

**FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION  
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL  
PERMIT TXG830000**

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

Prepared by: Laurie Fleet  
Wastewater Permitting Section  
Water Quality Division  
(512) 239-5445

Date: November 28, 2012

Permit Action: Amendment with Renewal of General Permit TXG830000

**I. Summary**

The Texas Commission on Environmental Quality (TCEQ) is proposing to reissue Texas Pollutant Discharge Elimination System (TPDES) General Permit TXG830000, issued September 12, 2008, which authorizes discharges of water contaminated by petroleum fuel or petroleum substances. The general permit authorizes petroleum contaminated discharges from: groundwater pump tests; groundwater, surface water, and soil remediation activities; cleanup activities following spills that occur during transportation of petroleum fuel or petroleum substances; removal of water from underground and aboveground storage tank systems previously containing petroleum fuel or petroleum substances; removal of accumulated groundwater from excavation sites; and removal of accumulated water from utility and pipeline vaults. The draft permit specifies which facilities may be authorized under this general permit and those which must be authorized by individual permit.

**II. Executive Director's Recommendation**

The executive director has made a preliminary decision that this permit, if reissued, meets all statutory and regulatory requirements. It is proposed that the permit be reissued to expire five years from the effective date following the requirements of 30 Texas Administrative Code (TAC) § 205.5(a).

**III. Permit Applicability and Coverage**

- A. This general permit authorizes the discharge of water contaminated by petroleum fuel or petroleum substances. The permit specifies which facilities may be authorized under this general permit and those which must be authorized by individual permit.
- B. The following discharges are not eligible for general permit coverage:
  - (1) Discharges prohibited by 30 TAC Chapter 311, *Watershed Protection*, and 30 TAC Chapter 213, *Edwards Aquifer*;

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

- (2) Discharges into or adjacent to water in the state from facilities that are regulated by the Railroad Commission of Texas, including crude oil facilities.
- (3) Discharges that do not meet water quality standards, cause a violation of water quality standards, cause or contribute to a water quality violation, or fail to protect and maintain existing designated uses;
- (4) Discharges of the constituents of concern to impaired water bodies when there is a TCEQ approved total maximum daily load (TMDL) implementation plan unless the discharges are consistent with the approved TMDL and the implementation plan. Constituents of concern are those causing a water body to be listed as impaired; and
- (5) Discharges that would adversely affect a listed endangered or threatened species or its critical habitat. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved.

C. 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:

- (1) Recycling of the wastewater with no resulting discharge into or adjacent to water in the state.
- (2) Pumping and hauling of the wastewater to an authorized disposal facility.
- (3) Discharge to a publicly owned treatment work (POTW).
- (4) Underground injection in accordance with 30 TAC Chapter 331, *Underground Injection Control*.
- (5) Discharge to above ground storage tanks with no resulting discharge into or adjacent to water in the state

**IV. Permit Effluent Limitations**

A. Unless specifically exempted from the notice requirements under Part II, Section C.5 of the general permit, waters contaminated by petroleum fuel or petroleum substances discharged under the authority of this general permit shall meet the following effluent limitations:

Parameter	Daily Average Limitations	Daily Maximum Limitations	Sample Type	Monitoring Frequency
Total Petroleum Hydrocarbons (*1)	15 mg/L	15 mg/L	Grab	*One/week (*2)
Total Lead (*3)	0.10 mg/L	0.10 mg/L	Grab	*One/week (*4)
Total Lead (*3)	0.02 mg/L	0.02 mg/L	Grab	*One/week (*4)
Benzene	0.005 mg/L (*5)	0.005 mg/L (*5)	Grab	*One/week (*2)
Total BTEX (*6)	0.10 mg/L (*5)	0.10 mg/L (*5)	Grab	*One/week (*2)
PAH (*7)	0.01 mg/L	0.01 mg/L	Grab	*One/month (*8)
pH	6.0-9.0 Standard Units	N/A	Grab	*One/week
MTBE (*9)	0.15 mg/L	0.15 mg/L	Grab	*One/week (*4)

**Fact Sheet and Executive Director's Preliminary Decision**  
**TPDES General Permit No. TXG830000**

- \* When discharging.
- (\*1) Total petroleum hydrocarbons shall be analyzed using TCEQ Method 1005.
- (\*2) The permittee may request that the monitoring frequency be revised from once per week to once every two weeks if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. of the general permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.
- (\*3) The daily maximum and daily average limitations for total lead are 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 the other counties in the state, the daily maximum and daily average limitations are 0.10 mg/L.
- (\*4) If the permittee certifies in the NOI that none of the materials handled or stored at the site contained lead, lead additives or MTBE, the monitoring frequency is once per year. The permittee may also request that the monitoring frequency be revised from once per week to once a month if the permittee demonstrates historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Wastewater Permits Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. of the general permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.
- (\*5) If petroleum fuel or petroleum substance contaminated water is land applied, without any discharge to water in the state, the daily maximum and daily average limitations for benzene are 0.05 mg/L and the daily maximum and daily average limitations for total BTEX are 0.5 mg/L.
- (\*6) BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylenes.
- (\*7) Polynuclear aromatic hydrocarbons shall be measured as the sum of acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene.
- (\*8) The permittee may request that the monitoring frequency be revised from once per month to once every three months, if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request shall be made in writing to the TCEQ's Industrial Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. of the general permit. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

(\*9) MTBE is methyl tertiary-butyl ether.

**V. Changes From Existing General Permit**

- Part II. Section B.4 was revised. "Poor performer" was changed to "unsatisfactory performer" based on 30 TAC § 60.3, *Use of Compliance History*.
- Part II. Section C.4 was revised to provide the current contact information for TCEQ Region 11.
- Part III. Section A.2 has been revised to clearly identify what is required of the permittee if there is an exceedance of any listed individual polynuclear aromatic hydrocarbon (PAH) which will benefit permittees seeking to re-initiate prohibited discharges. The following language has been included in the draft permit:

Accompanying the report required by Part III, Section B.9 to the Industrial Wastewater Permits Team, the permittee shall provide the analytical data for each individual chemical which comprises the PAH suite of pollutants which resulted in the PAH effluent limitation excursion. Additionally, further analytical testing for PAH shall be conducted on effluent which has been generated and not discharged to demonstrate compliance with the PAH limitation and that data shall accompany the request from the permittee to re-initiate discharge.

- Part IV.7.f was revised to require the Discharge Monitoring Report (DMR) to be submitted monthly instead of quarterly to be consistent with sample frequency in this general permit and with reporting requirements in other general permits. Consistency between sampling and reporting schedules is anticipated to reduce confusion for permittees. Language was also included regarding submission of eDMR through the eReporting function of the TCEQ eServices webpage which is available for all general permits.
- Included definitions for Discharge, Edwards Aquifer, Edwards Aquifer Recharge Zone, and Water in the State.

**VI. Addresses**

Comments on this proposed 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  
Wastewater Permitting Section (MC-148)  
Water Quality Division  
P.O. Box 13087 Austin, TX 78711-3087  
(512) 239-5445

## **Fact Sheet and Executive Director's Preliminary Decision TPDES General Permit No. TXG830000**

Supplementary information on this fact sheet is organized as follows:

- VII. Legal Basis
- VIII. Regulatory Background
- IX. Permit Coverage
- X. Technology-based Requirements
- XI. Water Quality-based Requirements
- XII. Monitoring
- XIII. Procedures for Final Decision
- XIV. Administrative Record

### **VII. Legal Basis**

Section 26.121 of the Texas Water Code (TWC) 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 authority to amend rules adopted under § 26.040 prior to amendment of the statute by House Bill (HB) 1542 in 1997, and to authorize waste discharges by the general permit. On September 14, 1998, the TCEQ received authority from the United States Environmental Protection Agency (EPA) through a Memorandum of Agreement between the two agencies to administer the National Pollutant Discharge Elimination System (NPDES) program in Texas as the Texas Pollutant Discharge Elimination System (TPDES).

The Clean Water Act (CWA) §§ 301, 304, and 401 (33 United States Code (USC) §§ 1331, 1314, and 1341) include provisions that state that NPDES permits shall 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 are included in the proposed 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).

Frequently, EPA adopts nationally applicable guidelines identifying the BPT, BCT, and BAT standards that apply to specific industrial categories and subcategories. Until such guidelines are published, however, CWA § 402(a)(1) requires that appropriate BCT and BAT effluent limitations be included in permitting actions on the basis of best professional judgment (BPJ). This general permit was previously issued on September 12, 2008.

### **VIII. Regulatory Background**

The regulation of water contaminated by petroleum fuel or petroleum substances was initially through authorization by rule, 30 TAC § 321, Subchapter H, *Petroleum Contaminated Discharges*. This rule was originally adopted with an effective date of May 9, 1989. The

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

commission was given authority to issue general permits by HB 1542, passed during the 75<sup>th</sup> legislative session in 1997. Further clarification of this general permit authority was provided in subsequent legislation, HB 1283, passed during the 76<sup>th</sup> legislative session in 1999. As a result of this authority and in accordance with a memorandum of agreement between the EPA and TCEQ relating directly to the TPDES permit program, the commission is seeking to reissue this general permit.

**IX. Permit Coverage**

The purpose of the general permit is to regulate the discharge of water contaminated by petroleum fuel or petroleum substances into or adjacent to water in the state. To obtain authorization to discharge under this general permit, an applicant will need to use the following guidelines.

- A. Unless specifically exempted from the notice requirements under Part II, Section C.5 of the general permit, all applicants seeking authorization to discharge under this general permit shall submit a completed Notice of Intent (NOI) on a form approved by the executive director. Existing discharges authorized under the expiring general permit are required to submit a new NOI within 90 days of the general permit effective date to continue authorization. The NOI shall include at a minimum the legal name and address of the owner and operator, the facility name and address, specific description of the location of the discharge, type of facility or discharges, and the name of the receiving water.
- B. Submission of a 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 the general permit. Unless the discharge is located within ten stream miles upstream of the Edwards Aquifer recharge zone, 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 (see Part II, Section C.5 of the general permit). The NOI shall be submitted to the address indicated on the NOI form. Following review of the NOI, the executive director will: a) determine that the NOI is complete and confirm coverage by providing a written notification and an authorization number; b) determine that the NOI is incomplete and request additional information needed to complete the NOI; or c) deny coverage in writing. Denial of coverage will be made in accordance with 30 TAC § 205.4, *Applications and Notices of Intent*. If the TCEQ provides for electronic submission of NOIs during the term of this permit, and a NOI is submitted electronically, authorization begins 24 hours following confirmation of receipt of the electronic NOI, unless restricted by Part II, Section C.4 of the general permit.
- C. Applicants seeking authorization to discharge to a municipal separate storm sewer system (MS4) shall provide a copy of the NOI to the operator of the system at the same time a NOI is submitted to the TCEQ.
- D. For discharges located in or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants shall submit a copy of their NOI to the appropriate TCEQ regional office. Discharge may not commence for sites regulated under 30 TAC Chapter 213, *Edwards Aquifer*, until all applicable requirements of the Edwards Aquifer rules are met, including a TCEQ approved Edwards Aquifer Protection Plan, if applicable.

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

E. A NOI is not required if:

- (1) The discharge is from a utility vault and the discharge is in compliance with the requirements and provisions of Part III, Section C of the general permit. The executive director considered the following in making this determination as required by 40 Code of Federal Regulations (CFR) § 122.28(b)(2)(v):
  - (a) Type of discharge: The discharge would be the result of accumulated water within a utility vault.
  - (b) Expected nature of the discharge: The water discharged from a utility vault would primarily be rainfall runoff. Without the submission of a NOI, the permit would not allow a discharge to surface waters from a utility vault that contains hydrocarbon vapors or shows evidence of leaking oil-filled equipment. Also, the discharge shall not contain free product, be considered "non-PCB" or have a PCB level not to exceed 0.002 mg/L PCB, and shall not contain a concentration of taste or odor producing substances that interfere with the production of potable water or interfere with the reasonable use of water in the state.
  - (c) Expected volume of the discharge: On a daily basis, the volume is expected to be negligible to nonexistent. During rainfall events the volume is dependent on the amount of rainfall.
  - (d) Other means of identifying discharges covered by this general permit: Each utility company can provide this information upon request.
  - (e) Estimated number of discharges to be covered by the permit: Based on information provided by the Association of Electric Companies of Texas (AECT) there are thousands of utility vaults in the state that are eligible for discharge under this general permit.
- (2) All free product is removed and disposed of in compliance with state law, and the remaining contaminated water is routed to an existing TPDES permitted wastewater treatment system, disposed of under authorization of a Texas Land Application Permit (TLAP), underground injection in accordance with 30 TAC Chapter 331, or other approved disposal method.
- (3) The petroleum fuel or petroleum substance contaminated water is land applied at the site with no runoff to water in the state where:
  - (a) the volume to be land applied is 1,000 gallons or less during any quarter, and discharge limitations in Part III, Section A of the general permit are satisfied based on either:
    - (i) results of laboratory analyses; or
    - (ii) written documentation demonstrating that the treatment system is properly operated and maintained and that the treatment efficiency is adequate to meet the effluent limits in the permit based on the intake concentrations; and

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

- (b) the land application:
  - (i) complies with 16 TAC Chapter 76. *Water Well Drillers and Water Well Pump Installers*; or
  - (ii) is conducted at a minimum distance of 500 feet from all water wells; and
- (c) the owner or operator maintains records to demonstrate compliance with the requirements of Part II, Section C.5 of the general permit.

- F. Authorization under this general permit is not transferable. If either the owner or operator of the regulated entity is changing, then the present owner and operator shall submit a notice of termination (NOT) and the future owner and operator shall submit a NOI. The NOT and NOI shall be submitted no later than 10 days before the change. Permittees discharging to an MS4 shall submit a copy of the NOT and NOI to the MS4 at the same time the NOT and NOI are submitted to the TCEQ.
- G. If the owner or operator becomes aware that it failed to submit any relevant facts, or submitted incorrect information, in a NOI, the correct information shall be provided to the executive director in a Notice of Change (NOC) within 14 days after discovery. If relevant information provided in the NOI changes (for example, phone number or P.O. Box number) a NOC shall be submitted within 14 days of the change. Permittees discharging to a MS4 shall 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 proposed general permit have been developed to comply with the technology-based standards of the CWA. There are currently no nationally applicable effluent limitation guidelines identifying the BPT, BCT, and BAT standards. Technology-based effluent limitations included in the general permit are based on BPJ.

The parameters selected for BCT/BAT limits are the primary pollutants of concern for discharges authorized in the general permit. The limitations for these parameters are: 15 mg/L total petroleum hydrocarbons, 0.10 mg/L BTEX, 0.01 mg/L PAH, and between 6.0 to 9.0 standard units pH. These effluent limitations are economically achievable and are established at levels existing in the current TPDES General Permit TXG830000.

Treatment technologies which are currently available and applicable to treat wastewater generated from this industrial activity include (but are not limited to): oil/water separation, activated carbon adsorption, and biological wastewater treatment. Numeric effluent limitations for parameters were established according to 30 TAC Chapter 319, *General Regulations Incorporated Into Permits*, and are consistent with the effluent limitations in the current TPDES general permit.

**XI. Water Quality-Based Requirements**

The Texas Surface Water Quality Standards (TSWQS) codified at 30 TAC Chapter 307 state that "surface waters will not be toxic to man, or to terrestrial or aquatic life." The methodology outlined in the *Procedures to Implement the TSWQS* is designed to insure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to insure that no source will be allowed to discharge any wastewater which: (1) results in instream aquatic toxicity; (2) causes a

**Fact Sheet and Executive Director's Preliminary Decision**  
**TPDES General Permit No. TXG830000**

violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

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. After review by the TCEQ Standards Implementation Team, it was determined that the proposed technology-based effluent limits are protective of water quality. Water quality based effluent limits for total lead, benzene, and methyl tertiary-butyl ether (MTBE) are continued from the existing permit.

The daily maximum and daily average effluent limit of 0.10 mg/L for total lead was developed based on the protection for acute freshwater aquatic life toxicity in situations where little or no dilution occurs, and will help ensure that chronic criteria will be protected. Human health criteria is protected by the lead limit, since rapid dilution is expected for any discharges into waterbodies that are large enough to constitute a public drinking water supply or a sustainable fishery.

The daily maximum and daily average effluent limit of 0.02 mg/L for total lead was developed for discharges into the Cypress, Sabine, and Neches river basins. The basis for this decision was that these water basins contain water that is soft in comparison to others in the State of Texas and the limit of 0.10 mg/L would not be protective of the environment.

For the protection of human health and to protect drinking water taste and odor the limitation for MTBE is 0.15 mg/L. An EPA fact sheet dated December 1997 (EPA-822-F-97-009) recommends that MTBE levels be below the range of 0.020-0.040 mg/L in order to protect consumer acceptance (taste and odor) of public drinking water sources. This range is about 20,000 to 100,000 times lower than the range of exposure levels in which cancer and noncancer effects were observed; therefore, protecting water sources from unpleasant taste and odor will also protect consumers from potential health effects. However, the fact sheet also notes that some individuals may still detect MTBE below 0.020 mg/L. Studies indicate that MTBE can cause detectable taste and odor in water at concentrations greater than 0.015 mg/L. Because of this, it is recommended that MTBE levels be no greater than 0.015 mg/L at drinking water intakes. Given the fact that drinking water supplies constitute large water bodies which provide rapid dilution for small and intermittent discharges such as those that are covered by this general permit, the effluent limitation for MTBE is 0.15 mg/L in the draft general permit.

Of the specific petroleum products of concern, the TSWQS contain a numeric limit for benzene to protect human health. The applicable instream criteria are 0.005 mg/L for public drinking water sources, and 0.513 mg/L for the protection of fish consumption. The general permit specifies an effluent limit of 0.005 mg/L for benzene. This effluent limit is expected to meet water quality standards, including standards for drinking water sources.

The BTEX effluent limit of 0.1 mg/L remains protective of all BTEX constituents except for benzene when: (1) typical dilutions are assumed near the point of discharge for lakes and estuaries; (2) discharges are not large; or (3) discharges are not continuous. The numeric effluent limit for benzene is less than the maximum contaminant level (MCL) for this pollutant, and is also equal to the human health water quality standard for public drinking water supplies.

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

The toxicity of BTEX is extremely variable and depends on the relative concentration of each constituent. Criteria which have been derived for individual BTEX constituents are as follows (table in mg/L):

<b>Chemical</b>	<b>Water and Fish</b>	<b>Fish Only</b>	<b>Freshwater Aquatic Life Chronic</b>	<b>Saltwater Aquatic Life Chronic</b>
Benzene	0.005 ††	0.513 †	0.530 #	0.510 #
Ethylbenzene	0.700 ††	7.143 †	1.090 §	0.249 §
Toluene	1.000 ††	20.026¶	1.450 §	0.475 §
Xylene	10.000 ††	No HH data	1.340 §	0.850 §

† 30 TAC § 307, Table 3.

§ Derived by TCEQ staff from available data, in accordance with procedures in the Texas Surface Water Quality Standards, 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 Texas Surface Water Quality Standards, 30 TAC § 307.6(d)(8).

†† Maximum Concentration Level (MCL).

In order to achieve compliance with Texas water quality standards, permittees shall meet the following narrative water quality requirements:

- A. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
- B. Concentration of taste and odor producing substances shall not 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 waters, or otherwise interfere with the reasonable use of the water in the state.

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 this general permit 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" list the aquatic life criterion for benzene as 5.3 mg/L which is less protective than the 0.005 mg/L limit in the draft permit. Toxicity data compiled by the Water Quality Assessment Team shows LC 50s for sensitive freshwater species as 9.5 mg/L for toluene, 21.8 mg/L for ethylbenzene, and 5.9 mg/L for xylenes. The LC 50s for marine species are 9.5 mg/L for toluene, 5.0 mg/L for ethylbenzene, and 7.4 mg/L for xylenes. Therefore, the limits in the draft permit of 0.005 mg/L for benzene, and 0.1 mg/L for BTEX

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

should preclude toxicity instream, so the 24-hour toxicity tests are not required by the general permit.

**XII. Monitoring**

Monitoring is required by 40 CFR § 122.44(i) for each pollutant limited in a permit to ensure compliance with the permit limits. The proposed general permit establishes the following criteria for monitoring.

- A. Samples must be collected and measurements taken at times and in a manner that is representative of the monitored discharge.
- B. All samples must be collected according to the latest edition of *Standard Methods for the Examination of Water and Wastewater* (published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation), the EPA's *Methods for Chemical Analysis of Water and Waste* (1979), or the EPA's *Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents* (1973).
- C. Sample containers, holding times, preservation methods, and the methods of analyses for effluent samples must meet the requirements in 40 CFR Part 136.
- D. The permittee shall ensure that properly trained and authorized personnel monitor and sample the discharge.
- E. The sampling point must be downstream of any treatment unit or treatment technique that is used to improve or otherwise alter the quality of the discharge.
- F. 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*.
- G. Analytical results for determining compliance with effluent limitations must be recorded on Discharge Monitoring Report (DMR) (EPA No. 3320-1), a duplicate form, or a self-generated form that is comparable. Effluent sampling must be conducted in accordance with the monitoring frequencies specified in this general permit and must be submitted on a monthly basis to the TCEQ Enforcement Division (MC 224) or by eDMR through the eReporting function of the TCEQ eServices webpage. The DMR for any given month is due by the 20th day of the following month and must be signed in accordance with the requirements in Part IV.8 of the general permit. If noncompliance with a discharge limitation occurs, the permittee shall provide notification according to Part III.B.9 of the general permit.

**XIII. Procedures for Final Decision**

The memorandum of agreement between the EPA and TCEQ provides that 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:

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

- A. the county judge of the county or counties in which the discharges under the general permit could be located;
- B. if applicable, state and federal agencies for which notice is required in 40 CFR § 124.10(c);
- C. persons on a relevant mailing list kept under 30 TAC § 39.407, relating to Mailing Lists; and
- D. 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 proposed permit.

Any person, agency, or association may make a request for a public meeting on the proposed 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 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.

- A. 40 CFR Citations
  - 40 CFR § 122
  - 40 CFR § 124
  - 40 CFR § 136
- B. TCEQ Rules
  - 30 TAC Chapters 39, 205, 281, 305, 307, 309, 319, 321, 331, and 335.
- C. Letters/Memoranda/Records of Communication
  - Interoffice Memorandum to the Industrial Permits Team from the Water Quality Standards Implementation Team dated June 14, 2012.
- D. TPDES General Permit TXG830000 for discharges from water contaminated by petroleum product issued September 12, 2008.

**Fact Sheet and Executive Director's Preliminary Decision  
TPDES General Permit No. TXG830000**

E. Miscellaneous

Texas Surface Water Quality Standards, 30 TAC Sections 307.1 - 307.10 (35 TexReg 6294, 7/22/10).

*Procedures to Implement the Texas Surface Water Quality Standards*, Texas Commission on Environmental Quality, January 2003.

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