

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

AGENDA REQUESTED: October 19, 2016

DATE OF REQUEST: September 30, 2016

INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED: Derek Baxter, (512) 239-2613

CAPTION: Docket No. 2015-1714-MIS. Consideration of the adoption of the renewal with amendment of a Texas Pollutant Discharge Elimination System general permit authorizing discharges of facility wastewater and stormwater associated with industrial activities into or adjacent to water in the state from ready-mixed concrete plants, concrete products plants, and their associated facilities. Public notice of the proposed draft permit was published in the January 22, 2016, issue of the *Texas Register* (41 TexReg 696) (Laurie Fleet, Michael Parr) (Non-Rule Project No. 2015-036-OTH-NR).

L'Oreal Stepney, P.E.
Deputy Director

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Copy to CCC Secretary? NO X YES

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** September 30, 2016

Thru: Bridget C. Bohac, Chief Clerk
Richard A. Hyde, P.E., Executive Director

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

Docket No.: 2015-1714-MIS

Subject: General Permit: Commission Approval for Adoption
Renewal with Amendment of General Permit No. TXG110000
Project No. 2015-036-OTH-NR

Summary and Background:

This is a renewal with amendments of a Texas Pollutant Discharge Elimination System (TPDES) general permit authorizing discharges of facility wastewater and stormwater associated with industrial activities into or adjacent to water in the state from ready-mixed concrete plants, concrete products plants, and their associated facilities (SIC 3271, 3272, and 3273). The renewal with amendments will replace the current permit when it expires on November 7, 2016.

Basic Requirements:

A. Applicability:

TPDES General Permit No. TXG110000 authorizes discharges of facility wastewater and stormwater associated with industrial activities into or adjacent to water in the state from ready-mixed concrete plants, concrete products plants, and their associated facilities (SIC 3271, 3272, and 3273).

B. Permit Requirements:

Applicants must submit a Notice of Intent (NOI) to Texas Commission on Environmental Quality (TCEQ) to obtain authorization under the general permit. Provisional coverage will begin 48 hours after the postmark date or immediately after receipt of an electronically submitted NOI.

Discharges of facility wastewater and facility wastewater commingled with stormwater are subject to annual whole effluent toxicity testing, and effluent limitations for oil and grease, total suspended solids, pH, and hazardous metals. Hazardous metals are required to be monitored annually, and all other effluent limitations are monitored monthly.

Discharges of stormwater only are subject to quarterly benchmark monitoring for oil and grease, total suspended solids, pH, and total iron; annual hazardous metals

Docket No. 2015-1714-MIS

monitoring; and the development and implementation of a stormwater pollution prevention plan (SWP3).

The general permit authorizes the use of effluent for dust suppression, soil compaction, irrigation, and fire protection.

C. Fees:

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

Number of Current/Expected Authorizations:

There are currently 635 facilities authorized under this general permit. A significant number of additional NOIs are not expected.

Proposed Changes from the Current Permit:

- A. Part II. Section C.1, C.6, and D were revised to require electronic submittal of NOIs, Notice of Changes and Notice of Terminations after September 1, 2017 unless an electronic reporting waiver is requested and obtained by the applicant. This requirement is necessary to comply with the Federal Electronic Reporting Rule.
- B. Part II. Section B.6 was revised to add additional limitations on coverage related to compliance history rating of "unsatisfactory performer" and pursuant to the October 23, 2013 Commissioner's Order on the Livestock Manure Composting General Permit, WQG200000, the draft permit was similarly revised to clarify that an applicant who owns or operates a facility classified as an "unsatisfactory performer" is entitled to a hearing before the commission prior to denial or suspension of an authorization.
- C. Part III. Section A.2 was revised to remove the monthly average effluent limitation for all listed hazardous metals since sampling is required only once per year. The minimum analytical level (MAL) for each hazardous metal was added.
- D. Part III. Section A.3, Part III. Section B.1.a, and Part III. Section B.2.a were revised to require that samples must be collected prior to leaving the property in the event that the discharge leaves the property prior to entering receiving waters.
- E. Part III. Section A.4.d and Part IV.7.g were revised to require the permittee to retain records for five years, which corresponds to the term of the permit.
- F. Part III. Section B.2 was revised to update the MALs for each hazardous metal for consistency with the *Procedures to Implement the Texas Surface Water Quality Standards (RG-194)*.
- G. Part III. Section B.4 was revised to define a "qualifying storm event," and to replace "representative storm event" with "qualifying storm event" to be consistent with the Multi-Sector General Permit No. TXR050000.

Docket No. 2015-1714-MIS

- H. Part III. Section B.7.b.iii.(D)(5) was revised to require the summary description for revisions to the SWP3 to include the completion date of the changes and if no changes to the SWP3 are made, a written explanation must be provided.
- I. Part III. Section B.7.b.iii.(E) was revised to require records of employee training to be maintained onsite.
- J. Part III. Section C.2 was revised to prohibit wastewater and stormwater applications during rainfall events.
- K. Part IV.7.f was revised to require electronic submittal of Discharge Monitoring Report (DMR) using the online NetDMR reporting system after the effective date of the general permit. This requirement is necessary to comply with the Federal Electronic Reporting Rule.
- L. Other minor revisions are identified in the Fact Sheet.

Planned Stakeholder Involvement:

A letter was sent to facilities currently authorized under the general permit advising them on the upcoming renewal and provided an opportunity to submit preliminary suggestions. No comments were received. The status of this permit renewal has been discussed at quarterly Water Quality Advisory Workgroup meetings.

EPA Review:

On November 17, 2015, TCEQ received a letter from the United States Environmental Protection Agency (EPA) stating "the EPA has no objection to the issuance of the proposed permit." No changes were made to the permit as a result of the EPA review.

Public Comment:

Timely public comment letters were received from Michael Moore, CEMEX, Martin Marietta, and Blue Water Environmental LLC. Comments were related to the costs associated with the analytical methods required to meet the MAL for mercury, allowing facilities to seek inactive status, allowing temporary suspension of discharge monitoring during adverse weather conditions, inadequate protection of Lake Austin and Lake Travis, inadequate public participation, and non-compliance with the TCEQ Tier 2 anti-degradation policy. The comments related to inadequate protection of Lake Austin and Lake Travis, inadequate public participation, and non-compliance with the TCEQ Tier 2 anti-degradation policy are similar to comments submitted on the Multi-Sector General Permit TXR050000 that was approved by the commission on July 6, 2016.

In response to comments, the proposed permit was revised to add a footnote to the MAL for hazardous metals relating to use of the corresponding analytical test method for each MAL, to allow facilities that normally discharge wastewater and/or wastewater commingled with stormwater to change to inactive status when the facility is not in

Docket No. 2015-1714-MIS

operation, and to allow temporary suspension of discharge monitoring during adverse weather conditions.

Potential Controversial Concerns and Legislative Interest:

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

Effect on the community, public, or agency programs

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

Key Dates in the General Permit Schedule:

Published notice in *Texas Register* and newspapers: January 22, 2016
End of Public Comment Period: February 22, 2016
Anticipated Adoption Date: October 19, 2016

Statutory authority:

- A. Texas Water Code (TWC), §26.121, which makes it unlawful to discharge pollutants into or adjacent to water in the state except as authorized by a rule, permit, or order issued by the commission;
- B. TWC, §26.027, which authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state; and
- C. TWC, §26.040, which provides the commission with authority to amend rules to authorize waste discharges by general permit.

Agency Contacts:

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Attachments: Response to Comments, Draft Permit, and Fact Sheet

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COMMISSIONERS' RESPONSE TO PUBLIC COMMENT ON GENERAL PERMIT NO. TXG110000

The executive director of the Texas Commission on Environmental Quality (commission or TCEQ) files this Response to Public Comment on General Permit Number TXG110000, which authorizes discharges of facility wastewater and stormwater associated with industrial activities into or adjacent to water in the state from ready-mixed concrete plants, concrete products plants, and their associated facilities (Standard Industrial Codes 3271, 3272, and 3273). As required by Texas Water Code (TWC), §26.040(d) and Title 30 Texas Administrative Code (TAC) §205.3(e), before a general permit is issued, the executive director must prepare a response to all timely, relevant and material, or significant comments. The response must be made available to the public and filed with the Office of the Chief Clerk at least ten days before the commission considers the approval of the general permit. This response addresses all timely received public comments, whether or not withdrawn. Timely public comment letters were received from Michael Moore, CEMEX, Martin Marietta, and Blue Water Environmental LLC.

Background

General Permit No. TXG110000 authorizes discharges of facility wastewater and stormwater associated with industrial activities into or adjacent to water in the state from ready-mixed concrete plants, concrete products plants, and their associated facilities (Standard Industrial Codes 3271, 3272, and 3273).

This general permit will replace the current permit when it expires on November 7, 2016. Permittees currently authorized under the general permit will be required to submit a Notice of Intent (NOI) to continue authorization under the amended general permit. Applicants that are not currently authorized under the general permit must submit an NOI to the TCEQ to obtain authorization under the general permit. Provisional coverage will begin 48-hours after the postmark date on the NOI, or immediately after receipt of an electronically submitted NOI.

Procedural Background

TCEQ published notice of the draft permit to solicit public comment in *The Dallas Morning News*, *Houston Chronicle*, *San Antonio Express-News*, and the *Texas Register* on January 22, 2016. The public comment period ended on February 22, 2016.

Comments and Responses

Comment 1:

CEMEX and Martin Marietta are concerned about the reduced Minimum Analytical Levels (MALs), specifically for Total Mercury. The commenters note that the test method required to detect mercury to that level will significantly increase the sampling costs each year and require specialized sampling procedures. Lastly, the commenters note that not all laboratories are capable of analyzing mercury to this level of sensitivity which could force permittees to find new laboratories.

Response 1:

The permittee is not required to use an analytical test method that detects down to the MAL. The permittee is required to use a test method that has a detection level at or below the effluent limit in the permit and that complies with 40 Code of Federal Regulation (CFR) Part 136. MALs are used to allow the permittee to submit analytical results as non-detect. Non-detect analytical results are assumed to represent a concentration of zero (0) mg/L.

For mercury, the applicant must use a test method that can detect mercury levels at or below the effluent limit of 0.01 mg/L. The permittee could report “non-detect” or “0 mg/L” only if they used a test method that can detect mercury levels at or below the MAL of 0.000005 mg/L and the test result was non-detect. In response to this comment, the commission added a footnote below the tables for Hazardous Metals Numeric Effluent Limitations and Monitoring Frequencies.

This procedure is consistent with RG-194 *Procedures to Implement the Texas Surface Water Quality Standards*, which was approved by the commission on June 30, 2010.

Comment 2:

Blue Water Environmental LLC notes that there are a number of facilities that have not operated for an extended period of time and/or operate once or twice a year. The commenter states that it is burdensome to require that personnel be available to go to the site in the event of a rain event that results in a discharge. The commenter recommends that the general permit allow an “inactive status” for operations that discharge wastewater and/or wastewater combined with stormwater.

Response 2:

The commission agrees with this comment. If a facility is not in operation, wastewater would not be generated. Stormwater would be the only source of water discharging. Currently, for a permittee to avail themselves of the inactive status, they would have to submit a notice of change to notify TCEQ that the outfalls are stormwater only and notify TCEQ that the facility is inactive. When the facility becomes active again, the permittee would be required to notify the TCEQ that it is reverting to active status and changing the outfall to wastewater

or wastewater commingled with stormwater. Allowing inactive status would streamline the process. In response to this comment, the commission revised the permit to allow an “inactive status” for operations that discharge wastewater and/or wastewater combined with stormwater when the facility is not in operation. When a facility is in inactive status, permit requirements to sample, inspect, examine, or otherwise monitor stormwater discharges are waived. The annual fee is not waived for inactive status.

Comment 3:

Blue Water Environmental LLC recommends that the general permit be revised to cover “adverse conditions” similar to General Permit No. TXR050000.

Response 3:

The commission agrees with this comment and revised Part III.A. to allow discharge monitoring to be temporarily suspended for adverse weather conditions.

Comment 4:

Michael Moore comments that the draft general permit is not adequately protective of Lake Austin and Lake Travis water quality areas. Mr. Moore notes that Lake Travis is designated as having “exceptional” aquatic life issues and that such water bodies require special measures. Mr. Moore recommends that individual permits be required of industrial facilities that discharge stormwater to these water bodies.

Response 4:

The commission disagrees with this comment. Part II.B. states that discharges are not eligible for authorization under this general permit where prohibited by 30 TAC Chapter 311, Watershed Protection. 30 TAC Chapter 311 prohibits the discharge of pollutants into the Lake Austin Water Quality Area or the Lake Travis Water Quality Area, with exceptions, one of which is the discharge of stormwater runoff authorized by a Texas Pollutant Discharge Elimination System (TPDES) permit. The proposed general permit is a TPDES permit that authorizes both wastewater and stormwater from ready-mixed concrete plants, concrete products plants, and their associated facilities. Facilities that discharge stormwater only are required to use BMPs and technology-based limits that reduce pollutants to the maximum extent practicable. Facilities that discharge wastewater or wastewater commingled with stormwater within the Lake Austin Water Quality Area or the Lake Travis Water Quality Area are not eligible for authorization under the general permit because these types of discharges are prohibited by 30 TAC Chapter 311.

The commission declines to make the suggested changes because the general permit is consistent with the provisions of 30 TAC Chapter 311, as well as the requirements of the TWC and the federal Clean Water Act.

Comment 5:

Michael Moore comments that the draft permit does not provide adequate public participation in the development of discharge effluent limitations, including the Stormwater Pollution Prevention Plan (SWP3). Mr. Moore recommends public participation in the development of the terms of a SWP3 for an authorized facility.

Response 5:

For the general permit, TCEQ follows the requirements for public participation, public notice, public meetings, and public comments specified in TWC §26.040(b)-(d) and 30 TAC §205.3, both applicable to public notice requirements for general permits. During the general permit public participation process, the public has 30 days to submit written comments on the draft general permit. Notification of the general permit renewal is mailed to the common address for county judges in each county in the state, including Burnet and Travis Counties. Once an authorization under the general permit is issued, the public has 23 days from the date the authorization is issued to file a motion to overturn (MTO). A MTO is a request for the commission to review the executive director's approval of an authorization. *See* 30 TAC § 50.139, Motion to Overturn.

An applicant is responsible for the development and implementation of the SWP3. The applicant submits a NOI (application for authorization under the general permit) and signs the application documents according 30 TAC §305.44 and certifies that they have developed a SWP3 as required by the general permit. The SWP3s must be maintained onsite and available to TCEQ for inspection and verification of permit compliance. In addition, stormwater discharges in the Edwards Aquifer Recharge Zone (such as for Williamson, Travis, and Hays counties where Lake Travis and Lake Austin are located) are required to comply with the requirements of 30 TAC Chapter 213 (Edwards Aquifer). *See* Part II.B. - Limitations on Coverage. The commission declines to make the suggested change.

Comment 6:

Michael Moore comments that the draft permit fails to sufficiently address cumulative impacts from multiple facilities located close to each other or that are located in the same watershed. Mr. Moore comments that due to this shortcoming, the general permit does not sufficiently implement TCEQ's Tier 2 anti-degradation policy.

Response 6:

TCEQ has established that the controls for discharges in the proposed general permit are based on BMPs, technology-based limits, water quality based limits, or a combination of the three. The required monitoring of discharges by each facility provides the level of treatment consistent with the provisions of the TWC and the federal Clean Water Act; and complies with 30 TAC §307.5 (Antidegradation) and 30 TAC §307.9 (Determination of Standards Attainment). In accordance with 30 TAC §307.5 and the TCEQ Implementation Procedures for the Texas Surface Water Quality Standards, an antidegradation review of this

general permit was performed. The conditions in this general permit which include, implementation of a SWP3, routine monitoring and inspections, numeric effluent limitations, toxicity testing, and benchmark monitoring requirements have been determined to be sufficient to maintain and protect existing uses and preclude degradation of waters in the state. TCEQ declines to make any revisions to the general permit as a result of the comment.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



GENERAL PERMIT TO DISCHARGE WASTES

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

This permit supersedes and replaces
TPDES General Permit No. TXG110000, issued November 4, 2011.

Facility wastewater and stormwater associated with industrial activities may be discharged from ready-mixed concrete plants, concrete products plants, and their associated facilities (Standard Industrial Codes 3271, 3272, and 3273) located in the state of Texas,

into or adjacent to water in the state, including receiving waters with exceptional, high, intermediate, limited, or minimal aquatic life use 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 or commission), the laws of the State of Texas, and other orders of the 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 November 7, 2021.

EFFECTIVE DATE: November 7, 2016

ISSUED DATE:

For the Commission

TCEQ General Permit Number TXG110000

Relating to Discharges of Facility Wastewater and Stormwater Associated with Industrial Activity from Ready-Mixed Concrete Plants, Concrete Products Plants, and Associated Facilities

Table of Contents

Part I. Definitions.....3

Part II. Permit Applicability and Coverage6

 Section A. Discharges Covered 6

 Section B. Limitations on Coverage 6

 Section C. Application for Coverage 7

 Section D. Termination of Coverage..... 9

 Section E. Authorization Under an Individual Permit 9

 Section F. Permit Expiration.....11

Part III. Permit Requirements 12

 Section A. Discharge of Wastewater and Wastewater Commingled with Stormwater..... 12

 Section B. Stormwater Discharges Associated with Industrial Activity 16

 Section C. Beneficial Re-Use of Facility Wastewater and Stormwater.....28

 Section D. General Requirements.....29

Part IV. Standard Permit Conditions 30

Part V. Fees33

Part I. Definitions

Associated facilities - Facilities associated with ready-mixed concrete plants, including temporary concrete batch plants, or concrete product plants and establishments where maintenance and washing of ready-mix vehicles (both interior and exterior) or equipment occurs.

Best management practices (BMPs) - Schedule of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to water in the state. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spills or leaks, sludge or waste disposal, drainage from raw material storage, or the abatement of nuisance odors and conditions. BMPs are those measures that are reasonable and necessary to achieve a performance standard that protects and maintains air and water quality standards as well as existing and potential uses of groundwater.

Concrete products plants - Facilities primarily engaged in manufacturing concrete products as classified by SIC Code 3272 and facilities primarily engaged in manufacturing concrete building blocks and bricks from a combination of cement and aggregate as classified by SIC Code 3271.

Daily maximum - The maximum concentration, by grab sample, 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.

Domestic sewage - Wastewater which originates primarily from kitchen, bathroom, and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks.

Edwards Aquifer - As defined in 30 Texas Administrative Code (TAC) §213.3, 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).

Facility - Any National Pollutant Discharge Elimination System (NPDES) "point source" (as defined in 40 Code of Federal Regulations (CFR) §122.2) or any other facility or activity that is subject to regulation under the Texas Pollutant Discharge Elimination System (TPDES) program.

Facility wastewater - For the purpose of this general permit, any wastewater that is generated at ready-mixed concrete plants, concrete products plants, or associated facilities authorized by this permit, but not including domestic sewage.

General permit - A permit issued under the provisions of 30 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.

Inactive industrial facility (or inactive status) - A facility where all industrial activities are suspended and no industrial materials or activities are exposed to stormwater.

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

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, stormwater, 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 Clean Water Act (CWA) §208;
- ii. designed or used for collecting or conveying stormwater;
- 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 executive director or any changes with

respect to the nature or operations of the facility 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 provisions 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.

Ready-mixed concrete plants - Facilities, including temporary concrete batch plants, primarily engaged in mixing and delivering ready-mixed concrete as classified by SIC 3273.

Stormwater discharge associated with industrial activities - The discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The term includes, but is not limited to, stormwater discharges from storage areas for raw materials, and intermediate and final products and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas.

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

Total Maximum Daily Load (TMDL) - The maximum amount of a pollutant that a lake, river, stream, or estuary can receive without seriously harming its beneficial uses. Also, a detailed water quality assessment that provides the scientific foundation for a watershed action plan. A watershed action plan outlines the steps necessary to reduce pollutant loads in a certain body of water to restore and maintain uses or aquatic life.

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 authorizes the discharge of facility wastewater and stormwater associated with industrial activities from ready-mixed concrete plants, concrete products plants, and their associated facilities (SIC 3271, 3272, and 3273). This general permit does not authorize the discharge of domestic sewage.

Section B. Limitations on Coverage

1. Separate authorization may be required for discharges into or adjacent to water in the state located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, as defined in 30 TAC Chapter 213, *Edwards Aquifer*.
2. Discharges are not eligible for authorization 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. Discharges of a constituent(s) of concern to impaired water bodies when there is a TCEQ-approved Total Maximum Daily Load (TMDL) implementation plan are not eligible for this general permit unless they are consistent with the approved TMDL and the implementation plan. The executive director may amend this general permit or develop a separate general permit for discharges to these water bodies. For discharges not eligible for coverage under this general permit, the permittee shall apply for an individual permit or other applicable general permit authorization prior to discharging.
4. New sources or new discharges of a 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 standards and are listed in the Texas Integrated Report of Surface Water Quality and the CWA §303(d) list. Constituents of concern are those causing a water body to be listed as impaired.
5. The executive director may deny an application for authorization under this general permit and may require that the applicant apply for an individual permit or alternative general permit if the executive director determines that the discharge:
 - a. will not meet water quality standards;
 - b. will fail to protect and maintain existing designated uses;

- c. will cause a violation of water quality standards; or
 - d. will cause or contribute to a water quality violation.
6. 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 permit based on a rating of "unsatisfactory performer" according to commission rules in 30 TAC §60.3, *Use of Compliance History*. An applicant who owns or operates a facility classified as an "unsatisfactory performer" is entitled to a hearing before the commission prior to having its authorization denied or suspended, in accordance with TWC §26.040(h). Denial of authorization to discharge under this general permit or suspension of a permittee's authorization under this general permit must be done according to commission rules in 30 TAC Chapter 205, *General Permits for Waste Discharges*.
7. Discharges that would adversely affect a listed endangered or threatened aquatic or aquatic-dependent 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 aquatic or aquatic-dependent species is achieved.

Section C. Application for Coverage

1. Applicants seeking authorization to discharge or dispose of wastewater under this general permit shall submit a completed Notice of Intent (NOI) on a form approved by the executive director. Effective September 1, 2017, applicants must submit an NOI using the online e-permitting system available through the TCEQ website or request and obtain an electronic reporting waiver. Electronic reporting waivers are not transferrable and expire on the same date as the authorization to discharge. The NOI must include, at a minimum, the legal name and address of the owner and operator, the facility name and address, specific description of the location, the type of facility or discharges and the receiving water(s).

Permittees authorized under the previous general permit issued November 4, 2011 are required to submit a new NOI within 90 days of the effective date of this general permit to continue the authorization to discharge or dispose of wastewater authorized under this general permit. Failure to submit a new NOI by the deadline will result in expiration of the existing authorization to operate under the previous general permit.

2. Submission of an NOI is an acknowledgment that the conditions of this general permit are applicable to the proposed discharge and that the applicant agrees to comply with the conditions of this general permit. Provisional authorization begins 48 hours after a completed NOI is postmarked for delivery to the TCEQ. For electronic submission of NOIs, authorization begins immediately following confirmation of receipt of the electronic NOI form by the TCEQ. 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, *Authorizations 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 an 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 (MC-R11) P.O. Box 13087 Austin, Texas 78711-3087 (512) 339-2929
5. Authorization under this general permit is not transferable. If the owner or operator of the regulated entity changes, the present owner or operator shall submit a Notice of Termination (NOT) and the new owner or operator shall submit an NOI. The NOT and NOI must be submitted not later than 10 days

prior to the change. 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 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 same time the NOT is submitted to the TCEQ.

6. If the owner or operator becomes aware that it failed to submit any relevant facts or submitted incorrect information in an NOI, the correct information must be provided to the executive director in a Notice of Change (NOC) within 14 days after discovery. If relevant information provided in the NOI changes, for example, permittee address, billing address, number of outfalls, etc., an NOC must be submitted within 14 days of the change. Effective September 1, 2017, permittees must submit an NOC using the online e-permitting system available through the TCEQ website unless the permittee obtained an electronic reporting waiver. 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 an 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. Effective September 1, 2017, permittees must submit an NOT using the online e-permitting system available through the TCEQ website unless the permittee obtained an electronic reporting waiver. Authorization terminates on the day that an NOT is postmarked for delivery to the TCEQ. For electronic submission of the NOT, 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 an 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 an Individual Permit

1. Discharges eligible for authorization by this general permit may alternatively be authorized by an individual permit pursuant 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 an NOT to the executive director.

3. Discharges from facilities currently authorized by an individual permit and discharges from facilities currently authorized under another general permit may only be authorized under this 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 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 those 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, a 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 because 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 individual permit within 30 days after notice that authorization under this general permit is effective.
4. Discharges from new outfalls at ready-mixed concrete plants, concrete products plants, and associated facilities authorized under an individual permit, or under a separate 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 limitation 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 those 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, a history of substantive non-compliance, or other site-specific considerations; and

- d. a previous application or permit for the proposed discharge was not denied, terminated, or revoked by the executive director because 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, canceled or renewed 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 commission proposes to reissue this general permit before the expiration date, the general permit will 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 permittees until the date the commission takes final action on the proposal to reissue this general permit. No new NOIs will be processed by the executive director and no 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 permittees, including those covered under the expired general permit, are required to submit an NOI according to the requirements of the new general permit or obtain an individual permit for those discharges.
4. If the commission does not propose to reissue this general permit at least 90 days before the expiration date, permittees shall apply for authorization under an individual permit or an alternative general permit if available. If the application for an individual permit is submitted before the expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit.

Part III. Permit Requirements

Section A. Discharge of Wastewater and Wastewater Commingled with Stormwater

This section applies to the discharge of facility wastewater and facility wastewater that is commingled with stormwater associated with industrial activities.

1. Conventional Pollutants Numeric Effluent Limitations and Monitoring Frequencies

Parameter	Daily Maximum	Sample Type	Monitoring Frequency
Flow	Report MGD	Estimate	1/month*
Oil and Grease	15 mg/L	Grab	1/month*
Total Suspended Solids	65 mg/L	Grab	1/month*
pH	6.0 - 9.0 SU	Grab	1/month*

* If there is a discharge from the facility within a calendar month, a minimum of one sample of the discharge must be taken.

2. Hazardous Metals Numeric Effluent Limitations and Monitoring Frequencies

Parameter	Daily Maximum (mg/L)	Sample Type	Monitoring Frequency	Minimum Analytical Level (MAL) (mg/L)**
Arsenic, Total	0.3	Grab	1/year*	0.0005
Barium, Total	4.0	Grab	1/year*	0.003
Cadmium, Total (inland waters)	0.2	Grab	1/year*	0.001
Cadmium, Total (tidal waters)	0.3	Grab	1/year*	0.001
Chromium, Total	5.0	Grab	1/year*	0.003
Copper, Total	2.0	Grab	1/year*	0.002
Lead, Total	1.5	Grab	1/year*	0.0005
Manganese, Total	3.0	Grab	1/year*	0.0005
Mercury, Total	0.01	Grab	1/year*	0.000005
Nickel, Total	3.0	Grab	1/year*	0.002
Selenium, Total (inland waters)	0.2	Grab	1/year*	0.005

Parameter	Daily Maximum (mg/L)	Sample Type	Monitoring Frequency	Minimum Analytical Level (MAL) (mg/L)**
Selenium, Total (tidal waters)	0.3	Grab	1/year*	0.005
Silver, Total	0.2	Grab	1/year*	0.0005
Zinc, Total	6.0	Grab	1/year*	0.005

*If there is a discharge from the facility during the year, a minimum of one sample of the discharge must be taken.

**By establishing MALs, TCEQ is not requiring use of an analytical test method that detects at or below this MAL, nor is TCEQ requiring analytical results to be submitted where an analytical test method was used to achieve this MAL. For permitting and compliance purposes, MALs are used to allow the permittee to submit analytical results as non-detect. Non-detect analytical results are assumed to represent a concentration of zero (0) mg/L (or µg/L as appropriate).

3. Samples must be collected at a clearly defined accessible point following the final treatment unit and prior to discharge into receiving waters or leaving the property. Results from the conventional pollutants and hazardous metals monitoring must be submitted to TCEQ in accordance with Part IV.7.f.
4. Requirements to sample, inspect, examine or otherwise monitor discharges may be temporarily suspended for adverse weather conditions. Adverse weather conditions are conditions that are either dangerous to personnel (e.g., high wind, excessive lightening) or weather conditions that prohibit access to a discharge (e.g., flooding, freezing conditions, extended periods of drought). Adverse conditions that result in the temporary suspension of a permit requirement to sample, inspect, examine, or otherwise monitor stormwater discharges must be documented. Documentation shall include the date, time, names of personnel that witnessed the adverse condition, and the nature of the adverse condition. Documentation must be retained for a minimum of five years and must be made available upon request of the executive director.
5. Whole Effluent Toxicity Testing

There must be no acute toxicity as determined by requiring greater than 50 percent (%) survival of the appropriate test organism in 100 % effluent using a 24-hour acute toxicity test on discharges of facility wastewater and facility wastewater commingled with stormwater associated with industrial activities. Whole effluent toxicity testing is not required for discharges consisting solely of stormwater associated with industrial activities. Monitoring for whole effluent toxicity must be completed once per calendar year using a composite sample.

a. Scope and Methodology

i. Test Species -

Freshwater: For discharges into freshwater receiving waters, the following test species must be used: *Daphnia pulex* (water flea) and *Pimephales promelas* (fathead minnow).

Marine Water: For discharges into marine receiving waters, the following test species must be used: *Mysidopsis bahia* (mysid shrimp) and *Menidia beryllina* (inland silverside).

- ii. Acute static nonrenewal 24-hour toxicity tests must be conducted using *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* (EPA-821-R-02-012) or the latest update. A minimum of five replicates with eight organisms per replicate must be used in the control and in each effluent dilution of this test.
- iii. The permittee shall test the effluent for lethality in accordance with the provision of this section. In addition to the use of an appropriate control (0% effluent), testing will determine if an effluent sample meets the requirement of greater than 50% survival of the appropriate test organisms in 100% effluent of a 24-hour period.

b. Required Toxicity Testing Conditions

i. Control and Dilution Water -

Freshwater: For discharges into freshwater receiving waters, control and dilution water will normally consist of a standard, synthetic, moderately hard, reconstituted water of similar pH and alkalinity to the closest downstream perennial water.

Marine Water: For discharges into marine receiving waters, control and dilution water will normally consist of a standard, synthetic reconstituted seawater.

- ii. Control Survival - If more than 10% of the test organisms in any control die within 24 hours, that test, including the control and the 100% effluent, must be repeated with all results from both tests reported as required in Item 4.d. (Reporting) of this section.
- iii. Repeat Test - The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this general permit are not satisfied. A repeat test must be conducted within the required reporting period of any test determined to be invalid.
- iv. Sample Collection and Preservation - Samples must be collected at a point following the last treatment unit and prior to entering receiving waters. One flow-weighted composite sample representative of normal

operating flows (see 30 TAC §319.9(c)) must be collected from each outfall and a discrete test must be run on each composite sample. Samples must be chilled to 0 - 6 degrees Centigrade during collection, shipping, and storage. The toxicity tests must be initiated within 36 hours after collection of the sample. The composite sample must be collected in a manner that makes the sample representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance discharged on an intermittent basis.

- v. If the outfall ceases discharging during the collection of the effluent composite sample, the requirements for the minimum number of effluent portions are waived. However, the permittee shall collect a composite sample volume sufficient for completion of the required test. The abbreviated sample collection, duration, and methodology must be documented in the full report required in Item 4.d. (Reporting) of this section.

c. Persistent Mortality

These requirements apply when a toxicity test demonstrates significant lethality, here defined as a mean mortality of 50% or greater to organisms exposed to the 100% effluent concentration after 24-hours.

- i. The permittee shall conduct two additional tests (retests) for each species that demonstrates significant lethality. The two retests must be conducted once per week for two weeks. Five effluent dilution concentrations in addition to an appropriate control must be used in the retests. These additional effluent concentrations are 6%, 13%, 25%, 50%, and 100% effluent. The first retest must be conducted within 15 days of the laboratory determination of significant lethality. The retests must also be reported on the Discharge Monitoring Report (DMR) as specified in Item 4.d. (Reporting) of this section.
- ii. If one or both of the two retests demonstrates significant lethality, the permittee shall submit the failing test results to the Water Quality Assessment Section (MC-150) within 20 days of test completion of the second retest for evaluation to determine if further action is required. Test completion is defined as the 24th hour.

d. Reporting

- i. The permittee shall prepare a full report of the results of all tests and retests conducted, regardless of whether the tests are valid, invalid, completed, or not completed. The report must be retained for a minimum of five years and must be made available upon request of the executive director.
- ii. The results of valid tests and all retests must be submitted on the DMR in the following manner: enter "0" if mean survival at 24 hours is greater than 50% in 100% effluent; if the mean survival at 24 hours is less than or

equal to 50%, enter “1”.

iii. Use the following DMR parameter codes for valid tests only:

Receiving Water	Species	Parameter Code
Freshwater	Water Flea	TIE3D
Freshwater	Fathead Minnow	TIE6C
Marine Water	Mysid Shrimp	TIE3E
Marine Water	Inland Silverside	TIE6B

iii. Use the following DMR parameter codes for retests:

Retest Number	Receiving Water	Species	Parameter Code
Retest Number 1	All	All	22415
Retest Number 2	All	All	22416

6. Inactive Status

- a. A permittee with an inactive industrial facility may seek inactive status. To qualify for inactive status, all industrial activities at the facility must be suspended with no industrial materials or activities exposed to stormwater and no wastewater being generated. The permittee must provide written notification to the TCEQ Industrial Permits Team (MC-148) and the appropriate TCEQ regional office. The notification must contain a certification stating that the site is seeking inactive status and that all industrial activities at the facility are suspended. The notification must be signed according to 30 TAC §305.128, Signatories to Reports. Following this notification, permit requirements to sample, inspect, examine, or otherwise monitor stormwater discharges are waived during the period that a facility is in inactive status. A copy of the notification must be maintained with the SWP3.
- b. A permittee with a facility in inactive status shall notify the TCEQ Industrial Permits Team (MC-148) and the appropriate regional office in writing at least 30 days before commencing industrial activities and transferring to active status.

Section B. Stormwater Discharges Associated with Industrial Activity

This section applies to discharges of stormwater associated with industrial activities that are not commingled with facility wastewater.

1. Benchmark monitoring values.

Benchmark Parameter	Benchmark Value
Oil and Grease	15 mg/L

Benchmark Parameter	Benchmark Value
Total Suspended Solids	50 mg/L
pH	6.0 -9.0 SU
Total Iron	1.3 mg/L

- a. Samples must be collected at a clearly defined accessible point following the final treatment unit and prior to discharge into receiving waters or leaving the property.
- b. A minimum of one grab sample shall be collected within the first 30 minutes of discharge. If it is not practicable to collect the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity. Sample results shall be kept on site and available for review by TCEQ staff.
- c. Sampling is required on a quarterly basis and shall be conducted during the following periods:

First quarter - January 1 through March 31

Second quarter - April 1 through June 30

Third quarter - July 1 through September 30

Fourth quarter - October 1 through December 31

Permittees shall begin sampling in the first full quarter following submission of the NOI. If a facility maintains an inactive status for an entire quarter, quarterly sampling may be waived. See Part III.B.6 for requirements to change the facility to inactive status.

- c. The permittee shall compare the results of sample analyses to the benchmark values above and shall include this comparison in the overall assessment of the effectiveness of the Stormwater Pollution Prevention Plan (SWP3) required in Part III.B.7. Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. Results of analyses are indicators that the SWP3 must be assessed and modifications may be necessary to protect water quality.
- d. The pollution prevention team identified in the SWP3 shall investigate the cause of each benchmark value exceedance and shall document the results of this investigation in the SWP3 within 90 days following the sampling event. The investigation must identify the following:
 - i. any additional potential sources of pollution, such as spills that might have occurred;
 - ii. necessary revisions to the good housekeeping measures section of the

SWP3;

- iii. additional BMPs, including a schedule to install or implement the BMPs; and
- iv. identification of other parts of the SWP3 that may require revisions in order to meet the goal of the benchmark values.
- e. Background concentrations of specific pollutants may also be considered during the investigation. If the pollution prevention team is able to relate the cause of the exceedance to background concentrations, then subsequent exceedances of benchmark values for that pollutant may be resolved by referencing earlier findings in the SWP3. Background concentrations may be identified by laboratory analyses of samples of stormwater run-on to the permitted facility, laboratory analyses of samples of stormwater runoff from adjacent non-industrial areas, or by identifying the pollutant is a naturally occurring material in soils at the site.

2. Hazardous Metals Numeric Effluent Limitations and Monitoring Frequencies

Parameter	Daily Maximum (mg/L)	Sample Type	Monitoring Frequency	MAL (mg/L)**
Arsenic, Total	0.3	Grab	1/year*	0.0005
Barium, Total	4.0	Grab	1/year*	0.003
Cadmium, Total (inland waters)	0.2	Grab	1/year*	0.001
Cadmium, Total (tidal waters)	0.3	Grab	1/year*	0.001
Chromium, Total	5.0	Grab	1/year*	0.003
Copper, Total	2.0	Grab	1/year*	0.002
Lead, Total	1.5	Grab	1/year*	0.0005
Manganese, Total	3.0	Grab	1/year*	0.0005
Mercury, Total	0.01	Grab	1/year*	0.000005
Nickel, Total	3.0	Grab	1/year*	0.002
Selenium, Total (inland waters)	0.2	Grab	1/year*	0.005
Selenium, Total (tidal waters)	0.3	Grab	1/year*	0.005
Silver, Total	0.2	Grab	1/year*	0.0005
Zinc, Total	6.0	Grab	1/year*	0.005

*If there is a discharge from the facility during the year, a minimum of one sample of the discharge must be taken.

**By establishing MALs, TCEQ is not requiring use of an analytical test method that detects at or below this MAL, nor is TCEQ requiring analytical results to be submitted where an analytical test method was used to achieve this MAL. For permitting and compliance purposes, MALs are used to allow the permittee to submit analytical results as non-detect. Non-detect analytical results are assumed to represent a concentration of zero (0) mg/L (or µg/L as appropriate).

- a. Samples must be collected at a clearly defined accessible point immediately following the final treatment unit and prior to discharge into receiving waters or leaving the property.
- b. A minimum of one grab sample must be taken within 30 minutes of discharge. If it is not practicable to take the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.
- c. Sampling for hazardous metals is required to be performed on an annual basis and must be conducted before December 31st of each year.
- d. Permittees may qualify for a waiver from monitoring requirements for one or more hazardous metals. The permittee must certify that one of the following conditions is met. This certification must be completed on a form provided by the executive director. A new form must be completed during each permit term, and prior to the first sampling event that the permittee is seeking to waive. The form must be maintained onsite and be made readily available for review by authorized TCEQ personnel upon request. Waivers may be obtained on a metal by metal basis, or on an outfall by outfall basis. Hazardous metals monitoring waivers are effective beginning on the date that the waiver certification is made following submittal of an NOI, and lasting for the duration of the term of this general permit. The permittee will be required to comply with any requirements of a reissued general permit with respect to sampling and waivers, including obtaining a new hazardous metals monitoring waiver.
 - i. The permittee certifies that the regulated facility does not use a raw material, produce an intermediate product, or produce a final product that contains one or more of the hazardous metals listed at Part III.B.2 of this permit; or
 - ii. The permittee certifies that any raw materials, intermediate products, or final products that contain one or more hazardous metals are never exposed to stormwater or runoff. (Final products are not considered to expose hazardous metals to stormwater or runoff if the final product is

designed for outdoor use, unless it is a product that could be transported by stormwater runoff or the final product will be used as a material or intermediate product.); or

- iii. The permittee collects a sample from the first available discharge from the facility occurring during the first sampling period of this permit, analyzes the sample for one or more of the listed hazardous metals, and the results indicate that the metal(s) is/are not present in detectable levels. Test methods used must be sensitive enough to detect the parameters at the MAL specified in the table above. When an analysis of a discharge sample for any of the parameters indicate no detectable levels above the MAL, and the test method detection level is as sensitive as the specified MAL, a value of zero (0) may be used for that measurement, and a waiver may be obtained for the duration of the permit term following the sample collection, for any hazardous metal that measures zero (0). Results of sampling must be retained on site and available for review by TCEQ personnel.

3. Quarterly Visual Monitoring

Stormwater discharges from each outfall authorized by this general permit must be visually examined on a quarterly basis. Monitoring must be conducted during the normal hours of operation for the facility and samples must be collected in a clean, clear, glass or plastic container and examined in a well lit area.

a. Findings must document observation of the following:

- i. Color;
- ii. Clarity;
- iii. Floating solids;
- iv. Settled solids;
- v. Suspended solids;
- vi. Foam;
- vii. Oil sheen;
- viii. Other obvious indicators of stormwater pollution; and
- ix. Noticeable odors.

Some examinations, such as an examination for odor and foam, may be conducted immediately following collection of the sample.

- b. All examinations must be performed in a manner that ensures the sample is representative of the discharge.
- c. Records of quarterly visual monitoring must be kept in the SWP3 and include the following information:

- i. Sample location;
 - ii. Date and time samples were collected and examined;
 - iii. Names of personnel who collected and examined the samples;
 - iv. Nature of the discharge (e.g., runoff, snow melt);
 - v. Result of the observations;
 - vi. Probable sources of any observed contamination;
 - vii. Visual quality of the stormwater discharge; and
 - viii. The reason why any samples were not collected within the first 30 minutes of discharge.
 - d. Results of the examination must be reviewed by the stormwater pollution prevention team. The team must investigate and identify probable sources of any observed stormwater contamination. The SWP3 must be modified as necessary to address the conclusions of the team.
4. Monitoring Requirements for Stormwater Associated with Industrial Activity
- For purposes of this general permit, a qualifying storm event is an event that results in a discharge from the permitted facility. For qualifying storm events, the following requirements apply:
- a. Discharge monitoring, sampling, examinations and inspections required by this general permit must be conducted on discharges of a measurable storm event that results in an actual discharge from the site, and that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour storm interval does not apply if the permittee is able to document that less than a 72-hour (3-day) interval is representative for local qualifying storm events during the sampling period. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at the site.
 - b. Requirements to sample, inspect, examine or otherwise monitor stormwater discharges within a prescribed monitoring period may be temporarily suspended for adverse weather conditions. Adverse weather conditions are conditions that are either dangerous to personnel (e.g., high wind, excessive lightning) or weather conditions that prohibit access to a discharge (e.g., flooding, freezing conditions, extended periods of drought). Adverse conditions that result in the temporary suspension of a permit requirement to sample, inspect, examine, or otherwise monitor stormwater discharges must be documented and included as part of the SWP3. Documentation shall include the date, time, names of personnel that witnessed the adverse condition, and the nature of the adverse condition.
 - c. The permittee shall maintain a rain gauge on-site or use a rain gauge located in the immediate vicinity of the site in order to determine when a qualifying storm event occurs. The rain gauge must be monitored a minimum of once per week. Records of the date and rainfall total must be retained on-site and

made readily available for review for a minimum of five years. If there is no rain during a given week, the permittee shall record a zero rainfall total or no rain for the week. Rain gauge monitoring and recordkeeping may be temporarily suspended during a given monitoring period if a qualifying storm event has occurred and the required sampling analyses have been performed.

5. Monitoring at Substantially Similar Stormwater Outfalls

- a. Monitoring requirements apply to all outfalls authorized by this permit unless the permittee establishes substantially similar outfalls. If discharges of stormwater through two or more outfalls are substantially the same, then sampling and monitoring may be conducted at only one of those outfalls and the results may be reported as representative of the discharge from the substantially similar outfall. Before results may be submitted as representative of discharges from substantially similar stormwater outfalls, the SWP3 must include a description of outfall locations and provide a detailed justification of why the discharge qualities from the outfalls are substantially similar. To determine if outfalls are substantially similar, the following characteristics of each outfall must be compared:
 - i. the industrial activities that occur in the drainage area of each outfall;
 - ii. significant materials stored or handled within the drainage area of each outfall; and
 - iii. the management practices and pollution control structures that occur within the drainage area of each outfall.
- b. Monitoring at substantially similar outfalls must be performed at each substantially similar outfall on a rotating basis throughout the period of coverage under this general permit.
- c. Substantially similar outfalls may not be established for any outfalls that include non-stormwater discharges.

6. Inactive Status

- a. A permittee with an inactive industrial facility may seek inactive status. To qualify for inactive status, all industrial activities at the facility must be suspended with no industrial materials or activities exposed to stormwater. The permittee must provide written notification to the TCEQ Industrial Permits Team (MC-148) and the appropriate TCEQ regional office. The notification must contain a certification stating that the site is seeking inactive status and that all industrial activities at the facility are suspended. The notification must be signed according to 30 TAC §305.128, *Signatories to Reports*. Following this notification, permit requirements to sample, inspect, examine, or otherwise monitor stormwater discharges are waived during the period that a facility is in inactive status. A copy of the notification must be maintained with the SWP3.

- b. A permittee with a facility in inactive status shall notify the TCEQ Industrial Permits Team (MC-148) and the appropriate regional office in writing at least 30 days before commencing industrial activities and transferring to active status.

7. Stormwater Pollution Prevention Plan (SWP3)

a. General Requirements

- i. Contents - An SWP3 must be prepared and implemented for each facility that discharges stormwater associated with industrial activities. The SWP3 must address, at a minimum, the elements as described in Part III.B.7.b. Facilities must implement the provisions of the SWP3 as a condition of this general permit.
- ii. Signature - The SWP3 must be signed according to 30 TAC §305.128, *Signatories to Reports*.
- iii. Notice of Non-Compliance - The executive director may notify the permittee at any time that the SWP3 does not meet one or more of the minimum requirements of this general permit. Within 30 days of receiving notification and identification of the provisions of the general permit that are not being met by the SWP3, the permittee shall make the required changes to the SWP3 and shall submit a written certification that the changes have been made to the executive director.
- iv. Revisions of the SWP3 - The permittee shall revise the SWP3 whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the potential for the discharge of pollutants or if the SWP3 proves to be ineffective in eliminating or significantly minimizing pollutants in the stormwater discharge.

b. Minimum SWP3 Requirements

- i. Pollution Prevention Team - The SWP3 must identify a specific individual or individuals within the organization as members of a stormwater pollution prevention team responsible for developing the SWP3 and for the implementation, maintenance, and revision of the SWP3.
- ii. Description of Potential Pollutant Sources - The SWP3 must identify and provide a description of actual and potential sources of pollution (activities and materials) that may reasonably be expected to affect the quality of stormwater discharges, or that may result in a dry-weather discharge. The following must be developed, at a minimum, in support of developing this description:
 - (A) Drainage Area Site Map - A site map indicating the following:
 - (1) each point of discharge (outfall) for discharges of stormwater associated with industrial activities and discharges of stormwater commingled with facility wastewater;

- (2) a depiction of the drainage area, the direction of flow to the outfalls, and an identification of the types of pollutants that are likely to be present in the stormwater discharges for each area of the facility that generates stormwater discharges with a reasonable potential for containing significant amounts of pollutants, including sediments (e.g., toxicity of the chemical, and the quantity of chemicals used, produced, or discharged);
 - (3) structural controls (e.g., ponds, vegetated buffers, and constructed stormwater pollution controls) within the drainage areas;
 - (4) areas that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes; liquid storage tanks; material processing and storage areas; and loading and unloading areas; and
 - (5) any bag house or other dust control devices; recycle or sedimentation ponds, clarifiers or other devices used for the treatment of facility wastewater (including the areas that drain to the treatment device); areas with significant materials; and areas where major spills or leaks have occurred.
- (B) Inventory of Exposed Materials - An inventory must be developed listing materials handled at the site that may be exposed to stormwater and that have a potential to affect the quality of stormwater discharges authorized under this general permit.
- (C) Spills and Leaks - A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and that drained to stormwater outfalls authorized under this general permit must be developed, maintained, and updated.
- (D) Sampling Data - A summary of existing stormwater discharge sampling data must be maintained as a part of the SWP3.
- iii. Pollution Prevention Measures and Controls - The SWP3 must describe and ensure the implementation of pollution prevention measures, best management practices, and management controls that are to be used to prevent or effectively reduce pollutants in the discharge to assure compliance with the terms and conditions of this general permit, including the protection of water quality. The SWP3 must include a schedule for implementation of the prevention measures, best management practices, and management controls. This must include at a

minimum:

- (A) Good Housekeeping Measures - Good housekeeping measures must be developed and implemented to maintain vehicle maintenance related activities in a clean, orderly manner.
 - (1) Permittees shall prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), dust (including kiln dust or fly ash), or other significant materials from paved portions of the site that are exposed to stormwater. Measures used to minimize the presence of these materials may include regular sweeping or other equivalent measures. The SWP3 must indicate the frequency of sweeping or other measures. The frequency must be determined based upon consideration of the amount of industrial activity occurring in the area and frequency of precipitation, but must not be less than once per week when cement, aggregate, kiln dust, fly ash, or settled dust is being handled or otherwise processed in the area.
 - (2) Permittees shall prevent the exposure of fine granular solids, such as cement, fly ash, and kiln dust, to stormwater. Where practicable, these materials must be stored in enclosed silos, hoppers, buildings, or other structures to prevent exposure to precipitation or runoff.
- (B) Preventive Measures - A preventive maintenance program must include routine inspection and maintenance of stormwater management controls (including oil/water separators, catch basins, drip pans, berms, dikes, and other similar controls), as well as inspecting and testing facility equipment and systems to discover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and measures to ensure appropriate maintenance and performance of facility equipment and systems.
- (C) Spill Prevention and Response Procedures - Areas where potential spills that can contribute pollutants to stormwater runoff and the drainage areas from these locations must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for spill prevention and clean up must be identified in the SWP3 and made available to the appropriate personnel.
- (D) Inspections
 - (1) The permittee shall identify qualified personnel to inspect designated equipment and areas of the facility specified in the SWP3 to determine the effectiveness of the Pollution

Prevention Measures and Controls.

- (2) The inspection frequency must be specified in the SWP3 based upon a consideration of the level of industrial activity at the facility, but must be at least once per month while the facility is in operation. If feasible, at least one of the routine inspections each calendar year must be conducted during a period when a stormwater discharge is occurring.
 - (3) The inspection must, at a minimum, include all areas that are exposed to stormwater at the site, including material handling areas, above-ground storage tanks, hoppers, silos, dust collection and containment systems, truck wash down, and equipment cleaning areas.
 - (4) At a minimum, the documentation of each routine inspection must include:
 - a. the inspection date and time;
 - b. the name(s) of the inspector;
 - c. weather information and a description of any discharges occurring at the time of the inspection;
 - d. any previously unidentified discharges of pollutants at the site and any control measures needing maintenance or repairs;
 - e. any failed control measure that needs replacement;
 - f. any incidents of non-compliance that are observed;
 - g. any additional control measures needed to comply with the permit requirements; and
 - h. identification of any existing BMPs that are not being properly or completely implemented.
 - (5) When revisions or additions to the SWP3 are recommended as a result of inspections, a summary description of these proposed changes must be attached to the inspection report. The summary must identify any necessary time frames required to implement the proposed changes and the completion dates of the changes. If the permittee does not change the SWP3, the permittee must provide a written explanation.
 - (6) Records of inspections must be maintained, be made readily available for inspection upon request, and certified according to 30 TAC §305.128, *Signatories to Reports*.
- (E) Employee Training - An employee training program must be

- developed to educate personnel responsible for implementing any component of the SWP3 or otherwise responsible for stormwater pollution prevention. The SWP3 must identify how often employee training will occur, which must be a minimum of once per year. The permittee must maintain records of employee training onsite.
- (F) Record-keeping and Internal Reporting Procedures - A description of incidents (such as spills or other discharges), along with other information that is obtained regarding the quality and quantity of stormwater discharges, must be included in the SWP3. Inspection, training, and maintenance activities must be documented and records of those inspection, training and maintenance activities must be incorporated in the SWP3.
 - (G) Sediment and Erosion Control - The SWP3 shall identify areas that have a high potential for soil erosion and identify structural or vegetative control measures or BMPs to reduce or limit erosion.
 - (H) Management of Runoff Volume - The SWP3 must contain a narrative description of the plan for reducing the volume of runoff by diverting runoff, using infiltration, using detention ponds, using retention ponds, reusing runoff, limiting impervious cover, or otherwise managing runoff.
- iv. Annual Comprehensive Site Compliance Inspection - Qualified individuals shall conduct a site compliance inspection and evaluation at an interval defined in the SWP3 but at least annually.
- (A) The evaluation must include the following:
 - (1) visual examination of areas draining stormwater associated with industrial activities, including but not limited to cleaning areas, material handling areas, above ground storage tanks, hoppers, silos, dust collection and containment systems, and truck wash down and equipment cleaning areas, for evidence of, or the potential for, pollutants entering the drainage system;
 - (2) examination of measures implemented to reduce pollutants in runoff (including structural controls and implementation of BMPs) to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the SWP3; and
 - (3) visual inspection of equipment needed to implement the SWP3, such as spill response equipment, to ensure that it is available and in working condition.
 - (B) Based on the results of the evaluation, the following sections of the SWP3 must be revised as appropriate within two weeks after the evaluation: the description of potential pollutant sources and

pollution prevention measures and controls. The revisions may include a schedule for implementing the necessary changes.

- (C) Annual Comprehensive Site Compliance Inspection Report: Within 30 days of performing the annual comprehensive site compliance inspection, the permittee shall prepare a report that includes a narrative discussion of compliance with the SWP3. This report must be maintained as a part of the SWP3 for at least five years from the date of the inspection. The report must be signed according to 30 TAC §305.128, *Signatories to Reports*. The report must document all of the following information:
 - (1) names and titles of the personnel conducting the evaluation;
 - (2) the date(s) of the inspection;
 - (3) findings from the inspection areas of the facilities;
 - (4) major observations relating to the implementation of the SWP3;
 - (5) revisions made to the SWP3 as a result of the inspection; and
 - (6) any incidents of non-compliance, or if no incidences of non-compliance are discovered, a written certification by the permittee that the facility is in compliance with the SWP3.
- (D) The Annual Comprehensive Site Compliance Inspection may substitute for one of the required inspections required in Part III.B.7.b.iii.(D).
- (E) Revision of the SWP3. Within 12 weeks following the completion of the Annual Comprehensive Site Compliance Inspection Report, the permittee shall revise the SWP3 to include and address the findings of the report and implement the revisions. Revisions must include all changes resulting from the report and all applicable updates to the following elements of the SWP3: controls that should be added or modified; site map; inventory of exposed materials; description of the good housekeeping measures; description of structural and non-structural controls; and any other element of the SWP3 that was either found to be inaccurate or will be modified.

- 8. Results from the benchmark and hazardous metals monitoring and the SWP3 must be retained on-site and made readily available for review by authorized TCEQ personnel upon request. Results from the hazardous metals monitoring must be submitted to TCEQ in accordance with Part IV.7.f.

Section C. Beneficial Re-Use of Facility Wastewater and Stormwater

This section applies to any facility that uses facility wastewater or stormwater associated with industrial activities for on-site dust suppression, soil compaction,

irrigation, or fire protection. These requirements are in addition to all other requirements outlined in this general permit.

1. Dust suppression, soil compaction, and irrigation practices shall be designed and managed to prevent runoff, ponding of effluent, contamination of ground and surface waters, and occurrence of nuisance conditions in the area.
2. Facility wastewater or stormwater may be applied for soil compaction and irrigation only when an area is not in use. This restriction does not apply to dust suppression activities. Facility wastewater and stormwater must not be applied for dust suppression, soil compaction, or irrigation during times when the ground is frozen, the ground has standing water, the ground is saturated, during rainfall events, or within 24 hours of a rainfall event of 0.5 inch or greater during a 24-hour period. The permittee must use BMPs to prevent off-site tracking of mud resulting from the use of wastewater or stormwater for dust suppression.
3. Spray fixtures for the dust suppression, soil compaction, irrigation, and fire protection systems must be designed so that they cannot be operated by unauthorized personnel.
4. Adequate signs must be erected stating that water used for dust suppression, soil compaction, irrigation, and fire protection systems are from a non-potable water supply. Such signs must consist of a red slash superimposed over the international symbol for drinking water accompanied by the message "Do not drink the water" in both English and Spanish.
5. Treated facility wastewater and stormwater associated with industrial activities may be used for dust control if collected from portable concrete plants installed and dedicated to supply concrete to a construction project. Dust suppression must be carried out as a beneficial use, not as a wastewater disposal method.

Section D. General Requirements

This section applies to all facilities authorized under this general permit.

1. Mixing zones must not include an intake for a domestic drinking water supply, and the discharge may not be located within 300 feet of the intake for a domestic drinking water supply.
2. Discharges must be conducted so there is no danger of pollution to private or public water wells.
3. There must be no discharge of floating solids or visible oil. The discharge must not exhibit foaming of a persistent nature as required by 30 TAC §307.4(b)(6), *Aesthetic Parameters*.
4. Discharges must not contain a concentration of taste or odor-producing substances that 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 receiving waters, or otherwise interfere with reasonable uses of water in the state.

5. 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 must be disposed of in accordance with the Texas Health and Safety Code Chapter 361, *Solid Waste Disposal*.
6. The disposal of waste and wastewater must be done in a manner that prevents nuisance conditions.
7. The permittee shall provide the following non-compliance notifications:
 - a. Any non-compliance that may endanger human health or safety, or the environment, must be reported by the permittee to the TCEQ. The information must be provided orally or by facsimile transmission (FAX) to the appropriate TCEQ regional office within 24 hours of the permittee becoming aware of the non-compliance. A written report must be provided by the permittee to the appropriate regional office and the Enforcement Division (MC-224) within five working days of the permittee becoming aware of the non-compliance. The written submission must contain:
 - i. a description of the non-compliance and its cause;
 - ii. the potential danger to human health or safety, or the environment;
 - iii. the period of non-compliance, including exact dates and times;
 - iv. if the non-compliance has not been corrected, the anticipated time it is expected to continue; and
 - v. steps taken or planned to reduce, eliminate, and prevent recurrence of the non-compliance and to mitigate its adverse effects.
 - b. In addition, any effluent violation that deviates from the permitted effluent limitation by more than 40% must be reported by the permittee in writing to the appropriate TCEQ regional office and the Enforcement Division (MC-224) within five working days of becoming aware of the non-compliance.
 - c. Any non-compliance other than that specified in this section, or any required information not submitted or submitted incorrectly, must be reported by the permittee to the Enforcement Division (MC-224) as soon as possible. The permittee must report effluent limitation violations and non-compliances on the approved self-report form.

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 permit conditions.
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 facilities, 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 must be provided within a reasonable timeframe 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 those alterations would result in a violation of the general permit requirements.
6. Inspection and entry must be allowed under TWC Chapter 26 and Texas Health and Safety Code §§361.032 - 361.033 and 361.037. 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 must be collected, and measurements must be taken, at times and in a manner so that it is representative of the monitored activity.
 - 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), or the EPA's *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 the methods of analyses for effluent samples shall meet the requirements in 40 CFR Part 136 (as amended), or shall be in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater* referenced above.
- 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. Analytical results for determining compliance with effluent limitations shall be submitted online using the NetDMR reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. Permittees that are issued an electronic reporting waiver shall submit analytical results to the TCEQ Enforcement Division (MC-224) on an approved Discharge Monitoring Report form (EPA No. 3320-1). Effluent sampling shall be conducted in accordance with the monitoring frequencies specified in this general permit. Analytical results shall be submitted on a monthly or annual basis, depending on the required sampling frequency. The DMR for any given month must be submitted to TCEQ by the 20th day of the following month. The DMR for annual testing must be submitted to TCEQ by March 31st of the following year. If non-compliance with a discharge limitation occurs, the permittee shall provide notification according to Part III.D.7 of this general permit.
- g. The permittee shall retain copies of all records required by this permit, including monitoring records and records related to the application or any certification requirements, for a period of five years from the date of the record. This period may be extended at the request of the executive director. The records must be retained at the facility or be readily available for review by TCEQ personnel upon request.
- h. Records of monitoring activities must include:
 - i. date, time, and place of sample or measurement;
 - ii. identity of individual who collected the sample or made the measurement;
 - iii. date of the laboratory analysis;
 - iv. identity of the individual(s) and laboratory who performed the analysis;
 - v. the technique or the method of analysis; and
 - vi. results of the analysis or measurement.
- i. 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.

8. All NOIs, NOTs, and NOCs or letters of change must meet the requirements of 30 TAC §305.44(a), *Signatories to Applications*.
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 non-compliance does not stay any general permit condition.
10. This general permit does not convey any property rights or water rights of any sort and does not grant any exclusive privilege.
11. 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 making or causing to be made a false material statement, representation, or certification in, or omitting or causing 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 - An NOI must include a \$100 application fee. A fee is not required for submission of an NOT or NOC.
2. Annual Water Quality Fee - Permittees having an active authorization, including facilities in inactive status, on September 1 of each year (who have not submitted an NOT prior to this date) will be billed \$500 for the following fiscal year.

Fact Sheet and Executive Director's Preliminary Decision TPDES General Permit TXG11000

Issuing Office: Texas Commission on Environmental Quality
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Water Quality Division
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Date: August 1, 2016

Permit Action: Renewal with Amendment

I. Summary

The Texas Commission on Environmental Quality (TCEQ) is proposing to renew and amend a general permit authorizing discharges of facility wastewater and stormwater associated with industrial activities into or adjacent to water in the state from ready-mixed concrete plants, concrete products plants, and their associated facilities (Standard Industrial Codes (SIC) 3271, 3272, and 3273). The general permit specifies which facilities may be authorized under this general permit and those that must be authorized by individual permit. If an entity wants authorization under this general permit but does not fall under SIC Codes 3271, 3272, or 3273 (for example, SIC Code 1629), it may contact the TCEQ's Industrial Permits Team regarding the applicability of the permit for its facility.

II. Executive Director's Recommendation

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

III. Permit Applicability and Coverage

The proposed permit authorizes the discharge of facility wastewater and stormwater associated with industrial activities into or adjacent to water in the state from ready-mixed concrete plants, concrete products plants, and their associated facilities (SIC 3271, 3272, and 3273). The proposed permit specifies which facilities may be authorized under it and those that must be authorized by individual permit.

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG110000

- A. 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*;
 2. Discharges that will not meet water quality standards, will fail to protect and maintain existing designated uses, will cause a violation of water quality standards, or will cause or contribute to a water quality violation;
 3. Discharges of the constituent or 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;
 4. New sources or new discharges of a constituent(s) of concern to impaired waters 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 standards and are listed in the Texas Integrated Report of Surface Water Quality and the Clean Water Act (CWA) §303(d) list. Constituents of concern are those causing a water body to be listed as impaired;
 5. Discharges that would adversely affect a listed endangered or threatened aquatic or aquatic-dependent species or its critical habitat. Federal requirements related to endangered species apply to all Texas Pollutant Discharge Elimination System (TPDES) permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened aquatic or aquatic-dependent species is achieved; and
 6. Discharges from a facility with a compliance history rating of "unsatisfactory performer" as defined in 30 TAC §60.3(a), *Use of Compliance History*, or has other compliance history issues that may indicate the lack of ability of the permittee to comply with the permit and commission rules.
- B. Facilities that dispose of wastewater or stormwater by any of the following practices are not required to obtain coverage under this general permit or an individual permit:
1. Recycling of the wastewater or stormwater with no resulting discharge into or adjacent to water in the state;

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG110000

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

IV. Permit Conditions and Effluent Limitations

- A. Facility wastewater and facility wastewater commingled with stormwater associated with industrial activities.
1. Discharges of facility wastewater and facility wastewater commingled with stormwater associated with industrial activities are subject to the following effluent limitations:

Table 1. Conventional Pollutant Effluent Limitations and Monitoring Frequencies

Parameter	Daily Maximum	Sample Type	Monitoring Frequency
Flow	Report MGD	Estimate	1/month*
Oil and Grease	15 mg/L	Grab	1/month*
Total Suspended Solids	65 mg/L	Grab	1/month*
pH	6.0 - 9.0 Standard Units	Grab	1/month*

*If there is a discharge from the facility within a calendar month, a minimum of one sample of the discharge must be taken.

Fact Sheet and Executive Director Preliminary Decision
 TPDES General Permit No. TXG110000

Table 2. Hazardous Metals Numeric Effluent Limitations and
 Monitoring Frequencies

Parameter	Daily Maximum (mg/L)	Sample Type	Monitoring Frequency	Minimum Analytical Level (MAL) (mg/L)**
Arsenic, Total	0.3	Grab	1/year*	0.0005
Barium, Total	4.0	Grab	1/year*	0.003
Cadmium, Total (inland waters)	0.2	Grab	1/year*	0.001
Cadmium, Total (tidal waters)	0.3	Grab	1/year*	0.001
Chromium, Total	5.0	Grab	1/year*	0.003
Copper, Total	2.0	Grab	1/year*	0.002
Lead, Total	1.5	Grab	1/year*	0.0005
Manganese, Total	3.0	Grab	1/year*	0.0005
Mercury, Total	0.01	Grab	1/year*	0.000005
Nickel, Total	3.0	Grab	1/year*	0.002
Selenium, Total (inland waters)	0.2	Grab	1/year*	0.005
Selenium, Total (tidal waters)	0.3	Grab	1/year*	0.005
Silver, Total	0.2	Grab	1/year*	0.0005
Zinc, Total	6.0	Grab	1/year*	0.005

*If there is a discharge from the facility during the year, a minimum of one sample of the discharge must be taken.

**By establishing MALs, TCEQ is not requiring use of an analytical test method that detects at or below this MAL, nor is TCEQ requiring analytical results to be submitted where an analytical test method was used to achieve this MAL. For permitting and compliance purposes, MALs are used to allow the permittee to submit analytical results as non-detect. Non-detect analytical results are assumed to represent a concentration of zero (0) mg/L (or µg/L as appropriate).

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG110000

2. Discharges of facility wastewater and facility wastewater commingled with stormwater associated with industrial activities are subject to 24-hour whole effluent toxicity testing annually.

B. Stormwater Discharge Associated with Industrial Activities

1. Benchmark monitoring values:

Table 3. Benchmark Parameters and Values

Benchmark Parameter	Benchmark Value
Oil and Grease	15 mg/L
Total Suspended Solids	50 mg/L
pH	6.0 -9.0 Standard Units
Total Iron	1.3 mg/L

The permittee is required to compare the results of sample analyses to the benchmark values above and must include this comparison in the overall assessment of the stormwater pollution prevention plan (SWP3) effectiveness. Exceedances of the benchmark values indicate that the SWP3 should be assessed and modifications may be necessary to protect water quality.

2. Numeric Effluent Limits

Table 4. Hazardous Metals Numeric Effluent Limitations and Monitoring Frequencies

Parameter	Daily Maximum (mg/L)	Sample Type	Monitoring Frequency	MAL (mg/L)**
Arsenic, Total	0.3	Grab	1/year*	0.0005
Barium, Total	4.0	Grab	1/year*	0.003
Cadmium, Total (inland waters)	0.2	Grab	1/year*	0.001
Cadmium, Total (tidal waters)	0.3	Grab	1/year*	0.001
Chromium, Total	5.0	Grab	1/year*	0.003
Copper, Total	2.0	Grab	1/year*	0.002
Lead, Total	1.5	Grab	1/year*	0.0005
Manganese, Total	3.0	Grab	1/year*	0.0005

Fact Sheet and Executive Director Preliminary Decision
 TPDES General Permit No. TXG110000

Parameter	Daily Maximum (mg/L)	Sample Type	Monitoring Frequency	MAL (mg/L)**
Mercury, Total	0.01	Grab	1/year*	0.000005
Nickel, Total	3.0	Grab	1/year*	0.002
Selenium, Total (inland waters)	0.2	Grab	1/year*	0.005
Selenium, Total (tidal waters)	0.3	Grab	1/year*	0.005
Silver, Total	0.2	Grab	1/year*	0.0005
Zinc, Total	6.0	Grab	1/year*	0.005

*If there is a discharge from the facility during the year, a minimum of one sample of the discharge must be taken.

**By establishing MALs, TCEQ is not requiring use of an analytical test method that detects at or below this MAL, nor is TCEQ requiring analytical results to be submitted where an analytical test method was used to achieve this MAL. For permitting and compliance purposes, MALs are used to allow the permittee to submit analytical results as non-detect. Non-detect analytical results are assumed to represent a concentration of zero (0) mg/L (or µg/L as appropriate).

3. A SWP3 must be prepared and implemented for each facility. The SWP3 must identify potential sources of pollution that may reasonably be expected to affect the quality of discharges of stormwater associated with industrial activities. In addition, the SWP3 must describe and ensure the implementation of practices that are to be used to reduce the pollutants in these discharges and to ensure compliance with the terms and conditions of the general permit, including the protection of water quality. Facilities must implement the provisions of the SWP3 as a condition of the general permit.
4. The permittee is required to maintain a rain gauge on-site, or use a rain gauge located in the immediate vicinity of the site, in order to determine when a qualifying storm event occurs. The rain gauge must be monitored a minimum of once per week.

V. Changes from Existing General Permit

- A. Definitions:
1. "Domestic sewage" definition was revised to be consistent with 30 TAC Chapter 217, *Design Criteria for Domestic Wastewater Systems*.
 2. A new definition was added for "Total Maximum Daily Load".
- B. Part II. Section A was revised to remove the definitions for ready mixed concrete plants, concrete products plants, and associated facilities as these terms are already defined in Part I.
- C. Part II. Section B.4 was revised to add the Texas Integrated Report of Surface Water Quality as a source for identifying impaired waters.
- D. Part II. Section B.6 was revised to add additional limitations on coverage related to compliance history rating of "unsatisfactory performer" and pursuant to the October 23, 2013 Commissioner's Order on the Livestock Manure Composting General Permit, WQG200000, the proposed permit was similarly revised to clarify that an applicant who owns or operates a facility classified as an "unsatisfactory performer" is entitled to a hearing before the Commission prior to denial or suspension of an authorization.
- E. Part II. Section C.1 was revised to clarify that existing facilities authorized under the previous general permit that fail to submit a new notice of intent (NOI) by the 90-day deadline will result in expiration of their administratively continued authorization under the previous general permit.
- F. Part II. Section C.1, C.6, and D were revised to require electronic submittal of NOIs, NOCs, and NOTs after September 1, 2017 unless an electronic reporting waiver is requested and obtained by the applicant. This requirement is necessary to comply with the Federal Electronic Reporting Rule.
- G. Part II. Section C.2 was revised to provide immediate authorization for electronically submitted NOIs.
- H. Part II. Section C.4 was revised to provide the current contact information for TCEQ Region 11.
- I. Part III. Section A.2 was revised to remove the monthly average effluent limitation for all listed hazardous metals since sampling is required only once per year. The minimum analytical level (MAL) for each hazardous metal was added. In response to comments a footnote was added to the table relating to use of the corresponding analytical test method for each MAL.

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG110000

- J. Part III. Section A.3, Part III. Section B.1.a, and Part III. Section B.2.a were revised to require that samples must be collected prior to leaving the property in the event that the discharge leaves the property prior to entering receiving waters.
- K. Part III. Section A.4 was added in response to comments to allow discharge monitoring to be temporarily suspended for adverse weather conditions.
- L. Part III. Section A.5 was revised to improve readability and remove redundancy between marine and freshwater whole effluent toxicity testing requirements.
- M. Part III. Section A.5.d and Part IV.7.g were revised to require the permittee to retain records for five years, which corresponds to the term of the permit.
- N. Part III. Section B.2 was revised to update the MALs for each hazardous metal for consistency with the *Procedures to Implement the Texas Surface Water Quality Standards (RG-194)*. In response to comments a footnote was added to the table relating to use of the corresponding analytical test method for each MAL.
- O. Part III. Section B.4 was revised to define a “qualifying storm event,” and to replace “representative storm event” with “qualifying storm event” to be consistent with the Multi-Sector General Permit (MSGP) TXR050000.
- P. Part III. Section B.4.c was revised to clarify that if there is no rain during a given week, the permittee must record either zero rainfall or no rain.
- Q. Part III. Section B.7.b.iii.(D)(5) was revised to require the summary description for revisions to the SWP3 to include the completion date of the changes and if no changes to the SWP3 are made, a written explanation must be provided.
- R. Part III. Section B.7.b.iii.(E) was revised to require records of employee training to be maintained onsite.
- S. Part III. Section C.2 was revised to prohibit wastewater and stormwater applications during rainfall events.
- T. Part IV.7.f was revised to require electronic submittal of DMRs using the online NetDMR reporting system after the effective date of the general permit. This requirement is necessary to comply with the Federal Electronic Reporting Rule.

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG110000

VI. Addresses

- A. Questions concerning the proposed general permit should be sent to:

Laurie Fleet
Wastewater Permitting Section (MC-148)
TCEQ
P.O. Box 13087
Austin, TX 78711-3087
(512) 239-5445

- B. Comments regarding the proposed general permit were submitted to:

Chief Clerk's Office (MC-105)
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

VII. Supplementary information in this Fact Sheet is organized as follows:

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

VIII. Legal Basis

Texas Water Code (TWC) §26.121 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 the authority to amend or adopt, as necessary to implement this section, rules adopted under TWC §26.040, and to authorize waste discharges by general permit. On September 14, 1998, the TCEQ received authority from the United States Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) program. The approved state program is known as the Texas Pollutant Discharge Elimination

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG110000

System (TPDES) program. The TCEQ and the EPA have signed a Memorandum of Agreement, which establishes policies, responsibilities, and procedures for program commitments between TCEQ and EPA Region 6 for the assumption of the NPDES program by the TCEQ.

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

Two types of technology-based effluent limitations must be included in the general permit. With regard to conventional pollutants (pH, biochemical oxygen demand (BOD), oil and grease, total suspended solids (TSS), and bacteria) the 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) require 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), a standard applicable to similar discharges before March 31, 1989 under CWA §301(b)(1)(A).

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

IX. Regulatory Background

The commission was given authority to issue general permits by HB 1542, 75th Legislature, 1997. Further clarification of general permit authority was provided in subsequent legislation, HB 1283, 76th Legislature, 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 issue the general permit.

X. Permit Coverage

The proposed general permit authorizes the discharge of facility wastewater and stormwater associated with industrial activities into or adjacent to water in the state by ready-mixed concrete plants, concrete

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG110000

products plants, and their associated facilities. The permit specifies which facilities may be authorized under the general permit and those that must be authorized by individual permit.

- A. Applicants seeking authorization to discharge under the general permit must submit a completed 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 after the effective date of the general permit to continue authorization. The NOI must include, at a minimum, the legal name and address of the owner and operator, the facility name and address, specific description of its location, type of facility or discharges, and the receiving water(s).
- B. Submission of an NOI is an acknowledgment that the conditions of the general permit are applicable to the proposed discharge and that the applicant agrees to comply with the conditions of the general permit. Provisional authorization begins 48 hours after a completed NOI is postmarked for delivery to the TCEQ. 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, *Authorizations and Notices of Intent*. For electronic submission of NOIs, authorization begins immediately following confirmation of receipt of the electronic NOI.

Applicants seeking authorization to discharge to a municipal separate storm sewer system (MS4) must provide a copy of the NOI to the operator of the MS4 at the same time an NOI is submitted to the TCEQ.

- C. For discharges located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the NOI to the appropriate TCEQ regional office. Discharge may not commence for sites regulated under 30 TAC Chapter 213, *Edwards Aquifer*, until all applicable requirements of the Edwards Aquifer rules are met, including a TCEQ-approved Edwards Aquifer Protection Plan, if applicable.
- D. Authorization under the general permit is not transferable. If either the owner or operator of the regulated entity is changing, then the present owner and operator must submit a notice of termination (NOT) and the future owner and operator must submit an NOI. The NOT and NOI must be submitted no later than 10 days before the

change. Permittees discharging to an MS4 must submit a copy of the NOT and NOI to the MS4 at the same time the NOT and NOI are submitted to the TCEQ.

XI. 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 guidelines for these categories of dischargers identifying the BPT, BCT, or BAT standards. Technology-based effluent limitations included in the general permit are based on BPJ.

The parameters selected for BCT and BAT limits for the primary pollutants of concern for discharges of facility wastewater and facility wastewater commingled with stormwater are oil and grease, total suspended solids, and pH. The BCT limitations for these parameters are 15 mg/L oil and grease (as a daily maximum); 65 mg/L total suspended solids (as a daily maximum); and between 6.0 and 9.0 standard units pH. These effluent limitations are economically achievable and are continued from the expiring general permit. Additionally, BAT limitations are included for arsenic, barium, cadmium, chromium, copper, lead, manganese, mercury, nickel, selenium, silver, and zinc. Numeric effluent limitations for these total metals are established according to 30 TAC Chapter 319, *General Regulations Incorporated into Permits*, and are consistent with the effluent limitations in the expiring general permit.

Benchmark levels are included in the proposed general permit for stormwater only discharges consistent with the benchmark levels in the MSGP TXR050000. Oil and grease and pH are typical parameters that are monitored in stormwater discharges from industrial facilities and are continued from the expiring general permit.

The proposed general permit includes the requirement to develop and implement a SWP3 for discharges of stormwater associated with industrial activities. This requirement constitutes BCT and BAT.

XII. 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 outlined in TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (RG-194) is designed to ensure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater that: (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 that 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 conditions are included in the TPDES permits. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other toxicity databases to determine the adequacy of technology-based permit limits and the need for additional water-quality based controls. After review by the TCEQ Water Quality Standards Team and the Wastewater Permitting Section, it was determined that the proposed technology-based effluent limits are protective of water quality.

In accordance with 30 TAC § 307.5, *Antidegradation*, and the TCEQ implementation procedures for the TSWQS, an antidegradation review of the general permit was performed. It has been preliminarily determined that where permit requirements, which may include best management practices and/or technology based effluent limitations, are properly implemented, no significant degradation is expected and existing uses will be maintained and protected. See Standards Implementation Team memo dated July 16, 2015.

The TSWQS also require that discharges must 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. The proposed general permit includes a requirement for whole effluent toxicity testing for discharges of facility wastewater and facility wastewater commingled with stormwater associated with industrial activity at a frequency of at least once per year.

XIII. Monitoring and Reporting

Monitoring is required by 40 Code of Federal Regulations (CFR) §122.44(i) for each pollutant limited in a permit to ensure compliance with the permit limits. The proposed general permit has 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 (as amended), or be in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater* referenced above.
- 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 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 must 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 20th day of the following month. The DMR for annual testing shall be due by March 31st of the following year. The DMR 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.D.7 of the general permit.

XIV. Procedures for Final Decision

The memorandum of agreement between the EPA and TCEQ provides that EPA has no more than 90 days to comment on, object to, or make recommendations regarding the proposed general permit before it is published in the Texas Register. According to 30 TAC Chapter 205, *General Permits for Waste Discharges*, notice of the draft general permit must be published in at least one newspaper of statewide or regional circulation. Mailed notice must also be provided to the following:

- The county judge of the county or counties in which the discharges under the general permit could be located;

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG110000

- If applicable, state and federal agencies for which notice is required in 40 CFR §124.10(c);
- Persons on a relevant mailing list kept under 30 TAC §39.407, *Mailing Lists*; and
- 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 comment on the draft permit.

Any person, agency, or association may make a request to the executive director for a public meeting on the proposed general permit before the end of the public comment period. The purpose of a public meeting is to allow the public to make verbal comments and is not a contested case proceeding under the Title 10 Texas Government Code Chapter 2001, *Administrative Procedure Act*. A public meeting will be granted when the executive director or commission determines, based on the requests received, that a significant degree of public interest in the draft general permit exists. The executive director may call and conduct public meetings in response to public comment.

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

XV. Administrative Record

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

- A. Permits
 1. TPDES General Permit No. TXG110000 issued November 7, 2011.
 2. TPDES General Permit No. TXR050000 issued August 14, 2011, and the current proposed renewal.
- B. Texas Water Code Chapter 26
- C. Clean Water Act

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG110000

- D. Code of Federal Regulations
40 CFR Parts 122, 124, and 136
- E. TCEQ Rules.
30 TAC Chapters 25, 39, 205, 213, 305, 307, 311, 319, and 331.
- F. Communication
Interoffice memorandum dated July 16, 2015 from the Water Quality Standards Implementation Team to the Wastewater Permitting Section.
- G. Miscellaneous
 1. *2012 Texas Integrated Report of Surface Water Quality*, TCEQ
 2. *Procedures to Implement the Texas Surface Water Quality Standards (RG-194)*, TCEQ, June 2010.
 3. *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, 1971
 4. *Methods for Chemical Analysis of Water and Wastes* - EPA, No. 600479020, 1983
 5. *National Recommended Water Quality Criteria*, EPA-822-R-02-047, 2009

**DOCKET NO. 2015-1714-MIS
General Permit No. TXG110000**

IN THE MATTER OF A RENEWAL WITH	§	BEFORE THE TEXAS
AMENDMENT OF A TEXAS POLLUTANT	§	COMMISSION ON
DISCHARGE ELIMINATION SYSTEM	§	ENVIRONMENTAL
(TPDES) GENERAL PERMIT	§	QUALITY
AUTHORIZING DISCHARGES FROM	§	
READY-MIXED CONCRETE PLANTS,	§	
CONCRETE PRODUCT PLANTS, AND	§	
THEIR ASSOCIATED FACILITIES	§	

COMMISSION RESOLUTION ISSUING A 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 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, a renewal with amendments of a Texas Pollutant Discharge Elimination System (TPDES) general permit authorizing discharges into or adjacent to water in the state from ready-mixed concrete plants, concrete product plants, and their associated facilities, was drafted and proposed by the executive director and is attached as Exhibit A;

WHEREAS, the TCEQ received public comments on the general permit, 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 Exhibits A and B, respectively, as recommended by the executive director and as approved by the Commission during its October 19, 2016, public meeting.

Furthermore, the Commission directs staff to make any non-substantive 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**.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Bryan W. Shaw, Ph.D., P.E., Chairman
For the Commission

Date Signed