Texas Commission on Environmental Quality

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

GENERAL PERMIT TO DISCHARGE UNDER THE

TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

This permit supersedes and replaces
TPDES General Permit No. TXG500000, issued December 15, 2008

Quarries located greater than one mile from a water body within a water quality protection area in the John Graves Scenic Riverway, in the state of Texas,

may discharge process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges 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(s) the right to use private or public property for conveyance of wastewater and stormwater along the discharge route. This includes, but is not limited to, property belonging 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 permittees to acquire property rights as may be necessary to use the discharge route.

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

ISSUED AND EFFECTIVE DATE: APR 07 2014

For the Commission

GENERAL PERMIT NUMBER TXG500000 RELATING TO DISCHARGES FROM QUARRIES LOCATED GREATER THAN ONE MILE FROM A WATER BODY WITHIN A WATER QUALITY PROTECTION AREA IN THE JOHN GRAVES SCENIC RIVERWAY

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Part I. Definitions

All definitions in Texas Water Code (TWC) §26.001; 30 Texas Administrative Code (TAC) Chapters 205; 305; and 311, Subchapter H apply to this general permit and are incorporated by reference. Some specific definitions of words or phrases used in this general permit are as follows:

25-year, 24-hour rainfall event: The maximum rainfall event with a probable recurrence interval of once in 25 years, with a duration of 24 hours, as defined by the National Weather Service and Technical Paper Number 40, *Rainfall Frequency Atlas of the U.S.*, May 1961, and subsequent amendments; or equivalent regional or state rainfall information.

Aggregates: Any commonly recognized construction material originating from a quarry or pit by the disturbance of the surface, including dirt, soil, rock asphalt, granite, gravel, gypsum, marble, sand, stone, caliche, limestone, dolomite, rock, riprap, or other non-mineral substance. The term does not include clay or shale mined for use in manufacturing structural clay products.

Best management practices (BMP): Any prohibition, management practice, maintenance procedure, or schedule of activity designed to prevent or reduce the pollution of water in the state. Best management practices include treatment, specified operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.

Construction stormwater: Stormwater from a construction activity where soil disturbing activities (including clearing, grading, excavating) result in the disturbance of land area.

Daily average limitation: The arithmetic average of all effluent samples within a period of one calendar month, consisting of at least four separate representative measurements. When four samples are not available in a calendar month, the arithmetic average of the four most recent measurements or the arithmetic average (weighted by flow) of all values taken during the month must be used as the daily average concentration.

Daily maximum concentration: The maximum concentration measured on a single day, by the sample type specified in the general permit, within a period of one calendar month.

Final stabilization: All soil disturbing activities at the site have been completed and a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

General permit: A permit issued under the provisions of 30 TAC Chapter 205 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 TWC §26.040.

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

Highwall: Vertical face remaining from the final cut of a surface mining operation.

Hyperchlorination of waterlines: Treatment of potable water lines or tanks with chlorine for disinfection purposes, typically following repair or partial replacement of the waterline or tank, and subsequently flushing the contents.

Impaired Water: A surface water body that is identified on the latest approved CWA §303(d) List as not meeting applicable state water quality standards. Impaired waters include waters

with approved or established total maximum daily loads (TMDLs) and those where a TMDL has been proposed by TCEQ but has not yet been approved or established.

Industrial activities: Manufacturing, processing, material storage, and waste material disposal areas (and similar areas where stormwater can contact industrial pollutants related to the industrial activity) at an industrial facility described by the Texas Pollutant Discharge Elimination System (TPDES) Multi-Sector General Permit, TXR050000, or by another TCEQ or TPDES permit.

John Graves Scenic Riverway: That portion of the Brazos River Basin and its contributing watershed, located downstream of the Morris Shepard Dam on the Possum Kingdom Reservoir in Palo Pinto County, Texas, and extending to the county line between Parker and Hood Counties, Texas.

Mine dewatering: Any water that is impounded or collects in the mine and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator. This provision does not include stormwater associated with industrial activity impounded by berms or other structures at surface quarrying operations, or lateral seepage from sand pits located adjacent to surface water bodies.

Non-structural controls: Pollution prevention methods that are not physically constructed, including best management practices, used to prevent or reduce the discharge of pollutants.

Navigable: Designated by the United States Geological Survey (USGS) as perennial on the most recent topographic map(s) published by the USGS, at a scale of 1:24,000.

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

Notice of Intent (NOI): A written submission to the executive director from an applicant notifying their intent to discharge or dispose of wastes under the provisions of a general permit.

Notice of Termination (NOT): A written submission to the executive director from a permittee authorized under a general permit notifying their intent to cease the authorization to discharge or dispose of wastes under the provisions of a general permit.

Operator: Any person engaged in or responsible for the physical operation and control of a quarry.

Outfall: For the purpose of this general permit, any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, and/or tunnel from which pollutants are or may be discharged, from a regulated facility into surface water in the state.

Overburden: All materials displaced in an aggregates extraction operation that are not, or reasonably would not be expected to be, removed from the affected area.

Owner: Any person having title, wholly or partly, to the land on which a quarry exists or has existed.

Pit: An open excavation from which aggregates have been, or are being, extracted with a depth of five feet or more below the adjacent and natural ground level.

Pollutant: (from TWC §26.001(13)) Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials,

radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into any water in the state.

Pollutant(s) of concern: Includes biochemical oxygen demand (BOD), sediment, or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge.

Process wastewater: Any wastewater used in the slurry transport of mine material, air emissions control, or process exclusive of mining. The term shall include any other water which becomes commingled with such wastewater in a pit, pond, lagoon, mine or other facility used for treatment of such wastewater.

Quarry: The site from which aggregates for commercial sale are being, or have been, removed or extracted from the earth to form a pit, including the entire excavation, stripped areas, haulage ramps, and the immediately adjacent land on which the plant processing the raw materials is located. The term does not include any land owned or leased by the responsible party not being currently used in the production of aggregates for commercial sale or an excavation to mine clay or shale for use in manufacturing structural clay products. For purposes of this definition, a "responsible party" is any owner, operator, lessor, or lessee who is primarily responsible for overall function and operation of a quarry located in the water quality protection area as defined in this general permit.

Quarrying: The current and ongoing surface excavation and development without shafts, drafts, or tunnels, with or without slopes, for the extraction of aggregates for commercial sale from natural deposits occurring in the earth.

Restoration: Those actions necessary to change the physical, chemical, and/or biological qualities of a receiving water body in order to return the water body to its background condition. Restoration includes on- and off-site stabilization to reduce or eliminate an unauthorized discharge, or substantial threat of an unauthorized discharge from the permitted site.

Stormwater associated with industrial activity: Stormwater runoff that exits any conveyance that is used for collecting and conveying stormwater that is directly related to manufacturing, processing, material storage, and waste material disposal areas (and similar areas where stormwater can contact industrial pollutants related to the industrial activity) at an industrial facility described by one or more of Sectors A through AD of the TPDES Multi-Sector General Permit (TXR050000).

Structural controls (or practice): Physical, constructed features that prevent or reduce the discharge of pollutants. Structural controls include, but are not limited to: sedimentation; detention ponds; velocity dissipation devices such as rock berms, vegetated berms, buffers; and silt fencing.

Surface water in the state: 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 (from the mean high water mark (MHWM) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems that are authorized by state or federal law, regulation, or permit, and that are created for the purpose of waste treatment are not considered to be water in the state.

Temporary stabilization: A condition where exposed soils or disturbed areas are provided a protective cover, which is required to be maintained, which may include temporary seeding, geotextiles, and mulches, or where structural controls are employed to reduce or eliminate erosion until either final stabilization can be achieved or until further mining activities take place.

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

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

Total maximum daily load (TMDL): The total amount of a substance that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

Water body: Any navigable watercourse, river, stream, or lake within the water quality protection area.

Water quality protection area: The Brazos River and its contributing watershed within Palo Pinto and Parker Counties, Texas, downstream from the Morris Shepard Dam, and extending to the county line between Parker and Hood Counties, Texas.

Part II. Commonly Used Acronyms

BMP	Best Management Practice
MGD	Million Gallons per Day
MG/L	Milligrams per Liter
NOC	Notice of Change
NOI	Notice of Intent
NOT	Notice of Termination
TLAP	Texas Land Application Permit
TPDES	Texas Pollutant Discharge Elimination System Permit
TMDL	Total Maximum Daily Load

Part III. Permit Applicability and Coverage

Section A. Discharges Covered

This general permit regulates the following discharges from quarries located greater than one mile from a water body within a water quality protection area in the John Graves Scenic Riverway:

1. process wastewater;
2. mine dewatering;
3. stormwater associated with industrial activity;
4. construction stormwater;
5. vehicle and equipment wash water; and
6. certain non stormwater discharges as listed below:

(a) potable water sources (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

(b) water from the routine external washing of buildings, conducted without the use of detergents or other chemicals;

(c) water from the routine washing of pavement conducted without the use of detergents or other chemicals and where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed);

(d) uncontaminated air conditioner condensate, compressor condensate, and steam condensate;

(e) uncontaminated water used for dust suppression; and

(f) springs and other uncontaminated ground water.

Section B. Limitations on Coverage

1. This general permit does not apply to:

(a) a quarry located outside a water quality protection area within the John Graves Scenic Riverway;

(b) a quarry located within one mile from a water body within a water quality protection area in the John Graves Scenic Riverway;

(c) a quarry, or associated processing plant, located greater than one mile from a waterbody within a water quality protection area that:

i mines clay and shale for use in manufacturing structural clay products; or

ii since on or before January 1, 1994, has been in regular operation without cessation of operation for more than 30 consecutive days and under the same ownership;

(d) the construction or operation of a municipal solid waste facility regardless of whether the facility includes a pit or quarry that is associated with past quarrying;

(e) return flows from mining operations authorized by the U.S. Army Corps of Engineers under 33 CFR §323.2(d)(1)(ii); and

(f) discharges from facilities that are regulated by the Railroad Commission of Texas.

2. Compliance with Water Quality Standards

Discharges to surface water in the state that would cause or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses are not eligible for coverage under this general permit. The executive director may require an application for an individual permit (see Part III, Section F) to authorize discharges to surface water in the state from any activity that is determined to cause a violation of water quality standards or is found to cause, or contribute to, the loss of a designated use.

3. Impaired Receiving Waters and Total Maximum Daily Load (TMDL) Requirements

New sources or new discharges of the pollutants of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC Chapter 305 and

applicable state law. Impaired waters are those that do not meet applicable water quality standards and are listed on the EPA approved Clean Water Act (CWA) §303(d) List. Pollutants of concern are those for which the water body is listed as impaired.

Discharges of the pollutants of concern to impaired water bodies for which there is a TMDL are not eligible for this general permit unless they are consistent with the approved TMDL. Permittees must incorporate the conditions and requirements applicable to their discharges into their P3, in order to be eligible for coverage under this general permit. For consistency with the construction stormwater-related items in an approved TMDL, the P3 must be consistent with any applicable condition, goal, or requirement in the TMDL, TMDL Implementation Plan (I-Plan), or as otherwise directed by the executive director.

4. Protection of Streams and Watersheds by Other Governmental Entities

This general permit does not limit the authority or ability of federal, other state, or local governmental entities from placing additional or more stringent requirements on activities or discharges. For example, this permit does not limit the authority of a home-rule municipality provided by Texas Local Government Code §401.002.

5. Endangered Species

Discharges that would adversely affect a listed endangered or threatened aquatic or aquatic-dependent species or its critical habitat are not authorized by this permit, unless the requirements of the Endangered Species Act are satisfied. Federal requirements related to endangered species apply to all TPDES permitted discharges and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved. If a permittee has concerns over potential impacts to listed species, the permittee may contact TCEQ for additional information.

Section C. Deadlines for Obtaining Authorization

1. Existing Quarries

Operators of existing quarries authorized under TPDES John Graves Scenic Riverway General Permit TXG500000 (effective on December 15, 2008), must submit a NOI to renew authorization or a NOT to terminate coverage under the previous general permit within 90 days of the effective date of this general permit. During this interim period, as a requirement of this TPDES permit, the operator must continue to meet the conditions and requirements of the previous general permit.

2. New Quarries

Owners of new quarries shall submit a NOI and receive confirmation of coverage and an authorization number under this general permit prior to commencement of any on-site activities (including construction activities).

Section D. Obtaining Authorization

1. Application for Coverage

(a) Applicants seeking authorization to discharge under this general permit shall submit to the TCEQ Water Quality Division, at the address specified on the NOI form:

i a completed NOI on a form approved by the executive director;

ii a Restoration Plan as described in Part IV;

iii proof of financial assurance for restoration as described in Part V; and

iv a Pollution Prevention Plan (P3) as described in Part VI.

(b) Following review of the NOI, Restoration Plan, financial assurance for restoration, and P3, the executive director may determine that:

i the submission is complete and confirm coverage by providing a notification and an authorization number;

ii the NOI, Restoration Plan, financial assurance for restoration, and/or P3 are incomplete and send a notice of deficiency to obtain additional information to allow the submission to become complete; or

iii deny coverage. Denial of coverage under this general permit is subject to the requirements of 30 TAC §205.4(c).

2. Change of Ownership or Operational Control

Authorization under this general permit is not transferable. If the owner or operator of the regulated entity changes, the present permittee shall submit a NOT and the new owner and operator shall submit a NOI along with the other documents required in Section D.1 (a). The NOT and NOI must be submitted concurrently no later than 10 days prior to the change in owner or operator status. Any change in a permittee's Charter Number, as registered with 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.

3. Notice of Change (NOC)

A NOC form must be submitted with supplemental or corrected information within 14 days following:

(a) the time when the owner or operator becomes aware that it failed to submit any relevant facts or incorrect information in the NOI or NOI attachments; or

(b) the time when relevant facts in the NOI change (e.g., phone number or P.O. Box).

4. Signatory Requirements for NOI, NOC, and NOT Forms

NOI, NOC, and NOT forms must be signed and certified consistent with 30 TAC §305.44(a) and (b) (relating to Signatories to Applications).

5. Contents of the NOI

The NOI must, at a minimum, include:

(a) the legal name and address of the owner and operator;

(b) the facility name and address; and

(c) the location of the quarry.

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

Section E. Terminating Coverage

1. Applicants seeking to terminate authorization under this general permit shall submit:
   (a) a completed Notice of Termination (NOT) on a form approved by the executive director, and
   (b) a Stabilization Report, in accordance with the requirements in Part VIII of this general permit.
2. The NOT and Stabilization Report must be submitted to the TCEQ Water Quality Division, at the address specified on the NOT form.
3. Following review of the NOT and Stabilization Report the executive director may determine that:
   (a) the submission is complete and acknowledge termination by providing a notification;
   (b) the NOT and Stabilization Report are complete, but a site visit is necessary to confirm stabilization prior to confirming termination and providing notification;
   (c) the NOT and Stabilization Report are incomplete and send a notice of deficiency to obtain additional information to allow the submission to become complete; or
   (d) deny termination.
4. **The permittee shall continue to meet the requirements of this general permit until authorization under the general permit is terminated.**

   Financial assurance for restoration must be maintained until the executive director provides notification acknowledging the NOT.

Section F. Alternative TPDES/TLAP Coverage

1. Individual Permit Alternative

   Any discharge eligible for coverage under this general permit may alternatively be authorized under an individual TPDES or Texas Land Application Permit (TLAP) permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). Applications for individual permit coverage should be submitted at least three hundred and thirty (330) days prior to proposed date of commencement of construction activities to ensure timely authorization. No construction may commence until the applicant has been granted permit coverage.

   Individual Permit Required

   The executive director may suspend or deny an authorization under this general permit in accordance with the procedures of 30 TAC Chapter 205 (relating to General Permits for Waste Discharges), including the requirement that the executive director provide written notice to the permittee. The executive director may require a quarry, otherwise eligible for authorization under this general permit, to apply for an individual TPDES/TLAP permit in the following circumstances:

   (a) the conditions of an approved total maximum daily load (TMDL) limitation or TMDL implementation plan on the receiving stream require conditions/restrictions that are inconsistent with or more restrictive than this general permit;

(b) the activity has been determined to cause a violation of water quality standards or is found to cause, or contribute to, the loss of a designated use of surface water in the state; or

(c) other consideration defined in 30 TAC Chapter 205, (relating to General Permits for Waste Discharges) including 30 TAC §205.4(c)(3)(D), which allows the commission to deny authorization under the general permit and require an individual permit if a discharger "has been determined by the executive director to have been out of compliance with any rule, order, or permit of the commission, including non-payment of fees assessed by the executive director."

2. 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, relating to 30 TAC §60.3 (Use of Compliance History). The executive director shall deny or suspend a facility's authorization for disposal under this general permit based on a rating of "unsatisfactory performer" according to commission rules in 30 TAC §60.3, *Use of Compliance History*. An applicant who owns or operates a facility classified as an "unsatisfactory performer" is entitled to a hearing before the commission prior to having its coverage denied or suspended, in accordance with Tex. Water Code § 26.040(h). Denial of authorization to discharge under this general permit or suspension of a permittee's authorization under this general permit must be done according to commission rule in 30 TAC Chapter 205 (relating to General Permits for Waste Discharges).

3. 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.

Section G. 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 canceled by the commission or renewed by the commission for an additional term or terms not to exceed five years.

2. If the executive director proposes to reissue this general permit before the expiration date, the general permit will remain in effect 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 discharges until the date the commission takes final action on this permit. No new NOIs will be accepted and no new authorizations will be processed under the current general permit after the expiration date (December 15, 2013).

3. Upon issuance of the renewed or amended general permit, all permittees, 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 to obtain an individual permit for those discharges.

4. If the commission determines not to reissue this general permit within 90 days before the expiration date, permittees shall apply for authorization under an individual permit or an alternative general permit. If the application for an individual permit or alternative general permit is submitted before the expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit or an alternative general permit.

Part IV. Restoration

Section A. Restoration Plan

The permittee shall submit a Restoration Plan with the NOI. The Restoration Plan must include a proposed plan of action for how the applicant will restore the receiving waters to background conditions in the event of an unauthorized discharge that affects those receiving waters. The Restoration Plan, at a minimum, must:

1. identify receiving waters at risk of an unauthorized discharge from the quarry;
2. describe the process to be used in documenting the existing physical, chemical, and biological background conditions of each of the receiving waters;
3. provide a schedule for completing the determination of background conditions of each of the receiving waters and for updating background conditions in the future, as appropriate;
4. identify the potential environmental impacts to receiving waters from an unauthorized discharge from the quarry;
5. identify the goals and objectives of potential restoration actions;
6. provide a reasonable range of restoration alternatives and the preferred restoration alternative that may be implemented to return the affected waters to background conditions in the event of an unauthorized discharge, including estimated time it will take for restoration activities to be initiated and completed;
7. describe the process for monitoring the effectiveness of the preferred restoration action, including performance criteria, that will be used to determine the success of the restoration or need for interim site stabilization;
8. identify a process for public involvement in the selection of the restoration alternative to be implemented to restore the receiving waters to background conditions; and
9. provide a detailed estimate of the maximum probable costs required to complete a restoration action, given the size, location, and description of the quarry and the nature of the receiving waters. The maximum probable cost must be based on the costs to an independent third party conducting the action without a financial interest or ownership in the quarry.

Section B. Certification of the Restoration Plan

Certification of the Restoration Plan must be provided by a licensed Texas professional engineer or a licensed Texas professional geoscientist within the appropriate area or discipline. Components of the Restoration Plan may be independently certified, as appropriate.

Section C. Permitee Responsibility

It is the responsibility of the permittee to initiate restoration activities in accordance with the developed Restoration Plan when impacts to receiving waters have occurred due to quarrying activities. The executive director reserves the right to require the permittee to initiate restoration actions, in addition to the permittee's responsibilities under the Restoration Plan.

Part V. Financial Assurance for Restoration

1. The applicant shall submit proof of financial assurance for restoration with the NOI.
2. Financial assurance must be established and maintained in accordance with 30 TAC Chapter 37, Subchapter W (relating to Financial Assurance for Quarries).
3. The amount of financial assurance required must be in an amount no less than the cost estimate in the Restoration Plan, as required by Part IV(A)(9) of this permit, that is approved by the executive director.
4. **Financial assurance for restoration must be maintained until the executive director provides notification acknowledging the NOT.**

Part VI. Pollution Prevention Plan (P3)

A P3 must be prepared and implemented that covers the entire quarry. The P3 must be submitted along with the NOI for review and approval by the executive director. Minimum contents of the P3 are as follows:

Section A. Pollution Prevention Team

1. Team Members and Responsibilities

   The P3 must identify a specific individual or individuals at the quarry as members of a Pollution Prevention Team responsible for development, implementation, maintenance, and revision of the P3.

2. Employee Training

   An employee training program must be developed to educate personnel responsible for implementing any component of the P3, or otherwise responsible for pollution prevention, with the provisions of the P3. The P3 must identify how often employee training will occur, but it must occur on an annual basis at a minimum. New employees must receive training prior to actively participating in quarrying activities.

Section B. Description of Potential Pollutant Sources

The P3 must provide a description of potential pollutant sources (activities and materials) that may reasonably be expected to affect the quality of discharges from the quarry. The following must be developed, at a minimum, in support of developing this description.

1. Site Map - The permittee shall develop and submit a topographic map with the following identified:
   (a) property boundaries and the area(s) where quarrying and mine construction, if applicable, will occur;
   (b) outfall locations;
   (c) the drainage area and direction of flow to the outfalls;
   (d) surface waters (including wetlands) either adjacent to and within one mile of the quarry's property boundaries;
   (e) areas where soil disturbance will occur;
   (f) areas that will not be disturbed;

(g) slopes for pre- and post- disturbed areas;

(h) locations of all major structural controls planned or in place;

(i) locations where stabilization practices are expected to be used;

(j) locations of materials, waste, overburden, or stock-piles;

(k) locations of equipment storage areas, material processing areas, and vehicle and equipment maintenance areas; and

(l) location of onsite water wells and any offsite water wells within 500 feet of the property boundary.

2. Site Description - A site description must be developed to include:

(a) a description of activities, potential pollutants and their sources at the quarry;

(b) a description of the intended schedule or sequence of quarry and construction activities if applicable, that will disturb soils;

(c) the number of acres of the entire quarry property and the total number of acres where quarrying and soil disturbance will occur; and

(d) data describing the soil types and anticipated quality of any discharge from the quarry.

3. Inventory of Exposed Materials – An inventory must be developed listing materials handled at the site that may have contact with wastewater or may be exposed to stormwater.

4. Spills and Leaks – The permittee shall develop, maintain, and update a list of significant spills and leaks of toxic or hazardous pollutants that occur in areas that may have contact with wastewater or be exposed to stormwater.

Section C. Measures and Controls

The P3 must include a description of management controls to regulate pollutants identified in the P3'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 the quarry in a clean, orderly manner.

(a) 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 P3 must describe measures that prevent or minimize contamination of wastewater or stormwater 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 stormwater from these areas for disposal or additional treatment, and other equivalent measures.

(b) Fueling Areas - The P3 must describe measures to prevent or minimize contamination of wastewater and stormwater from areas where fueling occurs. The

facility must consider covering fueling areas, using dry cleanup methods for spills, collecting contaminated stormwater runoff for additional treatment, or other equivalent measures.

(c) Material Processing And Storage Areas - Material processing and storage areas must be maintained in good condition to minimize pollutants in stormwater runoff. The P3 must describe measures that prevent or minimize contamination of wastewater and stormwater in material processing and storage areas. The permittee shall consider indoor storage of materials, minimizing run-on/runoff in these areas, dry cleanup methods for spills, minimizing the duration final product is kept onsite prior to offsite transport, placement of waste and unusable product with overburden, and collecting contaminated wastewater and stormwater for additional treatment.

(d) Overburden Areas – Overburden developed during quarry activities must be placed to minimize the amount of surface area exposed to rainfall, and where practicable be placed in previously quarried areas. Overburden must be returned to the quarry pit when quarrying has ceased in that area as soon as practicable to allow for stabilization activities to commence. Alternatively, where placing overburden into the quarry pit is undesirable, overburden may be used to grade the quarry area as soon as practicable to allow for stabilization activities to commence. In no case may overburden piles remain after quarry activities have ceased and stabilization is complete.

(e) Vehicle and Equipment Cleaning Areas - The P3 must describe measures that prevent or minimize contamination of wastewater and stormwater from vehicle and equipment cleaning activities. The permittee shall consider performing these activities indoors, covering the activities, minimizing the volume of water used in cleaning activities, the frequency of cleaning activities, the types of cleaning agents used in cleaning activities, and collecting contaminated stormwater and wastewater for additional treatment.

(f) General Daily Activities -- On a daily basis, employees shall ensure all trash and other materials that have the potential to be transported offsite by wind or stormwater runoff, are collected and properly disposed.

2. Preventive Measures - A preventive maintenance program must include routine inspection and maintenance of wastewater and stormwater management controls (including oil/water separators, catch basins, drip pans, berms, dikes, sedimentation ponds, 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 can contribute pollutants to wastewater and stormwater must be identified in the P3. Procedures for cleaning up spills must be identified in the P3 and made available to the appropriate personnel.

4. Erosion and Sediment Controls

(a) Structural Controls

(i) The P3 must include a description of any structural control practices used to divert flows away from exposed soils, to limit the contact of stormwater with disturbed areas, or to lessen the off-site transport of eroded soils.

(ii) Erosion and sediment controls must be designed to retain sediment on-site to the maximum extent practicable with consideration for local topography, soil types, and rainfall.

(iii) Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications. If periodic inspections or other information indicates a control has been used incorrectly, or that the control is performing inadequately, the permittee shall replace or modify the control.

(iv) Runoff Control - Runoff control berms are required to be constructed to direct runoff from quarrying activities into sedimentation ponds prior to discharge, and to prevent run-on from adjacent property. Berms must be covered with vegetation or impermeable material to prevent erosion and to prevent offsite runoff from becoming a source of pollution. Runoff from undisturbed areas of the property must be directed away from the sedimentation pond(s), and are not subject to effluent limitations in Part IX, Section A. As quarrying activities progress, berms may be removed and relocated to minimize entrance of runoff from stabilized areas of the quarry.

(v) Runoff Retention and Treatment - Sedimentation pond(s) are required to be constructed upgradient of each discharge point/outfall to allow for retention of sediment at the quarry. Sedimentation pond(s) must be designed with a minimum capacity to retain the volume of runoff resulting from 100% of the 25-year 24-hour storm event for that area, with an additional two foot reserved for freeboard. The capacity of the sedimentation pond(s) must be increased should dry weather flows (e.g., vehicle wash water) be directed into these structures. This additional capacity must be calculated based on dry weather flows resulting from a 30 day period. Side slopes of the sedimentation pond(s) must be constructed with a minimum 3:1 width to height ratio. The final capacity of sedimentation pond(s) must be certified by a licensed Texas professional engineer. Calculations utilized in determining the sedimentation pond(s) capacities must be maintained in the P3.

(vi) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%. Remaining volume capacities must be determined on a quarterly basis and recorded in the P3.

In lieu of removing sediment from ponds, the permittee may construct additional retention capacity (i.e. new sedimentation ponds or expansion of existing sedimentation ponds).

(vii) If significant quantities of sediment escape the quarry or if notified by the executive director, accumulations must be removed in accordance with the Restoration Plan.

(b) Stabilization Practices

The P3 must include a description of temporary and permanent erosion control and stabilization practices for the site, including a schedule of when the practices will be implemented. P3 plans must ensure that existing vegetation is preserved where it is possible.

(i) Stabilization practices may include but are not limited to: establishment of temporary or permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation, slope texturing, temporary velocity dissipation devices, flow diversion mechanisms, and other similar measures.

(ii) The following records must be maintained and either attached to or referenced in the P3, and made readily available at the time of an on-site inspection to: the executive director; a federal, state, or local agency approving sediment and erosion plans, grading plans, or stormwater management plans; local government officials; and the operator of a municipal separate storm sewer receiving discharges from the site:

(1) the dates when major grading activities occur;

(2) the dates when quarry activities temporarily or permanently cease on a portion of the site; and

(3) the dates when stabilization measures are initiated and completed.

(iii) Stabilization measures must be initiated in portions of the site where quarry activities have temporarily or permanently ceased, and except as provided in (1) through (3) below, must be initiated no more than seven (7) days after quarrying has temporarily or permanently ceased.

(1) Where the initiation of stabilization measures by the 7th day after quarrying has temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.

(2) Where the initiation of stabilization measures by the 7th day after quarrying has temporarily or permanently ceased is precluded by drought conditions, stabilization measures must be initiated as a soon as practicable.

(3) Where quarrying on a portion of the site has temporarily ceased and quarrying activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of the site.

(iv) Permanent Stormwater Controls.
A description of any measures that will be installed to control pollutants in stormwater discharges after quarry operations cease must be included in the

P3. Permittees are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site.

(v) Other Controls.
Off-site vehicle tracking of sediments and the generation of dust must be minimized.

(vi) Maintenance.
All erosion and sediment control measures and other protective measures identified in the P3 must be maintained in effective operating condition. If through inspections the permittee discovers that BMPs are not operating effectively, maintenance must be performed before the next anticipated storm event or as necessary to maintain the continued effectiveness of erosion and sediment controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable. Documentation must be maintained in the P3 on all maintenance activities.

Section D. Inspections and Compliance Evaluations

1. Inspections of Erosion and Sediment Controls

   (a) A member of the Pollution Prevention Team shall inspect disturbed areas of the quarry that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, all structural control measures for effectiveness and necessary maintenance, and locations where vehicles enter or exit the site for evidence of off-site sediment tracking. Inspections must occur at least once every seven (7) calendar days and must be documented in the P3.

   (b) A member of the Pollution Prevention Team shall inspect all accessible outfalls, when discharges are occurring, to determine if erosion and sediment control measures are effective in preventing significant release of sediment. Additionally, a member of the Pollution Prevention Team shall observe the discharge route to determine if accumulation of sediment is occurring. These inspections must occur at a minimum frequency of once per month and must be documented in the P3. Should no discharge occur during a calendar month, this requirement is waived.

   (c) The P3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the P3 must be completed within seven (7) calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the P3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, changes must be implemented as soon as practicable.

2. Inspections of Equipment and Vehicle Maintenance and Storage Areas

   A member of the Pollution Prevention Team shall inspect designated equipment and vehicle maintenance and storage areas at least on a quarterly basis and inspections must be documented in the P3. 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), and vehicle and equipment cleaning

areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections.

3. Comprehensive Site Compliance Evaluation

   (a) A Texas licensed professional engineer or Texas licensed professional geoscientist shall conduct a comprehensive site compliance inspection/evaluation at an interval that is defined in the P3, but on a yearly basis at a minimum. The evaluation must include the following:

      (i) A complete review of the P3 to determine compliance with inspection, record keeping, and other requirements established in this general permit;

      (ii) A review of all discharge monitoring data to determine compliance with effluent limitations established in the general permit;

      (iii) A determination of the remaining capacity of the sedimentation pond(s);

      (iv) An evaluation of the conditions of the runoff control berms;

      (v) A visual observation of the discharge outfall(s) and an assessment of the discharge route to determine if significant quantities of sediment have been released from the quarry;

      (vi) An assessment of temporary and/or permanent stabilization efforts at the quarry; and

      (vii) A review of restoration activities conducted in receiving waters, if applicable.

   (b) A report summarizing the scope of the comprehensive site compliance evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the P3, and actions taken in response to the findings of the evaluation must be completed and maintained as a part of the P3 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 §305.128 (relating to Signatories to Reports).

   (c) The Comprehensive Site Compliance Evaluation may substitute for one of the required inspections delineated in Part VI. Section D.1. of this general permit.

Section E. Compliance with Permit Requirements

The P3 must specifically address how compliance with Permit Requirements listed in Part IX Item A, Numeric Effluent Limitations; Item B, Other Requirements; and Item C, Additional Permit Requirements Applicable to On-Site Dust Suppression, Soil Compaction, Irrigation, and Fire Protection will be achieved and maintained for the duration of the authorization.

Section F. Additional P3 Contents

The P3 must contain the following additional documents;

1. A copy of the signed NOI submitted to the executive director;
2. The acknowledgement certificate or other document received from the executive director identifying authorization has been granted;

3. If applicable, a copy of any notice of change (NOC) submitted to the executive director; and
4. Any other correspondence received from the executive director related to quarry operations.

Part VII. Revisions to the Restoration Plan, Proof of Financial Assurance for Restoration, and P3

Section A. Notice of Non-Compliance

The executive director may notify the permittee at any time that the Restoration Plan, proof of financial assurance for restoration, or P3 do not meet one or more of the minimum requirements of this general permit. Within 30 days after receiving such notification and identification of the provisions of the general permit that are not being met by the Restoration Plan, proof of financial assurance for restoration, or P3, the permittee shall make the required changes, and submit the revised Restoration Plan, proof of financial assurance for restoration, or P3 to the executive director for approval prior to implementation.

Section B. Revisions of the Restoration Plan and /or P3

The permittee shall revise the Restoration Plan or P3 whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the potential for the discharge of pollutants, if the Restoration Plan or P3 proves to be ineffective in eliminating or significantly minimizing pollutants in the discharge from the quarry or if the cost estimate related to financial assurance increases.

Section C. Proof of Financial Assurance for Restoration

The permittee shall submit the revised Restoration Plan, proof of financial assurance for restoration, or P3 to the executive director for approval prior to implementation.

Part VIII. Stabilization Report

Section A. Reports

1. The permittee shall submit a final stabilization report with the NOT. The executive director will review and approve the final stabilization report along with the NOT.
2. **The permittee shall continue to meet the requirements of this general permit until authorization under the general permit is terminated.**
3. **The permittee shall maintain financial assurance for Restoration until the executive director notifies the permittee in writing that authorization under this general permit has been terminated.**

Section B. Final Stabilization Report Requirements:

The Final Stabilization Report must, at a minimum, demonstrate the following:

1. Vegetative Cover
   (a) The permittee shall establish perennial vegetative cover in all areas except where ponds, highwalls, permanent structures, or paved areas exist.

(b) Perennial vegetative cover must be uniform (i.e. evenly distributed with no large bare areas) and have a density of at least 70% of the native background vegetative cover for the area.

2. Vehicle and Equipment Storage and Maintenance Areas

(a) The permittee shall remove fluids from, and thoroughly clean all vehicles and equipment remaining on-site.

(b) All fuel and chemicals must be removed from maintenance areas.

(c) Maintenance areas must be thoroughly cleaned and cleared. If maintenance areas are unpaved, these areas must have vegetative cover established as required by Part VIII.B (1) (above).

3. Structural Controls

(a) All temporary structural controls must be removed from the site.

(b) Remaining permanent structural controls must be adequate to manage remaining on-site drainage.

4. Highwalls

The permittee shall demonstrate that all remaining highwalls are stable and safe.

5. Waste

All waste must be removed from the site and disposed in accordance with applicable TCEQ rules.

6. The Final Stabilization Report must be signed and certified by a Texas licensed professional engineer or a Texas licensed professional geoscientist.

Section C. Investigation by Executive Director

The executive director may choose to conduct an investigation in addition to the review of the Final Stabilization Report, prior to terminating authorization under the general permit.

Part IX. Permit Requirements

Section A. Numeric Effluent Limitations

Eligible discharges of process wastewater, mine dewatering, and stormwater associated with industrial activity, construction stormwater, quarry stormwater, and certain non-stormwater discharges are subject to the following effluent limitations:

Table 1

Parameter	Daily Average Limitation	Sample Type	Monitoring Frequency
Flow	Report MGD (*3)	Estimate	1/day (*1)
Total Suspended Solids	45 mg/L (*4)	Grab	1/day (*1) (*2)

Table 2

Parameter	Standard Units lower limit	Standard Units Upper limit	Sample Type	Monitoring Frequency
pH	6.0	9.0	Grab	1/day (*1) (*2)

(*1) When discharging

(*2) Not applicable to discharges resulting from a rainfall event greater than the 25-year, 24-hour rainfall event. Monitoring is required when discharges result from a rainfall event greater than the 25-year, 24-hour event, however, compliance with effluent limitations is not required.

(*3) Million Gallons per Day (MGD)

(*4) Milligram per Liter (mg/L)

Table 3 Numeric Limitations

Parameter	Daily Average Limitation	Daily Maximum Limitation	Sample Type	Monitoring Frequency
Arsenic, Total	0.1 mg/L	0.3 mg/L	Grab	1/year (*1)
Barium, Total	1.0 mg/L	4.0 mg/L	Grab	1/year (*1)
Cadmium, Total	0.05 mg/L	0.15 mg/L	Grab	1/year (*1)
Chromium, Total	0.5 mg/L	5.0 mg/L	Grab	1/year (*1)
Copper, Total	0.04 mg/L	0.09 mg/L	Grab	1/year (*1)
Lead, Total	0.35 mg/L	0.75 mg/L	Grab	1/year (*1)
Manganese, Total	1.0 mg/L	3.0 mg/L	Grab	1/year (*1)
Mercury, Total	0.002 mg/L	0.004 mg/L	Grab	1/year (*1)
Nickel, Total	1.0 mg/L	3.0 mg/L	Grab	1/year (*1)
Selenium, Total	0.02 mg/L	0.04 mg/L	Grab	1/year (*1)

Parameter	Daily Average Limitation	Daily Maximum Limitation	Sample Type	Monitoring Frequency
Silver, Total	0.03 mg/L	0.05 mg/L	Grab	1/year (*1)
Zinc, Total	0.31 mg/L	0.66 mg/L	Grab	1/year (*1)

(*1) When discharging

Sampling to determine compliance with effluent limitations must be conducted following the final treatment unit(s) (e.g., sedimentation pond) and prior to leaving quarry property. Sampling must be conducted during actual discharges.

Section B. Other Requirements

1. The permittee shall install a permanent rain gauge at the plant site and keep daily records of rainfall. Monitoring records must be retained on site, or be readily available for review by a TCEQ representative for a period of three years from the date of the record.
2. This general permit does not authorize the operation of, or discharge from a domestic sewage treatment facility. All domestic sewage must be disposed of by an on-site domestic wastewater system authorized under 30 TAC Chapter 285 (relating to On-Site Sewage Systems), or by other methods authorized by the commission.
3. Quarrying is prohibited within 500 feet of any onsite or offsite water supply well.
4. During quarrying activities, should an artificial penetration (e.g. drilled water well) be encountered, quarrying in that area must immediately cease, and the well must be plugged in accordance with 16 TAC Chapter 76. Documentation of well plugging must be maintained in the P3 and quarrying may commence following proper documentation.
5. If blasting is conducted at the quarry, the date and time of blasting must be recorded in the P3.
6. This general permit is applicable to quarrying activities only. If another industrial manufacturing activity is conducted at the quarry site (e.g., concrete production) authorization under an individual wastewater permit or another general permit is required.
7. New quarries applying for coverage under this general permit are not required to comply with either the effluent limitations under Part IX.A or the Erosion and Sediment Controls conditions under Part VI.C.4 during initial operations of the site to allow for excavation and construction of the sedimentation pond(s). During this time period, the permittee is prohibited from any sale, transfer, or processing (crushing or splitting) of aggregates. This initial time period must not exceed 180 days from the date of executive director approval of the NOI. All other terms and conditions of this general permit are applicable following NOI approval by the executive director.

8. This general permit may be reopened and amended, or permittees authorized under this general permit may be required to obtain authorization under an individual permit based on inspections and/or water quality sampling conducted in the John Graves Scenic Riverway in accordance with Texas Water Code §26.555.

9. In addition to other conditions and requirements of this general permit, permittees authorized under this general permit are subject to compliance and enforcement provisions under Texas Water Code §§26.556 and 26.558.

10. In accordance with federal Construction and Development Effluent Limitation Guidelines (ELGs) at 40 Code of Federal Regulations (CFR) Part 450:

    (a) The permittee shall minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and

    (b) Discharges of wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials are prohibited under this general permit.

Section C. Additional Permit Requirements Applicable to On-Site Dust Suppression, Soil Compaction, Irrigation, and Fire Protection

The following requirements are applicable to the use of process wastewater, mine dewatering, stormwater associated with industrial activity for on-site dust suppression, soil compaction, irrigation, and fire protection construction stormwater, and certain non-stormwater discharges. These requirements are in addition to all other requirements outlined in this general permit.

1. Dust suppression, soil compaction, irrigation, and fire protection practices must be designed and managed so as to prevent runoff, ponding of effluent, contamination of ground and surface waters, and occurrence of nuisance conditions in the area.

2. Application of process wastewater, mine dewatering, and stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges for soil compaction and irrigation must be accomplished only when the area specified is not in use. This restriction does not apply to dust suppression activities. Using process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges for dust suppression, soil compaction, and irrigation with effluent must not occur during times when the ground is frozen, the ground has standing water, the ground is saturated, or within 24 hours of a rainfall event of 0.5 inches or greater during a 24-hour duration. Best management practices must be used to prevent off site tracking of mud resulting from dust suppression activities.

3. Spray fixtures for dust suppression, soil compaction, irrigation, and fire protection systems must be designed so that they cannot be operated by unauthorized personnel.

4. Adequate signs must be erected stating that water used for dust suppression, soil compaction, irrigation, and fire protection systems are from a non-potable water supply. Such signs must consist of a red slash superimposed over the international symbol for drinking water accompanied by the message "Do not drink the water" in both English and Spanish.

Section D. General Requirements

1. There must be no discharge of floating solids or visible foam other than in trace amounts, and no discharge of visible oil.
2. The discharge must not contain a concentration of taste or odor producing substances that interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish, including shellfish, result in offensive odors arising from the receiving waters, or otherwise interfere with reasonable uses of water in the state.
3. Solid wastes, including clean-up wastes, must be disposed of according to TCEQ rules and Texas Health and Safety Code Chapter 361.
4. The disposal of waste and wastewater must be done in such a manner as to prevent nuisance conditions.
5. Facilities that generate industrial solid wastes, as defined in 30 TAC §335.1, must comply with the provisions of 30 TAC Chapter 335 (relating to Industrial Solid Waste and Municipal Hazardous Waste). If the requirements of 30 TAC Chapter 335 do not apply, the solid wastes shall be disposed of in accordance with the Texas Health and Safety Code Chapter 361.
6. Air emissions for any regulated entity must comply with either 30 TAC §106.533 (relating to Water and Soil Remediation) or 30 TAC Chapter 116 (relating to Control of Air Pollution by Permits for New Construction or Modification), as appropriate.
7. The permittee shall provide the following noncompliance notifications:

   (a) Any noncompliance that may endanger human health or safety, or the environment must be reported by the permittee to the TCEQ. Report of such information must be provided orally or by facsimile transmission (FAX) to the TCEQ Dallas/Fort Worth (DFW) Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information must also be provided by the permittee to the TCEQ at the address noted below within five working days of becoming aware of the noncompliance.

   Texas Commission on Environmental Quality
   Dallas/Fort Worth Regional Office
   2309 Gravel Dr.
   Fort Worth, Texas 76118-6951
   and
   Texas Commission on Environmental Quality
   Enforcement Division (MC-224)
   P.O. 13087
   Austin, Texas 78711-3087

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

(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 TCEQ DFW 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 X. Standard Permit Conditions

Section A. Duty to Comply

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 either a TPDES individual permit, or a TLAP.

Section B. Defense

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.

Section C. Operation and Maintenance

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.

Section D. Information

The permittee shall furnish at the request of the executive director any information that is necessary to determine whether cause exists for revoking, suspending, or terminating authorization under this general permit. The requested information must be provided within a reasonable time frame and in no case later than 30 days from the date of the request.

Section E. Notice

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.

Section F. Inspections and entry

Inspections and entry must be allowed under TWC Chapters 26-28; THSC §§361.032, 361.033 and 361.037; and 40 CFR §122.41(i). The statement in TWC § 26.014 that commission entry of a regulated entity must occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection is 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.

Section G. Standard monitoring and reporting requirements are as follows:

1. samples must be collected, and measurements must be taken at times and in a manner so as to be representative of the monitored discharge;
2. all samples must be collected according to the latest edition of Standard Methods for the Examination of Water and Wastewater (prepared and published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation), the Environmental Protection Agency's Methods for Chemical Analysis of Water and Wastes (1979), or the Environmental Protection Agency's Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents (1973);
3. 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;
4. sample containers, holding times, preservation methods, and analytical methods must either follow the requirements in 40 CFR Part 136 (as amended), or the latest edition of Standard Methods for the Examination of Water and Wastewater;
5. the permittee shall ensure that properly trained and authorized personnel monitor and sample the discharge;
6. the sampling point must be downstream of any treatment unit or technique;
7. monitoring results must be provided at the intervals specified in the permit on an approved DMR (EPA Form 3320-1) that is signed and certified as required by Part X.G. 10. Unless otherwise specified, the self-report form (EPA Form 3320-1) must be submitted on a monthly basis to the TCEQ as noted below.

   Texas Commission on Environmental Quality
   Dallas/Fort Worth Regional Office
   2309 Gravel Dr.
   Fort Worth, Texas 76118-6951
   and
   Texas Commission on Environmental Quality
   Enforcement Division (MC-224)
   P.O. 13087
   Austin, Texas 78711-3087

   The self-report form for any given month must be due by the 20th day of the following month for each discharge that is described by this permit whether or not a discharge is made for the month. If noncompliance with a discharge limitation occurs, the permittee shall provide notification according to Part IX.D.7;
8. the permittee shall retain all records related to the application, monitoring, or certification for a period of three years from the date of termination of the discharge. This period may be extended at the request of the executive director; and
9. records of monitoring activities must include:

(a) date, time, and place of sample or measurement;

(b) identity of individual who collected the sample or made the measurement;

(c) date of laboratory analysis;

(d) identity of the individual and laboratory who performed the analysis;

(e) the technique or method of analysis; and

(f) the results of the analysis or measurement.

10. Signatory Requirements for Reports and Certifications

All reports and certifications required in this permit or otherwise requested by the executive director must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

Section H. Requirements for All NOIs, NOTs, and NOCs

All NOIs, NOTs, and NOCs must meet the requirements of 30 TAC §305.44(a) (relating to Signatories to Applications). All reports requested by the executive director must meet the requirements of 30 TAC §305.128 (relating to Signatories to Reports).

Section I. Authorization

Authorization under this general permit may be suspended or revoked for the reasons stated in 30 TAC §205.4. Notifying the TCEQ of planned changes or an anticipated noncompliance does not stay any general permit condition.

Section J. Non-Conveyance

This general permit does not convey any property rights of any sort, or any exclusive privilege.

Section K. Failure to Submit

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 on a NOC within 14 days of becoming aware of the information discrepancy.

Section L. Penalties

The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§7.051, 7.101, 7.148, and 7.149 for violations including, but not limited to, the following:

1. violating the 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);
2. intentionally or knowingly tampering with, modifying, disabling, or failing to use pollution control or monitoring devices, systems, methods, or practices required under this general permit; and
3. intentionally or knowingly making or causing 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 general permit.

Part XI. Fees

Section A. Application Fee

An NOI must include a $1,215 application fee. A fee is not required for submission of an NOT or NOC.

Section B. Annual Water Quality Fee

Facilities having an active authorization on September 1 of each year (have not submitted an NOT prior to this date) will be billed $800 for the following fiscal year.