

## Fact Sheet

For proposed Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR050000 to discharge to water in the state.

Issuing Office: Texas Natural Resource Conservation Commission  
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Proposed TPDES general permit for discharges of storm water associated with industrial activity and certain non-storm water discharges.

### Summary

The Texas Natural Resource Conservation Commission (TNRCC) is proposing to issue a TPDES general permit for discharges of storm water associated with industrial activity and certain non-storm water discharges. These discharges are currently authorized under a NPDES general permit, issued in accordance with requirements at 40 CFR § 122.26, that was adopted by TNRCC on September 27, 2000. Issuance of the proposed general permit would allow continued coverage for these facilities under the TPDES permit program. The conditions and requirements of the proposed TPDES general permit are similar to those established in the NPDES general permit.

As proposed, industrial facilities shall only be authorized to discharge storm water, and certain defined non-storm water discharges, under this general permit following the development and implementation of a storm water pollution prevention plan (SWP3). The SWP3 must be developed according to the minimum measures defined in the permit, but must be tailored in consideration of the specific operations and activities conducted at the industrial facility. Applicants must develop SWP3s that establish effective pollution prevention measures and best management practices to reduce pollution in storm water discharges. These measures include: limiting or prohibiting exposure of storm water to materials, wastes, and industrial activities; good housekeeping procedures; maintenance of storm water controls; periodic inspections; and reports to assess compliance with permit requirements and to identify necessary revisions to the SWP3.

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The proposed general permit additionally contains numeric effluent limitations for certain discharges. The following numeric effluent limitations, based on TAC § 319, are applicable to all discharges proposed to be authorized under the general permit:

**1. For Discharges of Storm Water to Inland Waters**

Hazardous Metal Average (Total)	Monthly (mg/l)	Daily Composite (mg/l)	Daily Maximum (mg/l)	Monitoring Frequency
Arsenic	0.1	0.2	0.3	1/Year
Barium	1.0	2.0	4.0	1/Year
Cadmium	0.05	0.1	0.2	1/Year
Chromium	0.5	1.0	5.0	1/Year
Copper	0.5	1.0	2.0	1/Year
Lead	0.5	1.0	1.5	1/Year
Manganese	1.0	2.0	3.0	1/Year
Mercury	0.005	0.005	0.01	1/Year
Nickel	1.0	2.0	3.0	1/Year
Selenium	0.05	0.1	0.2	1/Year
Silver	0.05	0.1	0.2	1/Year
Zinc	1.0	2.0	6.0	1/Year

**2. For Discharges of Storm Water to Tidal Waters**

Hazardous Metal Average (Total)	Monthly (mg/l)	Daily Composite (mg/l)	Daily Maximum (mg/l)	Monitoring Frequency
Arsenic	0.1	0.2	0.3	1/Year
Barium	1.0	2.0	4.0	1/Year
Cadmium	0.1	0.2	0.3	1/Year
Chromium	0.5	1.0	5.0	1/Year
Copper	0.5	1.0	2.0	1/Year
Lead	0.5	1.0	1.5	1/Year
Manganese	1.0	2.0	3.0	1/Year
Mercury	0.005	0.005	0.01	1/Year
Nickel	1.0	2.0	3.0	1/Year
Selenium	0.1	0.2	0.3	1/Year
Silver	0.05	0.1	0.2	1/Year
Zinc	1.0	2.0	6.0	1/Year

The following numeric effluent limitations, based on federal effluent guidelines delineated in Title 40 Code of Federal Regulations, are proposed as conditions of the general permit:

**1. For Discharges of Storm Water Runoff from Coal Pile Storage Areas:**

Daily Maximum      Monitoring

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<u>Parameter</u>	<u>Limitation (mg/l)</u>	<u>Frequency</u>
Total Suspended Solids	50	1/Year
pH	6 to 9 S.U.*	1/Year

\* Standard units

**2. For Discharges of Storm Water Runoff from Facilities that Manufacture Phosphatic Fertilizers:**

<u>Parameter</u>	<u>Limitations (mg/l)</u>		<u>Monitoring</u>
	<u>Daily Max</u>	<u>Daily Avg</u>	<u>Frequency</u>
Total Phosphorus (as P)	105	35	1/Year
Fluoride	75	25	1/Year

**3. For Discharges of Storm Water Runoff from Facilities that Manufacture Paving and Roofing Materials (Tars and Asphalt):**

<u>Parameter</u>	<u>Limitations (mg/l)</u>		<u>Monitoring</u>
	<u>Daily Max</u>	<u>Daily Avg</u>	<u>Frequency</u>
Total Suspended Solids	23	15	1/Year
Oil and Grease	15	10	1/Year
pH	6 to 9 S.U.*		1/Year

\* Standard Units

**4. For Discharges of Storm Water Runoff from Material Storage Piles from Facilities that Manufacture Cement:**

<u>Parameter</u>	<u>Limitations (mg/l)</u>	<u>Monitoring</u>
	<u>Daily Max</u>	<u>Frequency</u>
Total Suspended Solids	50	1/Year
pH	6 to 9 S.U.*	1/Year

\* Standard Units

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

<u>Parameter</u>	<u>Limitations (mg/l)</u>		<u>Frequency</u>	<u>Monitoring</u>
	<u>Daily Max</u>	<u>Daily Avg</u>		
Total Suspended Solids	45	25		1/Year
pH	6 to 9 S.U.*			1/Year

\* Standard Units

**6. For Discharges of Storm Water Runoff from Coal Pile Storage Areas:**

<u>Parameter</u>	<u>Limitations (mg/l)</u>		<u>Frequency</u>	<u>Monitoring</u>
	<u>Daily Max</u>			
Total Suspended Solids	50			1/Year
pH	6 to 9 S.U.*			1/Year

\* Standard Units

Questions concerning this draft general permit should be directed to:

Mr. Stephen M. Ligon  
 Wastewater Permitting Section (MC-148)  
 TNRCC  
 P.O. Box 13087  
 Austin, Texas 78711-3087  
 (512) 239- 4527

Comments regarding this general permit should be sent to:

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

Supplementary information on this fact sheet is organized as follows:

- I. Legal Basis
- II. Regulatory Background
- III. Permit Coverage
- IV. Technology-based Requirements
- V. Water Quality-based Requirements
- VI. Monitoring
- VII. Procedures for Final Decision
- VIII. Administrative Record

**I. Legal Basis**

Section 26.121 of the Texas Water Code (TWC) makes it unlawful to discharge pollutants into or

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adjacent to water in the state in the absence of authorizing permits. TWC §26.027 authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state. TWC §26.040 provides the commission with authority to amend rules adopted under §26.040 prior to amendment of the statute by H.B. 1542 in 1997, and to authorize waste discharges by general permit. On September 14, 1998, the TNRCC received authority from the U.S. Environmental Protection Agency (EPA) to administer the Texas Pollutant Discharge Elimination System (TPDES). The TNRCC and the United States Environmental Protection Agency (EPA) have signed a Memorandum of Agreement that authorizes the administration of the National Pollutant Discharge Elimination System (NPDES) program by the TNRCC as it applies to the State of Texas.

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

Two types of technology-based effluent limitations must be included in the proposed general permit. With regard to conventional pollutants, CWA §301 (b)(1)(E) requires effluent limitations based on “best conventional pollution control technology” (BCT). With regard to nonconventional and toxic pollutants, CWA § 301(b)(2)(A), (C), and (D) require effluent limitations based on “best available pollution control technology economically achievable” (BAT), a standard which generally represents the best performing existing technology in an industrial category or subcategory. BAT and BCT effluent limitations may never be less stringent than corresponding effluent limitations based on best practicable control technology (BPT), a standard applicable to similar discharges before March 31, 1989 under CWA § 301(b)(1)(A).

## **II. Regulatory Background**

TNRCC received authority to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Texas, for those discharges under the regulatory authority of the agency, on September 14, 1998. Under a memorandum of agreement between the two agencies, EPA agreed to continue to administer the multi-sector general permit (MSGP) permit until the September 29, 2000 expiration date.

EPA’s NPDES MSGP was originally issued on September 29, 1995, and amended on February 9, 1996, February 20, 1996, September 24, 1996, August 7, 1998, and September 30, 1998. Phase II rules for the NPDES storm water permit program were finalized on December 8, 1999. Phase II rules allow facilities under the applicability of the MSGP to apply for an exclusion from permit requirements through certification of no exposure of industrial activities to storm water. This provision of the MSGP was made effective February 7, 2000.

## **III. Permit Coverage**

### **A. Scope of Permit Coverage**

This general permit applies to discharges of storm water runoff associated with industrial activity, and certain non-storm water discharges, into water in the state. The general permit specifies which particular industrial facilities are eligible for authorization by the general permit, which must be authorized by separate permit, and the specific conditions that must be met in order to receive an exclusion from requirements to develop a SWP3 and to submit a notice of intent. The proposed general permit would provide authority for any facility

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currently authorized under the NPDES permit to continue to discharge, with the exception of certain oil exploration, production, processing, or treatment operations that are controlled under the authority of the Railroad Commission of Texas. These facilities must continue to apply to EPA and the Railroad Commission of Texas for authorization to discharge storm water runoff associated with industrial activities. The proposed permit does not provide coverage for discharges of “contaminated storm water” from landfills for which the EPA has recently established new effluent limitations guidelines. The guidelines, and the definition of “contaminated storm water,” were published in the *Federal Register* on January 19, 2000 (65 FR 3007).

Permit applicability is based on the facility’s primary SIC code or Industrial Activity Code. Industrial facilities that are required to obtain authorization to discharge storm water runoff are grouped into 30 sectors, Sectors A through AD. Each sector consists of a group of like or similar industrial activities. For this reason, the permit is often referred to as the “multi-sector general permit,” or MSGP. With the exception of Sector AD, sectors of activity are further divided into more specific subsectors of industrial activities through the use of standard industrial classification (SIC) codes. Sector AD is reserved and will be used to provide permit coverage for facilities that are designated by the Executive Director as needing a permit to control pollution related to storm water discharges and that are not described by Sectors A-AC. The following industrial activities are proposed to be eligible for authorization under the draft general permit:

<b>SECTOR A: TIMBER PRODUCTS</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
2421	General Sawmills and Planning Mills
2491	Wood Preserving
2411	Log Storage and Handling (Wet deck storage areas where no chemical additives are used in the spray water or applied to the logs)
2426	Hardwood Dimension and Flooring Mills
2429	Special Product Sawmills, Not Elsewhere Classified
2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (2434 - Wood Kitchen Cabinets, see Sector W)
2441-2449	Wood Containers
2451,2452	Wood Buildings and Mobile Homes
2493	Reconstituted Wood Products
2499	Wood Products Not Elsewhere Classified
<b>SECTOR B: PAPER AND ALLIED PRODUCTS</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
2611	Pulp Mills
2621	Paper Mills

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<b>SECTOR A: TIMBER PRODUCTS</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
2631	Paperboard Mills
2652 - 2657	Paperboard Containers and Boxes
2671 - 2679	Converted Paper and Paperboard Products, Including Plastic Bags Produced from Plastics Film
<b>SECTOR C: CHEMICAL AND ALLIED PRODUCTS</b>	
<b>Sic Code</b>	<b>Description of Industry Sub-sector</b>
2812 - 2819	Basic Industrial Inorganic Chemicals
2821 - 2824	Plastic Materials, Synthetic Resins, Non-vulcanizable Elastomers (Synthetic Rubber), Cellulose Plastics Materials, and Other Manmade Fibers Except Glass
2833 - 2836	Medicinal Chemicals and Botanical Products, Pharmaceutical Preparations, In Vitro and In Vivo Diagnostic Substances, Biological Products (Except Diagnostic Substances).
2841 - 2844	Soaps and Detergents; Specialty Cleaning, Polishing, and Sanitation Preparations; Surface Active Agents, Finishing Agents, Sulfonated Oils, and Assistants; Perfumes, Cosmetics, and Other Toilet Preparations;
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
2861 - 2869	Industrial Organic Chemicals
2873 - 2879	Agricultural Chemicals (Including Fertilizers, Pesticides and Fertilizers Solely from Leather Scraps and Leather Dust)
2891 - 2899	Miscellaneous Chemical Products (Including Adhesives and Sealants, Explosives, Printing Ink, and Carbon Black)
3952 (Limited to List)	Inks and Paints, including: China Painting Enamels; India Ink; Drawing Ink; Platinum Paints for Burnt Wood or Leather Work; Paints for China Painting; Artist's Paints; and Artist's Watercolors
<b>SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
2951,2952	Asphalt Paving and Roofing Materials, Portable Asphalt Plants
2992,2999	Miscellaneous Products of Petroleum and Coal Including Oils and Greases
<b>SECTOR E: GLASS CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
3211	Flat Glass
3221,3229	Glass and Glassware, Pressed or Blown
3231	Glass Products Made of Purchased Glass
3241	Hydraulic Cement

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<b>SECTOR A: TIMBER PRODUCTS</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
3251-3259	Structural Clay Products
3261	Vitreous China Plumbing Fixtures and China Earthenware Fittings and Bathroom Accessories
3262-3269	Pottery and Related Products
3281	Cut Stone and Stone Products
3297	Non-Clay Refractories
3271- 3275	Concrete, Gypsum and Plaster Products
3291, 3292	Asbestos Products
3295	Minerals and Earth's, Ground, or Otherwise Treated
3296	Mineral Wool
3299	Nonmetallic Mineral Products, Not Elsewhere Classified
<b>SECTOR F: PRIMARY METALS</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
3321-3325	Iron and Steel Foundries
3331-3339	Primary Smelting and Refining of Nonferrous Metals
3341	Secondary Smelting and Refining of Nonferrous Metals
3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals
3363-3369	Nonferrous Foundries (Castings)
3398,3399	Miscellaneous Primary Metal Products
<b>SECTOR G: METAL MINING (ORE MINING AND DRESSING)</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
1011	Iron Ores
1021	Copper Ore Mining and Dressing
1031	Lead and Zinc Ores
1041,1044	Gold and Silver Ores
1061	Ferro alloy Ores, Except Vanadium
1081	Metal Mining Services
1094,1099	Miscellaneous Metal Ores
<b>SECTOR H: COAL MINES AND COAL MINING RELATED FACILITIES</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
1221-1241	Coal Mines and Coal Mining-Related Facilities

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<b>SECTOR A: TIMBER PRODUCTS</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
<b>SECTOR I: OIL AND GAS EXTRACTION FACILITIES</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
1311	Crude Petroleum and Natural Gas
1321	Natural Gas Liquids
1381-1389	Oil and Gas Field Services
2911	Petroleum Refineries
<b>SECTOR J: MINERAL MINING AND DRESSING FACILITIES</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
1411	Dimension Stone
1422-1429	Crushed and Broken Stone, Including Rip Rap
1481	Nonmetallic Minerals, Except Fuels
1442,1446	Sand and Gravel Mining
1455,1459	Clay, Ceramic, and Refractory Materials
1474-1479	Chemical and Fertilizer Mineral Mining
1499	Miscellaneous Nonmetallic Minerals, Except Fuels
<b>SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES</b>	
<b>Activity Code</b>	<b>Description of Industry Sub-sector</b>
HZ	Limited to Hazardous Waste Treatment Storage or Disposal
<b>SECTOR L: LANDFILLS AND LAND APPLICATION SITES</b>	
<b>Activity Code</b>	<b>Description of Industry Sub-sector</b>
LF	Limited to Landfills, Land Application Sites , and Open Dumps that Receive or Have Previously Received Industrial Waste, including sites subject to regulation under Subtitle D of the Resource Conservation and Recovery Act (RCRA).
<b>SECTOR M: AUTOMOBILE SALVAGE YARDS</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
5015	Automobile Salvage Yards
<b>SECTOR N: SCRAP AND WASTE RECYCLING FACILITIES</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
5093	Scrap Recycling Facilities (Scraps include metals, paper, plastic, cardboard, glass, animal hides, used oil, antifreeze, mineral spirits, industrial solvents and other materials)

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<b>SECTOR O: STEAM ELECTRIC GENERATING FACILITIES</b>	
<b>Activity Code</b>	<b>Description of Industry Sub-sector</b>
SE	Limited to Steam Electric Generating Facilities
<b>SECTOR P: LAND TRANSPORTATION AND WAREHOUSING</b>	
<b>Sic Code</b>	<b>Description of Industry Sub-sector</b>
4011,4013	Railroad Transportation
4111-4173	Local and Highway Passenger Transportation
4212-4231	Motor Freight Transportation and Warehousing
4311	United States Postal Service
5171	Petroleum Bulk Stations and Terminals
<b>SECTOR Q: WATER TRANSPORTATION</b>	
<b>Sic Code</b>	<b>Description of Industry Sub-sector</b>
4412-4499	Water Transportation
<b>SECTOR R: SHIP AND BOAT BUILDING OR REPAIRING YARDS</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
3731,3732	Ship and Boat Building or Repairing Yards
<b>SECTOR S: AIR TRANSPORTATION</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
4512-4581	Air Transportation Facilities
<b>SECTOR T: TREATMENT WORKS</b>	
<b>Activity Code</b>	<b>Description of Industry Sub-sector</b>
TW	Treatment Works
<b>SECTOR U: FOOD AND KINDRED PRODUCTS FACILITIES</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
2011-2015	Meat Products
2021-2026	Dairy Products
2032-2038	Canned, Frozen and Preserved Fruits, Vegetables and Food Specialties
2041-2048	Grain Mill Products
2051-2053	Bakery Products
2061-2068	Sugar and Confectionery Products
2074-2079	Fats and Oils
2082-2087	Beverages

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2091-2099	Miscellaneous Food Preparations and Kindred Products
2111-2141	Tobacco Products
<b>SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING FACILITIES</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
2211-2299	Textile Mill Products
2311-2399	Apparel and Other Finished Products Made From Fabrics and Similar Materials
3131-3199 (except 3111)	Leather and Leather Products, except Leather Tanning and Finishing (see Sector Z)
<b>SECTOR W: FURNITURE AND FIXTURES</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
2511-2599	Furniture and Fixtures
2434	Wood Kitchen Cabinets
<b>SECTOR X: PRINTING AND PUBLISHING</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
2711-2796	Printing, Publishing, and Allied Industries

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<b>SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING FACILITIES</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
3011	Tires and Inner Tubes
3021	Rubber and Plastics Footwear
3052,3053	Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and Belting
3061,3069	Fabricated Rubber Products, Not Elsewhere Classified
3081-3089	Miscellaneous Plastics Products
3931	Musical Instruments
3942-3949	Dolls, Toys, Games and Sporting and Athletic Goods
3951-3955 (except 3952, see Sector C)	Pens, Pencils, and Other Artists' Materials
3961,3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
3991-3999	Miscellaneous Manufacturing Industries
<b>SECTOR Z: LEATHER TANNING AND FINISHING</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
3111	Leather Tanning and Finishing
<b>SECTOR AA: FABRICATED METAL PRODUCTS FACILITIES</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
3411-3499	Fabricated Metal Products, Except Machinery and Transportation Equipment
3911-3915	Jewelry, Silverware, and Plated Ware
<b>SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY MANUFACTURING FACILITIES</b>	
<b>SIC Code</b>	<b>Description of Industry Sub-sector</b>
3511-3599 (except 3571- 3579)	Industrial and Commercial Machinery (except Computer and Office Equipment) (see Sector AC)
3711-3799 (except 3731,3732)	Transportation Equipment (except Ship and Boat Building and Repairing) (see Sector R)

**SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS**

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SIC Code	Description of Industry Sub-sector
3612-3699	Electronic, Electrical Equipment and Components, except Computer Equipment
3812-3873	Measuring, Analyzing and Controlling Instrument; Photographic and Optical Goods
3571-3579	Computer and Office Equipment
<b>SECTOR AD: MISCELLANEOUS INDUSTRIAL ACTIVITIES</b>	
SIC Code	Description of Industry Sub-sector
Not applicable	Miscellaneous Industrial Activities Designated by the Executive Director

**B. Procedure for Obtaining Permit Coverage**

Facilities eligible for coverage under the proposed general permit would apply for coverage through submission of a notice of intent (NOI) to the Executive Director. The NOI must be signed in accordance with 30 TAC § 305.44 (relating to Signatories to Application). Provisional authorization to discharge begins 48 hours after a completed NOI is postmarked for delivery to the TNRCC. If the TNRCC provides for electronic submission of NOIs during the term of the permit, provisional authorization begins 24 hours following confirmation of receipt of the electronic NOI form by the TNRCC. Following review of the NOI, the Executive Director shall either confirm coverage by providing a notification and a authorization number to the applicant or deny coverage and require that an application for an individual permit be submitted. Submittal of the NOI is an acknowledgment by the applicant that the permit applies to the proposed discharges and that the applicant agrees to comply with the terms of the permit. The NOI would include, at a minimum, the following information:

- (1) Operator Information
  - (a) The name, address, and telephone number of the operator filing the NOI for permit coverage.
  - (b) The legal status of the operator (e.g. federal, state, tribal, private or public entity).
- (2) Owner Information - The name, address, and telephone number of the owner of the site.
- (3) Site Information -
  - (a) The name, address, county, and latitude and longitude of the site.
  - (b) A determination of whether the site is located on Indian Land.
  - (c) The name of the receiving waters.
  - (d) The name of the municipal operator, if the discharge is through a municipal separate storm sewer system.
  - (e) A certification that a SWP3 has been developed and implemented according to the provisions of this permit.
  - (f) The primary standard industrial classification (SIC) code or Industrial Activity Code that best describes the industrial activity of the facility, and any other SIC codes that describe additional activities that are identified in the permit as

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requiring permit coverage.

- (g) The industrial sectors of this permit for which the applicant requests coverage.

C. Changes in Information

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 within a notice of change (NOC) within 14 days after discovery. The NOC must be signed in accordance with 30 TAC § 305.44 (relating to Signatories to Application).

D. Terminating Permit Coverage

A permittee may terminate coverage under the proposed permit by submitting a notice of termination (NOT) form to the Executive Director. The NOT must be signed in accordance with 30 TAC § 305.44 (relating to Signatories to Application). Authorization to discharge terminates at midnight on the day that a NOT is postmarked for delivery to the TNRCC. If TNRCC provides for electronic submission of NOTs during the term of this permit, authorization to discharge terminates 24 hours following confirmation of receipt of the electronic NOT form by the TNRCC. An NOT must be submitted within 10 days from the time that a facility ceases discharging storm water associated with industrial activity, obtains coverage under an individual permit, obtains coverage under an alternative general permit, or within 10 days prior to transfer of ownership or responsibility of the facility.

E. Transfer of Permit Coverage

Permit coverage may not be transferred. When a new operator assumes responsibility for a facility, a new NOI must be submitted at least 10 days before taking operational control of the facility. The previous owner or operator must terminate permit coverage within 10 days following the transfer of ownership or responsibility.

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**IV. Technology-Based Requirements**

A. Numeric Effluent Limitations

The proposed general permit includes technology-based numeric effluent limitations, based on federally established guidelines delineated in the Code of Federal Regulations, for discharges from certain industrial activities. The proposed permit also includes technology-based numeric effluent limitations based on state rules. The technology-based numeric effluent limitations are proposed as follows:

1. For All Discharges - Limitations delineated at 30 TAC 319 (relating to General Regulations Incorporated into Permits).
2. For Discharges of Storm Water Runoff from Coal Pile Storage Areas - Limitations delineated at 40 CFR Part 423.12 (b)(9).
3. For Discharges of Storm Water Runoff from Facilities that Manufacture Phosphatic Fertilizers - Limitations delineated at 40 CFR Part 418.13.
4. For Discharges of Storm Water Runoff from Facilities that Manufacture Paving and Roofing Materials (Tars and Asphalt) - 40 CFR Part 443.13.
5. For Discharges of Storm Water Runoff from Material Storage Piles from Facilities that Manufacture Cement - 40 CFR Part 411.32.
6. For Discharges of Storm Water and Ground Water Seepage from Mine Dewatering Activities at Construction Sand and Gravel, Industrial Sand, or Crushed Stone Mining Facilities - 40 CFR Part 436.

B. Additional Technology-Based Requirements

The proposed general permit establishes storm water pollution control requirements to reduce or eliminate the potential for contamination of storm water runoff from industrial activities. These requirements are largely based on the requirements of the current NPDES multi-sector general permit. The NPDES permit established general pollution control requirements that apply to all facilities covered under the permit, and industry-specific requirements that were based on information submitted to EPA by the

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industries that participated in a group application process. These requirements include:

1. Development and implementation of a SWP3 to include:
  - a. Establishing a pollution prevention team to oversee development and implementation of the storm water pollution prevention plan;
  - b. Investigating and eliminating non-storm water discharges that are not covered under the authority of the proposed general permit or a separate individual permit;
  - c. Identifying potential pollutants and sources of pollution to storm water runoff;
  - d. Establishing pollution prevention measures and controls, including good housekeeping measures and best management practices;
  - e. Considering the management of runoff by structural controls and discharge minimization to protect the natural physical characteristics of receiving waters; and
  - f. Evaluating the effectiveness of the storm water pollution prevention plan through inspections.
  
2. Assessment of Storm Water Pollution Preventions by Benchmark Monitoring

The current NPDES multi-sector general permit contains a requirement for certain industries to monitor for pollutants that EPA has previously identified as associated with those industries. The results of analytical analyses must then be compared to a set of benchmark values to determine the relative effectiveness of the facility's SWP3. The draft TPDES general permit retains this requirement as a method for evaluating the facility's SWP3, but with some modification. The current NPDES permit requires permittees to begin quarterly monitoring in the second year of the permit term, suspend monitoring in the third year of the term, and to complete monitoring in the fourth year. The proposed TPDES general permit requires this monitoring to be conducted during the second and third years of the permit term.

The revised benchmark monitoring requirements may be beneficial to the permittee. For example, SWP3s must be evaluated on a regular basis and revised as necessary. Monitoring in consecutive years may better assist a permittee in assessing the effectiveness of a SWP3 by providing a more continuous source of analytical data that can be compared to revisions of the SWP3. Also, it is less likely that a facility will overlook initiating the second year benchmark monitoring requirements if there is not a one year suspension of the monitoring requirements.

The revised benchmark monitoring requirements will assist the TNRCC in evaluating the effectiveness of the TPDES permit. By requiring that the monitoring be completed during the second and third years of the permit, the data will be submitted to TNRCC for evaluation well in advance of the permit expiration date. TNRCC will then have the necessary time to evaluate the data and propose further refinements of the benchmark monitoring requirements, or propose replacing this requirement with an alternative requirement.

**V. Water Quality-Based Requirements**

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The proposed TPDES general permit does not contain water quality-based numeric effluent limitations, but instead emphasizes requirements that facilities must prevent or effectively reduce exposure of storm water to pollution. The permit requirements are similar to those of previously issued NPDES storm water permits that are based on a strategy of reducing pollution at the source, as opposed to treatment prior to discharge. The proposed permit contains a set of standard requirements that are common to all facilities, and a set of industry-specific requirements that are common to facilities within each of the industrial categories.

The NPDES baseline permit for storm water associated with industrial activities, issued in 1992, was developed with this same strategy. The baseline permit contained an outline of standard requirements that facilities had to develop into a pollution prevention plan. Permittees were required to address each element of the standard requirements but were allowed to use their knowledge of the facility and expertise in the specific industrial process to develop a site-specific pollution prevention plan. The proposed TPDES general permit continues this strategy. Part III of the proposed permit, "Permit Requirements and Conditions Common to All Industrial Activities," is a set of standard pollution prevention requirements that must be developed and implemented as a storm water pollution prevention plan containing site-specific best management practices.

During development of the baseline permit, EPA was approached by a number of industries who requested permission to develop and submit group applications. Through this group application process EPA obtained the analytical results of analyses for pollutants in storm water runoff from a number of different industries. From these more detailed applications EPA developed and issued the more industry-specific multi-sector general permit that was issued in 1995 and that will expire in September of 2000. This permit contains industry-specific monitoring requirements for pollutants that were identified during the application process as pollutants of concern. EPA also established benchmark concentration levels for each pollutant to be used by permittees as an indicator of pollution prevention plan effectiveness. The proposed TPDES general permit continues this strategy as Part IV of the permit, "Benchmark Monitoring Requirements Common to Many Industrial Activities."

Quality of storm water to be authorized by the general permit shall be controlled through required best management practices and technology-based limitations, and the results will be assessed by TNRCC through the existing instream monitoring program. Best management practices and technology-based limitations are proposed because water-quality based numeric effluent limitations are infeasible for the intermittent discharge of storm water runoff. TNRCC anticipates further modification of the proposed TPDES permit requirements based on the results of benchmark monitoring submitted by the permittees during the initial 5-year permit term. Although benchmark monitoring requirements are based on requirements of the current NPDES permit, the requirements are revised to require monitoring during the second and third years of permit coverage. This will provide sufficient time for analyses of the data prior to drafting of the permit for reissuance. This data may result in additional industry-specific permit conditions that are water quality related, or may be utilized to support issuance of basin-wide general permits tailored to address more localized water quality concerns.

## **VI. Monitoring**

40 CFR Section 122.44(i) requires monitoring for each pollutant limited in a permit to assure compliance with the permit limits. The frequency of this monitoring shall be established on a case-by-case basis, but

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shall in no case be less than once per year. Monitoring shall be conducted at the prescribed frequencies when discharge occurs. Requirements to sample, inspect, examine or otherwise monitor storm water 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).

- A. The proposed draft general permit requires all permittees to monitor the following hazardous metals at a frequency of once per year unless the permittee can provide a certification either that metals are not used as a part of the industrial process, or that there is no exposure of hazardous metals to precipitation and runoff.

<u>Parameter (Total)</u>	<u>Frequency</u>
Arsenic	1/Year
Barium	1/Year
Cadmium	1/Year
Chromium	1/Year
Copper	1/Year
Lead	1/Year
Manganese	1/Year
Mercury	1/Year
Nickel	1/Year

<u>Parameter (Total)</u>	<u>Frequency</u>
Selenium	1/Year
Silver	1/Year
Zinc	1/Year

- B. The proposed draft general permit requires certain permittees to conduct annual monitoring.

1. Facilities that discharge storm water from coal pile storage areas:

<u>Parameter</u>	<u>Frequency</u>
Total Suspended Solids	1/Year
pH	1/Year

2. Facilities that manufacture phosphate fertilizers described by primary SIC code 2874:

<u>Parameter</u>	<u>Frequency</u>
Total Phosphorus (as P)	1/Year
Fluoride	1/Year

3. Timber products processing facilities that discharge wet decking water and described by primary SIC code 2411:

<u>Parameter</u>	<u>Frequency</u>
Debris	1/Year
pH	1/Year

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4. Asphalt paving and roofing materials facilities that discharge storm water that has come into contact with any raw materials, intermediate product, finished product, by-product, or waste and that are described by SIC codes 2951 and 2952:

<u>Parameter</u>		<u>Frequency</u>
Total Suspended Solids		1/Year
Oil and Grease	1/Year	
pH		1/Year

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5. Cement manufacturing facilities that discharge storm water from material storage piles and that are described by SIC codes 3271 - 3275:

<u>Parameter</u>	<u>Frequency</u>
Total Suspended Solids	1/Year
pH	1/Year

6. Mining facilities that conduct dewatering activities from construction sand and gravel, industrial sand, or crushed stone mining facilities described by SIC codes 1411, 1422-1429, 1446, and 1481:

<u>Parameter</u>	<u>Frequency</u>
Total Suspended Solids	1/Year
pH	1/Year

**VII. Procedures for Final Decision**

The Memorandum of Agreement between the EPA and TNRCC provides that EPA has 90 days to comment, object, or make recommendations to the general permit before it is published in the *Texas Register*. When the draft general permit is to be proposed, a notice is prepared and sent to the Office of the Chief Clerk of the TNRCC. This notice is mailed to county judges in counties which the dischargers under the general permit could be located, state and federal agencies for which notice is required in 40 CFR § 124.10(c), persons on a relevant mailing list in accordance with 30 TAC § 39.407, and any other person the Executive Director or Chief Clerk may elect to include. The TNRCC will publish the notice of the draft general permit in the *Texas Register* and in at least one newspaper of statewide or regional circulation.

Any interested person may submit written comments on the draft permit or may request a public meeting with 30 days after newspaper publication notice. A public meeting is intended for the taking of public comment, and is not a contested case proceeding under the Administrative Procedure Act. The Executive Director may call and conduct public meetings in response to public comment. If the Executive Director calls a public meeting then notice of the date, time, and place will be issued in accordance with commission rule, including applicable rules and procedures. The Executive Director shall prepare a response to all significant public comment on the draft general permit raised during the comment period. The Executive Director shall make the response available to the public. The general permit will then be filed with the commission to consider final authorization of the permit. The Executive Director's response to public comment shall be made available to the public and filed with the chief clerk at least ten days before the commission acts on the general permit.

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**VIII. Administrative Record**

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

A. 40 CFR Citations

40 CFR Part 423.12 (b)(9)  
40 CFR Part 418.13  
40 CFR Part 443.13  
40 CFR Part 411.32  
40 CFR Part 436.40  
40 CFR Part 443.13

B. Letters/Memoranda/Records of Communication

Interoffice TNRCC memorandum, dated September 25, 2000, from the Water Quality Standards Team to the Storm Water & General Permits Team.

Letter from U.S. EPA Region 6, dated September 26, 2000, finding the draft proposed TPDES general permit TXR050000 as meeting the guidelines and requirements of the Clean Water Act.

Public comments within letters received during the public comment period that began November 3, 2000 and ended December 4, 2000.

C. Miscellaneous

Quality Criteria for Water (1986), EPA 440/5-86-001, 5/1/86.

The State of Texas Water Quality Inventory, 13th Edition, Publication No. SFR-50, Texas Natural Resource Conservation Commission, December 1996.

Texas Surface Water Quality Standards, 30 TAC Sections 307.1 - 307.10 (21 TexReg 9765, 4/30/97).

"Implementation of the Texas Natural Resource Conservation Commission Standards via Permitting," Texas Natural Resource Conservation Commission, August 1995.

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

D. Miscellaneous (Continued)

General Regulations Incorporated into Permits, 30 TAC 319.

TNRCC Rules.

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