

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
**AGENDA ITEM REQUEST**  
for General Permit Adoption

**AGENDA REQUESTED:** September 4, 2013

**DATE OF REQUEST:** August 16, 2013

**INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED:** Charlotte Horn, (512) 239-0779

**CAPTION: Docket No. 2013-0886-MIS.** Consideration of the adoption of the renewal, with amendment, of the Texas Pollutant Discharge Elimination System (TPDES) general permit number TXG830000, authorizing the discharge of waters contaminated with petroleum fuel or petroleum substances into water in the state and consideration of adoption of the Response to Comment. Public notice of the proposed draft permit was published in the April 26, 2013 issue of the *Texas Register* (38 TexReg 2662). (Laurie Fleet, Robert Brush) (Non-Rule Project No. 2013-007-OTH-NR)

Kim Wilson for L'Oreal Stepney  
**Deputy Director**

David Galindo  
**Division Director**

Charlotte Horn for Bruce McAnally  
**Agenda Coordinator**

**Copy to CCC Secretary? NO YES X**

# Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

**To:** Commissioners **Date:** August 2, 2013

**Thru:** Bridget C. Bohac, Chief Clerk  
Zak Covar, Executive Director

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

**Docket No.:** 2013-0886-MIS

**Subject:** Commission Approval for General Permit Issuance  
TPDES General Permit No. TXG830000, Renewal of the Petroleum  
Fuel or Petroleum Substances Contaminated Water General Permit  
Non-Rule Project No: 2013-007-OTH-NR

## Summary and background

This is a renewal with amendment of a Texas Pollutant Discharge Elimination System (TPDES) general permit authorizing the discharge of waters contaminated by petroleum fuel or petroleum substances. The renewal with amendment will replace the current permit which expires on September 12, 2013.

## Basic requirements

TPDES General Permit No. TXG830000 authorizes the discharge of waters contaminated by petroleum fuel or petroleum substances. The general permit authorizes petroleum contaminated discharges from: groundwater pump tests; groundwater, surface water, and soil remediation activities; cleanup activities following spills that occur during transportation of petroleum fuel or petroleum substances; removal of water from underground and aboveground storage tank systems previously containing petroleum fuel or petroleum substances; removal of accumulated groundwater from excavation sites; and removal of accumulated water from utility and pipeline vaults.

Unless specifically exempted from the notice requirements, all applicants seeking authorization to discharge under this general permit shall submit a completed Notice of Intent (NOI). Applicants submit the NOI to the TCEQ and provisional coverage begins 48 hours after the postmark date.

Wastewater is subject to numeric limitations for total petroleum hydrocarbons, total lead, benzene, BTEX (the sum of benzene, toluene, ethylbenzene, and total xylenes), polynuclear aromatic hydrocarbons (PAH), pH, and methyl tertiary-butyl ether (MTBE) which are continued from the existing permit.

Fees include a \$100 NOI application fee and a \$500 annual fee.

Re: Docket No. 2013-0886-MIS

**Number of current/expected authorizations:**

There are currently 45 facilities authorized under this general permit. A significant number of additional NOIs are not expected.

**Proposed changes from current permit:**

- Part II. Section B.4 was revised. "Poor performer" was changed to "unsatisfactory performer" based on 30 TAC §60.3, Use of Compliance History.
- Part II. Section C.4 was revised to provide the current contact information for TCEQ Region 11.
- Part III. Section A.2 has been revised to clearly identify what is required of the permittee if there is an exceedance of any listed individual PAH which will benefit permittees seeking to re-initiate prohibited discharges. The following language has been included in the draft permit:

*Accompanying the report required by Part III, Section B.9 to the Industrial Wastewater Permits Team, the permittee shall provide the analytical data for each individual chemical which comprises the PAH suite of pollutants which resulted in the PAH effluent limitation excursion. Additionally, further analytical testing for PAH shall be conducted on effluent which has been generated and not discharged to demonstrate compliance with the PAH limitation and that data shall accompany the request from the permittee to re-initiate discharge.*

- Part IV.7.f was revised to require the Discharge Monitoring Report (DMR) to be submitted monthly instead of quarterly to be consistent with sample frequency in this general permit and with reporting requirements in other general permits. Consistency between sampling and reporting schedules is anticipated to reduce confusion for permittees. Language was also included regarding submission of eDMR through the eReporting function of the TCEQ eServices Web site, which is available for all general permits.
- Included definitions for Discharge, Edwards Aquifer, Edwards Aquifer Recharge Zone, and Water in the State.

**Effect on the community, public, or agency programs:**

This permit amendment with renewal is not expected to have any effect on the regulated community, the public, or agency programs.

**Planned stakeholder involvement:**

A letter was sent to facilities currently authorized by the general permit advising them on the upcoming renewal and provided an opportunity to send in preliminary suggestions.

Commissioners  
Page 3  
August 2, 2013

Re: Docket No. 2013-0886-MIS

The TCEQ did not receive any comments in response to that letter. Notice of this general permit was published for public comment, as discussed below.

**EPA Review:**

On February 27, 2013, TCEQ received a letter from the United States Environmental Protection Agency (EPA) stating "the EPA has no objection to the issuance of the draft general permit." No changes were made to the permit as a result of the EPA review.

**Public Comment:**

Public notice was published on April 26, 2013 in the *Texas Register*, the *Corpus Christi Caller Times*, the *Houston Chronicle*, and the *Dallas Morning News*. The public notice period ended May 28, 2013. Public comments were received from Oncor Electric Delivery Company, LLC (ONCOR). ONCOR recommended revising the permit to allow alternative best management practices for erosion control at discharge locations. The executive director agreed with this comment and revised the draft general permit and fact sheet accordingly.

**Potential controversial concerns and legislative interest:**

Legislative interest or issues with the public or the EPA are not anticipated.

**Key dates in the general permit schedule:**

- Published notice in *Texas Register* and newspapers - April 26, 2013
- Public comment period ended – May 28, 2013
- Scheduled Commission Agenda Date - September 4, 2013
- Anticipated Effective Date: September 12, 2013

**Direction and Guidance:**

---

---

---

**General Permit Action Project number:** 2013-007-OTH-NR

**Agency contacts:**

Laurie Fleet, Project Manager, 239-5445, Water Quality Division  
Robert Brush, Staff Attorney, 239-5600  
Charlotte Horn, Texas Register Coordinator, 239-0779

cc: Chief Clerk, 2 copies  
Executive Director's Office  
Anne Idsal  
Curtis Seaton  
Tucker Royall

Commissioners

Page 4

August 2, 2013

Re: Docket No. 2013-0886-MIS

Office of General Counsel

Laurie Fleet

Charlotte Horn

**FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION  
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL  
PERMIT TXG830000**

---

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

Prepared by: Laurie Fleet  
Wastewater Permitting Section  
Water Quality Division  
(512) 239-5445

Date: November 28, 2012

Permit Action: Amendment with Renewal of General Permit TXG830000

**I. Summary**

The Texas Commission on Environmental Quality (TCEQ) is proposing to reissue Texas Pollutant Discharge Elimination System (TPDES) General Permit TXG830000, issued September 12, 2008, which authorizes discharges of water contaminated by petroleum fuel or petroleum substances. The general permit authorizes petroleum contaminated discharges from: groundwater pump tests; groundwater, surface water, and soil remediation activities; cleanup activities following spills that occur during transportation of petroleum fuel or petroleum substances; removal of water from underground and aboveground storage tank systems previously containing petroleum fuel or petroleum substances; removal of accumulated groundwater from excavation sites; and removal of accumulated water from utility and pipeline vaults. The draft permit specifies which facilities may be authorized under this general permit and those which must be authorized by individual permit.

**II. Executive Director's Recommendation**

The executive director has made a preliminary decision that this permit, if reissued, meets all statutory and regulatory requirements. It is proposed that the permit be reissued to expire five years from the effective date following the requirements of 30 Texas Administrative Code (TAC) § 205.5(a).

**III. Permit Applicability and Coverage**

- A. This general permit authorizes the discharge of water contaminated by petroleum fuel or petroleum substances. The permit specifies which facilities may be authorized under this general permit and those which must be authorized by individual permit.
- B. The following discharges are not eligible for general permit coverage:
- (1) Discharges prohibited by 30 TAC Chapter 311, *Watershed Protection*, and 30 TAC Chapter 213, *Edwards Aquifer*;

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

- (2) Discharges into or adjacent to water in the state from facilities that are regulated by the Railroad Commission of Texas, including crude oil facilities.
- (3) Discharges that do not meet water quality standards, cause a violation of water quality standards, cause or contribute to a water quality violation, or fail to protect and maintain existing designated uses;
- (4) Discharges of the constituents of concern to impaired water bodies when there is a TCEQ approved total maximum daily load (TMDL) implementation plan unless the discharges are consistent with the approved TMDL and the implementation plan. Constituents of concern are those causing a water body to be listed as impaired; and
- (5) Discharges that 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 to ensure that protection of endangered or threatened species is achieved.

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

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

**IV. Permit Effluent Limitations**

A. Unless specifically exempted from the notice requirements under Part II, Section C.5 of the general permit, waters contaminated by petroleum fuel or petroleum substances discharged under the authority of this general permit shall meet the following effluent limitations:

Parameter	Daily Average Limitations	Daily Maximum Limitations	Sample Type	Monitoring Frequency
Total Petroleum Hydrocarbons (*1)	15 mg/L	15 mg/L	Grab	*One/week (*2)
Total Lead (*3)	0.10 mg/L	0.10 mg/L	Grab	*One/week (*4)
Total Lead (*3)	0.02 mg/L	0.02 mg/L	Grab	*One/week (*4)
Benzene	0.005 mg/L (*5)	0.005 mg/L (*5)	Grab	*One/week (*2)
Total BTEX (*6)	0.10 mg/L (*5)	0.10 mg/L (*5)	Grab	*One/week (*2)
PAH (*7)	0.01 mg/L	0.01 mg/L	Grab	*One/month (*8)
pH	6.0-9.0 Standard Units	N/A	Grab	*One/week
MTBE (*9)	0.15 mg/L	0.15 mg/L	Grab	*One/week (*4)

**Fact Sheet and Executive Director's Preliminary Decision**  
**TPDES General Permit No. TXG830000**

- \* When discharging.
- (\*1) Total petroleum hydrocarbons shall be analyzed using TCEQ Method 1005.
- (\*2) The permittee may request that the monitoring frequency be revised from once per week to once every two weeks if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. of the general permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.
- (\*3) The daily maximum and daily average limitations for total lead are 0.02 mg/L for discharges located in the following counties: Anderson, Angelina, Camp, Cass, Cherokee, Collin, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For the other counties in the state, the daily maximum and daily average limitations are 0.10 mg/L.
- (\*4) If the permittee certifies in the NOI that none of the materials handled or stored at the site contained lead, lead additives or MTBE, the monitoring frequency is once per year. The permittee may also request that the monitoring frequency be revised from once per week to once a month if the permittee demonstrates historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Wastewater Permits Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. of the general permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.
- (\*5) If petroleum fuel or petroleum substance contaminated water is land applied, without any discharge to water in the state, the daily maximum and daily average limitations for benzene are 0.05 mg/L and the daily maximum and daily average limitations for total BTEX are 0.5 mg/L.
- (\*6) BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylenes.
- (\*7) Polynuclear aromatic hydrocarbons shall be measured as the sum of acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene.
- (\*8) The permittee may request that the monitoring frequency be revised from once per month to once every three months, if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. of the general permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

(\*9) MTBE is methyl tertiary-butyl ether.

**V. Changes From Existing General Permit**

- Part II. Section B.4 was revised. "Poor performer" was changed to "unsatisfactory performer" based on 30 TAC § 60.3, *Use of Compliance History*.
- Part II. Section C.4 was revised to provide the current contact information for TCEQ Region 11.
- Part III. Section A.2 has been revised to clearly identify what is required of the permittee if there is an exceedance of any listed individual polynuclear aromatic hydrocarbon (PAH) which will benefit permittees seeking to re-initiate prohibited discharges. The following language has been included in the draft permit:

Accompanying the report required by Part III, Section B.9 to the Industrial Wastewater Permits Team, the permittee shall provide the analytical data for each individual chemical which comprises the PAH suite of pollutants which resulted in the PAH effluent limitation excursion. Additionally, further analytical testing for PAH shall be conducted on effluent which has been generated and not discharged to demonstrate compliance with the PAH limitation and that data shall accompany the request from the permittee to re-initiate discharge.

- Part IV.7.f was revised to require the Discharge Monitoring Report (DMR) to be submitted monthly instead of quarterly to be consistent with sample frequency in this general permit and with reporting requirements in other general permits. Consistency between sampling and reporting schedules is anticipated to reduce confusion for permittees. Language was also included regarding submission of eDMR through the eReporting function of the TCEQ eServices webpage which is available for all general permits.
- Included definitions for Discharge, Edwards Aquifer, Edwards Aquifer Recharge Zone, and Water in the State.
- Part III. Section B.2 was revised to allow alternative best management practices to prevent erosion.

**VI. Addresses**

Comments on this proposed general permit should be sent to:

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

Questions concerning this draft general permit should be directed to:

Laurie Fleet  
TCEQ  
Wastewater Permitting Section (MC-148)

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

Water Quality Division  
P.O. Box 13087 Austin, TX 78711-3087  
(512) 239-5445

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 except as authorized by a rule, permit, or order issued by the commission. TWC § 26.027 authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state. TWC § 26.040 provides the commission with authority to amend rules adopted under § 26.040 prior to amendment of the statute by House Bill (HB) 1542 in 1997, and to authorize waste discharges by the general permit. On September 14, 1998, the TCEQ received authority from the United States Environmental Protection Agency (EPA) through a Memorandum of Agreement between the two agencies to administer the National Pollutant Discharge Elimination System (NPDES) program in Texas as the Texas Pollutant Discharge Elimination System (TPDES).

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

Two types of technology-based effluent limitations are included in the proposed general permit. With regard to conventional pollutants, i.e., pH, biochemical oxygen demand (BOD), oil and grease, total suspended solids (TSS), and fecal coliform bacteria, CWA § 301(b)(1)(E) requires effluent limitations based on “best conventional pollutant control technology” (BCT). With regard to nonconventional and toxic pollutants, CWA § 301(b)(2)(A), (C), and (D) requires effluent limitations based on “best available technology economically achievable” (BAT), a standard that 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).

Frequently, EPA adopts nationally applicable guidelines identifying the BPT, BCT, and BAT standards that apply to specific industrial categories and subcategories. Until such guidelines are published, however, CWA § 402(a)(1) requires that appropriate BCT and BAT effluent limitations be included in permitting actions on the basis of best professional judgment (BPJ). This general permit was previously issued on September 12, 2008.

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

**VIII. Regulatory Background**

The regulation of water contaminated by petroleum fuel or petroleum substances was initially through authorization by rule, 30 TAC § 321, Subchapter H, *Petroleum Contaminated Discharges*. This rule was originally adopted with an effective date of May 9, 1989. The commission was given authority to issue general permits by HB 1542, passed during the 75<sup>th</sup> legislative session in 1997. Further clarification of this general permit authority was provided in subsequent legislation, HB 1283, passed during the 76<sup>th</sup> legislative session in 1999. As a result of this authority and in accordance with a memorandum of agreement between the EPA and TCEQ relating directly to the TPDES permit program, the commission is seeking to reissue this general permit.

**IX. Permit Coverage**

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

- A. Unless specifically exempted from the notice requirements under Part II, Section C.5 of the general permit, all applicants seeking authorization to discharge under this general permit shall submit a completed Notice of Intent (NOI) on a form approved by the executive director. Existing discharges authorized under the expiring general permit are required to submit a new NOI within 90 days of the general permit effective date to continue authorization. The NOI shall include at a minimum the legal name and address of the owner and operator, the facility name and address, specific description of the location of the discharge, type of facility or discharges, and the name of the receiving water.
- B. Submission of a NOI is an acknowledgment that the conditions of this general permit are applicable to the proposed discharge, and that the applicant agrees to comply with the conditions of the general permit. Unless the discharge is located within ten stream miles upstream of the Edwards Aquifer recharge zone, provisional authorization to discharge under the terms and conditions of this general permit begins 48 hours after a completed NOI is postmarked for delivery to the TCEQ (see Part II, Section C.5 of the general permit). The NOI shall be submitted to the address indicated on the NOI form. Following review of the NOI, the executive director will: a) determine that the NOI is complete and confirm coverage by providing a written notification and an authorization number; b) determine that the NOI is incomplete and request additional information needed to complete the NOI; or c) deny coverage in writing. Denial of coverage will be made in accordance with 30 TAC § 205.4, *Applications and Notices of Intent*. If the TCEQ provides for electronic submission of NOIs during the term of this permit, and a NOI is submitted electronically, authorization begins 24 hours following confirmation of receipt of the electronic NOI, unless restricted by Part II, Section C.4 of the general permit.
- C. Applicants seeking authorization to discharge to a municipal separate storm sewer system (MS4) shall provide a copy of the NOI to the operator of the system at the same time a NOI is submitted to the TCEQ.
- D. For discharges located in or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants shall submit a copy of their NOI to the appropriate TCEQ regional office. Discharge may not commence for sites regulated under 30 TAC Chapter

**Fact Sheet and Executive Director's Preliminary Decision**  
**TPDES General Permit No. TXG830000**

213, *Edwards Aquifer*, until all applicable requirements of the Edwards Aquifer rules are met, including a TCEQ approved Edwards Aquifer Protection Plan, if applicable.

E. A NOI is not required if:

- (1) The discharge is from a utility vault and the discharge is in compliance with the requirements and provisions of Part III, Section C of the general permit. The executive director considered the following in making this determination as required by 40 Code of Federal Regulations (CFR) § 122.28(b)(2)(v):
  - (a) Type of discharge: The discharge would be the result of accumulated water within a utility vault.
  - (b) Expected nature of the discharge: The water discharged from a utility vault would primarily be rainfall runoff. Without the submission of a NOI, the permit would not allow a discharge to surface waters from a utility vault that contains hydrocarbon vapors or shows evidence of leaking oil-filled equipment. Also, the discharge shall not contain free product, be considered "non-PCB" or have a PCB level not to exceed 0.002 mg/L PCB, and shall not contain a concentration of taste or odor producing substances that interfere with the production of potable water or interfere with the reasonable use of water in the state.
  - (c) Expected volume of the discharge: On a daily basis, the volume is expected to be negligible to nonexistent. During rainfall events the volume is dependent on the amount of rainfall.
  - (d) Other means of identifying discharges covered by this general permit: Each utility company can provide this information upon request.
  - (e) Estimated number of discharges to be covered by the permit: Based on information provided by the Association of Electric Companies of Texas (AECT) there are thousands of utility vaults in the state that are eligible for discharge under this general permit.
- (2) All free product is removed and disposed of in compliance with state law, and the remaining contaminated water is routed to an existing TPDES permitted wastewater treatment system, disposed of under authorization of a Texas Land Application Permit (TLAP), underground injection in accordance with 30 TAC Chapter 331, or other approved disposal method.
- (3) The petroleum fuel or petroleum substance contaminated water is land applied at the site with no runoff to water in the state where:
  - (a) the volume to be land applied is 1,000 gallons or less during any quarter, and discharge limitations in Part III, Section A of the general permit are satisfied based on either:
    - (i) results of laboratory analyses; or
    - (ii) written documentation demonstrating that the treatment system is properly operated and maintained and that the treatment

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

efficiency is adequate to meet the effluent limits in the permit based on the intake concentrations; and

- (b) the land application:
  - (i) complies with 16 TAC Chapter 76. *Water Well Drillers and Water Well Pump Installers*; or
  - (ii) is conducted at a minimum distance of 500 feet from all water wells; and
- (c) the owner or operator maintains records to demonstrate compliance with the requirements of Part II, Section C.5 of the general permit.

F. Authorization under this general permit is not transferable. If either the owner or operator of the regulated entity is changing, then the present owner and operator shall submit a notice of termination (NOT) and the future owner and operator shall submit a NOI. The NOT and NOI shall be submitted no later than 10 days before the change. Permittees discharging to an MS4 shall submit a copy of the NOT and NOI to the MS4 at the same time the NOT and NOI are submitted to the TCEQ.

G. If the owner or operator becomes aware that it failed to submit any relevant facts, or submitted incorrect information, in a NOI, the correct information shall be provided to the executive director in a Notice of Change (NOC) within 14 days after discovery. If relevant information provided in the NOI changes (for example, phone number or P.O. Box number) a NOC shall be submitted within 14 days of the change. Permittees discharging to a MS4 shall submit a copy of any NOC to the operator of the system at the same time the NOC is submitted to the TCEQ.

**X. Technology-Based Requirements**

The limitations and conditions of the proposed general permit have been developed to comply with the technology-based standards of the CWA. There are currently no nationally applicable effluent limitation guidelines identifying the BPT, BCT, and BAT standards. Technology-based effluent limitations included in the general permit are based on BPJ.

The parameters selected for BCT/BAT limits are the primary pollutants of concern for discharges authorized in the general permit. The limitations for these parameters are: 15 mg/L total petroleum hydrocarbons, 0.10 mg/L BTEX, 0.01 mg/L PAH, and between 6.0 to 9.0 standard units pH. These effluent limitations are economically achievable and are established at levels existing in the current TPDES General Permit TXG830000.

Treatment technologies which are currently available and applicable to treat wastewater generated from this industrial activity include (but are not limited to): oil/water separation, activated carbon adsorption, and biological wastewater treatment. Numeric effluent limitations for parameters were established according to 30 TAC Chapter 319, *General Regulations Incorporated Into Permits*, and are consistent with the effluent limitations in the current TPDES general permit.

**XI. Water Quality-Based Requirements**

The Texas Surface Water Quality Standards (TSWQS) codified at 30 TAC Chapter 307 state that "surface waters will not be toxic to man, or to terrestrial or aquatic life." The methodology

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

outlined in the *Procedures to Implement the TSWQS* is designed to insure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to insure that no source will be allowed to discharge any wastewater which: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

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

The daily maximum and daily average effluent limit of 0.10 mg/L for total lead was developed based on the protection for acute freshwater aquatic life toxicity in situations where little or no dilution occurs, and will help ensure that chronic criteria will be protected. Human health criteria is protected by the lead limit, since rapid dilution is expected for any discharges into waterbodies that are large enough to constitute a public drinking water supply or a sustainable fishery.

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

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

Of the specific petroleum products of concern, the TSWQS contain a numeric limit for benzene to protect human health. The applicable instream criteria are 0.005 mg/L for public drinking water sources, and 0.513 mg/L for the protection of fish consumption. The general permit specifies an effluent limit of 0.005 mg/L for benzene. This effluent limit is expected to meet water quality standards, including standards for drinking water sources.

The BTEX effluent limit of 0.1 mg/L remains protective of all BTEX constituents except for benzene when: (1) typical dilutions are assumed near the point of discharge for lakes and

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

estuaries; (2) discharges are not large; or (3) discharges are not continuous. The numeric effluent limit for benzene is less than the maximum contaminant level (MCL) for this pollutant, and is also equal to the human health water quality standard for public drinking water supplies.

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

<b>Chemical</b>	<b>Water and Fish</b>	<b>Fish Only</b>	<b>Freshwater Aquatic Life Chronic</b>	<b>Saltwater Aquatic Life Chronic</b>
Benzene	0.005 ††	0.513 †	0.530 #	0.510 #
Ethylbenzene	0.700 ††	7.143 †	1.090 §	0.249 §
Toluene	1.000 ††	20.026¶	1.450 §	0.475 §
Xylene	10.000 ††	No HH data	1.340 §	0.850 §

† 30 TAC § 307, Table 3.

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

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

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

†† Maximum Concentration Level (MCL).

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

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

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

The discharges authorized under this general permit are not typically continuous flowing discharges and the limitations for pollutants of concern in the permit should preclude toxicity instream. The concentrations (LC 50) of these pollutants that exhibit 50% mortality are less protective than the concentrations in the permit. The EPA's document, Quality Criteria for Water 1986 (EPA 440/5-86-001), also called the "Goldbook" list the aquatic life criterion for benzene as 5.3 mg/L which is less protective than the 0.005 mg/L limit in the draft permit. Toxicity data

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

compiled by the Water Quality Assessment Team shows LC 50s for sensitive freshwater species as 9.5 mg/L for toluene, 21.8 mg/L for ethylbenzene, and 5.9 mg/L for xylenes. The LC 50s for marine species are 9.5 mg/L for toluene, 5.0 mg/L for ethylbenzene, and 7.4 mg/L for xylenes. Therefore, the limits in the draft permit of 0.005 mg/L for benzene, and 0.1 mg/L for BTEX should preclude toxicity instream, so the 24-hour toxicity tests are not required by the general permit.

## **XII. Monitoring**

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

- A. Samples must be collected and measurements taken at times and in a manner that is representative of the monitored discharge.
- B. All samples must be collected according to the latest edition of *Standard Methods for the Examination of Water and Wastewater* (published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation), the EPA's *Methods for Chemical Analysis of Water and Waste* (1979), or the EPA's *Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents* (1973).
- C. Sample containers, holding times, preservation methods, and the methods of analyses for effluent samples must meet the requirements in 40 CFR Part 136.
- D. The permittee shall ensure that properly trained and authorized personnel monitor and sample the discharge.
- E. The sampling point must be downstream of any treatment unit or treatment technique that is used to improve or otherwise alter the quality of the discharge.
- F. 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*.
- G. Analytical results for determining compliance with effluent limitations must be recorded on Discharge Monitoring Report (DMR) (EPA No. 3320-1), a duplicate form, or a self-generated form that is comparable. Effluent sampling must be conducted in accordance with the monitoring frequencies specified in this general permit and must be submitted on a monthly basis to the TCEQ Enforcement Division (MC 224) or by eDMR through the eReporting function of the TCEQ eServices webpage. The DMR for any given month is due by the 20th day of the following month and must be signed in accordance with the requirements in Part IV.8 of the general permit. If noncompliance with a discharge limitation occurs, the permittee shall provide notification according to Part III.B.9 of the general permit.

## **XIII. Procedures for Final Decision**

The memorandum of agreement between the EPA and TCEQ provides that EPA has no more than 90 days to comment, object, or make recommendations to the draft general permit before it is published in the *Texas Register*. According to 30 TAC Chapter 205, *General Permits for Waste*

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

*Discharges*, when the draft general permit is proposed, notice shall 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 shall 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 meeting on the proposed general permit to the executive director of the TCEQ before the end of the public comment period. A public meeting 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 meeting is intended for the taking of public comment, and is not a contested case proceeding under the Administrative Procedure Act.

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

**XIV. Administrative Record**

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

- A. 40 CFR Citations
  - 40 CFR § 122
  - 40 CFR § 124
  - 40 CFR § 136
- B. TCEQ Rules
  - 30 TAC Chapters 39, 205, 281, 305, 307, 309, 319, 321, 331, and 335.
- C. Letters/Memoranda/Records of Communication

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

Interoffice Memorandum to the Industrial Permits Team from the Water Quality Standards Implementation Team dated June 14, 2012.

D. TPDES General Permit TXG830000 for discharges from water contaminated by petroleum product issued September 12, 2008.

E. Miscellaneous

Texas Surface Water Quality Standards, 30 TAC Sections 307.1 - 307.10 (35 TexReg 6294, 7/22/10).

*Procedures to Implement the Texas Surface Water Quality Standards*, Texas Commission on Environmental Quality, January 2003.

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

# Texas Commission on Environmental Quality

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



## GENERAL PERMIT TO DISCHARGE WASTES

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

This permit supersedes and replaces  
TPDES General Permit No. TXG830000, issued on September 12, 2008.

Waters contaminated by petroleum fuel or petroleum substances, located in the State of Texas,  
may be discharged

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

only according to effluent limitations, monitoring requirements and other conditions set forth in  
this general permit, as well as the rules of the Texas Commission on Environmental Quality  
(TCEQ), the laws of the State of Texas, and other orders of the Commission of the TCEQ  
(Commission). The issuance of this general permit does not grant to the permittee the right to  
use private or public property for conveyance of wastewater along the discharge route. This  
includes property belonging to, but not limited to, any individual, partnership, corporation or  
other entity. Neither does this general permit authorize any invasion of personal rights nor any  
violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to  
acquire property rights as may be necessary to use the discharge route.

This general permit and the authorization contained herein will expire at midnight on  
September 12, 2018.

EFFECTIVE DATE: September 12, 2013  
ISSUED DATE:

---

For the Commission

<b>Table of Contents</b>	<b>Page</b>
<b>GENERAL PERMIT TO DISCHARGE WASTES</b>	
Part I. Definitions .....	3
Part II. Permit Applicability and Coverage .....	6
A. Discharges Covered .....	6
B. Limitations on Coverage.....	7
C. Application for Coverage .....	8
D. Termination of Coverage .....	10
E. Authorization Under a TPDES Individual Permit.....	10
F. Permit Expiration.....	12
Part III. Permit Requirements .....	12
A. Effluent Limitations .....	12
B. General Requirements.....	15
C. Discharges from Utility and Pipeline Vaults .....	16
Part IV. Standard Permit Conditions .....	18
Part V. Fees.....	21

## Part I. Definitions

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

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

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

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

**Discharge** - Deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

**Edwards Aquifer** - As defined in 30 TAC § 213.3, *Edwards Aquifer Definitions*, 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(s).

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

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

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

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

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

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

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

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

**Municipal separate storm sewer system (MS4)** - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by the United States, a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the Clean Water Act (CWA);
- (ii) Designed or used for collecting or conveying storm water;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR § 122.2.

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

**Notice of intent (NOI)** - A written submission to the executive director from an applicant providing notice of the permittee's intent to discharge or dispose of waste under the provisions of a general permit.

**Notice of termination (NOT)** - A written submission to the executive director from a permittee authorized under a general permit providing notice of the permittee's intent to cease the discharge or disposal of waste under the provision of a general permit.

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

**Owner** – The person who owns a facility or part of a facility.

**Permittee** – Any person issued an individual permit or order or is authorized by a general permit.

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

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

Basic petroleum substances - Crude oils, crude oil fractions, petroleum feedstocks, and petroleum fractions.

Motor fuels - See definition for "motor fuel" in this section.

Aviation gasoline - Grade 80, Grade 100, and Grade 100-LL.

Aviation jet fuels - Jet A, Jet A-1, Jet B, JP-4, JP-5, and JP-8.

Distillate fuel oils - No. 1-D, No. 1, No. 2-D, and No. 2.

Residual fuel oils - No. 4-D, No. 4-light, No. 4, No. 5-light, No. 5-heavy, and No. 6.

Gas-turbine fuel oils - Grade O-GT, Grade 1-GT, Grade 2-GT, Grade 3-GT, and Grade 4-GT.

Illuminating oils - Kerosene, mineral seal oil, long-time burning oils, 300 oil, and mineral colza oil.

Solvents -Stoddard solvent, petroleum spirits, mineral spirits, petroleum ether, varnish makers' and painters' naphtha, petroleum extender oils, and commercial hexane.

Lubricants - Automotive and industrial lubricants.

Building materials - Liquid asphalt and dust-laying oils.

Insulating and waterproofing materials - Transformer oils and cable oils.

Used oils - See definition for "used oil" in this section.

Any other petroleum-based material that has physical and chemical properties similar to the above materials and receiving approval by the executive director for designation as a petroleum substance.

Examples of materials which are not petroleum substances include: aldehydes and ketones (e.g., acetone, methyl ethyl ketone); halogenated solvents (e.g., carbon tetrachloride, trichloroethylene), alcohols (e.g., methanol), phenols, nitrogen-containing compounds and oils containing polychlorinated biphenyl compounds.

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

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

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

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

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

**Treatment Facility** – Wastewater facilities used in conveyance, storage, treatment, recycling, reclamation, or disposal of domestic sewage, industrial wastes, agriculture wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.

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

**Used oil** - Any oil or similar petroleum substance that has been refined from crude oil, used for its designed or intended purposes, and contaminated by physical or chemical impurities; including spent motor vehicle and aircraft lubricating oils (e.g. car and truck engine oil, transmission fluid, and brake fluid), spent industrial oils (e.g., compressor, turbine, bearing, hydraulic, metalworking, gear, electrical, and refrigerator oils), and spent industrial process oils.

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

**Water in the State** - Groundwater, percolating or otherwise, 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, 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 watercourses and bodies of surface water, that are wholly or partially inside or bordering the State or inside the jurisdiction of the State.

## **Part II. Permit Applicability and Coverage**

### **Section A. Discharges Covered**

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

1. Groundwater pump tests;
2. Groundwater, surface water, and soil remediation activities;

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

**Section B. Limitations on Coverage**

1. Separate authorization may be required for discharges into or adjacent to water in the state, located within ten stream miles upstream of the Edwards Aquifer recharge zone, as defined in 30 TAC Chapter 213, *Edwards Aquifer*.
2. Discharges shall not be authorized by this general permit where prohibited by:
  - a. 30 TAC Chapter 311, *Watershed Protection*;
  - b. 30 TAC Chapter 213, *Edwards Aquifer*; or
  - c. Any other applicable rules or laws.
3. This general permit does not authorize discharges into or adjacent to water in the state from activities that are regulated by the Railroad Commission of Texas, including crude oil facilities.
4. The executive director will deny an application for authorization under this general permit, and may require that the applicant apply for an individual permit, if the executive director determines that the discharge will not maintain existing uses of receiving waters. Additionally, the executive director may cancel, revoke, or suspend authorization to discharge under this general permit based on a finding of historical and significant noncompliance with the provisions of this general permit. The executive director shall deny or suspend a facility's authorization to discharge under this general permit based on a rating of "unsatisfactory performer" according to commission rules in 30 TAC § 60.3, *Use of Compliance History*. Denial of authorization to discharge under this general permit will be done according to commission rules in 30 TAC Chapter 205, *General Permits for Waste Discharges*.
5. This general permit does not limit the authority of a home-rule municipality provided by § 551.002 of the Texas Local Government Code.
6. New sources or new discharges of the constituent(s) of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC Chapter 305, *Consolidated Permits*, and applicable state law. Impaired waters are those that do not meet applicable water quality standard(s) and are listed on the CWA § 303(d) list. Constituents of concern are those for which the water body is listed as impaired.
7. Discharges of the constituent(s) to impaired water bodies when there is a TCEQ approved Total Maximum Daily Load (TMDL) Implementation Plan are not

eligible for this permit unless they are consistent with the approved TMDL and the TMDL Implementation Plan. The executive director may amend this general permit or develop a separate general permit for discharges to these water bodies. For discharges not eligible for coverage under this permit, the discharger shall apply for and receive an individual or other applicable general permit prior to discharging.

8. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved.

**Section C. Application for Coverage**

1. Unless specifically exempted from the notice requirements under Part II, Section C.5, facilities that seek to discharge under authority of this general permit shall submit a completed Notice of Intent (NOI) on a form approved by the executive director. The NOI shall include at a minimum the legal name and address of the owner and operator, the facility name and address, specific description of the location, type of facility or discharges, and the name of the receiving water(s). Existing discharges authorized under the previous general permit issued September 12, 2008 are required to submit a new NOI within 90 days of the effective date of this general permit to continue authorization to discharge wastewater authorized under this general permit.
2. Submission of a NOI is an acknowledgment that the conditions of this general permit are applicable to the proposed discharge, and that the applicant agrees to comply with the conditions of this general permit. If the discharge is not located within ten stream miles upstream of the Edwards Aquifer recharge zone, provisional authorization to discharge under the terms and conditions of this general permit begins 48 hours after a completed NOI is postmarked for delivery to the TCEQ. The NOI shall be submitted to the address indicated on the NOI form. If TCEQ provides for electronic submittal of NOIs during the term of this general permit, provisional authorization begins 24 hours following receipt of the electronic NOI form by the TCEQ unless restricted by Part II, Section C.4. Following review of the NOI, the executive director will:
  - a. determine that the NOI is complete and confirm coverage by providing a written notification and an authorization number;
  - b. determine that the NOI is incomplete and request additional information needed to complete the NOI; or
  - c. deny coverage in writing. Denial of coverage will be made in accordance with 30 TAC § 205.4, *Applications and Notices of Intent*.
3. Applicants seeking authorization to discharge to a municipal separate storm sewer system (MS4) shall provide a copy of the NOI or electronic equivalent to the operator of the system at the same time a NOI is submitted to the TCEQ.

4. For activities located in areas regulated by 30 TAC Chapter 213, *Edwards Aquifer*, this authorization to discharge is separate from the requirements of the applicant's responsibilities under that rule. Discharge may not commence for sites regulated under 30 TAC Chapter 213 until all applicable requirements of the Edwards rules are met, including a TCEQ approved Edwards Aquifer protection plan, if applicable. For discharges located on or 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 offices shown below. The applicant may not discharge until authorization is received from the regional office.

Counties:  
Comal, Bexar, Medina,  
and Kinney

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

Counties:  
Williamson, Travis, and Hays

Contact:  
TCEQ  
Water Program Manager  
Austin Regional Office  
P.O. Box 13087  
Austin, Texas 78711-3087  
(512) 339-2929

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

- (2) The land application:
    - (i) complies with 16 TAC Chapter 76, *Water Well Drillers and Water Well Pump Installers*; or
    - (ii) is conducted at a minimum distance of 500 feet from all water wells; and
  - (3) The owner or operator maintains records to demonstrate compliance with the requirements of Part II, Section C.5.
6. Authorization under this general permit is not transferable. If the owner or operator of the regulated entity changes, the present owner and operator shall submit a Notice of Termination (NOT) and the new owner and operator shall submit a NOI. The NOT and NOI shall be submitted not later than 10 days prior to the change in owner or operator status. Any change in a permittee's charter number issued by the Texas Secretary of State, is considered a change in ownership of the company and would require the new owner and operator to apply for permit coverage as stated above. If the NOT and NOI are submitted as required under this provision, there will be no lapse in authorization for this facility. Permittees discharging to an MS4 shall submit a copy of the NOT to the operator of the system at the time the NOT is submitted to the TCEQ.
7. If the owner or operator becomes aware that it failed to submit any relevant facts, or submitted incorrect information, in a NOI, the correct information shall be provided to the executive director in a Notice of Change (NOC) within 14 days after discovery. If relevant information provided in the NOI changes, for example, phone number or P.O. Box number, a NOC shall be submitted within 14 days of the change. Permittees discharging to an MS4 shall submit a copy of the NOC to the operator of the system at the same time the NOC is submitted to the TCEQ.

**Section D. Termination of Coverage**

A permittee shall terminate coverage under this general permit through the submittal of a NOT, on a form approved by the executive director, when the owner or operator of the facility changes, the discharge becomes authorized under an individual permit, the use of the property changes and is no longer subject to regulation under this general permit, or the discharge becomes unnecessary, is delayed, or is completed. Authorization to discharge terminates at midnight on the day that a NOT is postmarked for delivery to the TCEQ. If electronic submission of the NOT is provided, authorization to discharge under this permit terminates immediately following confirmation of the receipt of the NOT by the TCEQ. Compliance with the conditions and requirements of this permit are required until a NOT is submitted. Permittees discharging to an MS4 shall submit a copy of the NOT to the operator of the system at the same time the NOT is submitted to the TCEQ.

**Section E. Authorization Under a TPDES Individual Permit**

- 1. Discharges eligible for authorization by this general permit may alternatively be authorized by an individual permit according to 30 TAC Chapter 305, *Consolidated Permits*.

2. When an individual permit is issued for a discharge, that is currently authorized under this general permit, the permittee shall submit a NOT to the executive director.
3. Discharges from facilities currently authorized by an individual permit or another general permit, may only be authorized under this TPDES general permit if the following conditions are met:
  - a. the discharges meet the applicability and eligibility requirements for coverage under this general permit;
  - b. the current individual permit does not contain numeric water quality-based effluent limitations for the discharge that are more stringent than the numeric effluent limitations in this general permit or the current individual permit does not contain numeric effluent limitations that are not included in the general permit unless the discharges that resulted in the limitations have ceased and any contamination that resulted in these limitations is removed or remediated;
  - c. the executive director has not determined that continued coverage under an individual permit is required based on consideration of a TMDL, TMDL Implementation Plan, anti-backsliding requirements, history of substantive non-compliance, or other site-specific considerations;
  - d. a previous application or permit for the discharge 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 there is a new facility owner or operator; and
  - e. the applicant requests cancellation of the existing TPDES individual permit within 30 days after notice that authorization under this general permit is effective.
4. Discharges from new outfalls at facilities authorized under a TPDES individual permit, or under a different TPDES general permit, may be authorized under this general permit if the following conditions are met:
  - a. the proposed discharges meet the applicability and eligibility requirements for coverage under this general permit;
  - b. the current individual permit does not contain numeric water quality-based effluent limitations that are more stringent than the numeric effluent limitations in this general permit or the current individual permit does not contain numeric effluent limitations that are not included in the general permit unless the discharges that resulted in the limitations have ceased and any contamination that resulted in these limitations is removed or remediated;
  - c. the executive director has not determined that coverage under an individual permit is required based on consideration of a TMDL, TMDL

Implementation Plan, history of substantive non-compliance, or other site-specific considerations; and

- d. a previous application or permit for the proposed discharge has not been denied, terminated, or revoked by the executive director as a result of enforcement or water quality related concerns. The executive director may provide a waiver to this provision based on new circumstances at the facility, or if there is a new facility owner or operator.

## **Section F. Permit Expiration**

1. This general permit is effective for five years from the effective date. Authorizations for discharge under the provisions of this general permit may be issued until the expiration date of the general permit. This general permit may be amended, revoked, or cancelled by the commission after notice and comment as provided by 30 TAC §§ 205.3, *Public Notice, Public Meetings, and Public Comment* and 205.5, *Permit Duration, Amendment, and Renewal*.
2. If the executive director proposes to reissue this general permit before the expiration date, the general permit shall remain in effect after the expiration date for those existing discharges covered by the general permit in accordance with 30 TAC Chapter 205. The general permit will remain in effect for these dischargers until the date on which the commission takes final action on the proposal to reissue this general permit. No new NOIs will be accepted and new authorizations will be issued under this general permit after the expiration date of the general permit or after the effective date of an amended and re-issued general permit.
3. Upon issuance of a renewed or amended general permit, all facilities, including those covered under the expired general permit, will be required to submit a NOI according to the requirements of the new general permit or obtain coverage under an individual permit for those discharges.
4. According to 30 TAC § 205.5(d), *Permit Duration, Amendment, and Renewal*, if the commission does not propose to reissue this general permit at least 90 days before the expiration date, permittees authorized under this general permit shall submit an application for an individual or alternative general permit before the expiration date. If the application for an individual or alternative general permit is submitted before the general permit expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual or alternative general permit.

## **Part III. Permit Requirements**

### **Section A. Effluent Limitations**

1. Unless specifically exempted from the NOI, under Part II, Section C.5, waters contaminated by petroleum fuel or petroleum substances discharged under the authority of this general permit shall meet the following effluent limitations:

TPDES General Permit TXG830000

Parameter	Daily Average Limitations	Daily Maximum Limitations	Sample Type	Monitoring Frequency
Total Petroleum Hydrocarbons (1)	15 mg/L	15 mg/L	Grab	*One/week (2)
Total Lead (3)	0.10 mg/L	0.10 mg/L	Grab	*One/week (4)
Total Lead (3)	0.02 mg/L	0.02 mg/L	Grab	*One/week (4)
Benzene	0.005 mg/L (5)	0.005 mg/L (5)	Grab	*One/week (2)
Total BTEX (6)	0.10 mg/L (5)	0.10 mg/L (5)	Grab	*One/week (2)
PAH (7)	0.01 mg/L	0.01 mg/L	Grab	*One/month (8)
pH	6.0-9.0 Standard Units	N/A	Grab	*One/week
MTBE (9)	0.15 mg/L	0.15 mg/L	Grab	*One/week (4)

\* When discharging.

- (1) Total petroleum hydrocarbons shall be analyzed using TCEQ Method 1005.
- (2) The permittee may request that the monitoring frequency be revised from once per week to once every two weeks if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Wastewater Permits Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.
- (3) The daily maximum and daily average limitations for total lead are 0.02 mg/L for discharges located in the following counties: Anderson, Angelina, Camp, Cass, Cherokee, Collin, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For the other counties in the state, the daily maximum and daily average limitations are 0.10 mg/L.
- (4) If the permittee certifies in the NOI that none of the materials handled or stored at the site contained lead, lead additives or MTBE, the monitoring frequency is once per year. The permittee may also request that the monitoring frequency be revised from once per week to once per month if the permittee demonstrates historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Wastewater Permits Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.
- (5) If petroleum fuel or petroleum substance contaminated water is land applied, without any discharge to water in the state, the daily maximum and daily average limitations for benzene are 0.05 mg/L and the daily maximum and daily average limitations for BTEX are 0.5 mg/L.

- (6) BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylenes.
  - (7) Polynuclear aromatic hydrocarbons shall be measured as the sum of acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene.
  - (8) The permittee may request that the monitoring frequency be revised from once per month to once every three months, if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Wastewater Permits Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per month.
  - (9) MTBE is methyl tertiary-butyl ether.
2. The discharge of wastewater shall cease within 24 hours after the permittee learns that any listed individual polynuclear aromatic hydrocarbon (PAH) has been detected at a concentration of 0.01 mg/L or greater. Following the guidelines of Part III, Section B.9, a written report shall be submitted to the TCEQ's Enforcement Division (MC-224), to the appropriate regional office, and the TCEQ's Industrial Wastewater Permits Team (MC-148) within five working days. The discharge may not be resumed without written authorization from the TCEQ's Industrial Wastewater Permits Team.
- Accompanying the report required by Part III, Section B.9 to the Industrial Wastewater Permits Team, the permittee shall provide the analytical data for each individual chemical which comprises the PAH suite of pollutants which resulted in the PAH effluent limitation excursion. Additionally, further analytical testing for PAH shall be conducted on effluent which has been generated and not discharged to demonstrate compliance with the PAH limitation and that data shall accompany the request from the permittee to re-initiate discharge.
3. A request to the TCEQ's Industrial Wastewater Permits Team (MC-148) to reduce monitoring frequencies for total petroleum hydrocarbons, total lead, benzene, total BTEX, PAH, or MTBE shall include the following certification statement and be signed by the owner and operator of the regulated activity:

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

**Section B. General Requirements**

1. There shall be no discharge of floating solids or visible oil. The discharge shall not exhibit foaming of a persistent nature as required by 30 TAC § 307.4(b) (6), *Aesthetic Parameters*.
2. The discharge shall be to a splash pad, paved area, or other alternative surface to prevent erosion. The rate of discharge shall be controlled through best management practices to prevent flooding and erosion.
3. Mixing zones shall not encompass an intake for a domestic drinking water supply, and the discharge may never be located within 300 feet of the intake for a domestic drinking water supply.
4. The discharge shall be a minimum distance of 500 feet from any water well. Discharges shall be conducted so there is no danger of pollution to private or public water wells.
5. The discharge shall not contain a concentration of taste or an odor-producing substance that interferes with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish, including shellfish, result in offensive odors arising from the receiving waters, or otherwise interfere with reasonable uses of water in the state.
6. Unless specifically exempted from the NOI under Part II, Section C.5, the permittees shall notify the appropriate regional office at least 48 hours before initiating the discharge.
7. Operators of facilities that generate industrial solid wastes, as defined in 30 TAC § 335.1, shall comply with the provisions of 30 TAC Chapter 335, *Industrial Solid Waste and Municipal Hazardous Waste*. If the requirements of 30 TAC Chapter 335 do not apply, the solid wastes shall be disposed of in accordance with the Texas Health and Safety Code Chapter 361, *Solid Waste Disposal*.
8. The disposal of waste and wastewater shall be done in such a manner as to prevent nuisance conditions.
9. The permittee shall provide the following noncompliance notifications:
  - a. According to 30 TAC § 305.125(9), *Standard Permit Conditions*, any noncompliance that may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. The information shall be provided orally or by facsimile transmission (FAX) to the appropriate TCEQ regional office within 24 hours of the permittee becoming aware of the noncompliance. A written report shall also be provided by the permittee to the appropriate regional office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain:
    - (1) a description of the noncompliance and its cause;

- (2) the potential danger to human health or safety, or the environment;
  - (3) the period of noncompliance, including exact dates and times;
  - (4) if the noncompliance has not been corrected, the anticipated time it is expected to continue: and
  - (5) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance and to mitigate its adverse effects.
- b. In addition, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC-224) within 5 working days of becoming aware of the noncompliance.
  - c. Any noncompliance other than that specified in paragraphs (a) and (b) above, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved DMR form.
10. Air emissions for any regulated entity shall comply with either 30 TAC § 106.533, *Water and Soil Remediation* or 30 TAC Chapter 116, *Control of Air Pollution by Permits for New Construction or Modification*, as appropriate.

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

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

- 1. Except for utility vaults designed to automatically discharge accumulated water, through the use of submersible pumps or by gravity flow design, the utility shall test for hydrocarbon vapors using a standard explosimeter test. If the utility does not detect the presence of hydrocarbons, the following requirements of this Part III, Section C.1 are not required. If the utility detects the presence of hydrocarbon vapors, as indicated by the test, the utility shall air purge the vault. Following this initial air purging, but before discharging the contents of the vault, the utility shall again perform a standard explosimeter test. If the second test does not reveal hydrocarbon vapors, the following requirements of this Part III, Section C.1 are not required. If both tests reveal hydrocarbon vapors, the utility shall take a sample of the water and have a laboratory analysis performed to determine the concentrations of benzene and BTEX. If analyses indicate that the concentration of benzene is less than 0.005 mg/L, and that the concentration of BTEX is less than 0.10 mg/L, the following requirements of this Part III, Section C.1. are not required. If the concentration of benzene is greater than 0.005 mg/L, or the concentration of BTEX is greater than 0.10 mg/L, the utility shall: submit a NOI for authorization to discharge under this general permit; land apply the water under the conditions of Part II.C.5(c); apply for an individual permit; or dispose of the water through an existing TPDES permitted wastewater treatment system.

Utility vaults that are designed to automatically discharge accumulated water, through the use of submersible pumps or by gravity flow design, shall be examined for evidence of petroleum contamination on a schedule consistent with other routine utility inspections. The utility shall test for hydrocarbon vapors using a standard explosimeter test. If the utility detects the presence of hydrocarbon vapors, as indicated by the test, a sample of the discharge shall be collected and a laboratory analysis performed to determine the concentration of benzene and BTEX. If an analysis indicates that the concentration of benzene is greater than 0.005 mg/L, or the concentration of BTEX is greater than 0.10 mg/L, the utility shall: submit a NOI for authorization to discharge under this general permit; land apply the water under the conditions of Part II.C.5.c; apply for an individual permit; or dispose of the water through an existing TPDES permitted wastewater treatment system.

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

7. For emergency repairs to utility equipment contained in utility vaults, where a discharge of petroleum contaminated water is necessary in order to protect that equipment or to facilitate repairs, the utility may discharge as necessary and not follow the requirements of Part III, Section B.1-7. Under these circumstances, the utility shall notify the appropriate TCEQ regional office by telephone as soon as possible.
8. Discharges from pipeline vaults do not include discharges of water contaminated by petroleum product from the cleaning, repair, or testing of a pipeline.

#### **Part IV. Standard Permit Conditions**

1. The permittee has a duty to comply with all conditions in this general permit. Failure to comply with any condition is a violation of the general permit and the statutes under which the general permit was issued. Any violation may be grounds for enforcement action, for terminating coverage under this general permit, or for requiring a permittee to apply for and obtain an individual permit.
2. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted discharge to maintain compliance with conditions of the general permit.
3. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with conditions of the general permit. Proper operation and maintenance also includes adequate laboratory and process controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with conditions of the general permit.
4. The permittee shall submit, upon request of the executive director, any information that is necessary for the executive director to determine whether cause exists for revoking, suspending, or terminating authorization under this general permit. Additionally, the permittee shall submit, upon request of the executive director, copies of all records that the permittee is required to maintain as a condition of this general permit. The requested information or records shall be provided within a reasonable time and in no case later than 30 days from the date of the request.
5. The permittee shall give notice to the executive director before physical alterations or additions to the permitted facility if such alterations would result in a violation of the general permit requirements.
6. Inspection and entry shall be allowed under TWC Chapters 26, Texas Health and Safety Code §§ 361.032-361.033 and 361.037; and Title 40 CFR § 122.41(I). The statement in TWC § 26.014 that commission entry of a regulated entity will occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection are not grounds for denial or restriction of entry to any part of the regulated entity, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.

7. Standard monitoring and reporting requirements are as follows:
- a. samples shall be collected, and measurements shall be taken at times and in a manner so as to be representative of the monitored discharge;
  - b. all samples shall be collected according to the latest edition of *Standard Methods for the Examination of Water and Wastewater* (published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation), or the Environmental Protection Agency's (EPA), *Methods for Chemical Analysis of Water and Wastes* (1979), or the EPA's, *Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents* (1973);
  - c. sample containers, holding times, preservation methods, and analytical methods, shall follow the requirements in 40 CFR Part 136;
  - d. the permittee shall ensure that properly trained and authorized personnel monitor and sample the discharge;
  - e. the sampling point shall be downstream of any treatment unit or technique;
  - f. Analytical results for determining compliance with effluent limitations shall be recorded on a Discharge Monitoring Report (DMR) (EPA No. 3320-1), a TCEQ-approved self-generated form, or a copy of record, if using the eReporting function of the TCEQ eServices webpage. Effluent sampling shall be conducted in accordance with the monitoring frequencies specified in this general permit and shall be submitted on a monthly or annual basis, depending on the required sampling frequency, to the TCEQ Enforcement Division (MC 224) or by eDMR through the eReporting function of the TCEQ eServices webpage. The DMR for any given month shall be due by the 20<sup>th</sup> day of the following month and shall be signed in accordance with the requirements in Part IV.8 of the general permit. If noncompliance with a discharge limitation occurs, the permittee shall provide notification according to Part III.B.9 of the general permit; and
  - g. the permittee shall retain all records required by this permit, including monitoring records and records related to the application or any certification requirements for a period of three years from the date of record. The records shall be retained at the facility or be readily available for review by the TCEQ personnel upon request. This period may be extended at the request of the executive director.
  - h. the records of monitoring activities shall include:
    - (1) date, time, and place of sample or measurement;
    - (2) identity of individual who collected the sample or made the measurement;

- (3) date of laboratory analysis;
  - (4) identity of the individual and laboratory that performed the analysis;
  - (5) the technique or method of analysis; and
  - (6) the results of the analysis or measurement.
- i. All laboratory tests submitted to demonstrate compliance with this permit shall meet the requirements of 30 TAC Chapter 25, *Environmental Testing Laboratory Accreditation and Certification*.
8. All NOIs, NOTs, and NOCs shall meet the requirements of 30 TAC § 305.44(a), *Signatories to Applications*. All reports requested by the executive director shall meet the requirements of 30 TAC § 305.128, *Signatories to Reports*.
9. Authorization under this general permit may be suspended or revoked for the reasons stated in 30 TAC § 205.4, *Authorizations and Notices of Intent*. Notifying the TCEQ of planned changes or an anticipated noncompliance does not stay any general permit condition.
10. This general permit does not convey any property rights of any sort, or any exclusive privilege.
11. If the permittee becomes aware that it failed to submit any relevant facts in a NOI, or submitted incorrect information in a NOI or in any report to the executive director, it shall promptly submit such facts or information.
12. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC Chapter 7 for violations including, but not limited to, the following:
  - a. violating CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a general permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8);
  - b. intentionally or knowingly tampering with, modifying, disabling, or failing to use pollution control or monitoring devices, systems, methods, or practices required under this permit; and
  - c. intentionally or knowingly makes or causes to be made a false material statement, representation, or certification in, or omits or causes to be omitted material information from, an application, notice, record, report, plan, or other document, including monitoring device data, filed or required to be maintained by this permit.

**Part V. Fees**

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

---

COMMISSIONERS' RESPONSE TO PUBLIC COMMENT  
ON GENERAL PERMIT NO. TXG830000

---

The executive director of the Texas Commission on Environmental Quality (commission or TCEQ) files this Response to Public Comment on Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXG830000 authorizing the discharge of waters contaminated by petroleum fuel or petroleum substances. As required by Texas Water Code (TWC), §26.040(d) and 30 Texas Administrative Code §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. A timely public comment letter was received from Oncor Electric Delivery Company, LLC (Oncor).

### **Background**

TPDES General Permit No. TXG830000 authorizes the discharge of waters contaminated by petroleum fuel or petroleum substances. The general permit authorizes petroleum contaminated discharges from the following: groundwater pump tests; groundwater, surface water, and soil remediation activities; cleanup activities following spills that occur during transportation of petroleum fuel or petroleum substances; removal of water from underground and aboveground storage tank systems previously containing petroleum fuel or petroleum substances; removal of accumulated groundwater from excavation sites; and removal of accumulated water from utility and pipeline vaults.

Unless specifically exempted from the notice requirements, all applicants seeking authorization to discharge under this general permit shall submit a completed Notice of Intent (NOI). Applicants submit the NOI to the TCEQ and provisional coverage begins 48 hours after the postmark date.

Wastewater is subject to numeric limitations for total petroleum hydrocarbons, total lead, benzene, BTEX (the sum of benzene, toluene, ethylbenzene, and total xylenes), polynuclear aromatic hydrocarbons (PAH), pH, and methyl tertiary-butyl ether (MTBE) which are continued from the existing permit.

This general permit will replace the previous permit that expires on September 12, 2013.

### **Procedural Background**

TCEQ published notice of the draft permit to solicit public comment in *The Dallas Morning News*, *Houston Chronicle*, *Corpus Christi Caller-Times*, and the *Texas Register* on April 26, 2013. The public comment period ended on May 28, 2013. This

permit is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

## **Comment and Response**

### **Comment:**

Oncor comments that the *Texas Nonpoint Source Management Program* guidance document identifies a variety of erosion control and prevention methods, including vegetation. Oncor recommends revising Part III, Section B.2 to allow alternative best management practices for erosion control at discharge locations.

### **Response:**

The commission agrees that surfaces other than splash pads and paved areas can be effective at controlling erosion. Therefore, Part III, Section B.2 was revised as follows in response to the comment:

The discharge shall be to a splash pad, paved area, or other alternative surface to prevent erosion. The rate of discharge shall be controlled through best management practices to prevent flooding and erosion.

**DOCKET NO. 2013-0886-MIS  
General Permit No. TXG830000**

<b>IN THE MATTER OF AMENDING AND RENEWING THE TPDES GENERAL PERMIT TO AUTHORIZE DISCHARGES OF WATERS CONTAMINATED BY PETROLEUM FUEL OR PETROLEUM SUBSTANCES INTO OR ADJACENT TO WATER IN THE STATE</b>	<b>§ § § § § § § § §</b>	<b>BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY</b>
--	--	---

**COMMISSION RESOLUTION AMENDING AND RENEWING THE GENERAL  
PERMIT**

**WHEREAS**, under Texas Water Code (TWC), § 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 waters in the state;

**WHEREAS**, renewal, with amendment, of a Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXG830000 authorizing the discharge of waters contaminated by petroleum fuel or petroleum substances into water in the state, was drafted and proposed by the executive director and is attached as Exhibit A;

**WHEREAS**, the TCEQ received a public comment on the general permit, made one change to the permit in response to comment, and drafted a Response to Public Comment, which is attached as Exhibit B;

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

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

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

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

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

**THEREFORE**, by this resolution, the Commission issues the General Permit and Response to Public Comment, attached as Exhibit A and B, respectively, as recommended by the executive director and as approved by the Commission during its September 4, 2013, public meeting.

Furthermore, the Commission directs staff to make any nonsubstantive changes to the general permit to satisfy *Texas Register* format requirements and requests that the general permit 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