FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For proposed Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXG670000 to discharge hydrostatic test water into or adjacent to water in the state.

Issuing Office: Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

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Wastewater Permitting Section
Water Quality Division

Date: June 19, 2014

Permit Action: Renewal with Amendment

I. Summary

The Texas Commission on Environmental Quality (TCEQ or Commission) is proposing to renew and amend a general permit authorizing discharges resulting from the hydrostatic testing of vessels (pipelines, tanks, and other containers). The general permit authorizes discharges of hydrostatic test waters from: new vessels; existing vessels that only contained or transferred raw or potable water and did not contain corrosion inhibitors, antifreeze compounds, biocides, or other chemical additives (except chlorine or tracer dyes); existing vessels that previously contained only elemental gases (e.g. hydrogen, oxygen, nitrogen); and existing vessels that previously contained petroleum product or waste related to petroleum products.

II. Executive Director's Recommendation

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

III. Permit Applicability

1. This general permit authorizes the discharge of hydrostatic test water. The permit specifies which facilities may be authorized under this general permit and those that must be authorized by individual permit or another general permit.

2. The following discharges are not eligible for general permit coverage:

    a. Discharges prohibited by 30 TAC Chapter 311, *Watershed Protection* or 30 TAC Chapter 213, *Edwards Aquifer*.

    b. Discharges into or adjacent to water in the state from facilities that are regulated by the Railroad Commission of Texas, including crude oil facilities.

    c. New sources or new discharges of the constituent(s) 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 standard(s) and are listed on the Clean Water Act

(CWA) § 303(d) list. Constituents of concern are those for which the water body is listed as impaired.

d. Discharges of the constituent(s) of concern to impaired water bodies for which there is a 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 permit or other applicable general permit prior to discharging.

e. 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 TPDES permitted activities, and site-specific controls may be required to ensure the protection of endangered or threatened species is achieved.

3. Facilities that dispose of wastewater by any of the following practices are not required to obtain coverage under this general permit nor an individual wastewater permit:

a. Recycling of the wastewater with no resulting discharge into or adjacent to water in the state;

b. Pumping and hauling of the wastewater to an authorized disposal facility;

c. Discharge to a publicly owned treatment work (POTW);

d. Underground injection in accordance with 30 TAC Chapter 331; or

e. Discharge to above ground storage tanks with no resulting discharge into or adjacent to water in the state.

IV. Permit Effluent Limitations

1. The following effluent limitations apply to hyperchlorinated discharges from new vessels, existing vessels that contain or previously contained or transferred raw or potable water, or existing vessels that previously contained only elemental gases:

Parameter	Daily Maximum Limitations	Daily Average Limitations	Sample Type	Monitoring Frequency
Total Residual Chlorine	0.10 mg/L	Report mg/L	Grab	Two/discharge[1]

[1] Samples shall be taken during the first hour of discharge. Samples must be collected at a point immediately following discharge from the vessel and prior to commingling with stormwater, wastewater, or other flows. For discharges that extend beyond an hour in duration, a second sample shall be taken of the last 10% of the effluent.

2. Discharges of hydrostatic test water from existing vessels that previously contained petroleum product or waste related to petroleum products are subject to the following effluent limitations:

Parameter	Daily Maximum Limitations	Daily Average Limitations	Sample Type	Monitoring Frequency
Total Petroleum Hydrocarbons[1]	15 mg/L	Report	Grab	Two/discharge[2]
Benzene	0.05 mg/L	Report	Grab	Two/discharge[2]
Total BTEX[3]	0.50 mg/L	Report	Grab	Two/discharge[2]
Total Lead[4]	0.10 mg/L[5]	Report	Grab	Two/discharge[2]
Total Lead[4]	0.02 mg/L[5]	Report	Grab	Two/discharge[2]
pH	Between 6.0 - 9.0 Standard Units		Grab	Two/discharge[2]

[1]Total petroleum hydrocarbons must be analyzed using TCEQ Method 1005.

[2]Samples shall be taken during the first hour of discharge. Samples must be collected at a point immediately following discharge from the vessel and prior to commingling with stormwater, wastewater, or other flows. For discharges that extend beyond an hour in duration, a second sample shall be taken of the last 10% of the effluent.

[3]Total BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylenes.

[4]If the vessel containing the wastewater to be discharged has never contained lead or lead additives, there is no requirement to sample and analyze for total lead.

[5]The daily maximum limitation for total lead is 0.02 mg/l for discharges located in the following counties: Anderson, Angelina, Camp, Cass, Cherokee, Collin, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For all other counties in the state, the daily maximum limitation is 0.10 mg/l.

V. Changes From Existing General Permit

1. Clarifications were made throughout the draft permit to revise “product” to “petroleum product.”

2. Portions of the draft permit were re-organized to improve readability. Specifically, consolidation of requirements related to discharges subject to the Edwards Aquifer rule in Part II. Section C.3., and consolidation of all non-compliance reporting requirements in Part III. Section B.10.b.

3. Part II. Section B.4 was added to clarify that this general permit does not authorize the use of domestic wastewater, reclaimed water, or wastewater generated by other industrial operations for hydrostatic testing and discharge under this general permit.

4. Part II. Section B.5 was revised to add additional limitations on coverage related to compliance history rating of “unsatisfactory performer” and pursuant to the October 23, 2013 Commissioner’s Order on the Livestock Manure Composting General Permit, WQG200000, the draft permit was similarly revised to clarify that an applicant who

owns or operates a facility classified as an “unsatisfactory performer” is entitled to a hearing before the Commission prior to denial or suspension of an authorization.

5. Part II. Section C.1 was revised to clarify that existing facilities authorized under the previous general permit that fail to submit a new notice of intent (NOI) by the 90-day deadline will result in expiration of their administratively continued authorization under the previous general permit.

6. Part II. Section C.3 was revised to provide the current contact information for TCEQ Region 11.

7. Part III. Section B.1 was revised to allow alternative best management practices to prevent erosion. This revision is consistent with revisions made to the Petroleum Contaminated Waters General Permit No. TXG830000.

8. Part VI. was revised to remove instructions for completing the discharge monitoring report (DMR) and the DMR forms. Permittees have access to the form and instructions for completing the form and the online NetDMR reporting system available through the TCEQ website.

VI. Addresses

Comments on this draft general permit should be sent to:

Office of the Chief Clerk (MC-105)
TCEQ
P.O. Box 13087
Austin, TX 78711-3087
(512) 239-3300

Questions concerning this draft general permit should be directed to:

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

Supplementary information on this fact sheet is organized as follows:

VII. Legal Basis
VIII. Regulatory Background
IX. Permit Coverage
X. Technology-based Requirements
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VII. Legal Basis

Texas Water Code (TWC), § 26.121 makes it unlawful to discharge pollutants into or adjacent to water in the state except as authorized by a rule, permit, or order issued by the Commission. TWC § 26.027 authorizes the Commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state. TWC, § 26.040 provides the Commission with the authority to amend or adopt, as necessary to implement this section, rules adopted under TWC, § 26.040, and to authorize waste discharges by general permit. On September 14, 1998, the TCEQ received authority from the United States Environmental Protection Agency (EPA) to administer the TPDES. The TCEQ and the EPA signed a Memorandum of Agreement which authorizes the administration of the National Pollutant Discharge Elimination System (NPDES) program to the TCEQ as it applies to the State of Texas.

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

Two types of technology-based effluent limitations must be included in the general permit. With regard to conventional pollutants, i.e., pH, biochemical oxygen demand (BOD), oil and grease, total suspended solids (TSS), and fecal coliform bacteria, CWA, § 301(b)(1)(E) requires effluent limitations based on “best conventional pollutant control technology” (BCT). With regard to nonconventional and toxic pollutants, CWA, § 301(b)(2)(A), (C), and (D) requires effluent limitations based on “best available technology economically achievable” (BAT), a standard that generally represents the best performing existing technology in an industrial category or subcategory. BAT and BCT effluent limitations may never be less stringent than corresponding effluent limitations based on best practicable control technology (BPT), a standard applicable to similar discharges before March 31, 1989 under CWA, § 301(b)(1)(A).

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

VIII. Regulatory Background

The regulation of hydrostatic test water dischargers was initially authorized by rule, 30 TAC Chapter 321, Subchapter G (relating to Hydrostatic Test Discharges) with an effective date of May 9, 1989. The permit by rule was replaced by TPDES General Permit TXG670000 in April 2005 and 30 TAC Chapter 321, Subchapter G was repealed in September 2007. The Commission was given authority to issue general permits in place of authorizations by rule through legislation, House Bill (HB) 1542, passed during the 75th legislative session (1997). Further clarification of this general permit authority was provided in subsequent legislation, HB 1283, passed during the 76th legislative session (1999).

IX. Permit Coverage

The purpose of this general permit is to regulate the discharge of water resulting from the hydrostatic testing of new or used pipelines, tanks, and other vessels used in pipeline transportation, storage, or other containment of raw materials or petroleum products. Fill water

used in hydrostatic testing may come from rivers, streams, lakes, ponds, wells, or municipal water supplies.

Hydrostatic testing is performed by sealing the vessel or, in the case of pipelines, the segment to be tested, and filling it with water. The pressure is increased to the desired level using a high pressure pump system. The pressure is usually held for a designated length of time in order to check the integrity of the vessel. Following the test, the pressure is released and the vessel is dewatered. After dewatering, the disinfection of the vessel may be required and hyperchlorinated water is flushed through the supply line or tank. The general permit also authorizes discharges resulting from this flushing of water supply lines or tanks for disinfection purposes.

To obtain authorization to discharge under the draft general permit, an applicant will need to use the following guidelines.

1. Unless specifically exempted from notification requirements under Part II.C.4. of the permit, applicants seeking authorization to discharge under authority of this general permit must submit a completed NOI on a form approved by the Executive Director. The NOI shall include the legal name and address of the owner and operator, the facility name and address, specific description of its location, type of facility or discharges, and the name of the receiving water.

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 to discharge under the terms and conditions of this general permit 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. Following review of the NOI, the Executive Director shall either acknowledge coverage by providing an authorization number to the applicant or notify the applicant that coverage under this general permit is denied. If TCEQ provides for electronic submittal of NOIs during the term of this general permit, provisional authorization begins immediately following confirmation of receipt of the electronic NOI by the TCEQ. 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 system at the same time an NOI is submitted to the TCEQ.

3. For discharges 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 that chapter are met. For discharges located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the NOI to the appropriate TCEQ regional office.

   Counties: Comal, Bexar, Medina, and Kinney
   Contact: TCEQ Water Program Manager
   San Antonio Regional Office
   14250 Judson Rd.
   San Antonio, Texas 78233-4480
   210-490-3096

Counties: Williamson, Travis, and Hays
Contact: TCEQ
Water Program Manager
Austin Regional Office
P.O. Box 13087
Austin, TX 78711-3087
512-339-2929

4. Authorization under this general permit is not transferable. If either the owner or operator of the regulated entity changes, then both 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 no later than 10 days before the change. Permittees discharging to a MS4 must submit a copy of the NOT to the operator of the system at the same time the NOT is submitted to the TCEQ.

5. If the owner or operator becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in an NOI, the correct information must be provided to the Executive Director in a Notice of Change (NOC) within 14 days after discovery. If relevant information provided in the NOI changes (for example, phone number or P.O. Box number) an NOC must be submitted within 14 days of the change. Permittees discharging to a MS4 must submit a copy of any NOC to the operator of the system at the same time the NOC is submitted to the TCEQ.

X. Technology-Based Requirements

The limitations and conditions of the draft general permit have been developed to comply with the technology-based standards of the CWA. There are currently no nationally applicable guidelines identifying the BPT, BCT, or BAT standards for discharges authorized by this general permit, therefore, the technology-based effluent limitations are based on BPJ. The parameters selected for BCT/BAT limits are the primary pollutants of concern for discharges authorized in the draft general permit and are provided for discharges under two categories: 1) discharges from new vessels or used vessels that contain raw or potable water or elemental gases and 2) vessels that previously contained petroleum product or waste related to petroleum products.

The first category of discharges have a very low potential to contain pollutants, however, some hydrostatic tests could include the hyperchlorination of the vessel for disinfection purposes. In these instances, the permit contains a requirement that the discharge must be dechlorinated to less than 0.1 mg/l total residual chlorine prior to discharge. The water used for the hydrostatic test in this category must not contain corrosion inhibitors, antifreeze compounds, or other chemical additives (except those present in potable water, if potable water is the test source).

The second category of discharges, vessels that previously contained petroleum product or waste related to petroleum products, are required to analyze the following parameters which were selected for BCT/BAT limitations:

Parameter	Daily Maximum mg/L	Daily Average mg/L
Total Petroleum Hydrocarbons	15	Report
Benzene	0.05	Report
*Total BTEX	0.5	Report
pH	Between 6.0 and 9.0 Standard Units	

*Sum of benzene, toluene, ethyl benzene, and total xylene.

These effluent limitations are economically achievable and were established in the existing permit. No requirements for dechlorination are included in the general permit for this category of discharges, as the use of chlorine disinfection in such vessels is not a standard practice.

XI. Water Quality-Based Requirements

TPDES permits contain technology-based effluent limits reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based effluent limitations and/or conditions are included in the TPDES permits. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other toxicity data bases to determine the adequacy of technology-based permit limits and the need for additional water-quality based controls.

In accordance with 30 TAC §307.5 and the TCEQ Implementation Procedures of the Texas Surface Water Quality Standards (TSWQS), an antidegradation review of this TPDES general permit was performed in order to ensure that no significant degradation of any water in the state will occur and that existing uses will be maintained and protected.

The 2010 TSWQS specify instream criteria for benzene of 0.005 mg/L for public drinking water sources, 0.513 mg/L to protect freshwater fisheries, and 0.0708 mg/L to protect saltwater fisheries. The existing benzene permit limit of 0.05 mg/L is expected to meet water quality standards, including standards for drinking water sources, when typical dilutions are assumed near the point of discharge. The existing BTEX permit limit of 0.5 mg/L remains protective of all BTEX constituents except for benzene, which is addressed with a separate permit limit. The criteria for each constituent which comprises total BTEX, expressed as mg/L, are as follows:

All values are in mg/L

Chemical	Water and Fish Consumption	Freshwater Aquatic Life Chronic	Freshwater Fisheries Sustainable	Saltwater Aquatic Life Chronic	Saltwater Fisheries Sustainable
Benzene	0.005 ††	0.530 #	0.513 †	0.510 #	0.0708 †
Ethylbenzene	0.700 ††	1.090 §	7.143 †	0.249 §	29 ¶
Toluene	1.000 ††	1.450 §	28.952 ¶	0.475 §	19.301 ¶
Xylene	10.000 ††	1.340 §	No Human Health data	0.850 §	No Human Health data

† *30 TAC §307.6(d)(1), Table 2.*
§ *Derived by TCEQ staff from available data, in accordance with procedures in the TSWQS, 30 TAC §§307.6(c)(7) and 307.6(d)(8).*
# *Calculated using an acute-to-chronic ratio of 10.*
¶ *Derived from EPA, National Recommended Water Quality Criteria: 2002, EPA-822-R-02-047, November 2002; in accordance with procedures in the TSWQS, 30 TAC §307.6(d)(8).*
†† *MCL.*

The 2010 TSWQS were used to calculate aquatic life criteria for dissolved lead which were converted to total lead using procedures described in the Procedures to Implement the TSWQS and dissolved lead concentrations for segment 0513 found in TexTox Version 9/6/2013:

Freshwater aquatic-life protection (using the 15th percentile value of 44 mg/L hardness and 2 mg/L TSS for all water in the state):

Acute: 0.0996 mg/L
Chronic: 0.0039 mg/L

Saltwater aquatic-life protection (using a TSS of 10 mg/L):

Acute: 0.349 mg/L
Chronic: 0.014 mg/L

Based on these calculations, the 0.1 mg/L total lead limit is continued from the existing permit. The effluent limit for lead of 0.1 mg/L provides protection for acute toxicity in situations where little or no dilution occurs, and provides reasonable protection for chronic criteria from intermittent, low-volume discharges. However, a lead limit of 0.1 mg/L may not be stringent enough to protect aquatic life in every water basin of the state. The Cypress, Sabine, and Neches water basins contain segments that are below the statewide 15th percentile values for hardness. The 0.02 mg/L total lead limit for those basins is also continued from the existing permit based on the following calculations:

Freshwater aquatic-life protection (using the 15th percentile value of 12 mg/L hardness for the softest segment, 0513):

Acute: 0.029 mg/L
Chronic: 0.001 mg/L

Human-health criteria are also protected by a lead limit of 0.1 mg/L for discharges that are not large or continuous, since substantial rapid dilution (>12:1) is expected for any discharges into waterbodies that are large enough to constitute a public drinking water supply or a sustainable fishery.

Human-health criteria (using a TSS of 2 mg/L for freshwater and 10 mg/L for saltwater):

Drinking water source: 0.004 mg/L
Freshwater fishery: 0.147 mg/L
Saltwater fishery: 0.010 mg/L

The following water quality based permit limitations are included in the draft permit:

Parameter	Daily Maximum mg/L	Daily Average mg/L
Total Lead*	0.10	Report
Total Lead*	0.02	Report

*The daily maximum limitation for total lead is 0.02 mg/L for discharges located in the following counties: Anderson, Angelina, Camp, Cass, Cherokee, Collin, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For all other counties in the state, the daily maximum limitation is 0.10 mg/L.

The TSWQS also require that discharges shall not be acutely toxic to aquatic life, as determined by requiring greater than 50% survival in 100% effluent using a 24-hour acute toxicity test. This requirement, however, is typically only required for continuously flowing discharges or discharges with the potential to exert toxicity in the receiving stream, according to the state's implementation procedures.

The discharges authorized under TPDES General Permit TXG670000 are not typically continuous flowing discharges and the limitations for pollutants of concern in the permit should preclude toxicity instream. The concentrations (LC 50) of these pollutants that exhibit 50% mortality are less protective than the concentrations in the permit. The EPA's document, Quality Criteria for Water 1986 (EPA 440/5-86-001), also called the "Goldbook", lists the aquatic life criterion for Benzene as 5.3 mg/L which is less protective than the 0.05 mg/L limit in the draft permit. Toxicity data compiled by the Water Quality Assessment Team shows LC 50s for sensitive freshwater species as 28.5 mg/L for Toluene, 21.8 mg/L for Ethylbenzene, and 13.4 mg/L for Xylenes. The LC 50s for marine species are 9.5 mg/L for Toluene, 5.0 mg/L for Ethylbenzene, and 8.5 mg/L for Xylenes. Therefore, the limits in the draft permit of 0.05 mg/L for Benzene, and 0.50 mg/L for BTEX should preclude toxicity instream, so the 24-hour acute toxicity tests are not required by the permit.

XII. Monitoring and Reporting

Monitoring is required by 40 Code of Federal Regulations (CFR) § 122.44(i) for each pollutant limited in a permit to ensure compliance with the permit limits. The draft general permit has the following criteria established for monitoring.

1. Samples shall be collected, and measurements shall be taken at times and in a manner so as to be representative of the monitored discharge.

2. All samples shall 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), or the EPA's, "Methods for Chemical Analysis of Water and Wastes" (1979), or the EPA's, "Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents" (1973).

3. Sample containers, holding times, and preservation methods shall either follow the requirements specified in 40 CFR Part 136 or the latest edition of "Standard Methods for the Examination of Water and Wastewater."

4. The permittee shall ensure that properly trained and authorized personnel monitor and sample the discharge.

5. The sampling point must be downstream of any treatment unit or treatment technique that is used to improve or otherwise alter the quality of the discharge.

6. Analytical results for determining compliance with effluent limitations shall be recorded on a DMR (EPA No. 3320-1). The DMR must be signed in accordance with the requirements in Part IV.8 of the general permit and be maintained as required.

7. Records of monitoring activities shall include:

    a. date, time, and place of sample or measurement;

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

c. date and time of laboratory analysis;

d. identity of the individual and laboratory who performed the analysis;

e. the technique or method of analysis;

f. the results of the analysis or measurement; and

g. quality assurance / quality control records.

8. If the permittee monitors any pollutant in a discharge more frequently than required by the permit using approved analytical methods as specified in Part IV.7 of the general permit, all results of such monitoring shall be included in the calculation and recording of the values on the DMR. Increased frequency of sampling shall be indicated on the DMR.

9. If the analytical results indicate a violation of one or more of the permitted effluent limitations, the permittee shall submit a DMR to the TCEQ's Enforcement Division (MC-224) by the 20th day of the month following the discharge. Any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. For effluent limitation violations, noncompliances shall be reported on a DMR form or online using the NetDMR reporting system available through the TCEQ website.

XIII. Procedures for Final Decision

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

- the county judge of the county or counties in which the discharges under the general permit could be located;
- if applicable, state and federal agencies for which notice is required in 40 CFR § 124.10(c);
- persons on a relevant mailing list kept under 30 TAC § 39.407, relating to Mailing Lists; and
- any other person the Executive Director or Chief Clerk may elect to include.

After notice of the general permit is published in the *Texas Register* and the newspaper(s), the public will have 30 days to provide public comment on the draft permit.

Any person, agency, or association may make a request for a public meeting on the draft general permit to the Executive Director of the TCEQ before the end of the public comment period. A public meeting will be granted when the Executive Director or Commission determines, on the basis of requests, that a significant degree of public interest in the draft general permit exists. A

public meeting is intended for the taking of public comment, and is not a contested case proceeding under the Texas Administrative Procedure Act.

If the Executive Director calls a public meeting, the Commission will give notice of the date, time, and place of the meeting, as required by Commission rule. The Executive Director shall prepare a response to all significant public comments on the draft general permit raised during the public comment period. The Executive Director shall make the response available to the public. The general permit will then be filed with the Commission to consider final authorization of the permit. The Executive Director's response to public comment shall be made available to the public and filed with the Chief Clerk at least ten days before the Commission acts on the general permit.

XIV. Administrative Record

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

1. TPDES Permits

   TPDES General Permit for Discharges of Hydrostatic Test Waters (TXG670000) issued April 1, 2010

2. 40 Code of Federal Regulations (CFR) Citations

   40 CFR Parts 122, 124, 136

3. TCEQ Rules

   30 TAC Chapters 39, 205, 281, 305, 307, 319, 331, and 335

4. Letters/Memoranda/Records of Communication

   TXG670000 Antidegradation Review, Interoffice Memorandum from the Standards Implementation Team (B. Lee) dated May 1, 2014

5. Miscellaneous

   EPA, National Recommended Water Quality Criteria: 2002, EPA-822-R-02-047, November 2002

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

   TCEQ Implementation Procedures of the Texas Surface Water Quality Standards, January 2010