Texas Commission on Environmental Quality

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

GENERAL PERMIT TO DISCHARGE WASTES

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

This permit supersedes and replaces
TPDES General Permit No. TXG830000, issued on September 12, 2008.

Waters contaminated by petroleum fuel or petroleum substances, located in the State of Texas, may be discharged

into or adjacent to water in the state, including exceptional, high, intermediate, limited or no significant aquatic life use receiving waters as designated in the Texas Surface Water Quality Standards,

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

This general permit and the authorization contained herein will expire at midnight on September 12, 2018.

EFFECTIVE DATE: September 12, 2013
ISSUED DATE: SEP 09 2013

Bryan W. Shaw

For the Commission

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Part I. Definitions

The following words and terms, for the purposes of this general permit, shall have the following meanings.

Aboveground storage tank system - An aboveground storage tank, all associated piping and ancillary equipment, spill and overfill prevention equipment, release detection equipment, corrosion protection system, secondary containment equipment, and all other related systems and equipment.

Daily average limitations - The arithmetic average of results of analyses for a parameter from a minimum of four samples of the discharges that occur in a single calendar month. When results of analyses of four samples are not available in a single calendar month, the arithmetic average of the most recent results, not to exceed four, shall be reported as the daily average concentration.

Daily maximum limitations -The maximum concentration measured on a single day within a single calendar month.

Discharge - Deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

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

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

Free product - Gasoline, diesel fuel, fuel oil, kerosene, jet fuel, or any other phase-separated petroleum substance.

Gasoline - Leaded or unleaded gasoline, all grades of aviation gasoline, and all grades of gasohol.

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

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

Groundwater pump test - Short term pumping of groundwater to determine physical characteristics of an aquifer.

Groundwater remediation - Treatment of contaminated groundwater to remove free product and to reduce or eliminate groundwater contamination.

Land application – The spraying or spreading of wastewater onto the land surface; the injection of wastewater below the land surface; or the incorporation of wastewater into the soil so that the wastewater can either condition the soil or fertilize crops of vegetation grown in the soil.

Motor fuel - A petroleum substance which is typically used to operate internal combustion engines (including stationary engines and engines used in transportation vehicles and marine vessels), and which is one of the following types of fuels: leaded or unleaded gasoline, aviation gasoline, No. 1 diesel fuel, No. 2 diesel fuel, and any grades of gasohol.

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

(i) Owned or operated by the United States, a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the Clean Water Act (CWA);

(ii) Designed or used for collecting or conveying storm water;

(iii) Which is not a combined sewer; and

(iv) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR § 122.2.

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 providing notice of the permittee's intent to discharge or dispose of waste 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 providing notice of the permittee's intent to cease the discharge or disposal of waste under the provision of a general permit.

Operator –The person responsible for the overall operation of a facility.

Owner – The person who owns a facility or part of a facility.

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

Petroleum fuel - Gasoline, diesel fuel, fuel oil, kerosene and jet fuel.

Petroleum substance - Crude oil or any refined or unrefined fraction or derivative of crude oil which is liquid at standard conditions of temperature and pressure. Petroleum substance is limited to one or a combination of the substances or mixtures in the following list (except for any substance regulated as a hazardous waste under 30 TAC § 335.1, *Definitions*).

Basic petroleum substances - Crude oils, crude oil fractions, petroleum feedstocks, and petroleum fractions.

Motor fuels - See definition for "motor fuel" in this section.

Aviation gasoline - Grade 80, Grade 100, and Grade 100-LL.

Aviation jet fuels - Jet A, Jet A-1, Jet B, JP-4, JP-5, and JP-8.

Distillate fuel oils - No. 1-D, No. 1, No. 2-D, and No. 2.

Residual fuel oils - No. 4-D, No. 4-light, No. 4, No. 5-light, No. 5-heavy, and No. 6.

Gas-turbine fuel oils - Grade 0-GT, Grade 1-GT, Grade 2-GT, Grade 3-GT, and Grade 4-GT.

Illuminating oils - Kerosene, mineral seal oil, long-time burning oils, 300 oil, and mineral colza oil.

Solvents -Stoddard solvent, petroleum spirits, mineral spirits, petroleum ether, varnish makers' and painters' naphtha, petroleum extender oils, and commercial hexane.

Lubricants - Automotive and industrial lubricants.

Building materials - Liquid asphalt and dust-laying oils.

Insulating and waterproofing materials - Transformer oils and cable oils.

Used oils - See definition for "used oil" in this section.

Any other petroleum-based material that has physical and chemical properties similar to the above materials and receiving approval by the executive director for designation as a petroleum substance.

Examples of materials which are not petroleum substances include: aldehydes and ketones (e.g., acetone, methyl ethyl ketone); halogenated solvents (e.g., carbon tetrachloride, trichloroethylene), alcohols (e.g., methanol), phenols, nitrogen-containing compounds and oils containing polychlorinated biphenyl compounds.

Pipeline vault - Any structure utilized to house pipelines for access to those pipelines.

Site - The physical area where any system or activity authorized by this general permit is located. Site may include any adjacent land used in connection with the system or activity.

Soil remediation - Treatment of contaminated soil to remove free product and to reduce or eliminate soil contamination.

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 surface 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 the Clean Water Act §§ 307, 402, 318, and 405, the Texas Water Code, and the Texas Administrative Code regulations.

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

Underground storage tank system - An underground storage tank, all associated piping and ancillary equipment, spill and overfill prevention equipment, release detection equipment, corrosion protection system, secondary containment equipment, and all other related systems and equipment.

Used oil - Any oil or similar petroleum substance that has been refined from crude oil, used for its designed or intended purposes, and contaminated by physical or chemical impurities; including spent motor vehicle and aircraft lubricating oils (e.g. car and truck engine oil, transmission fluid, and brake fluid), spent industrial oils (e.g., compressor, turbine, bearing, hydraulic, metalworking, gear, electrical, and refrigerator oils), and spent industrial process oils.

Utility vault -Any manhole, conduit, or other structure utilized to house utility equipment.

Water in the State - Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the State or inside the jurisdiction of the State.

Part II. Permit Applicability and Coverage

Section A. Discharges Covered

This general permit regulates the surface discharge of water contaminated by petroleum fuel or petroleum substances resulting from:

1. Groundwater pump tests;

2. Groundwater, surface water, and soil remediation activities;

3. Cleanup activities following spills that occur during transportation of petroleum fuel or petroleum substances;

4. Removal of water from underground and aboveground storage tank systems previously containing petroleum fuel or petroleum substances;

5. Removal of accumulated groundwater from excavation sites; and

6. Removal of accumulated water from utility and pipeline vaults.

Section B. Limitations on Coverage

1. Separate authorization may be required for discharges into or adjacent to water in the state, located within ten stream miles upstream of the Edwards Aquifer recharge zone, as defined in 30 TAC Chapter 213, *Edwards Aquifer*.

2. Discharges shall not be authorized by this general permit where prohibited by:

   a. 30 TAC Chapter 311, *Watershed Protection*;
   b. 30 TAC Chapter 213, *Edwards Aquifer*; or
   c. Any other applicable rules or laws.

3. This general permit does not authorize discharges into or adjacent to water in the state from activities that are regulated by the Railroad Commission of Texas, including crude oil facilities.

4. The executive director will deny an application for authorization under this general permit, and may require that the applicant apply for an individual permit, if the executive director determines that the discharge will not maintain existing uses of receiving waters. Additionally, the executive director may cancel, revoke, or suspend authorization to discharge under this general permit based on a finding of historical and significant noncompliance with the provisions of this general permit. The executive director shall deny or suspend a facility's authorization to discharge under this general permit based on a rating of "unsatisfactory performer" according to commission rules in 30 TAC § 60.3, *Use of Compliance History*. Denial of authorization to discharge under this general permit will be done according to commission rules in 30 TAC Chapter 205, *General Permits for Waste Discharges*.

5. This general permit does not limit the authority of a home-rule municipality provided by § 551.002 of the Texas Local Government Code.

6. 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, *Consolidated Permits*, and applicable state law. Impaired waters are those that do not meet applicable water quality standard(s) and are listed on the CWA § 303(d) list. Constituents of concern are those for which the water body is listed as impaired.

7. Discharges of the constituent(s) to impaired water bodies when there is a TCEQ approved Total Maximum Daily Load (TMDL) Implementation Plan are not

eligible for this permit unless they are consistent with the approved TMDL and the TMDL 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 shall apply for and receive an individual or other applicable general permit prior to discharging.

8. 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 that protection of endangered or threatened species is achieved.

Section C. Application for Coverage

1. Unless specifically exempted from the notice requirements under Part II, Section C.5, facilities that seek to discharge under authority of this general permit shall submit a completed Notice of Intent (NOI) on a form approved by the executive director. The NOI 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, type of facility or discharges, and the name of the receiving water(s). Existing discharges authorized under the previous general permit issued September 12, 2008 are required to submit a new NOI within 90 days of the effective date of this general permit to continue authorization to discharge wastewater authorized under this general permit.

2. Submission of 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 this general permit. If the discharge is not 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. The NOI shall be submitted to the address indicated on the NOI form. If TCEQ provides for electronic submittal of NOIs during the term of this general permit, provisional authorization begins 24 hours following receipt of the electronic NOI form by the TCEQ unless restricted by Part II, Section C.4. Following review of the NOI, the executive director will:

   a. determine that the NOI is complete and confirm coverage by providing a written notification and an authorization number;

   b. determine that the NOI is incomplete and request additional information needed to complete the NOI; or

   c. deny coverage in writing. Denial of coverage will be made in accordance with 30 TAC § 205.4, *Applications and Notices of Intent*.

3. Applicants seeking authorization to discharge to a municipal separate storm sewer system (MS4) shall provide a copy of the NOI or electronic equivalent to the operator of the system at the same time a NOI is submitted to the TCEQ.

4. For activities located in areas regulated by 30 TAC Chapter 213, *Edwards Aquifer*, this authorization to discharge is separate from the requirements of the applicant's responsibilities under that rule. Discharge may not commence for sites regulated under 30 TAC Chapter 213 until all applicable requirements of the Edwards rules are met, including a TCEQ approved Edwards Aquifer protection plan, if applicable. For discharges located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants shall also submit a copy of the NOI to the appropriate TCEQ regional offices shown below. The applicant may not discharge until authorization is received from the regional office.

Counties:	Contact:
Comal, Bexar, Medina, and Kinney	TCEQ Water Program Manager San Antonio Regional Office 14250 Judson Rd. San Antonio, Texas 78233-4480 (210) 490-3096
Counties:	Contact:
Williamson, Travis, and Hays	TCEQ Water Program Manager Austin Regional Office P.O. Box 13087 Austin, Texas 78711-3087 (512) 339-2929

5. A NOI is not required if:

   a. The discharge is from a utility vault and the discharge is in compliance with the requirements and provisions of Part III, Section C; or

   b. All free product is removed and disposed of following 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, *Underground Injection Control*, or other approved disposal method.

   c. The petroleum fuel or petroleum substance contaminated water is land applied at the site with no runoff to water in the state where:

      (1) The volume to be land applied is 1,000 gallons or less during any quarter, and discharge limitations in Part III, Section A 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

(2) 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

(3) The owner or operator maintains records to demonstrate compliance with the requirements of Part II, Section C.5.

6. Authorization under this general permit is not transferable. If the owner or operator of the regulated entity changes, the present owner and operator shall submit a Notice of Termination (NOT) and the new owner and operator shall submit a NOI. The NOT and NOI shall be submitted not later than 10 days prior to the change in owner or operator status. Any change in a permittee's charter number issued by the Texas Secretary of State, is considered a change in ownership of the company and would require the new owner and operator to apply for permit coverage as stated above. If the NOT and NOI are submitted as required under this provision, there will be no lapse in authorization for this facility. Permittees discharging to an MS4 shall submit a copy of the NOT to the operator of the system at the time the NOT is submitted to the TCEQ.

7. 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 an MS4 shall submit a copy of the NOC to the operator of the system at the same time the NOC is submitted to the TCEQ.

Section D. Termination of Coverage

A permittee shall terminate coverage under this general permit through the submittal of a NOT, on a form approved by the executive director, when the owner or operator of the facility changes, the discharge becomes authorized under an individual permit, the use of the property changes and is no longer subject to regulation under this general permit, or the discharge becomes unnecessary, is delayed, or is completed. Authorization to discharge terminates at midnight on the day that a NOT is postmarked for delivery to the TCEQ. If electronic submission of the NOT is provided, authorization to discharge under this permit terminates immediately following confirmation of the receipt of the NOT by the TCEQ. Compliance with the conditions and requirements of this permit are required until a NOT is submitted. Permittees discharging to an MS4 shall submit a copy of the NOT to the operator of the system at the same time the NOT is submitted to the TCEQ.

Section E. Authorization Under a TPDES Individual Permit

1. Discharges eligible for authorization by this general permit may alternatively be authorized by an individual permit according to 30 TAC Chapter 305, *Consolidated Permits*.

2. When an individual permit is issued for a discharge, that is currently authorized under this general permit, the permittee shall submit a NOT to the executive director.

3. Discharges from facilities currently authorized by an individual permit or another general permit, may only be authorized under this TPDES general permit if the following conditions are met:

   a. the discharges meet the applicability and eligibility requirements for coverage under this general permit;

   b. the current individual permit does not contain numeric water quality-based effluent limitations for the discharge that are more stringent than the numeric effluent limitations in this general permit or the current individual permit does not contain numeric effluent limitations that are not included in the general permit unless the discharges that resulted in the limitations have ceased and any contamination that resulted in these limitations is removed or remediated;

   c. the executive director has not determined that continued coverage under an individual permit is required based on consideration of a TMDL, TMDL Implementation Plan, anti-backsliding requirements, history of substantive non-compliance, or other site-specific considerations;

   d. a previous application or permit for the discharge was not denied, terminated, or revoked by the executive director as a result of enforcement or water quality related concerns. The executive director may provide a waiver to this provision based on new circumstances at the facility, or if there is a new facility owner or operator; and

   e. the applicant requests cancellation of the existing TPDES individual permit within 30 days after notice that authorization under this general permit is effective.

4. Discharges from new outfalls at facilities authorized under a TPDES individual permit, or under a different TPDES general permit, may be authorized under this general permit if the following conditions are met:

   a. the proposed discharges meet the applicability and eligibility requirements for coverage under this general permit;

   b. the current individual permit does not contain numeric water quality-based effluent limitations that are more stringent than the numeric effluent limitations in this general permit or the current individual permit does not contain numeric effluent limitations that are not included in the general permit unless the discharges that resulted in the limitations have ceased and any contamination that resulted in these limitations is removed or remediated;

   c. the executive director has not determined that coverage under an individual permit is required based on consideration of a TMDL, TMDL

Implementation Plan, history of substantive non-compliance, or other site-specific considerations; and

d. a previous application or permit for the proposed discharge has not been denied, terminated, or revoked by the executive director as a result of enforcement or water quality related concerns. The executive director may provide a waiver to this provision based on new circumstances at the facility, or if there is a new facility owner or operator.

Section F. Permit Expiration

1. This general permit is effective for five years from the effective date. Authorizations for discharge under the provisions of this general permit may be issued until the expiration date of the general permit. This general permit may be amended, revoked, or cancelled by the commission after notice and comment as provided by 30 TAC §§ 205.3, *Public Notice, Public Meetings, and Public Comment* and 205.5, *Permit Duration, Amendment, and Renewal.*

2. If the executive director proposes to reissue this general permit before the expiration date, the general permit shall remain in effect after the expiration date for those existing discharges covered by the general permit in accordance with 30 TAC Chapter 205. The general permit will remain in effect for these dischargers until the date on which the commission takes final action on the proposal to reissue this general permit. No new NOIs will be accepted and new authorizations will be issued under this general permit after the expiration date of the general permit or after the effective date of an amended and re-issued general permit.

3. Upon issuance of a renewed or amended general permit, all facilities, including those covered under the expired general permit, will be required to submit a NOI according to the requirements of the new general permit or obtain coverage under an individual permit for those discharges.

4. According to 30 TAC § 205.5(d), *Permit Duration, Amendment, and Renewal*, if the commission does not propose to reissue this general permit at least 90 days before the expiration date, permittees authorized under this general permit shall submit an application for an individual or alternative general permit before the expiration date. If the application for an individual or alternative general permit is submitted before the general permit expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual or alternative general permit.

Part III. Permit Requirements

Section A. Effluent Limitations

1. Unless specifically exempted from the NOI, under Part II, Section C.5, 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)

* 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 Wastewater Permits Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. 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 per 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. 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 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 Wastewater Permits Team (MC-148) and shall include the sworn statement listed in Part III, Section A.3. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per month.

(9) MTBE is methyl tertiary-butyl ether.

2. The discharge of wastewater shall cease within 24 hours after the permittee learns that any listed individual polynuclear aromatic hydrocarbon (PAH) has been detected at a concentration of 0.01 mg/L or greater. Following the guidelines of Part III, Section B.9, a written report shall be submitted to the TCEQ's Enforcement Division (MC-224), to the appropriate regional office, and the TCEQ's Industrial Wastewater Permits Team (MC-148) within five working days. The discharge may not be resumed without written authorization from the TCEQ's Industrial Wastewater Permits Team.

   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.

3. A request to the TCEQ's Industrial Wastewater Permits Team (MC-148) to reduce monitoring frequencies for total petroleum hydrocarbons, total lead, benzene, total BTEX, PAH, or MTBE shall include the following certification statement and be signed by the owner and operator of the regulated activity:

I certify that the effluent limits have not been exceeded for at least six consecutive months for the parameters that I am requesting to monitor for at a reduced frequency. This document, and all attachments, were prepared under my direction or supervision according to a system designed to assure that qualified people properly gather and evaluate the information submitted. Based on my review of the documents, an inquiry of the person or persons who manage the system, or an inquiry of the people directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Section B. General Requirements

1. There shall be no discharge of floating solids or visible oil. The discharge shall not exhibit foaming of a persistent nature as required by 30 TAC § 307.4(b)(6), *Aesthetic Parameters.*

2. The discharge shall be to a splash pad, paved area, or other alternative surface to prevent erosion. The rate of discharge shall be controlled through best management practices to prevent flooding and erosion.

3. Mixing zones shall not encompass an intake for a domestic drinking water supply, and the discharge may never be located within 300 feet of the intake for a domestic drinking water supply.

4. The discharge shall be a minimum distance of 500 feet from any water well. Discharges shall be conducted so there is no danger of pollution to private or public water wells.

5. The discharge shall not contain a concentration of taste or an odor-producing substance that interferes with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish, including shellfish, result in offensive odors arising from the receiving waters, or otherwise interfere with reasonable uses of water in the state.

6. Unless specifically exempted from the NOI under Part II, Section C.5, the permittees shall notify the appropriate regional office at least 48 hours before initiating the discharge.

7. Operators of facilities that generate industrial solid wastes, as defined in 30 TAC § 335.1, shall comply with the provisions of 30 TAC Chapter 335, *Industrial Solid Waste and Municipal Hazardous Waste.* If the requirements of 30 TAC Chapter 335 do not apply, the solid wastes shall be disposed of in accordance with the Texas Health and Safety Code Chapter 361, *Solid Waste Disposal.*

8. The disposal of waste and wastewater shall be done in such a manner as to prevent nuisance conditions.

9. The permittee shall provide the following noncompliance notifications:

   a. According to 30 TAC § 305.125(9), *Standard Permit Conditions*, any noncompliance that may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. The information shall be provided orally or by facsimile transmission (FAX) to the appropriate TCEQ regional office within 24 hours of the permittee becoming aware of the noncompliance. A written report shall also be provided by the permittee to the appropriate regional office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain:

      (1) a description of the noncompliance and its cause;

(2) the potential danger to human health or safety, or the environment;

(3) the period of noncompliance, including exact dates and times;

(4) if the noncompliance has not been corrected, the anticipated time it is expected to continue: and

(5) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance and to mitigate its adverse effects.

b. In addition, any effluent violation 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 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, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved DMR form.

10. Air emissions for any regulated entity shall comply with either 30 TAC § 106.533, *Water and Soil Remediation* or 30 TAC Chapter 116, *Control of Air Pollution by Permits for New Construction or Modification*, as appropriate.

Section C. Discharges from Utility and Pipeline Vaults

Discharges from telephone, electric, gas, cable, pipeline vaults, or other telecommunication utility vaults, shall comply with the following requirements:

1. Except for utility vaults designed to automatically discharge accumulated water, through the use of submersible pumps or by gravity flow design, the utility shall test for hydrocarbon vapors using a standard explosimeter test. If the utility does not detect the presence of hydrocarbons, the following requirements of this Part III, Section C.1 are not required. If the utility detects the presence of hydrocarbon vapors, as indicated by the test, the utility shall air purge the vault. Following this initial air purging, but before discharging the contents of the vault, the utility shall again perform a standard explosimeter test. If the second test does not reveal hydrocarbon vapors, the following requirements of this Part III, Section C.1 are not required. If both tests reveal hydrocarbon vapors, the utility shall take a sample of the water and have a laboratory analysis performed to determine the concentrations of benzene and BTEX. If analyses indicate that the concentration of benzene is less than 0.005 mg/L, and that the concentration of BTEX is less than 0.10 mg/L, the following requirements of this Part III, Section C.1. are not required. If the concentration of benzene is greater than 0.005 mg/L, or the concentration of BTEX is greater than 0.10 mg/L, the utility shall: submit a NOI for authorization to discharge under this general permit; land apply the water under the conditions of Part II.C.5(c); apply for an individual permit; or dispose of the water through an existing TPDES permitted wastewater treatment system.

Utility vaults that are designed to automatically discharge accumulated water, through the use of submersible pumps or by gravity flow design, shall be examined for evidence of petroleum contamination on a schedule consistent with other routine utility inspections. The utility shall test for hydrocarbon vapors using a standard explosimeter test. If the utility detects the presence of hydrocarbon vapors, as indicated by the test, a sample of the discharge shall be collected and a laboratory analysis performed to determine the concentration of benzene and BTEX. If an analysis indicates that the concentration of benzene is greater than 0.005 mg/L, or the concentration of BTEX is greater than 0.10 mg/L, the utility shall: submit a NOI for authorization to discharge under this general permit; land apply the water under the conditions of Part II.C.5.c; apply for an individual permit; or dispose of the water through an existing TPDES permitted wastewater treatment system.

2. Discharges from electric utility vaults that contain oil-filled equipment (including transformers) shall meet the following additional requirements:

   a. All oil-filled electrical equipment shall be examined to determine if the equipment is leaking. If the equipment is submerged and cannot be examined, the water shall be visually examined for evidence of contamination. If there is no evidence of contamination from leaking equipment, there are no additional requirements before discharge.

   b. If contamination from oil-filled equipment exists, the equipment shall be examined to determine if the equipment is considered "non-PCB" according to Title 40 CFR Part 761. If the equipment is "non-PCB," the following requirements of this Part III, Section C.2 are not required.

   c. If contamination is from oil-filled equipment that is considered "PCB contaminated," according to Title 40 CFR Part 761, the water shall either be collected and disposed of according to state law or the water shall be sampled, analyzed, and not exceed the concentration of 0.002 mg/L for PCB. The utility shall keep records of laboratory analyses at the utility's office nearest the discharge. The utility shall maintain the records for a minimum of three years, and the records shall be made readily available to TCEQ personnel upon request.

3. The discharge shall not contain free product.

4. The discharge shall not cause nuisance conditions.

5. Solid wastes shall be disposed of following the requirements of the Texas Health and Safety Code Chapter 361.

6. The utility shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. The utility shall immediately cease discharging whenever it is discovered the discharge may endanger human health or safety, or the environment. The problem shall be reported following the requirements in Part III, Section B.9.

7. For emergency repairs to utility equipment contained in utility vaults, where a discharge of petroleum contaminated water is necessary in order to protect that equipment or to facilitate repairs, the utility may discharge as necessary and not follow the requirements of Part III, Section B.1-7. Under these circumstances, the utility shall notify the appropriate TCEQ regional office by telephone as soon as possible.

8. Discharges from pipeline vaults do not include discharges of water contaminated by petroleum product from the cleaning, repair, or testing of a pipeline.

Part IV. Standard Permit Conditions

1. The permittee has a duty to comply with all conditions in this general permit. Failure to comply with any condition is a violation of the general permit and the statutes under which the general permit was issued. Any violation may be grounds for enforcement action, for terminating coverage under this general permit, or for requiring a permittee to apply for and obtain an individual permit.

2. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted discharge to maintain compliance with conditions of the general permit.

3. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with conditions of the general permit. Proper operation and maintenance also includes adequate laboratory and process controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with conditions of the general permit.

4. The permittee shall submit, upon request of the executive director, any information that is necessary for the executive director to determine whether cause exists for revoking, suspending, or terminating authorization under this general permit. Additionally, the permittee shall submit, upon request of the executive director, copies of all records that the permittee is required to maintain as a condition of this general permit. The requested information or records shall be provided within a reasonable time and in no case later than 30 days from the date of the request.

5. The permittee shall give notice to the executive director before physical alterations or additions to the permitted facility if such alterations would result in a violation of the general permit requirements.

6. Inspection and entry shall be allowed under TWC Chapters 26, Texas Health and Safety Code §§ 361.032-361.033 and 361.037; and Title 40 CFR § 122.41(I). The statement in TWC § 26.014 that commission entry of a regulated entity will occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection are not grounds for denial or restriction of entry to any part of the regulated entity, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.

7. Standard monitoring and reporting requirements are as follows:

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

   b. all samples shall be collected according to the latest edition of *Standard Methods for the Examination of Water and Wastewater* (published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation), or the Environmental Protection Agency's (EPA), *Methods for Chemical Analysis of Water and Wastes* (1979), or the EPA's, *Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents* (1973);

   c. sample containers, holding times, preservation methods, and analytical methods, shall follow 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 shall be downstream of any treatment unit or technique;

   f. Analytical results for determining compliance with effluent limitations shall be recorded on a Discharge Monitoring Report (DMR) (EPA No. 3320-1), a TCEQ-approved self-generated form, or a copy of record, if using the eReporting function of the TCEQ eServices webpage. Effluent sampling shall be conducted in accordance with the monitoring frequencies specified in this general permit and shall be submitted on a monthly or annual basis, depending on the required sampling frequency, to the TCEQ Enforcement Division (MC 224) or by eDMR through the eReporting function of the TCEQ eServices webpage. The DMR for any given month shall be due by the 20th day of the following month and shall 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; and

   g. the permittee shall retain all records required by this permit, including monitoring records and records related to the application or any certification requirements for a period of three years from the date of record. The records shall be retained at the facility or be readily available for review by the TCEQ personnel upon request. This period may be extended at the request of the executive director.

   h. the records of monitoring activities shall include:

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

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

(3) date of laboratory analysis;

(4) identity of the individual and laboratory that performed the analysis;

(5) the technique or method of analysis; and

(6) the results of the analysis or measurement.

i. All laboratory tests submitted to demonstrate compliance with this permit shall meet the requirements of 30 TAC Chapter 25, *Environmental Testing Laboratory Accreditation and Certification*.

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

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

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

11. If the permittee becomes aware that it failed to submit any relevant facts in a NOI, or submitted incorrect information in a NOI or in any report to the executive director, it shall promptly submit such facts or information.

12. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC Chapter 7 for violations including, but not limited to, the following:

a. violating CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a general permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8);

b. intentionally or knowingly tampering with, modifying, disabling, or failing to use pollution control or monitoring devices, systems, methods, or practices required under this permit; and

c. intentionally or knowingly makes or causes to be made a false material statement, representation, or certification in, or omits or causes to be omitted material information from, an application, notice, record, report, plan, or other document, including monitoring device data, filed or required to be maintained by this permit.

Part V. Fees

1. Application Fee – A NOI shall include a $100 application fee. A fee is not required for submission of a NOT or NOC.

2. Annual Water Quality Fee – Facilities having an active authorization on September 1 of each year (have not submitted a NOT prior to this date) will be billed $500 for the following fiscal year.