

Texas Commission on Environmental Quality

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



GENERAL PERMIT TO DISCHARGE WASTES

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

This permit supersedes and replaces
TPDES General Permit No. TXG340000, issued April 23, 2007.

Facility wastewater, contact storm water, and storm water associated with industrial activities may be discharged from petroleum bulk stations and terminals, located in the State of Texas, into or adjacent to water in the state, including exceptional, high, intermediate, limited or no significant aquatic life use receiving waters as designated in the Texas Surface Water Quality Standards,

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

This general permit and the authorization contained herein will expire at midnight five years after the date of issuance.

ISSUED AND EFFECTIVE DATE:

For the Commission

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Part I. Definitions

Composite sample - A sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow.

Contact storm water - For the purposes of this general permit, storm water, including storm water from secondary containment areas, that has come into contact with facility wastewater.

Daily maximum limitations - 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.

Edwards Aquifer - As defined in 30 TAC § 213.3, *Edwards Aquifer Definitions*, that portion of an arcuate belt of porous, water-bearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Formation, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

Edwards Aquifer Recharge Zone - Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the offices of the TCEQ and the appropriate underground water conservation district(s).

Existing facility - A petroleum bulk stations and terminal facility authorized by the existing general permit prior to the reissuance of this permit renewal.

Facility wastewater - For the purpose of this general permit facility wastewater is defined as tank bottom water, tank condensates, loading rack wash water and similar water that has come into contact with the contents of bulk storage tanks.

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

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

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

- (i) Owned or operated by the United States, a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage

district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under §208 of the CWA;

- (ii) Designed or used for collecting or conveying storm water;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR §122.2.

New facility - A petroleum bulk station and terminal facility not currently authorized by this general permit prior to reissuance of this permit renewal.

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

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

Operator - A person responsible for the management of an industrial facility subject to the provisions of this general permit. Industrial facility operators include entities with operational control over industrial activities, including the ability to modify those activities; or entities with day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).

Owner - The person who owns a treatment facility or part of a treatment facility.

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

Storm Water Associated with Industrial Activities - For the purposes of this general permit, storm water runoff from areas where vehicle maintenance (vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning activities occurs at petroleum bulk stations and terminals.

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

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

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

The purpose of this general permit is to regulate the discharge of facility wastewater, contact storm water, and storm water associated with industrial activities from petroleum bulk stations and terminals.

Section B. Limitations on Coverage

1. Separate authorization may be required for discharges into or adjacent to water in the State, located within ten stream miles upstream of the Edwards Aquifer recharge zone, as defined in 30 Texas Administrative Code (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 the constituent(s) to impaired water bodies when there is a Texas Commission on Environmental Quality (TCEQ) approved Total Maximum Daily Load (TMDL) implementation plan are not eligible for this permit unless they are consistent with the approved TMDL and the implementation plan. The executive director may amend this general permit or develop a separate general permit for discharges to these water bodies. For discharges not eligible for coverage under this permit, the discharger must apply for and receive an individual or other applicable general permit prior to discharging.
4. This general permit does not apply to discharges into or adjacent to water in the state from facilities that are regulated by the Texas Railroad Commission, including crude oil facilities.
5. The executive director will deny an application for authorization under this general permit, and may require that the applicant apply for an individual permit, if the executive director determines that the discharge will not maintain existing uses of receiving waters. Additionally, the executive director may cancel, revoke, or suspend authorization to discharge under this general permit based on a finding of historical and significant noncompliance with the provisions of this general permit. The executive director shall deny or suspend a facility's authorization to discharge under this general permit based on a rating of "poor performer" according to commission rules in 30 TAC § 60.3. *Use of Compliance History*. Denial of authorization to discharge under this general permit will be done according to commission rules in 30 TAC Chapter 205, *General Permits for Waste Discharges*.
6. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all Texas Pollutant Discharge Elimination System (TPDES) permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved.

7. A new discharge is not eligible for coverage under this permit for discharges to waters designated by the Texas Surface Water Quality Standards as Tier 3 (Outstanding Natural Resource Waters). As of the date of this general permit being issued, TCEQ has not identified any Outstanding Natural Resource Waters.

Section C. Application for Coverage

1. Facilities that seek to discharge under authority of this general permit shall submit a completed Notice of Intent (NOI) on a form approved by the executive director. The NOI 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, type of facility or discharges, and the name of the receiving water (s). Existing discharges authorized under the previous general permit issued April 23, 2007 are required to submit a new NOI within 90 days of the effective date of this general permit to continue authorization to discharge wastewater authorized under this general permit.
2. Submission of 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. The NOI must be submitted to the address indicated on the NOI form. If the TCEQ provides for electronic submission of NOIs during the term of this general permit, authorization begins 24 hours following confirmation of the receipt of the electronic NOI 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, *Applications and Notices of Intent*.
3. Applicants seeking authorization to discharge to a municipal separate storm sewer system (MS4) shall provide a copy of the NOI or electronic equivalent to the operator of the system at the same time 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, Hays
Contact: TCEQ Water Program Manager
Austin Regional Office
2800 S IH 35, Suite 100
Austin, Texas 78704-5712
(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 and operator must submit a Notice of Termination (NOT) and the new owner and operator must submit an NOI. The NOT and NOI must be submitted not later than 10 days prior to the change in owner or operator status. Any change in a permittee's chapter number issued by the Texas Secretary of State, is considered a change in ownership of the company and would require the new owner and operator to apply for permit coverage as stated above. If the NOT and NOI are submitted as required under this provision, there will be no lapse in authorization for this facility. Permittees discharging to an MS4 shall submit a copy of the NOT to the operator of the system at the time the NOT is submitted to the TCEQ.
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 shall be provided to the executive director in a Notice of Change (NOC) within 14 days after discovery. If relevant information provided in the NOI changes, for example, phone number or P.O. Box number, an NOC shall be submitted within 14 days of the change. Permittees discharging to an MS4 shall submit a copy of the NOC to the operator of the system at the same time the NOC is submitted to the TCEQ.

Section D. Termination of Coverage

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

1. Discharges eligible for authorization by this general permit may alternatively be authorized by an individual permit according to 30 TAC, Chapter 305, *Consolidated Permits*.
2. When an individual permit is issued for a discharge, that is currently authorized under this general permit, the permittee shall submit an NOT to the executive director.
3. Discharges from facilities currently authorized by an individual permit or another general permit, may only be authorized under this TPDES general permit if the following conditions are met:

- (a) the discharges meet the applicability and eligibility requirements for coverage under this general permit;
 - (b) the current individual permit does not contain numeric water quality-based effluent limitations for the discharge that are more stringent than the numeric effluent limitations in this general permit or the current individual permit does not contain numeric effluent limitations that are not included in the general permit unless the discharges that resulted in the limitations have ceased and any contamination that resulted in these limitations is removed or remediated;
 - (c) the executive director has not determined that continued coverage under an individual permit is required based on consideration of a TMDL, TMDL Implementation Plan, anti-backsliding requirements, history of substantive non-compliance, or other site-specific considerations;
 - (d) a previous application or permit for the discharge was not denied, terminated, or revoked by the executive director as a result of enforcement or water quality related concerns. The executive director may provide a waiver to this provision based on new circumstances at the facility, or if there is a new facility owner or operator; and
 - (e) the applicant requests cancellation of the existing TPDES individual permit within 30 days after notice that authorization under this general permit is effective.
4. Discharges from new outfalls at petroleum bulk stations and terminals authorized under an individual permit or under a separate TPDES general permit, may be authorized under this general permit if the following conditions are met:
- (a) the proposed discharges meet the applicability and eligibility requirements for coverage under this general permit;
 - (b) the current individual permit does not contain numeric water quality-based effluent limitations that are more stringent than the numeric effluent 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 these limitations is removed or remediated;
 - (c) the executive director has not determined that coverage under an individual permit is required based on consideration of a TMDL, TMDL Implementation Plan, history of substantive non-compliance, or other site-specific considerations; and
 - (d) a previous application or permit for the proposed discharge has not been denied, terminated, or revoked by the executive director as a result of enforcement or water quality related concerns. The executive director may provide a waiver to this provision based on new circumstances at the facility, or if there is a new facility owner or operator.

Section F. Permit Expiration

- 1. This general permit is effective for five years from the effective date. Authorizations for discharge under the provisions of this general permit may be issued until the expiration date of the general permit. This general permit may be amended, revoked, or cancelled by the commission after notice and comment as provided by 30 TAC

§§205.3, *Public Notice, Public Meetings, and Public Comment* and 205.5, *Permit Duration, Amendment, and Renewal*.

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

Part III. Permit Requirements

Section A. Numeric Effluent Limitations

1. Discharges of facility wastewater, contact storm water or facility wastewater commingled with contact storm water are subject to the following effluent limitations:

Table 1. Effluent limitations

Parameter	Daily Maximum Limitations	Sample Type	Monitoring Frequency
Flow	Report MGD	Estimate	1/day
Total Petroleum Hydrocarbons	15 mg/l	Grab	1/week (1)(2)
Benzene	0.05 mg/l	Grab	1/week (1)(2)
Total BETX (3)	0.5 mg/l	Grab	1/week (1)(2)
Lead, total	0.10 mg/l (5)	Grab	1/week (1)(2)(4)
Lead, total	0.02 mg/l (5)	Grab	1/week (1)(2)(4)
MTBE (Interim) (6)(7)	0.24 mg/l	Grab	1/week (1)(2)(9)
MTBE (Final) (6)(8)	0.15 mg/l	Grab	1/week (1)(2)(9)
pH	6.0 - 9.0 Std. Units	Grab	1/week (1)(2)

- (1) If compliance with the effluent limitation is demonstrated for a period of two consecutive years, the minimum monitoring frequency may be reduced to once

per two weeks upon the permittee's submission of a certification of such compliance. This certification must be made in writing to the TCEQ's Industrial Permits Team (MC 148). If a subsequent noncompliance occurs, the monitoring frequency must revert to once per week.

- (2) For a discharge consisting solely of contact storm water, the sample must be obtained within 60 minutes after discharge begins.
 - (3) The sum of benzene, toluene, ethylbenzene and xylenes.
 - (4) The monitoring frequency for total lead will be once per year upon the permittee's certification in the Notice of Intent (NOI) that none of the substances stored at the facility include refined petroleum products or petroleum fuels containing lead or lead additives. If at a later date, refined petroleum products or petroleum fuels containing lead or lead additives are stored, the permittee must notify the executive director and the monitoring frequency for total lead will become once per week.
 - (5) The daily maximum effluent limitation for total lead is 0.02 mg/l for discharges in the following counties: Anderson, Angelina, Camp, Cass, Cherokee, Collin, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For discharges in all other counties in the state, the daily maximum limitation is 0.10 mg/l.
 - (6) MTBE is methyl tertiary-butyl ether.
 - (7) Interim limits are effective beginning upon this general permit effective date and lasting for three years. The interim limits are only applicable to existing facilities, as defined in Part I, Definitions of this general permit.
 - (8) Final limits are effective at the time of this general permit effective date for new facilities, as defined in Part I, Definitions of this general permit. Final limits are effective for existing facilities as defined in Part I, Definitions, three years from the effective date of this general permit and lasting through permit expiration.
 - (9) The monitoring frequency for MTBE will be once per year upon the permittee's certification in the NOI that none of the substances at the facility include refined products or petroleum fuels containing MTBE. If at a later date, refined petroleum products or petroleum fuels containing MTBE are found at the facility, the permittee must notify the executive director and the monitoring frequency for MTBE will become once per week.
2. All eligible discharges of facility wastewater, contact storm water, and storm water associated with industrial activities are subject to the following effluent limitations for hazardous metals:

Table 2. Hazardous Metals

Parameter	Daily Maximum Limitations	Sample Type	Monitoring Frequency
Arsenic, total	0.3 mg/L	Grab	1/year
Barium, total	4.0 mg/L	Grab	1/year
Cadmium, total (inland waters)	0.2 mg/L	Grab	1/year
Cadmium, total (tidal waters)	0.3 mg/L	Grab	1/year
Chromium, total	2.0 mg/L	Grab	1/year
Copper, total	2.0 mg/L	Grab	1/year
Manganese, total	3.0 mg/L	Grab	1/year
Mercury, total	0.01 mg/L	Grab	1/year
Nickel, total	3.0 mg/L	Grab	1/year
Selenium, total (inland waters)	0.2 mg/L	Grab	1/year
Selenium, total (tidal waters)	0.3 mg/L	Grab	1/year
Silver, total	0.2 mg/L	Grab	1/year
Zinc, total	6.0 mg/L	Grab	1/year

Section B. Whole Effluent Toxicity Testing for Discharges Into Fresh Receiving Waters

Discharges of facility wastewater, contact storm water or facility wastewater commingled with contact storm water are subject to whole effluent toxicity testing.

There must be no acute toxicity as determined by requiring greater than 50% survival in 100% effluent using a 24-hour acute toxicity test on discharges of facility wastewater and contact storm water. Monitoring must be once per year using a composite sample.

1. Scope and Methodology

- (a) The following test species must be used: *Daphnia pulex* (water flea) and *Pimephales promelas* (Fathead minnow). 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 Organism, Fifth Edition* (EPA/821/R-02/012) or the latest version. A minimum of 5 replicates with 8 organisms per replicate must be used in the control and in each effluent dilution of this test.

- (b) 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.
- (c) The results of testing must be submitted on the Discharge Monitoring Report (DMR).

2. Required Toxicity Testing Conditions

- (a) Control and Dilution Water - Control and dilution water must normally consist of a standard, synthetic, moderately hard, reconstituted water.
- (b) 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 3 (Reporting) of this section.
- (c) 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, in accordance with Part 2. (Required Toxicity Testing Conditions) of this section.
- (d) Sample Collection and Preservation - Samples must be collected at a point following the last treatment unit. One composite sample will be collected from each outfall, and a discrete test will 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 such that the sample is representative of a periodic episode of chlorination, biocide usage, or other potentially toxic substance discharged on an intermittent basis.

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 have collected 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 Part 3 of this Section.

3. Reporting

- (a) The permittee shall prepare a full report of the results of all tests conducted, regardless of whether the tests are valid, invalid, completed, or not completed. The report must be retained for a minimum of three years and must be made available upon request of the executive director.
- (b) Enter the following codes on the DMR for the appropriate parameters for valid tests only:
 - (1) For the water flea, Parameter TIE3D, enter zero (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 one (1).

- (2) For the flathead minnow, Parameter TIE6C, 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.
- (c) Enter the following codes on the DMR for retests only:
 - (1) For retest number 1, Parameter 22415, enter 0 if the mean survival at 24-hours is greater than 50% in 100% effluent; if the mean survival is less than or equal to 50%, enter 1.
 - (2) For retest number 2, Parameter 22416, enter 0 if the mean survival at 24-hours is greater than 50% in 100% effluent; if the mean survival is less than or equal to 50%, enter 1.

4. Persistent Mortality

The requirements of this Part 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.

- (a) The permittee shall conduct 2 additional tests (retests) for each species that demonstrates significant lethality. The two retests must be conducted once per week for 2 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 DMRs as specified in Part 3(b). The permittee shall prepare a full report of the results of all tests conducted, regardless of whether the tests are valid, invalid, completed, or not completed. The report must be retained for a minimum of three years and must be made available upon request of the executive director.
- (b) If one or both of the two retests specified in item 4.a. 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.

Section C. Whole Effluent Toxicity Testing for Discharges Into Marine Receiving Waters

Discharges of facility wastewater, contact storm water or facility wastewater commingled with contact storm water are subject to whole effluent toxicity testing.

There must be no acute toxicity as determined by requiring greater than 50% survival in 100% effluent using a 24-hour acute toxicity test on discharges of facility wastewater and contact storm water. Monitoring must be once per year using a composite sample.

1. Scope and Methodology

- (a) The following test species must be used: *Mysidopsis bahia* (Mysid Shrimp) and *Menidia beryllina* (Inland Silverside Minnow). 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, Fifth Edition* (EPA/821/R-02/012) or the latest version. A minimum of 5 replicates with 8 organisms per replicate must be used in the control and in each effluent dilution of this test.

- (b) 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.
 - (c) The results of testing must be submitted on the DMR.
2. Required Toxicity Testing Conditions
- (a) Control and Dilution Water - Control and dilution water must normally consist of a standard, synthetic, reconstituted seawater.
 - (b) 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 3 (Reporting) of this section.
 - (c) 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, in accordance with Part 2. (Required Toxicity Testing Conditions) of this section.
 - (d) Sample Collection and Preservation - Samples must be collected at a point following the last treatment unit. One composite sample will be collected from each outfall, and a discrete test will 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 such that the sample is representative of a periodic episode of chlorination, biocide usage, or other potentially toxic substance discharged on an intermittent basis.
- 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 must have collected 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 Part 3 of this Section.
3. Reporting
- (a) The permittee shall prepare a full report of the results of all tests conducted, regardless of whether the tests are valid, invalid, completed, or not completed. The report must be retained for a minimum of three years and must be made available upon request of the executive director.
 - (b) Enter the following codes on the DMR for the appropriate parameters for valid tests only:
 - (1) For the mysid shrimp, Parameter TIE3E, enter zero (0) if the 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 one (1).
 - (2) For the inland silverside, Parameter TIE6B, enter 0 if the 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 a 1.

- (c) Enter the following codes on the DMR for retests only:
 - (1) For retest number 1, Parameter 22415, enter 0 if the mean survival at 24-hours is greater than 50% in 100% effluent; if the mean survival is less than or equal to 50%, enter 1.
 - (2) For retest number 2, Parameter 22416, enter 0 if the mean survival at 24-hours is greater than 50% in 100% effluent; if the mean survival is less than or equal to 50%, enter 1.

4. Persistent Mortality

The requirements of this Part 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.

- (a) The permittee shall conduct 2 additional tests (retests) for each species that demonstrates significant lethality. The two retests must be conducted once per week for 2 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 DMRs as specified in Part 3(b). The permittee shall prepare a full report of the results of all tests conducted, regardless of whether the tests are valid, invalid, completed, or not completed. The report must be retained for a minimum of three years and must be made available upon request of the executive director.
- (b) If one or both of the two retests specified in item 4.a. 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.

Section D. Storm Water Pollution Prevention Plan

1. General Requirements

- (a) A storm water pollution prevention plan (SWP3) must be prepared and implemented for each facility covered by this permit that discharges storm water associated with industrial activities. The plan must address, at a minimum, the drainage areas and the discharges from and the activities that occur within areas where vehicle and equipment maintenance occurs. The SWP3 must identify potential sources of pollution that may reasonably be expected to affect the quality of discharges of storm water 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 to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the SWP3 as a condition of this permit.
- (b) Signature of the SWP3 - The SWP3 must be signed according to 30 TAC §305.128 (relating to Consolidated Permits).
- (c) 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 permit. Within 30 days of receiving such notification and

identification of the provisions of the permit that are not being met by the SWP3, the permittee shall make the required changes to the SWP3, and submit to the executive director a written certification that the changes have been made.

- (d) 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 discharge of storm water associated with industrial activities.

2. Minimum Storm Water Pollution Prevention Plan (SWP3) Requirements

- (a) Pollution Prevention Team - The SWP3 must identify a specific individual or individuals within the facility organization as members of a storm water pollution prevention team responsible for development, implementation, maintenance, and revision of the SWP3.
- (b) Description of Potential Pollutant Sources - The SWP3 must provide a description of potential sources (activities and materials) that may reasonably be expected to affect the quality of storm water discharges, or that may result in a dry-weather discharge. The following must be developed, at a minimum, in support of developing this description.
 - (1) Drainage - A site map indicating the location of:
 - (i) each point of discharge (outfall) for discharges of storm water associated with industrial activities;
 - (ii) a depiction of the drainage area and the direction of flow to the outfalls;
 - (iii) structural controls (e.g. ponds, vegetated buffers, and constructed storm water pollution controls) within the drainage areas; and
 - (iv) the locations of vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance).
 - (2) Inventory of Exposed Materials - An inventory must be developed listing materials handled at the site that may be exposed to storm water and that have a potential to affect the quality of storm water discharges authorized under this general permit.
 - (3) Spills and Leaks - A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to storm water and that drains to storm water outfalls authorized under this permit must be developed, maintained, and updated.
 - (4) Sampling Data - A summary of existing storm water discharge sampling data must be maintained as a part of the SWP3.
- (c) Measures and Controls - The SWP3 must include a description of management controls to regulate pollutants identified in the SWP3's description of potential pollutant sources, and a schedule for implementation of the measures and controls. This must include, at a minimum:

- (1) Good Housekeeping - Good housekeeping measures must be developed and implemented to maintain vehicle maintenance related activities in a clean, orderly manner.
 - (i) Vehicle and Equipment Storage and Maintenance Areas - The storage of vehicles and equipment awaiting maintenance with actual or expected fluid leaks, and the areas where maintenance activities occur, must be confined to designated areas (delineated on the site map). The SWP3 must describe measures that prevent or minimize contamination of the storm water runoff from these areas. The permittee shall consider the use of drip pans under vehicles and equipment, indoor storage of vehicles and equipment, performing maintenance activities indoors, installation of berms or dikes in storage areas, cleaning pavement surface to remove oil and grease, proper handling and disposal methods for drained fluids, using dry cleanup methods for spills, collecting contaminated storm water from these areas for disposal or treatment, and other equivalent measures.
 - (ii) Fueling Areas - The SWP3 must describe measures to prevent or minimize contamination of storm water runoff from areas where fueling occurs. The permittee shall consider covering fueling areas, using dry cleanup methods for spills, collecting contaminated storm water runoff for treatment, or other equivalent measures.
 - (iii) Material Storage Areas - Storage materials must be maintained in good condition so as not to become a source of pollutants to storm water runoff. The SWP3 must describe measures that prevent or minimize contamination of storm water in vehicle and equipment maintenance areas. The permittee shall consider indoor storage of materials, installation of berms or dikes to contain runoff, minimizing runoff and runoff in these areas, dry cleanup methods for spills, and collecting contaminated storm water runoff for treatment.
 - (iv) Vehicle and Equipment Cleaning Areas - The SWP3 must describe measures that prevent or minimize contamination of storm water runoff from vehicle and equipment cleaning activities. The permittee shall consider performing these activities indoors, covering the activities, and collecting contaminated storm water for treatment. The permittee shall ensure that process wastewater from these activities is either routed to a permitted treatment works or discharged according to the requirements of an applicable TPDES permit.
- (2) Preventive Measures - A preventive maintenance program must involve routine inspection and maintenance of storm water management controls (including oil and 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 ensuring appropriate maintenance and performance of such equipment and systems.

- (3) Spill Prevention and Response Procedures - Areas where potential spills that can contribute pollutants to storm water runoff, and the drainage areas from these locations, must be identified in the SWP3. Procedures for cleaning up spills must be identified in the SWP3 and made available to the appropriate personnel.
 - (4) Inspections - Qualified personnel must be identified in the SWP3 and shall inspect designated equipment and vehicle maintenance and storage areas on a quarterly basis, at a minimum. At a minimum, inspections must include areas where vehicles and equipment are stored awaiting maintenance, fueling areas, vehicle and equipment maintenance areas (both indoor and outdoor areas), material storage areas, and vehicle and equipment cleaning areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections must be maintained and be made readily available for inspection upon request.
 - (5) Employee Training - An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3, or otherwise responsible for storm water pollution prevention, with the provisions of the SWP3. The SWP3 must identify how often employee training must occur, but it must occur on an annual basis at a minimum.
 - (6) Record Keeping and Internal Reporting Procedures - A description of spills, along with other information that is captured regarding the quality and quantity of storm water discharges, must be included in the SWP3. Inspection and maintenance activities must be documented and records of such activities maintained.
 - (7) Sediment and Erosion Control - The SWP3 must identify areas that have a high potential for soil erosion, identify structural or vegetative control measures or best management practices to reduce or limit erosion.
 - (8) Management of Runoff - The SWP3 must contain a narrative consideration for reducing the volume of runoff from vehicle and equipment maintenance areas by diverting runoff, infiltration, detention ponds, retention ponds, reuse of runoff, or otherwise managing runoff.
- (d) Comprehensive Site Compliance Evaluation - Qualified individuals must conduct a site compliance inspection and evaluation at an interval that is defined in the SWP3, but on an annual basis at a minimum. The evaluation must include the following.
- (1) Areas draining storm water associated with industrial activities must be visually examined for evidence of, or the potential for, pollutants entering the drainage system. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the permittee's SWP3. A visual inspection of equipment needed to implement the SWP3, such as spill response equipment, must be made.
 - (2) Based on the results of the evaluation, the following must be revised as appropriate within 2 weeks of the evaluation: the description of

potential pollutant sources identified in the SWP3 (as required in Section D.2.(b), Description of Potential Pollutant Sources); pollution prevention measures and controls identified in the (as required in Section D.2.(c), Measures and Controls). The revisions may include a schedule for implementing the necessary changes.

- (3) A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in response to the findings of the evaluation must be completed and maintained as a part of the SWP3 for at least 3 years from the date of the evaluation. The report must identify any incidents of noncompliance. Where the report does not identify incidences of noncompliance, the report must contain a statement that the evaluation did not identify an incidence, and the report must be signed according to 30 TAC §305.122 (relating to Consolidated Permits).
- (4) The Comprehensive Site Compliance Evaluation may substitute for one of the required inspections delineated in Section D.(4), Inspections of this general permit.

Section E. General Requirements

1. Mixing zones must not encompass 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. The discharge must not contain a concentration of taste or an odor-producing substance that interferes with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish, including shellfish, result in offensive odors arising from the receiving waters, or otherwise interfere with reasonable uses of water in the state.
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 such a manner as to prevent nuisance conditions.
7. The permittee shall provide the following noncompliance notifications:
 - (a) According to 30 TAC §305.125(9), *Standard Permit Conditions*, any noncompliance that may endanger human health or safety, or the environment 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 noncompliance. A written report must also be provided by the permittee to the

appropriate regional office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission must contain:

- (1) a description of the noncompliance and its cause;
 - (2) the potential danger to human health or safety, or the environment;
 - (3) the period of noncompliance, including exact dates and times;
 - (4) if the noncompliance has not been corrected, the anticipated time it is expected to continue: and
 - (5) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance and to mitigate its adverse effects.
- (b) In addition, any effluent violation that deviates from the permitted effluent limitation by more than 40% must be reported by the permittee in writing to the appropriate regional office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
- (c) Any noncompliance other than that specified in paragraphs (a) and (b) above, or any required information not submitted or submitted incorrectly, must be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances must be reported on the approved DMR 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 conditions of the general permit.
3. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with conditions of the general permit. Proper operation and maintenance also includes adequate laboratory and process controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with conditions of the general permit.
4. The permittee shall submit, upon request of the executive director, any information that is necessary for the executive director to determine whether cause exists for revoking, suspending, or terminating authorization under this general permit. Additionally, the permittee shall submit, upon request of the executive director, copies of all records that the permittee is required to maintain as a condition of this general permit. The requested information or records must be provided within a reasonable time and in no case later than 30 days from the date of the request.
5. The permittee shall give notice to the executive director before physical alterations or additions to the permitted facility if such alterations would result in a violation of the general permit requirements.

6. Inspection and entry must be allowed under TWC Chapters 26, Texas Health and Safety Code §§361.032-361.033 and 361.037; and Title 40 CFR §122.41(I). The statement in TWC §26.014 that commission entry of a regulated entity will occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection are not grounds for denial or restriction of entry to any part of the regulated entity, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
7. Standard monitoring and reporting requirements are as follows:
 - (a) samples must be collected, and measurements must be taken at times and in a manner so as to be 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), or the Environmental Protection Agency's (EPA), *Methods for Chemical Analysis of Water and Wastes* (1979), or the EPA's, *Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents* (1973);
 - (c) sample containers, holding times, preservation methods, and analytical methods, must follow the requirements in 40 CFR Part 136 (as amended);
 - (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 technique;
 - (f) 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 and must be signed in accordance with the requirements in Part IV.8 of the general permit. If noncompliance with a discharge limitation occurs, the permittee shall provide notification according to Part III.E.7 of the general permit.
 - (g) the permittee shall retain all records required by this permit, including monitoring records and records related to the application or any certification requirements for a period of three years from the date of record. The records must be retained at the facility or be readily available for review by the TCEQ personnel upon request. This period may be extended at the request of the executive director;
 - (h) the records of monitoring activities must include:
 - (1) date, time, and place of sample or measurement;
 - (2) identity of individual who collected the sample or made the measurement;
 - (3) date of laboratory analysis;

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

Part V. Fees

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