for an oil or chemical spill, or reference the appropriate part of a SPCC plan, if applicable.

(4) Residue-Hauling Vehicles. Inspect all residue-hauling vehicles for proper covering over the load, adequate gate sealing, and overall integrity of the container body.

Repair vehicles without load covering or adequate gate sealing, or with leaking containers or beds.

(5) Ash Loading Areas. Reduce or control the tracking of ash and residue from ash loading areas. Clear the ash building floor and immediately adjacent roadways of spillage, debris, and excess water before departure of each loaded vehicle.

(c) Additional Inspection Requirements

(1) Periodic Inspections. In addition to the standard routine facility inspection requirements described in Part III, Section B.2. of this general permit, visual inspections must be conducted at least once per week to determine the structural integrity of above-ground storage tanks, pipelines, pumps and other related equipment. If repairs are necessary, they must be performed as expeditiously as practicable; except that repairs must be made immediately if there is a risk to water quality.

(2) Comprehensive Site Compliance Evaluation. In addition to the standard site compliance inspections described in Part III, Section B.5. of this general permit, personnel must inspect coal handling areas, loading/unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, disposal ponds and landfills, maintenance areas, liquid storage tanks, and material storage areas at a minimum frequency of once per month.

5. Numeric Effluent Limitations - Applicable to Sector O Facilities Discharging Coal Pile Runoff

(a) The following numeric effluent limitations, based on guidelines from the Steam Electric Generating Point Source Category [40 CFR §§423.12 (b)(1) and (9)] apply to any storm water runoff from coal pile storage areas. Samples of these discharges must be obtained before the runoff combines with any other discharge, and shall be analyzed for the following pollutants. The analytical result must not exceed the following numeric effluent limitations:

Table 25. Numeric Effluent Limitations for Sector O facilities discharging Coal Pile Runoff

Parameter	**Limitations Daily Max**	**Monitoring Frequency**
TSS	50 mg/L	1/Year
pH	6.0-9.0 S.U.	1/Year

(b) Sample Type. Grab samples must be collected for analyses prior to combining with other flows.

(c) Reporting Requirements. Monitoring for compliance with numeric effluent limitations in this section is subject to the following requirements:

(1) Results of monitoring must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form, a duplicate of the form, or as otherwise provided by the executive director.

(2) Monitoring must be conducted prior to December 31st for each annual monitoring period and the DMR must be submitted to the TCEQ by March 31st of the following year, as described in Part III, Section E.4. of this permit.

(3) In addition, a copy of the DMR must either be retained at the facility or must be made readily available for review upon request by authorized TCEQ personnel as well as any local pollution control agency with jurisdiction by March 31st following the annual monitoring period.

(d) Waivers from Numeric Effluent Limitations. Numeric effluent limitations for runoff from coal pile storage areas do not apply to discharges that overflow from structural control facilities that are designed to contain and treat runoff from a 10-year, 24-hour storm event. The permittee shall maintain, as a part of the SWP3, the following information in order to receive this waiver: engineering design records that demonstrate structural controls are adequate to intercept, contain, and treat the volume of runoff from a 10-year, 24-hour storm event; and records of rainfall from either a rain gauge that is located onsite or a rain gauge maintained in the immediate area of the site. Rainfall records are only required to document events that equal or exceed a 10-year, 24-hour event.

6. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 26. Benchmark Monitoring Requirements for Subsections in Sector O

Activity Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
SE	Steam Electric Power Generating Facilities	Iron, total TSS	1.3 mg/L 50 mg/L

Section P. Sector P of Industrial Activity - Land Transportation and Warehousing

Land Transportation and Warehousing includes the following types of facilities: motor freight transportation facilities; passenger transportation facilities; petroleum bulk oil stations and terminals; rail transportation facilities; and United States Postal Service (USPS) transportation facilities.

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector P. Sector P industrial activities are described by the following SIC codes:

SECTOR P: LAND TRANSPORTATION AND WAREHOUSING

SIC Codes	*Description of Industry Sub-sector*
4011, 4013	Railroad Transportation
4111 – 4173	Local and Highway Passenger Transportation
4212 – 4215	Trucking and Courier Services, Except Air
4221, 4222	Farm Product Warehousing and Storage; and Refrigerated Warehousing and Storage
4225	General Warehousing and Storage

4226	Special Warehousing and Storage, Not Elsewhere Classified
4231	Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation
4311	United States Postal Service
5171	Petroleum Bulk Stations and Terminals

2. Covered Storm Water Discharges

(a) For facilities described by SIC codes listed above, except for SIC codes 4221, 4222, and 4225, permit coverage is only required for storm water discharges from areas where the following activities are performed: vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning. Coverage for storm water runoff from additional areas may be obtained as described in Part V, Section P.2.(d) below.

(b) For SIC codes 4221, 4222, and 4225, permit coverage is required for storm water discharges from all areas of the facility. Facilities described by these SIC codes must obtain coverage by submitting an NOI, or a no exposure exclusion by submitting an NEC form, except as described in Part V, Section P.2.c. below for facilities described by SIC code 4225 only (General Warehousing and Storage) that do not have areas where vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning activities are performed.

(c) Facilities described by SIC code 4225 that do not have areas where vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning activities are performed are designated for coverage under this general permit and are not required to submit an NOI for coverage. These facilities must comply only with the following permit requirements and are not subject to additional requirements that are listed in this permit:

(1) The facility must maintain conditions that ensure there is no exposure of industrial activities to storm water;

(2) The facility operator must comply with the requirements of Part III, Section E. of this general permit, related to Standard Permit Conditions, except that the operator is not required to submit an NOI or NEC form, prepare a SWP3, or conduct analytical monitoring; and

(3) The site must not contain any areas that are used for vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning activities.

The facility operator must apply for coverage if any of the requirements listed above are not met. If the TCEQ determines that additional controls are required other than those listed above, or that there is a concern regarding the discharge of elevated levels of pollutants, then the TCEQ may require a facility described by SIC code 4225 to obtain coverage and meet all permit conditions through submittal of an NOI or an individual permit application.

(d) Runoff from materials storage or handling areas:

(1) The permittee may obtain authorization to discharge storm water under this general permit from additional areas of Sector P facilities where materials, intermediates, or products are stored or handled, and where the discharge from these areas would otherwise require authorization under a TPDES individual

permit or alternative general permit. This permit does not authorize the discharge of any process wastewater from material storage or handling areas, including contaminated storm water.

(2) In order to obtain coverage for any materials storage or handling areas, the permittee shall ensure that the SWP3 addresses these areas and that the SWP3 contains the following additional elements, in addition to those required in Part III of this general permit:

a. list of the pollutants that may be present in the material and exposed to precipitation or runoff;

b. an indication on the site map of all material storage and handling areas that are being included under the MSGP authorization; and

c. description and implementation of BMPs that specifically address the material that is exposed to rainfall or runoff.

(3) This section does not expand the definition of storm water associated with industrial activity. If runoff from the materials storage and handling areas are not subject to TPDES wastewater permitting, then the SWP3 is not required to address these areas.

3. Limitations on Coverage

(a) Prohibited Discharges. Except as allowed in Part II, Section A.6, related to non-storm water discharges, this general permit does not authorize the discharge of wastewater resulting from washing vehicles, equipment, or other surfaces, including tank cleaning operations. These discharges must be authorized under a separate TPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, recycled on-site, or disposed by an alternate authorized means. The permittee shall keep records of the disposal authorization for this wash water (e.g., individual TPDES permit, discharge to publically-owned treatment works, or contract with hauling company).

(b) Storage of Crude Oil. This general permit does not authorize discharges of storm water from facilities described by SIC code 5171 that store crude oil and that are under the regulatory authority of the Railroad Commission of Texas. Authorization for these discharges must be obtained through application for a National Pollutant Discharge Elimination System (NPDES) permit with the U.S. EPA and authorization from the Railroad Commission of Texas, as applicable.

4. Additional SWP3 Requirements

(a) Good Housekeeping Measures. In addition to the good housekeeping SWP3 requirements in Part III, Section A.4 of this general permit, the permittee must implement the following control measures, and must document in the SWP3 the measures being used for each measure:

(1) Vehicle and Equipment Storage Areas. Minimize the potential for storm water exposure to leaky or leak-prone vehicles or equipment that are awaiting maintenance.

(2) Fueling Areas. Minimize contamination of storm water from fueling areas.

(3) Material Storage Areas. Maintain all material containers (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) to prevent contamination of storm water and plainly label them (e.g., "Used Oil," "Spent Solvents")

(4) Vehicle and Equipment Maintenance and Cleaning Areas. Minimize contamination of storm water runoff from all areas used for vehicle and equipment maintenance or cleaning.

(5) Locomotive Sanding (Loading Sand for Traction) Areas.

(b) Employee Training. The permittee shall include the following information, as applicable, in its employee training: used oil and spent solvent management; fueling procedures; general good housekeeping practices; proper painting procedures; and used battery management.

(c) Drainage Area Site Map. The site map must identify the following areas of the facility and indicate whether activities occurring there may be exposed to storm water: fueling stations; vehicle/equipment maintenance or cleaning areas; storage areas for vehicle/equipment with actual or potential fluid leaks; loading/unloading areas; areas where treatment, storage or disposal of wastes occur; liquid storage tanks; processing areas; and storage areas.

(d) Potential Pollutant Sources. The SWP3 must assess the potential for the following activities and facility areas to contribute pollutants to storm water discharges: onsite waste storage or disposal; dirt/gravel parking areas for vehicles awaiting maintenance; illicit plumbing connections between shop floor drains and the storm water conveyance system(s); and fueling areas.

(e) Spill Prevention and Response Measures. Vehicles and equipment that are scheduled for maintenance and that have potential fluid leaks must be confined to a designated area. The Spill Prevention and Response Measures section of the SWP3 [see Part III, Section A.4.(b)] shall define specific measures to prevent spills and to confine spills within this area. This section of the SWP3 shall also define specific measures to prevent or minimize contamination of storm water from fueling areas.

(f) Additional Inspection Requirements. Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B.) of this general permit and conducted at least once per quarter in the following areas:

(1) storage areas for vehicles and equipment awaiting maintenance;

(2) fueling areas;

(3) vehicle and equipment maintenance areas;

(4) material storage areas;

(5) vehicle/equipment cleaning areas; and

(6) loading/unloading areas.

Section Q. Sector Q of Industrial Activity - Water Transportation Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector Q. Sector Q industrial activities are described by the following SIC codes:

SECTOR Q: WATER TRANSPORTATION

SIC Codes *Description of Industry Sub-sector*

4412 – 4499 Water Transportation

2. Covered Storm Water Discharges

(a) Permit coverage is only required for storm water discharges from areas where the following activities are performed at facilities described by the SIC codes listed above: vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning, except for retail fueling as described in paragraph 3(b) below. Coverage for storm water runoff from additional areas of Sector Q facilities may be obtained as described in Part V, Section Q.2.(b) below.

(b) Runoff from materials storage or handling areas.

(1) The permittee may obtain authorization to discharge storm water under this general permit from additional areas of Sector Q facilities where materials, intermediates, or products are stored or handled, and where the discharge from these areas would otherwise require authorization under a TPDES individual permit or alternative general permit. This permit does not authorize the discharge of any process wastewater from material storage or handling areas, including contaminated storm water.

(2) In order to obtain coverage for any materials storage or handling areas, the permittee shall ensure that the SWP3 addresses these areas and that the SWP3 contains the following additional elements, in addition to those required in Part III of this general permit:

a. a list of the pollutants that may be present in the material and exposed to precipitation or runoff;

b. an indication on the site map of all material storage and handling areas that are being included under the MSGP authorization; and

c. description and implementation of BMPs that specifically address the material that is exposed to rainfall or runoff.

(3) This section does not expand the definition of storm water associated with industrial activity. If runoff from the materials storage and handling areas are not subject to TPDES wastewater permitting, then the SWP3 is not required to address these areas.

3. Limitations on Coverage

(a) This permit does not authorize the discharge of process wastewater discharges associated with a dry dock activity, bilge and ballast water, sanitary wastewater, pressure wash water, and cooling water originating from vessels.

(b) The retail sale of fuel performed at a marina without slip rental, boat storage, and other services such as cleaning and incidental repair is classified as SIC code 5541 (which includes “marine service stations – retail”). If retail fueling is the primary activity performed at the site, then permit coverage is not required. However, if a marina (SIC 4493) has a secondary SIC code of 5541, then coverage would be required for any areas of the marina where vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning operations occur, other than the retail fueling operation described by SIC 5541.

4. Allowable Non-Storm Water Discharges

Boat Rinse Water. In addition to the non-storm water discharges allowed under Part II of this general permit, boat rinse water may be discharged from water transportation facilities such as marinas, where the boat rinse water does not contain chemicals, surfactants, or elevated temperatures. Discharge from pressure washing of boats is not authorized under this general permit.

5. Additional SWP3 Requirements.

The following additional requirements must be included in the SWP3, for any areas covered under this section of the general permit.

(a) Site Map. The site map must clearly show the locations of the following activities if the activities are exposed to precipitation or runoff: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, and scrap iron).

(b) Summary of Potential Pollutant Sources. The SWP3 must list the following additional sources and activities: outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting.).

(c) Good Housekeeping Measures. The permittee must implement the following in addition to the good housekeeping measures described in Part III, Section A.4. of this general permit:

(1) Blasting and Painting Area. Minimize the potential for spent abrasives, paint chips, and overspray to discharge into receiving waters or the storm sewer systems. When necessary, regularly clean storm water conveyances of deposits of abrasive blasting debris and paint chips.

(2) Material Storage and Handling Areas. Minimize storm water contamination from material storage and handling operations and areas. Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility.

(3) Engine Maintenance and Repair Areas. Minimize the potential for contamination of storm water from all areas used for engine maintenance and repair.

(4) Drydock Activities. Routinely maintain and clean the drydock to minimize pollutants in storm water runoff. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock.

(d) Employee Training. The permittee shall include the following information, as applicable, in the employee training program: management of used oil and spent solvent, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.

(e) Preventive Maintenance. As part of the preventive maintenance program, the permittee shall perform timely inspection and maintenance of storm water management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), and shall inspect and test facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in the discharge of pollutants in storm water.

(f) Additional Inspection Requirements. Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B. of this general permit and conducted at least once per month in the following areas:

(1) pressure wash areas;

(2) abrasive blasting, sanding and painting areas;

(3) material storage or handling areas;

(4) engine maintenance or repair areas;

(5) drydock areas; and

(6) the general yard area.

6. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values.

Benchmark sampling is only required for areas of Sector Q facilities where vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning activities are performed.

Table 27. Benchmark Monitoring Requirements for Subsections in Sector Q

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
4412 - 4499	Water Transportation	Aluminum, total Iron, total Lead, total Zinc, total TSS	1.2 mg/L 1.3 mg/L 0.010 mg/L 0.16 mg/L 50 mg/L

Section R. Sector R of Industrial Activity - Ship and Boat Building or Repair Yards

1. Description of Industrial Activity

The requirements of this section apply to storm water discharges from activities identified and described as Sector R. Sector R industrial activities are described by the following SIC codes:

SECTOR R: SHIP AND BOAT BUILDING OR REPAIRING YARDS

SIC Codes Description of Industry Sub-sector

3731, 3732 Ship and Boat Building or Repairing Yards

2. Limitations on Coverage

This permit does not authorize the discharge of process wastewater associated with a dry dock activity, bilge and ballast water, sanitary wastes, pressure wash water, or cooling water originating from vessels.

3. Allowable Non-Storm Water Discharge

No additional non-storm water discharges are authorized other than those listed in Part II, Section A.6. of this general permit.

4. Additional SWP3 Requirements

(a) Site Map. The site map must clearly show the locations of the following activities if the activities are exposed to precipitation or runoff: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, and scrap iron).

(b) Summary of Potential Pollutant Sources. The SWP3 must list the following additional sources and activities: outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).

(c) Good Housekeeping Measures. The permittee must implement the following in addition to the good housekeeping measures described in Part III, Section A.4 of this general permit:

(1) Pressure Washing Area. If pressure washing is used to remove marine growth from vessels, the discharged water must be permitted as a process wastewater by a separate TPDES permit.

(2) Blasting and Painting Area. Minimize the potential for spent abrasives, paint chips, and overspray to discharge into the receiving water or the storm sewer system. When necessary, regularly clean storm water conveyances of deposits of abrasive blasting debris and paint chips.

(3) Material Storage and Handling Areas. Minimize storm water contamination from material storage and handling operations and areas. Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility.

(4) Engine Maintenance and Repair Areas. Minimize the potential for contamination of storm water from all areas used for engine maintenance and repair.

(5) Drydock Activities. Routinely maintain and clean the drydock to minimize pollutants in storm water runoff. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock.

(d) Employee Training. The permittee shall include the following information, as applicable, in the employee training program: management of used oil and spent solvent, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.

(e) Preventive Maintenance. As part of the preventive maintenance program, the permittee shall perform timely inspection and maintenance of storm water management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), and shall inspect and test facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in the discharge of pollutants in storm water.

(f) Additional Inspection Requirements. Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B. of this general permit and conducted at least once per month in the following areas:

(1) pressure wash areas;

(2) abrasive blasting, sanding and painting areas;

(3) material storage or handling areas;

(4) engine maintenance or repair areas;

(5) drydock areas; and

(6) the general yard area.

Section S. Sector S of Industrial Activity - Air Transportation Facilities

1. Description of Industrial Activity

The requirements of this general permit apply to storm water discharges from activities identified and described as Sector S. Sector S industrial activities are described by the following SIC codes:

SECTOR S: AIR TRANSPORTATION

SIC Codes	*Description of Industry Sub-sector*
4512	Air Transportation, Scheduled
4513	Air Courier Services
4522	Air Transportation, Nonscheduled
4581	Airports, Flying Fields, and Airport Terminal Services, including aircraft maintenance and fueling

2. Covered Storm water Discharges

(a) Permit coverage is only required for storm water discharges from areas where the following activities are performed at facilities described by the SIC codes listed above: vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or deicing operations.

Coverage for storm water runoff from additional areas of Sector S facilities may be obtained as described in Part V, Section S.2.(b) below.

(b) Runoff from materials storage or handling areas.

(1) The permittee may obtain authorization to discharge storm water under this general permit from additional areas of Sector S facilities where materials, intermediates, or products are stored or handled, and where the discharge from these areas would otherwise require authorization under a TPDES individual permit or alternative general permit. This permit does not authorize the discharge of any process wastewater from material storage or handling areas, including contaminated storm water.

(2) In order to obtain coverage for any materials storage or handling areas, the permittee shall ensure that the SWP3 addresses these areas and that the SWP3 contains the following additional elements, in addition to those required in Part III of this general permit:

a. a list of the pollutants that may be present in the material and exposed to precipitation or runoff;

b. an indication on the site map of all material storage and handling areas that are being included under the MSGP authorization; and

c. description and implementation of BMPs that specifically address the material that is exposed to rainfall or runoff.

(3) This section does not expand the definition of storm water associated with industrial activity. If runoff from the materials storage and handling areas are not subject to TPDES wastewater permitting, then the SWP3 is not required to address these areas.

3. Definitions

Deicing (Removing frost, snow, or ice). For the purposes of the section, deicing also includes anti-icing activities (i.e., preventing accumulation of frost, snow, or ice), unless specific provisions for anti-icing are addressed within this section.

4. Limitations on Permit Coverage

(a) This permit only authorizes storm water discharges from those portions of a Sector S facility that are involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or deicing operations.

(b) Prohibition of Non-Storm water Discharges. This general permit does not authorize the discharge of wastewater associated with washing aircraft, ground vehicles, runways, or equipment; or the dry weather discharge of deicing chemicals. If these discharges occur, they must be authorized under an alternative TPDES or permit or disposed by another authorized means, and the disposal mechanism described in the SWP3.

(c) A discharge resulting from snowmelt is not a dry weather discharge.

5. Additional SWP3 Requirements

(a) Site Map. The site map must include the following information:

(1) aircraft and runway deicing operations;

(2) fueling stations;

(3) aircraft, ground vehicle and equipment maintenance/cleaning areas;

(4) storage areas for aircraft, ground vehicles and equipment awaiting maintenance; and

(5) the location of each tenant at the site that conducts industrial activity subject to coverage under this section of this general permit.

(b) Potential Pollutant Sources.

(1) The SWP3 must list the following additional sources and activities: maintenance and cleaning of aircraft, runways, ground vehicles, and equipment; and deicing of aircraft and runways (including apron and centralized aircraft deicing stations, runways, taxiways and ramps).

(2) The SWP3 must include a record of the types and monthly quantities of deicing chemicals that the permittee uses (including the Material Safety Data Sheets [MSDS]) used and the monthly quantities. This requirement applies for all deicing chemicals, in addition to glycols and urea (e.g., potassium acetate). If the airport authority, tenants, and other Fixed-Based Operators (FBOs) share an SWP3, then the tenants and FBOs that conduct deicing operations must provide the above information to the airport authority.

(c) Good Housekeeping Measures. This section of the SWP3 must describe specific measures to prevent or minimize contamination of storm water from areas used for the maintenance, fueling, or cleaning of equipment, aircraft, and other vehicles, and for areas where aircraft deicing and anti-icing activities occur. The following requirements must be addressed in the SWP3 and are in addition to the requirements of Part III, Section A.4. and Part III, Section A.5. of this general permit:

(1) Aircraft, Ground Vehicle and Equipment Maintenance Areas. Minimize the potential for storm water contamination from areas used for the maintenance of aircraft, ground vehicles, and equipment (including the maintenance conducted on the terminal apron and in dedicated hangers).

(2) Aircraft, Ground Vehicle and Equipment Cleaning Areas. Clearly demarcate aircraft, ground vehicle and equipment cleaning areas on the ground using signage or other appropriate means. Minimize the potential for contamination of storm water runoff from these areas.

(3) Aircraft, Ground Vehicle and Equipment Storage Areas. Store all aircraft, ground vehicles and equipment awaiting maintenance in designated areas only. Minimize the potential for contamination of storm water runoff from these storage areas.

(4) Material Storage Areas. Minimize the potential for storm water contamination from materials storage areas. Maintain in good condition and plainly label any containers of stored materials (e.g., used oils, hydraulic fluids, spent solvents, and waste aircraft fuel).

(5) Source Reduction. Minimize, and where feasible eliminate, the use of urea and glycol-based deicing chemicals, in order to reduce the aggregate amount of deicing chemicals used or lessen the environmental impact.

(6) Runway Deicing Operation. Minimize the potential for storm water contamination from runways as a result of deicing operations by evaluating and adjusting as

necessary the application rates of deicing materials, consistent with considerations of flight safety.

(7) Aircraft Deicing Operations. The permittee shall evaluate the application rates for deicing chemicals, and adjust as necessary, consistent with considerations of flight safety, to help minimize contamination of storm water runoff from aircraft deicing operations.

(8) Deicing Season. Identify the de-icing season by determining the seasonal timeframe (e.g., December- February, October - March) during which deicing activities typically occur at the facility. Implementation of control measures, including any BMPs, facility inspections and monitoring must be conducted with particular emphasis throughout the defined deicing season. If the deicing chemical usage thresholds of 100,000 gallons glycol or 100 tons of urea are met, the identified deicing season is the timeframe during which the required benchmark monitoring must be conducted. (See the benchmark monitoring requirements for this sector, below.)

(d) Structural Controls. Operators that conduct deicing or anti-icing activities shall consider controls to capture and contain chemicals used in this activity. Containing activities to specific areas where runoff may be captured and either treated, hauled away for disposal or disposed of to the sanitary sewer must be considered. A narrative description of these considerations, including a rationale for why certain alternatives were either chosen or rejected, must be incorporated as an element of the SWP3.

(e) Shared SWP3s. Airport authorities and airport tenants are encouraged to work in partnership to develop and implement a SWP3. Tenants of the airport facility include air passenger or cargo companies, fixed based operators, and other parties who have contracts with the airport authority to conduct business operations on airport property and whose operations result in storm water discharges associated with industrial activity. Even with a shared SWP3, each entity at an airport that meets the applicability requirements of this permit is required to obtain permit coverage.

(f) Best Management Practices. Facilities that conduct deicing or anti-icing operations must evaluate operating procedures on an annual basis to consider alternative practices that may reduce the overall amount of chemical used, or otherwise lessen the environmental impact of the pollutant. This annual review must include a consideration of alternative chemicals for this use. The SWP3 must include a narrative discussion of the annual alternative practices review that includes the rationale for changes in practices or the decision to retain existing practices. BMPs must be developed and implemented to ensure against over application of chemicals used as a part of deicing and anti-icing operations.

(g) Additional Inspection Requirements.

(1) Routine Facility Inspections. Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B.2. of this general permit and conducted at least once per week during deicing or anti-icing activities in the areas where these operations take place. Records of weekly inspections, when they occur, must be maintained.

(2) Comprehensive Site Inspections. Conduct the annual site inspection using only qualified personnel, during periods of actual deicing operations, if possible. If not practicable during active deicing because of weather, conduct the inspection during the season when deicing operations occur and the materials and equipment for deicing are in place.

6. Benchmark Monitoring Requirements

(a) Benchmark monitoring is only required for permittees conducting deicing activities that have used more than 100 tons of urea, or more than 100,000 gallons of ethylene glycol, in any calendar year in the three years prior to submittal of an NOI for coverage under this permit. These volumes of deicing materials refer to the combined activities and usage at the airport as a whole, and not independently to each carrier or operator.

(1) Benchmark monitoring is required of all permittees who used urea or ethylene glycol at an airport where the total amount used at the airport meets the criteria listed in this section. Benchmark sampling is not required of a permittee who does not use the listed chemicals, even if the airport did meet the volume criteria that trigger benchmark monitoring.

(2) Benchmark sampling is required at all outfalls that discharge runoff from areas where deicing with urea or ethylene glycol is performed at an airport where the total amount used at the airport as a whole meets the criteria listed above.

(3) For those permittees required to conduct benchmark monitoring, collect the total number benchmark samples required for the year during the time frame as defined in the section for the deicing season, when deicing activities are occurring.

(b) The following subsector must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 28. Benchmark Monitoring Requirements for Subsections in Sector S

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
4512 - 4581	Airport Transportation Facilities with Deicing Activities*	COD Ammonia-Nitrogen pH	60 mg/L 2.5 mg/L 6.0-9.0 S.U.

*100 tons of urea or 100,000 gallons of ethylene glycol in any calendar year during the three years prior to submitting an NOI for coverage under this general permit.

Section T. Sector T of Industrial Activity - Treatment Works

1. Description of Industrial Activity

The requirements of this general permit apply to storm water discharges from activities identified and described as Sector T. Sector T industrial activities are described by the following Industrial Activity Code:

SECTOR T: TREATMENT WORKS

Activity Codes and Description of Industry Sub-sector

TW Certain Wastewater Treatment Plants

2. Covered Storm Water Discharges

The requirements of this general permit apply to storm water discharges from domestic wastewater treatment plants with a design flow of 1.0 million gallons per day or more; with treatment plants or systems that treat, store, recycle, or reclaim domestic sewage,

wastewater or sewage sludge (including dedicated lands for sewage sludge disposal located within the onsite property boundaries); or that are required to have an approved pretreatment program (under 40 CFR Part 403).

3. Limitations on Permit Coverage

(a) Prohibition of Wastewater Discharges. The discharge of sanitary wastewater, industrial wastewater, equipment and vehicle wash water, or other wastewater is not authorized by this permit.

(b) Discharge To Wastewater Plant Headworks. Facilities that route all storm water runoff to the wastewater treatment facility headworks in accordance with an individual TPDES permit are not required to obtain additional coverage through this general permit.

4. Additional SWP3 Requirements

The following SWP3 requirements must be conducted in addition to those listed in Part III of this general permit:

(a) Employee Training. At a minimum, training must address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and controls; fueling procedures; general good housekeeping practices; and proper procedures for using fertilizer, herbicides, and pesticides. These requirements are in addition to the training requirements listed in Part III, Section A.4.(f) of this permit, related to training.

(b) Site Map. The permittee shall document in the SWP3 where any of the following may be exposed to precipitation or surface runoff: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and storage areas for process chemicals, petroleum products, solvents, fertilizers, herbicides, and pesticides.

(c) Potential Pollutant Sources. The permittee shall document in the SWP3 the following additional sources and activities that have potential pollutants associated with them, if present at the site: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and access roads and rail lines.

(d) Wastewater and Wash Water Requirements. The permittee shall either retain a copy, or reference the location where a copy is located, of all current TPDES permits issued for wastewater and industrial, vehicle and equipment wash water discharges for the facility in the SWP3. If a TPDES permit has not yet been issued, a copy of the pending application(s) must also be kept or referenced in the SWP3. If the wastewater or wash water is handled in another manner, then the SWP3 must describe the disposal method and all pertinent documentation must be retained onsite.

(e) Additional Inspection Requirements. In addition to the information that must be included in the inspections required in Part III of this permit, the following areas must be inspected as well: access roads and rail lines; grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station.

5. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 29. Benchmark Monitoring Requirements in Subsections in Sector T

Activity Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
TW	Certain Wastewater Treatment Plants	BOD5	30 mg/L

Section U. Sector U of Industrial Activity - Food and Kindred Products Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector U. Sector U industrial activities are described by the following SIC codes:

SECTOR U: FOOD AND KINDRED PRODUCTS FACILITIES

SIC Codes	*Description of Industry Sub-sector*
2011 – 2015	Meat Products
2021 – 2026	Dairy Products
2032 - 2038	Canned, Frozen and Preserved Fruits, Vegetables and Food Specialties
2041 - 2048	Grain Mill Products
2051 - 2053	Bakery Products
2061 - 2068	Sugar and Confectionery Products
2074 - 2079	Fats and Oils
2082 - 2087	Beverages
2091 - 2099	Miscellaneous Food Preparations and Kindred Products
2111 - 2141	Tobacco Products

2. Limitations on Coverage

Prohibition of Wastewater Discharges. The following discharges are not authorized by this permit: boiler blowdown, cooling tower overflow and blowdown, ammonia refrigeration purging, and vehicle washing and clean-out operations.

3. Additional SWP3 Requirements

Employee Training Program and Employee Education. The program must include training in pest control application procedures and chemical storage procedures.

Inventory of Exposed Materials. The inventory must include a list of the pesticides, rodenticides, herbicides, and fungicides applied or stored on the facility property.

Narrative Description. A narrative description of all activities and potential sources of pollutants that may reasonably be expected to add significant amounts of pollutants to storm water discharges from pest control and chemical storage procedures must be included.

Site Map. The site map must clearly show the location of vent stacks for cooking, drying, and similar operations, dry product vacuum transfer lines; animal holding pens; spoiled product and broken product container storage areas; and any other processing or storage areas exposed to storm water.

Best Management Practices. This section of the SWP3 must include BMPs for cleaning procedures for vent hoods, storage and baking racks, bins and refuse containers, and other similar cleaning activities, to ensure that cleaning these items does not contribute pollutants to storm water runoff.

4. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 30. Benchmark Monitoring Requirements in Subsections in Sector U

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
2041-2048	Grain Mill Products	TSS	50 mg/L
2074-2079	Fats and Oils	COD Nitrate + Nitrite N TSS	60 mg/L 0.68 mg/L 100 mg/L

Section V. Sector V of Industrial Activity - Textile Mills, Apparel, and Other Fabric Product Manufacturing Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector V. Sector V industrial activities are described by the following SIC codes:

SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING FACILITIES

SIC Codes *Description of Industry Sub-sector*

2211 – 2299 Textile Mill Products

2311 – 2399 Apparel and Other Finished Products Made From Fabrics and Similar Materials

3131 – 3199 Leather and Leather Products, except Leather Tanning and Finishing (See Sector Z)

2. Limitations on Coverage

Prohibition of Wastewater Discharges. The following discharges are not allowed under this general permit: wastewater resulting from wet processing or from any processes relating to

the production; reused or recycled water; and waters used in cooling towers. These types of discharges must be authorized under a separate TPDES permit or other authorized means.

3. Additional SWP3 Requirements

(a) The permittee shall minimize the discharge of pollutants from the following areas:

(1) Material handling areas. The permittee shall plainly label and store all containerized materials (e.g., fuels, petroleum products, solvents, and dyes) in a protected area and away from drains, and shall minimize the potential for storm water to contact such storage areas. When storing empty chemical drums or containers, the permittee shall ensure that the drums and containers are clean and that there is no contact of residuals with precipitation or runoff, and shall properly collect and dispose of wash water from drum and container cleanings.

(2) Material storage areas

(3) Fueling areas.

(4) Above-Ground Storage Tank areas, including the associated piping and valves.

(b) Employee Training. Employee training must include the following activities, as applicable:

(1) use of reused and recycled waters;

(2) solvents management, proper disposal of dyes;

(3) spill prevention and control;

(4) fueling procedures; and

(5) management and proper disposal of any solvents, petroleum products, spent lubricants, dyes, and other chemicals used at the facility.

(c) Narrative Description. The SWP3 must include a narrative description of all activities and potential sources of pollutants that may reasonably be expected to add significant amounts of pollutants to storm water discharges from industry specific activities in the SWP3 and including the following: backwinding; beaming; bleaching; backing; bonding carbonizing; carding; cut and sew operations; desizing; drawing; dyeing; flocking; fulling; knitting; mercerizing; opening; packing; plying; scouring; slashing; spinning; synthetic-felt processing; textile waste processing; tufting; turning; weaving; web forming; winging; yarn spinning; and yarn texturing.

(d) Spill Prevention and Response Measures. The SWP3 must include measures to inspect, evaluate, and replace connections, valves, transfer lines and pipes that carry chemicals, dyes, or waste. All chemicals must be stored in a protected area, away from drains, and clearly labeled.

(e) The SWP3 must include specific measures to prevent or minimize contamination of storm water runoff from above ground storage tank areas.

(f) Routine Facility Inspections. Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B.2. of this general permit, but must be conducted at least once per month in material storage areas, material transfer lines and areas, spill prevention, good housekeeping practices, management of process waste products, and all structural and non-structural management practices.

Section W. Sector W of Industrial Activity - Wood and Metal Furniture and Fixture Manufacturing Facilities

4. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector W. There are no additional requirements under this section that apply to storm water

discharges from activities identified and described as Sector W. Sector W industrial activities are described by the following SIC codes:

SECTOR W: FURNITURE AND FIXTURES

SIC Codes	*Description of Industry Sub-sector*
2434	Wood Kitchen Cabinets
2511 – 2599	Furniture and Fixtures

Section X. Sector X of Industrial Activity - Printing and Publishing Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector X. Sector X industrial activities are described by the following SIC codes:

SECTOR X: PRINTING AND PUBLISHING

SIC Codes	*Description of Industry Sub-sector*
2711 – 2796	Printing, Publishing, and Allied Industries

2. Covered Storm Water Discharges

Facilities described by any of the SIC codes listed above, that conduct publishing or designing activities without printing, are designated for coverage under this general permit and are not required to submit an NOI for coverage nor an NEC for a no exposure exclusion. These facilities must comply with the following permit requirements and are not subject to additional requirements that are listed in this permit:

(a) The facility must maintain conditions that ensure there is no exposure of industrial activities to storm water; and

(b) The facility operator must comply with the requirements of Part III, Section E. of this general permit, related to Standard Permit Conditions, except that the operator is not required to submit an NOI or NEC form, prepare a SWP3, or conduct analytical monitoring.

The facility operator must apply for coverage if either of the requirements listed above are not met. If the TCEQ determines that additional controls are required other than those listed above, or if there is a concern regarding the discharge of elevated levels of pollutants, then the TCEQ may require a facility described by SIC codes 2711 – 2796 and that does not have any printing activities to obtain coverage and meet all permit conditions through submittal of an NOI or an individual permit application.

3. Additional SWP3 Requirements

(a) Spill Prevention and Response Measures.

(1) The spill prevention and response measures section of the SWP3 must include measures to inspect, evaluate, and replace connections, valves, transfer lines, and pipes that carry chemicals or wastes.

(2) All chemicals (e.g. fuels, solvents, dyes, inks) must be stored in a protected area, away from drains, and clearly labeled.

(3) The SWP3 must include specific measures to prevent or minimize contamination of storm water runoff from above ground storage tank areas and fueling areas.

(b) Material Storage Areas. The permittee shall minimize the discharge of pollutants from storage areas for containerized materials (e.g., skids, pallets, solvents, bulk inks, hazardous waste, empty drums, portable and mobile containers of plant debris, wood crates, steel racks, and fuel oil). These materials must be plainly labeled and stored in a protected area, away from drains.

(c) The SWP3 must include a narrative description of all activities and potential sources of pollutants that may reasonably be expected to add significant amounts of pollutants to storm water discharges from industry specific activities, including blanket wash and solvent mixing operations in the SWP3 as well as the containment area(s) or enclosures for materials that are stored outdoors.

(d) Material Handling Area. Minimize contamination of storm water runoff from material handling operations and areas (e.g., blanket wash, mixing solvents, loading and unloading materials). Consider the following (or their equivalents): using spill and overflow protection, covering fueling areas, and covering or enclosing areas where the transfer of materials may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals or wastewater.

(e) Employee Training. The program must include training in the management and disposal of any solvents, other petroleum products, dyes, other chemicals used at the facility, and general good housekeeping practices. These requirements are in addition to the SWP3 requirements in Part III, Section A.4 of this permit.

Section Y. Sector Y of Industrial Activity - Rubber and Miscellaneous Plastic Products, and Miscellaneous Manufacturing Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector Y. Sector Y industrial activities are described by the following SIC codes:

SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING FACILITIES

SIC Codes	*Description of Industry Sub-sector*
3011	Tires and Inner Tubes
3021	Rubber and Plastics Footwear
3052, 3053	Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and Belting
3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
3081 – 3089	Miscellaneous Plastics Products
3931	Musical Instruments
3942 – 3949	Dolls, Toys, Games and Sporting and Athletic Goods
3951 – 3955,	except 3952 (see Sector C) - Pens, Pencils, and Other Artists' Materials (except certain inks and paints as specified in Sector C)

3961, 3965 Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal

3991 – 3999 Miscellaneous Manufacturing Industries

2. Additional SWP3 Requirements

(a) Narrative Description. The SWP3 must include a narrative description that includes a review of the use of any zinc at the facility and possible pathways where zinc could contaminate storm water runoff.

(b) Good Housekeeping Measures. This section of the SWP3 must include specific measures to minimize potential exposure of pollutants to storm water.

(1) Rubber Manufacturing: The operator of a rubber manufacturing facility shall minimize or prevent the discharge of zinc in storm water runoff. All rubber manufacturing facilities must include specific BMPs and controls to minimize the contamination of storm water from the handling and storage of zinc. Potential sources of zinc must be identified and the accompanying BMPs must be evaluated and incorporated into the SWP3 and implemented at the facility (as appropriate);

a. zinc bags must be stored indoors;

b. the permittee shall ensure headspace in containers to minimize “puffing” losses when the containers are opened;

c. where feasible, the permittee shall ensure that there is no exposure of waste disposal dumpsters to storm water (e.g., store indoors or provide a cover and liner for the dumpster);

d. repair or replace improperly operating dust collectors and baghouses, as appropriate;

e. minimize dust generation from rubber grinding operations;

f. reduce the possible contamination of storm water by drips and spills of zinc stearate slurry; and

g. identify specific measures for zinc spill cleanup so that the cleanup may be completed without washing the spill into the storm drain.

(2) Plastics Manufacturing: The operator of a plastic products manufacturing facility shall minimize the possibility of discharging plastic resin pellets in storm water discharges from the facility by implementing control measures (or their equivalents) that include: minimizing spills, cleaning up of spills promptly and thoroughly, sweeping thoroughly, capturing pellets, employee education and training, and using precautions for disposal.

3. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:Table 31. Bencmark Monitoring Requirements for Subsections in Sector Y

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value

3011	Tires and Inner Tubes	Zinc, total	0.16 mg/L
3021	Rubber and Plastics Footwear	Zinc, total	0.16 mg/L
3052, 3053	Gaskets, Packing, and Sealing Devices; and Rubber and Plastics Hose and Belting	Zinc, total	0.16 mg/L
3061	Molded, Extruded, and Lathe-Cut Mechanical Rubber Goods	Zinc, total	0.16 mg/L
3069	Fabricated Rubber Products, Not Elsewhere Classified	Zinc, total	0.16 mg/L

Section Z. Sector Z of Industrial Activity - Leather Tanning and Finishing Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector Z. Sector Z industrial activities are described by the following SIC codes:

SECTOR Z: LEATHER TANNING AND FINISHING

SIC Codes	*Description of Industry Sub-sector*
3111	Leather Tanning and Finishing

2. Additional SWP3 Requirements

(a) Drainage Area Site Map. The drainage area site map must clearly show the location of the following activities, if these activities are exposed to storm water: processing and storage areas of the beam house, tan yard and re-tan wet and dry finishing operations; haul roads; access roads; and rail spurs.

(b) Potential Pollutant Sources. Document the following sources and activities that have potential pollutants associated with them in the SWP3 (as appropriate): temporary or permanent storage of fresh and brine-cured hides; extraneous hide substances and hair; leather dust, scraps, trimmings, and shavings.

(c) Good Housekeeping Measures. The following requirements are in addition to the requirements in Part III, Section A.4. of this general permit, related to Pollution Prevention Measures and Controls. The permittee shall minimize the contact of storm water from the following areas or materials, in order to reduce the potential to discharge contaminated storm water:

(1) Storage areas for raw, semi-processed, or finished tannery by-products, including pallets and bales of raw, semi-processed or finished tannery by-products.

(2) Buffing and shaving areas.

(3) Receiving, unloading, and storage areas, if these areas are exposed.

(4) Outdoor storage of contaminated equipment.

(5) Waste Management Areas.

(d) Labeling. The permittee shall also label storage containers of all materials (e.g., specific chemicals, hazardous materials, spent solvents, waste materials).

Section AA. Sector AA of Industrial Activity - Fabricated Metal Products Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector AA. Sector AA industrial activities are described by the following SIC codes:

SECTOR AA: FABRICATED METAL PRODUCTS FACILITIES

SIC Code	*Description of Industry Sub-sector*
3411 – 3499	Fabricated Metal Products, Except Machinery and Transportation Equipment
3911 – 3915	Jewelry, Silverware, and Plated Ware

2. Pollution Prevention Measures and Controls

The following requirements are in addition to the requirements listed in Part III of this general permit.

(a) Good Housekeeping Measures. In addition to the Pollution Prevention Measures and Controls SWP3 requirements in Part III, Section A.4. of this general permit, the permittee must implement the following control measures, and must document in the SWP3 the measures being used for each measure. This section of the SWP3 must also define practices to prevent or minimize exposure of storm water to metal fines and iron dust, solvents and paints, and also from sand where sandblasting operations are conducted.

(1) Raw Steel Handling Storage. Minimize the generation of or recover and properly manage scrap metals, fines, and iron dust. Include measures for containing materials within storage handling areas.

(2) Paints and Painting Equipment. Minimize exposure of paint and painting equipment to storm water.

(b) Spill Prevention and Response Procedures. Ensure that the necessary equipment to implement a cleanup is available to personnel by addressing the following areas:

(1) Metal Fabricating Areas. Maintain clean, dry, orderly conditions in these areas.

(2) Storage Areas for Raw Metal. Keep these areas free of conditions that could cause, or impede appropriate and timely response to, spills or leakage of materials.

(3) Metal Working Fluid Storage Areas. Minimize the potential for storm water contamination from storage areas for metal working fluids.

(4) Cleaners and Rinse Water. Control and clean up spills of solvents and other liquid cleaners, control sand buildup and disbursement from sand-blasting operations, and prevent exposure of recyclable wastes. Substitute environmentally benign cleaners when possible.

(5) Lubricating Oil and Hydraulic Fluid Operations. Minimize the potential for storm water contamination from lubricating oil and hydraulic fluid operations. Consider using monitoring equipment or other devices to detect and control leaks and overflows. Consider installing perimeter controls such as dikes, curbs, grass filter strips, or equivalent measures.

(6) Chemical Storage Areas. Minimize storm water contamination and accidental spillage in chemical storage areas. Include a program to inspect containers and identify proper disposal methods.

(c) Additional SWP3 Requirements

(1) Site Map. Document in the SWP3 where any of the following may be exposed to storm water: raw metal storage areas; finished metal storage areas; scrap disposal collection sites; equipment storage areas; retention and detention basins; temporary and permanent diversion dikes or berms; right-of-way or perimeter diversion devices; sediment traps and barriers; processing areas, including outside painting areas; wood preparation; recycling; and raw material storage.

(2) Potential Pollutant Sources. Document in the SWP3 the following additional sources and activities that have potential pollutants associated with them: loading and unloading operations for paints, chemicals, and raw materials; outdoor storage activities for raw materials, paints, empty containers, corn cobs, chemicals, and scrap metals; outdoor manufacturing or processing activities such as grinding, cutting, degreasing, buffing, and brazing; onsite waste disposal practices for spent solvents, sludge, pickling baths, shavings, ingot pieces, and refuse and waste piles.

(d) Additional Inspection Requirements

(1) Inspection procedures must be developed according to the standard periodic inspection requirements described in Part III, Section B. of this general permit and conducted at least once per quarter in the following areas:

a. raw metal storage areas;

b. finished product storage areas;

c. material and chemical storage areas;

d. recycling areas;

e. loading and unloading areas;

f. equipment storage areas;

g. paint areas; and

h. vehicle fueling and maintenance areas.

(2) Comprehensive Site Inspections. As part of the annual comprehensive site compliance evaluation in Part III, Section B.5., the permittee must inspect areas associated with the storage of raw metals, spent solvents and chemicals storage areas, outdoor paint areas, and drainage from roof. Potential pollutants include chromium, zinc, lubricating oil, solvents, aluminum, oil and grease, methyl ethyl ketone, steel, and related materials.

3. Benchmark Monitoring Requirements

The following subsections must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 32. Benchmark Monitoring Requirements for Sebsections in Sector AA

SIC Code	Description of Industrial Activity	Benchmark Parameter	Benchmark Value
3411-3499 3911-3915	Fabricated Metal Products Except Coating	Aluminum, total Iron, total Zinc, total Nitrate + Nitrite N TSS	1.2 mg/L 1.3 mg/L 0.16 mg/L 0.68 mg/L 50 mg/L
3479	Fabricated Metal Coating and Engraving	Zinc, total Nitrate + Nitrite N	0.16 mg/L 0.68 mg/L

Section AB. Sector AB of Industrial Activity - Transportation Equipment and Industrial or Commercial Machinery Manufacturing Facilities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector AB. Sector AB industrial activities are described by the following SIC codes:

SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY MANUFACTURING FACILITIES

SIC Codes *Description of Industry Sub-sector*

3511 – 3599, except 3571 – 3579 (see Sector AC) - Industrial and Commercial Machinery, except Computer and Office Equipment (see Sector AC)

3711 – 3799, except 3731, 3732 (see Sector R) - Transportation Equipment,except Ship and Boat Building and Repairing (see Sector R)

2. Additional SWP3 Requirements

Drainage Area Site Map. The site map must clearly show the location of vents and stacks from metal processing and similar areas.

Section AC Sector AC of Industrial Activity - Electronic and Electrical Equipment/Components, and Photographic/Optical Goods Manufacturing Facilities

1. Description of Industrial Activity

There are no additional requirements under this section that apply to storm water discharges from activities identified and described as Sector AC. Sector AC industrial activities are described by the following SIC codes:

SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS

SIC Codes	*Description of Industry Sub-sector*
3571 – 3579	Computer and Office Equipment
3612 – 3699	Electronic, Electrical Equipment and Components, except Computer Equipment
3812 – 3873	Measuring, Analyzing and Controlling Instrument; Photographic and Optical Goods

Section AD Sector AD of Industrial Activity - Miscellaneous Industrial Activities

1. Description of Industrial Activity

The requirements under this section apply to storm water discharges from activities identified and described as Sector AD. Sector AD industrial activities are described by the following Industrial Activity Code:

SECTOR AD: MISCELLANEOUS INDUSTRIAL ACTIVITIES

Activity Codes and Description of Industry Sub-sector

Limited to facilities that are designated by the executive director as needing a permit to control pollution related to storm water discharges and that do not meet the description of an industrial activity covered by Sectors A-AC

2. Limitations on Permit Coverage

(a) Facilities may not request general permit coverage under Sector AD. Coverage under this sector is reserved for those facilities that are designated by the executive director as eligible for coverage under this sector of this general permit. The executive director may designate a facility based on site specific considerations such as water quality impacts. A designation may be made based on information obtained during a site inspection or other means, if it is determined that the discharge would be appropriately regulated under this general permit rather than an individual storm water permit.

(b) Facilities that are determined by the executive director to need controls in addition to the requirements in Part II and Part III of this general permit will be required to obtain an individual TPDES permit.

3. SWP3 and Other Requirements

The permittee must implement the controls and measures described in Part III of this general permit for all regulated areas of the facility.

4. Co-located Activities

Where co-located industrial activities occur (refer to Part II, Section A.3. of this general permit), the additional conditions and requirements in Part V of this general permit for each of these activities also apply.

5. Benchmark Monitoring Requirements

All facilities authorized under this section must conduct benchmark monitoring according to the requirements in Part IV of this general permit and conduct evaluations on the effectiveness of the facility SWP3 based on the following benchmark values:

Table 33. Benchmark Monitoring Requirements for Sector AD

Activity Code	**Description of Industrial Activity**	**Benchmark Parameter**	**Benchmark Value**
AD	Miscellaneous Industrial Activities	pH TSS COD Oil and Grease	6.0-9.0 S.U. 100 mg/L 60 mg/L 10 mg/L

DOCKET NO. 2011-0010-RUL
General Permit No. TXR050000

IN THE MATTER OF AMENDING AND RENEWING THE TPDES GENERAL PERMIT TO AUTHORIZE DISCHARGES UNDER THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM FROM REGULATED INDUSTRIAL FACILITIES WITHIN THE STATE OF TEXAS	**§ § § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

COMMISSION RESOLUTION AMENDING AND RENEWING THE GENERAL PERMIT

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, renewal of the general permit (TXR050000) with changes that authorizes discharges of storm water from regulated industrial facilities in the state of Texas was drafted and proposed by the Executive Director and 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 Chief Clerk a written Response to Public Comments on the proposed changes to the general permit in accordance with the requirements of 30 Texas Administrative Code (30 TAC) § 205.3(e) and is here 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; and

THEREFORE, after consideration of all public comment and the responses to such comment, the Commission, by this resolution, hereby issues the general permit, attached as Exhibit A, as recommended by the Executive Director and as approved by the Commission during its July 20, 2011, public meeting. The Commission, by this resolution, also hereby issues the Executive Director's Response to Comments as approved by the Commission during its July 20, 2011 public meeting as the Commission's Response to Public Comment, attached as Exhibit B.

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

_____
Bryan W. Shaw, Ph.D., Chairman
For the Commission