

**SUBCHAPTER L : DISCHARGES TO SURFACE WATERS
FROM MOTOR VEHICLES CLEANING FACILITIES
§§321.211 - 321.220
Effective December 10, 1998**

§321.211. Definitions.

The following words and terms used in this subchapter shall have the following meanings unless the context clearly indicates otherwise:

- (1) **Domestic Sewage** - Waterborne human (animal) waste and waste from domestic activities, such as washing, bathing, and food preparation.
- (2) **Existing Facilities** - Motor vehicles cleaning facilities in active operation, including the discharge of facility wastewater, prior to January 5, 1996.
- (3) **Facility Wastewater** - Wastewater generated at motor vehicle cleaning facilities as a result of washing the exterior of motor vehicles and specifically excluding domestic sewage.
- (4) **Grab Sample** - An individual sample collected in less than 15 minutes.
- (5) **MGD** - Million gallons per day.
- (6) **Mg/l** - Milligrams per liter
- (7) **Motor Vehicles Cleaning Facilities** - Facilities engaged in washing, waxing, and polishing motor vehicles, or in furnishing facilities for the self-service washing of motor vehicles.
- (8) **New Facilities** - Motor vehicles cleaning facilities not defined in this section as existing facilities.
- (9) **Point Source Discharge** - A discharge from any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit or discrete fissure.
- (10) **Publicly Owned Treatment Works or "POTW"** - A treatment works owned by a state or municipality, which includes any device or system used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment. This term also means the municipality which has jurisdiction over indirect discharges to and discharges from such a treatment works.

(11) **Registrant** - An individual or entity authorized by the executive director to discharge facility wastewater from facilities associated with motor vehicle cleaning under the terms and requirements of this subchapter.

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Effective July 26 1996

§321.212. Purpose and Applicability.

(a) The purpose of this subchapter is to regulate by rule the surface discharge to water in the state of facility wastewater from motor vehicles cleaning facilities in accordance with the effluent limitations, monitoring requirements, and other conditions set forth herein. Certificates of registration issued under this subchapter are subject to Chapter 50, Subchapter C of this title (relating to Action by Executive Director). Except as provided by §321.219 of this title (relating to Enforcement and Revocation) and except as provided by subsection (e) of this section, this rule regulates the following type of facilities which in a given month discharge, on average, more than 5,000 gallons per day of operation:

(1) Establishments primarily engaged in washing, waxing, and polishing motor vehicles. These type of facilities are classified as Standard Industrial Classification code 7542.

(2) Companies, governmental entities, taxi companies, parcel delivery companies, or similar entities that have their own motor vehicle cleaning facilities.

(3) This subchapter only applies to the discharge of wastewater generated from washing the exterior of vehicles.

(4) This subchapter does not apply to establishments, companies, or entities engaged in motor vehicle washing when the vehicles being washed are used for any of the following:

(A) transportation of municipal or industrial solid waste, including hazardous waste;

(B) transportation of hazardous materials or vehicles subject to placarding or labeling because of such transportation;

(C) exploration, production, or development of oil, natural gas, or geothermal resources.

(5) This subchapter does not apply to establishments, companies, or entities engaged in motor vehicle washing when the vehicles being washed consist of the following types:

(A) semi-tractor trailer vehicles or similar carriers involved in transportation activities described in paragraph (4)(A) and (B) of this subsection.

(B) vehicles, trucks, or other equipment involved in transportation which, in the judgement of the executive director, has the potential to release toxic substances when the equipment's exterior is washed.

(b) Discharges are allowable under this subchapter only by those registrants of facilities which have a certificate of registration issued by the executive director under §321.213 of this title (relating to Certificate of Registration), §321.215 of this title (relating to General Requirements for Discharge) and §321.216 of this title (relating to Specific Requirements for Discharge). For new facilities, a certificate of registration issued by the executive director under §§321.213, 321.215, and 321.216 of this title shall be obtained prior to discharge of wastewater from the subject facility.

(c) Facilities which do not meet the requirements of §321.215 and §321.216 of this title and do not discharge or transport facility wastewater to a POTW which has a wastewater discharge permit issued by the agency must apply for an emergency order, temporary order, or permit as provided by Chapter 305, Subchapter B, of this title (relating to Consolidated Permits) for the discharge of wastewater into or adjacent to water in the state.

(d) If the executive director denies a registration application under this subchapter, the facility must obtain a permit pursuant to the Texas Water Code, Chapter 26.

(e) No motor vehicle cleaning facility may obtain registration under this subchapter, if it is located within the service area of a POTW or within a similar service area which provides for the collection and disposal of wastewater. No self-service or coin-operated motor vehicle cleaning facility may obtain registration under this chapter. Such facilities must either discharge facility wastewater into the POTW, obtain authorization by individual permit issued pursuant to Chapter 305 of this title (relating to Consolidated Permits), or otherwise dispose of wastewater in a manner which complies with commission regulations.

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§321.213. Certificate of Registration and Public Notice.

(a) An applicant must apply for registration on a form approved by the executive director. A completed application shall be submitted to the agency's Wastewater Permits Section (MC 148). An existing facility that does not hold a valid agency wastewater discharge permit must submit an application for registration or an application for a permit within 365 days after the date this rule takes effect. Before issuing a certificate of registration, the executive director will review the application to determine whether the facility operations meet the requirements of §321.215 of this title (relating to General Requirements for Discharge) and §321.216 of this title (relating to Specific Requirements for Discharge).

(b) The executive director may take action on an application to issue a certificate of registration, provided:

(1) At least 30 days prior to approving an application and issuing the certificate of registration, notice of the application has been provided by the applicant, at the applicant's cost:

(A) in a newspaper regularly published and generally circulated within the county and area wherein the proposed facility and discharge is to be located;

(B) in writing by certified mail (return receipt requested) to the county judge of the county in which the facility is to be located and also when the facility is to be located within the jurisdictional boundaries of a city or town, to the mayor of that city or town; and

(C) the notices of application are provided in a format approved by the commission and shall fairly set forth the substance of the application and proposed action, including but not limited to, the general location of any point of discharge, the method of obtaining additional information about the application, and the method for submitting comment on the application.

(2) With any application for a registration, submitted pursuant to this subchapter, the applicant shall also provide proof to the executive director that public notice was provided in accordance with paragraph (1) of this subsection. The proof shall be provided within 14 days of obtaining the following information, which shall consist of:

(A) a signed affidavit from the publisher acknowledging that the notice was published, indicating the date of publication, and providing a copy of the newspaper clipping; and

(B) a sworn statement from the applicant that written notice was mailed to the appropriate entities, identified in this subsection, along with a copy(s) of the return receipt acknowledgment from the U.S. Postal Service.

(3) The application, including the material required by paragraph (2) of this subsection, shall be mailed to the agency's Wastewater Permits Section (MC 148). The application shall undergo review by the executive director following the determination that notice requirements of this section are met.

(4) Any pertinent comments received by the executive director prior to the end of the 30-day period, after all the notices have been provided, will be considered as a part of any decision of approval, denial, or modification of a request for registration from an applicant. The executive director shall mail notice of the final decision to the applicant and to any other person who submitted comments on the application.

(c) The public notice provisions of this section do not apply to an existing facility which is operating under an existing agency wastewater discharge permit if the facility applies for registration prior to the expiration date of the permit.

(d) An existing facility which does not hold a valid agency wastewater discharge permit must submit an application for registration or an application for a permit within 365 days after the date this rule takes effect. Public notice provisions of this section do not apply to an existing facility if an

application for registration is received by the executive director within 365 days after the date this rule takes effect.

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§321.214. Active Agency Permits.

Motor vehicle cleaning facilities that are currently operating under a valid agency wastewater discharge permit may apply for registration of these operations prior to the expiration date of the permit. Upon issuance of the final registration, the executive director shall void the permit. This subchapter does not prevent the executive director from denying a registration or registration application and requiring the facility to have a permit.

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§321.215. General Requirements for Discharge.

(a) Only facility wastewater which meets the requirements of this subchapter can be discharged into water in the state.

(b) Facility wastewater shall be treated to conform to effluent discharge requirements, including a reduction of total suspended solids, oil and grease and other possible pollutants and, if necessary, adjustment of pH.

(c) There shall be no discharge of domestic sewage into or adjacent to water in the state. All domestic sewage shall be either routed to an authorized and adequately designed septic tank/drain field system, POTW, or transported to an approved off-site disposal facility, or disposed of in accordance with an approved agency order or permit.

(d) Disposal of solid wastes shall be in accordance with Chapter 361 of the Texas Health and Safety Code.

(e) The discharge shall not cause any nuisance conditions.

(f) The facility shall take all steps necessary to prevent any adverse effects upon human health or safety, or to the environment. Any facility authorized under this subchapter shall comply with the following:

(1) The registrant shall report any noncompliance (to include any unauthorized discharges or overflows) with the requirements of this subchapter which may endanger human health or safety or the environment. Report of such information shall be provided orally to the agency's regional office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided to the agency's regional office and to the agency's Water Section, Enforcement Division (MC 149), within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential

danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

(2) Any noncompliance which is greater than 40% of the authorized effluent limitations as expressed in §321.216(a) of this title shall be reported in writing to the agency's regional office and to the agency's Water Section, Enforcement Division (MC 149), within five working days of becoming aware of the condition.

(g) The registrant must notify the executive director, in writing, of any change in control or ownership of facilities, or any expansion of facilities authorized under this subchapter. The applicant must send the notification to the agency's Wastewater Permits Section (MC 148).

(h) The executive director may deny an application for registration on the following grounds: the potential or actual adverse impact on, or close proximity to, a public park, school, recreational area, spring, water supply well, surface water supply intake, water treatment plant intake, potable water storage facility or sewage treatment plant. In making such determination, the executive director may also consider other factors necessary to carry out its powers and duties under the Texas Water Code and other laws of the state.

(i) The discharge shall not be acutely toxic to aquatic life, as described in §§307.1-307.10 of this title (relating to Texas Surface Water Quality Standards).

Adopted June 26, 1996

July 26 1996

§321.216. Specific Requirements for Discharge.

(a) All facilities regulated under this rule are authorized to discharge facility wastewater from motor vehicles cleaning facilities in accordance with the following limitations and monitoring requirements:

Figure 1: 30 TAC §321.216(a)

<u>Parameter</u>	<u>Limitation</u>	<u>Sample Type</u>	<u>Monitoring Frequency</u>
Flow (MGD)	N/A	Estimate	1/month*
Oil and Grease	15 mg/l	Grab	1/quarter*
Total Suspended Solids	65 mg/l	Grab	1/quarter*
Chemical Oxygen Demand	Report	Grab	1/quarter*

* When discharge occurs.

(b) The pH of the discharge shall not be less than 6.0 nor greater than 9.0 standard units and shall be monitored once per month (1/month) by grab sample.

(c) There shall be no discharge of floating solids or visible foam in other than trace amounts, and no discharge of visible oil.

(d) All discharges from motor vehicle cleaning facilities shall comply with §319.22 of this title (relating to Quality Levels-Inland Waters) or shall comply with §319.23 of this title (relating to Quality Levels-Tidal Waters).

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§321.217. Sampling, Reporting, and Recordkeeping.

(a) Unless otherwise specified in this rule, sampling and laboratory test methods shall comply with procedures specified in §319.11 of this title (relating to Sampling and Laboratory Testing Methods).

(b) All analytical results shall be reported by the registrant to the executive director on the Motor Vehicles Cleaning Facilities Report form approved by the executive director. Monitoring results shall be reported to the executive director in accordance with the following schedule.

Figure 1: 30 TAC §321.217(b)

<u>Monitoring Period</u>	<u>Report Due</u>
January, February, March	April 30th
April, May, June	July 31st
July, August, September	October 31st
October, November, December	January 31st

(c) The registrant shall maintain results of monitoring of each constituent specified in §321.216 of this title or the equivalent information shall be maintained for a minimum of three years and shall make these results readily available for review upon request. The registrant authorized under the terms of this subchapter shall maintain records of the process control, maintenance activities, and solids

disposal to include at a minimum: volume and dates on which solids were removed, identity of any transporter, location and identity of any solids disposal site, and method of final disposal. This information shall be maintained for a minimum of three years and shall be readily available for review upon request.

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Effective July 26, 1996

§321.218. Restrictions.

(a) This rule does not convey property rights or grant any exclusive privilege.

(b) Separate authorizations may be required by the executive director, municipalities, or other agencies for discharges to publicly owned treatment works, domestic sewage plants, storm water sewers, or for air emissions.

(c) Nothing in this rule shall be construed to authorize any injury to persons or property, or an invasion of other property rights, or any infringement of state or local law or regulations.

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§321.219. Enforcement and Revocation.

If any registrant or facility regulated by this subchapter fails to comply with the terms of this subchapter, the executive director may take enforcement action as provided by the Texas Water Code and under Chapter 70 of this title (relating to Enforcement). The executive director may revoke any registration granted to a registrant or facility due to noncompliance with the requirements of this subchapter, after notice to the registrant and opportunity for hearing, and such registrant shall cease any discharge until such time as the facility is issued a wastewater discharge permit, an emergency order, or temporary order as provided by Chapter 35 of this title (relating to Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions) for the discharge of wastewater into or adjacent to water in the state. The executive director may require a motor vehicle cleaning facility defined as exempt from registration under §321.212 of this title (relating to Purpose and Applicability) to obtain a registration when an exempt facility is causing water pollution that could be avoided through compliance with the requirements of this subchapter.

Adopted November 18, 1998

Effective December 10, 1998

§321.220. Annual Waste Treatment Fee.

(a) In accordance with §§305.501-305.507 of this title (relating to Waste Treatment Inspection Fee Program), registrants authorized to discharge to surface waters from motor vehicles cleaning facilities under the requirements of this subchapter shall remit to the commission an annual waste treatment fee.

(b) The fee assessed annually shall be in accordance with the following fee rate schedule:

(1) for any active facility, the fee shall be \$500, as determined by either the information specified on the application for registration or on the Motor Vehicles Cleaning Facilities Report forms submitted during the calendar year.

(2) for any inactive facility, the fee shall be \$250.

(3) any increased assessment above the amounts in paragraphs (1) or (2) of this subsection shall be in accordance with regulations adopted by the commission.

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