TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

GENERAL PERMIT NO. TXG110000

This is a renewal and amendment of TPDES General Permit No. TXG110000 issued November 7, 2006.

GENERAL PERMIT TO DISCHARGE WASTES

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

Facility wastewater and storm water associated with industrial activities may be discharged from ready-mixed concrete plants, concrete products plants, and their associated facilities (SIC 3271, 3272, and 3273) located in the state of Texas,

into or adjacent to water in the state, including receiving waters with exceptional, high, intermediate, limited, or no significant aquatic life use 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 November 7, 2016.

EFFECTIVE DATE: November 7, 2011
ISSUED DATE:

For the Commission

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General Permit Number TXG110000

Relating To Discharges of Facility Wastewater and Storm Water Associated with Industrial Activity from Ready-Mixed Concrete Plants, Concrete Products Plants, and Their Associated Facilities

Part I. Definitions

Associated facilities - Facilities, associated with ready-mixed concrete plants or concrete product plant and establishments where maintenance and washing of ready-mix vehicles (both interior and exterior) or equipment occurs, including temporary concrete batch plants.

Best management practices (BMPs) - Schedule of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to water in the state. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, drainage from raw material storage, or the abatement of nuisance odors and conditions. BMPs are those measures that are reasonable and necessary to achieve a performance standard that protects and maintains air and water quality standards as well as existing and potential uses of groundwater.

Concrete products plants - Facilities primarily engaged in manufacturing concrete products as classified by SIC Code 3272 and facilities primarily engaged in manufacturing concrete building blocks and bricks from a combination of cement and aggregate as classified by SIC Code 3271.

Daily maximum limitations - The maximum concentration, by grab sample, measured on a single day within a single calendar month.

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

Domestic sewage - Waterborne human or animal waste and waste from domestic activities, such as washing, bathing and food preparation.

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).

Facility - Any NPDES "point source" (as defined in 40 CFR §122.2) or any other facility or activity that is subject to regulation under the Texas Pollutant Discharge Elimination System (TPDES) program.

Facility wastewater - For the purpose of this general permit, any wastewater that is generated at ready-mixed concrete plants, concrete products plants, or associated facilities authorized by this permit, but not including domestic sewage.

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.

Inactive industrial facilities - A facility where all industrial activities are suspended and no industrial materials or activities are exposed to storm water.

Monthly average - 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, must be reported as the daily average concentration.

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 CWA §208;

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 executive director or any changes with respect to the nature or operations of the facility 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 provisions 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.

Ready-mixed concrete plants - Facilities, including temporary concrete batch plants, primarily engaged in mixing and delivering ready-mixed concrete as classified by SIC Code 3273.

Storm water discharge associated with industrial activities - The discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term includes but is not limited to, storm water discharges from storage areas for raw materials, and intermediate and final products and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas.

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 Texas Administrative Code regulations.

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

Part II. Permit Applicability and Coverage

Section A. Discharges Covered

The purpose of this general permit is to regulate the discharge of facility wastewater and storm water associated with industrial activities from ready-mixed concrete plants, concrete products plants, and their associated facilities (SIC 3271, 3272, and 3273). This general permit does not authorize the discharge of domestic sewage.

Ready-mixed concrete plants are facilities, including temporary concrete batch plants, primarily engaged in mixing and delivering ready-mixed concrete as classified by SIC Code 3273.

Concrete products plants are facilities primarily engaged in manufacturing concrete products as classified by SIC Code 3272, and facilities primarily engaged in manufacturing concrete building blocks and bricks from a combination of cement and aggregate as classified by SIC Code 3271.

Associated facilities are facilities associated with ready-mixed concrete plants or concrete products plants and establishments where maintenance and washing of ready-mix vehicles (both interior and exterior) or equipment occurs, including temporary concrete batch plants.

Section B. Limitations on Coverage

1. Separate authorization may be required for discharges into or adjacent to water in the state located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, as defined in 30 Texas Administrative Code (TAC) Chapter 213, *Edwards Aquifer*.
2. Discharges are not eligible for authorization by this general permit where prohibited by:
    a. 30 TAC Chapter 311, *Watershed Protection*;
    b. 30 TAC Chapter 213, *Edwards Aquifer*; or
    c. Any other applicable rules or laws.
3. Discharges of a constituent(s) of concern to impaired water bodies when there is a TCEQ approved TMDL implementation plan are not eligible for this general 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 general permit, the permittee shall apply for an individual permit or other applicable general permit authorization prior to discharging.
4. The executive director may deny an application for authorization under this general permit, and may require that the applicant apply for an individual permit or alternative general permit if the executive director determines that the discharge:

a. will not meet water quality standards;

b. will fail to protect and maintain existing designated uses;

c. will cause a violation of water quality standards; or

d. will cause or contribute to a water quality violation.

5. New sources or new discharges of a 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 standards and are listed on the Clean Water Act (CWA) §303(d) list. Constituents of concern are those causing a water body to be listed as impaired.

6. 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 permit based on a rating of "poor performer" according to commission rules in 30 TAC §60.3, *Use of Compliance History*. Denial of authorization to discharge under this general permit or suspension of a permittee's authorization under this general permit must be done according to commission rules in 30 TAC Chapter 205, *General Permits for Waste Discharges*.

7. 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. Facilities that seek to discharge or dispose of waste under authority of this general permit shall submit a completed Notice of Intent (NOI) on a form approved by the executive director. The NOI must include, at a minimum, the legal name and address of the owner and operator, the facility name and address, specific description of the location, the type of facility or discharges and the receiving water(s). Permittees authorized under the previous general permit issued November 7, 2006 are required to submit a new NOI within 90 days of the effective date of this general permit to continue the authorization to discharge or dispose of wastewater authorized under this general permit.

2. Submission of an NOI is an acknowledgment that the conditions of this general permit are applicable to the proposed discharge, and that the applicant agrees to comply with the conditions of this general permit. Provisional authorization begins 48 hours after a completed NOI is postmarked for delivery to the TCEQ. If

the TCEQ provides for electronic submission of NOIs during the term of this permit, authorization begins 24 hours following confirmation of receipt of the electronic NOI form by the TCEQ. Following review of the NOI, the executive director will:

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

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

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

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

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

Counties:	Comal, Bexar, Medina, and Kinney
Contact:	TCEQ Water Program Manager San Antonio Regional Office 14250 Judson Rd. San Antonio, Texas 78233-4480 (210) 490-3096
Counties:	Williamson, Travis, Hays
Contact:	TCEQ Water Program Manager Austin Regional Office 2800 S IH 35, Suite 100 Austin, Texas 78704-5712 (512) 339-2929

5. Authorization under this general permit is not transferable. If the owner or operator of the regulated entity changes, the present owner or operator shall submit a Notice of Termination (NOT) and the new owner or operator shall submit an NOI. The NOT and NOI must be submitted not later than 10 days prior to the change. 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 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 same time the NOT is submitted to the TCEQ.

6. If the owner or operator becomes aware that it failed to submit any relevant facts or submitted incorrect information in an NOI, the correct information 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 post office box number, an NOC must 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 terminates on the day that an NOT is postmarked for delivery to the TCEQ. If electronic submission of the NOT is provided, authorization to discharge under this permit terminates immediately following confirmation of the receipt of the NOT by the TCEQ. Compliance with the conditions and requirements of this permit are required until an NOT is submitted. Permittees discharging to an MS4 shall submit a copy of the NOT to the operator of the system at the same time the NOT is submitted to the TCEQ.

Section E. Authorization Under an Individual Permit

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

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

3. Discharges from facilities currently authorized by an individual permit and discharges from facilities currently authorized under another general permit may only be authorized under this 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 that are more stringent than the numeric effluent limitation in this general permit or the current individual permit does not contain numeric effluent limitations that are not included in the general permit unless the discharges that resulted in the limitations have ceased and any contamination that resulted in those 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, a 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 because 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 individual permit within 30 days after notice that authorization under this general permit is effective.

4. Discharges from new outfalls at ready-mixed concrete plants, concrete products plants, and their associated facilities authorized under an individual permit, or under a separate general permit, may be authorized under this general permit if the following conditions are met:

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

b. The current individual permit does not contain numeric water-quality based effluent limitations that are more stringent than the numeric effluent limitation in this general permit or the current individual permit does not contain numeric effluent limitations that are not included in the general permit unless the discharges that resulted in the limitations have ceased and any contamination that resulted in those 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, a history of substantive non-compliance, or other site-specific considerations; and

d. A previous application or permit for the proposed discharge was not denied, terminated, or revoked by the executive director because 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, canceled or renewed 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 commission proposes to reissue this general permit before the expiration date, the general permit will 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 permittees until the date the commission takes final action on the proposal to reissue this general permit. No new NOIs will be processed by the executive director and no 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 facility operators, including those covered under the expired general permit, are required to submit an NOI according to the requirements of the new general permit or obtain an individual permit for those discharges.
4. If the commission does not propose to reissue this general permit at least 90 days before the expiration date, permittees shall apply for authorization under an individual permit or an alternative general permit if available. If the application for an individual permit is submitted before the expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit.

Part III. Permit Requirements

Section A. Facility Wastewater and Facility Wastewater Commingled with Storm Water Discharge Associated with Industrial Activities

Samples must be collected at a clearly defined accessible point following the final treatment unit and prior to discharge into receiving waters.

1. Numeric Effluent Limitations

Table 1. Conventional Pollutant Numeric Effluent Limitations and Monitoring Frequencies

Parameter	Daily Maximum	Sample Type	Monitoring Frequency
Flow	Report MGD	Estimate	1/month*
Oil and Grease	15 mg/L	Grab	1/month*
Total Suspended Solids	65 mg/L	Grab	1/month*
pH	6.0 - 9.0 SU	Grab	1/month*
*If there is a discharge from the facility within a calendar month a minimum of one sample of the discharge must be taken.			

Table 2. Hazardous Metals Numeric Effluent Limitations and Monitoring Frequencies

Parameter	Monthly Average	Daily Maximum	Sample Type	Monitoring Frequency
Arsenic, Total	0.1 mg/L	0.3 mg/L	Grab	1/year*
Barium, Total	1.0 mg/L	4.0 mg/L	Grab	1/year*
Cadmium, Total (inland waters)	0.05 mg/L	0.2 mg/L	Grab	1/year*
Cadmium, Total (tidal waters)	0.1 mg/L	0.3 mg/L	Grab	1/year*
Chromium, Total	0.5 mg/L	5.0 mg/L	Grab	1/year*
Copper, Total	0.5 mg/L	2.0 mg/L	Grab	1/year*
Lead, Total	0.5 mg/L	1.5 mg/L	Grab	1/year*
Manganese, Total	1.0 mg/L	3.0 mg/L	Grab	1/year*
Mercury, Total	0.005 mg/L	0.01 mg/L	Grab	1/year*
Nickel, Total	1.0 mg/L	3.0 mg/L	Grab	1/year*
Selenium, Total (inland waters)	0.05 mg/L	0.2 mg/L	Grab	1/year*
Selenium, Total (tidal waters)	0.1 mg/L	0.3 mg/L	Grab	1/year*
Silver, Total	0.05 mg/L	0.2 mg/L	Grab	1/year*
Zinc, Total	1.0 mg/L	6.0 mg/L	Grab	1/year*
* If there is a discharge from the facility a minimum of one sample of the discharge must be taken.				

2. Whole Effluent Toxicity Testing for Discharges into Fresh Receiving Waters

There must be no acute toxicity as determined by requiring greater than 50% survival of the appropriate test organism in 100% effluent using a 24-hour acute toxicity test on discharges of facility wastewater and facility wastewater commingled with storm water associated with industrial activities. This section is not applicable to discharges consisting solely of storm water associated with industrial activities. Monitoring for whole effluent toxicity must be completed once per calendar year using a composite sample.

a. Scope and Methodology

i. The following test species must be used: *Daphnia pulex* (water flea) and *Pimephales promelas* (fathead minnow). Acute static nonrenewal 24-hour toxicity tests must be conducted using *Methods*

for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (EPA-821-R-02-012) or the latest update. A minimum of five replicates with eight organisms per replicate must be used in the control and in each effluent dilution of this test.

ii. The permittee shall test the effluent for lethality in accordance with the provision of this section. In addition to the use of an appropriate control (0% effluent), testing will determine if an effluent sample meets the requirement of greater than 50% survival of the appropriate test organisms in 100% effluent of a 24-hour period.

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

b. Required Toxicity Testing Conditions

i. Control and Dilution Water - Control and dilution water will normally consist of a standard, synthetic, moderately hard, reconstituted water of similar pH and alkalinity to the closest downstream perennial water.

ii. Control Survival - If more than 10% of the test organisms in any control die within 24 hours, that test, including the control and the 100% effluent, must be repeated with all results from both tests reported as required in Item 2.c, *Reporting*, of this section.

iii. Repeat Test - The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this general permit are not satisfied. A repeat test must be conducted within the required reporting period of any test determined to be invalid.

iv. Sample Collection and Preservation - Samples must be collected at a point following the last treatment unit and prior to entering receiving waters. One flow-weighted composite sample representative of normal operating flows (See 30 TAC 319.9(c)) must be collected from each outfall and a discrete test must be run on each composite sample. Samples must be chilled to 0-6 degrees Centigrade during collection, shipping, and storage. The toxicity tests must be initiated within 36 hours after collection of the sample. The composite sample must be collected in a manner that makes the sample representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance discharged on an intermittent basis.

v. If the outfall ceases discharging during the collection of the effluent composite sample, the requirements for the minimum number of effluent portions are waived However, the permittee shall collect a composite sample volume sufficient for completion of the required test. The abbreviated sample collection, duration, and methodology

must be documented in the full report required in Item 2.c, *Reporting* of this section.

c. Reporting

i. The permittee shall prepare a full report of the results of all tests conducted, regardless of whether the tests are valid, invalid, completed, or not completed. The report must be retained for a minimum of three years and must be made available upon request of the executive director.

ii. Enter the following codes on the DMR for the appropriate parameters for valid tests only:

(A) For the water flea, Parameter TIE3D, enter “0” if mean survival at 24 hours is greater than 50% in 100% effluent; if the mean survival at 24 hours is less than or equal to 50%, enter “1”.

(B) For the fathead minnow, Parameter TIE6C, enter “0” if mean survival at 24 hours is greater than 50% in 100% effluent; if the mean survival at 24 hours is less than or equal to 50%, enter “1”.

iii. Enter the following codes on the DMR for retests only:

(A) For retest number 1, Parameter 22415, enter “0” if the mean survival at 24-hours is greater than 50% in 100% effluent; if the mean survival is less than or equal to 50%, enter “1”.

(B) For retest number 2, Parameter 22416, enter “0” if the mean survival at 24-hours is greater than 50% in 100% effluent; if the mean survival is less than or equal to 50%, enter “1”.

d. Persistent Mortality

These requirements apply when a toxicity test demonstrates significant lethality, here defined as a mean mortality of 50% or greater to organisms exposed to the 100% effluent concentration after 24-hours.

i. The permittee shall conduct two additional tests (retests) for each species that demonstrates significant lethality. The two retests must be conducted once per week for two weeks. Five effluent dilution concentrations in addition to an appropriate control must be used in the retests. These additional effluent concentrations are 6%, 13%, 25%, 50%, and 100% effluent. The first retest must be conducted within 15 days of the laboratory determination of significant lethality. The retests must also be reported on the DMRs as specified in Item 2.c. (Reporting) of this section. The permittee shall prepare a full report of the results of all tests conducted, regardless of whether the tests are valid, invalid, completed, or not completed.

The report must be retained for a minimum of three years and must be made available upon request of the executive director.

ii. If one or both of the two retests specified in Item 2.d.i. (Persistent Mortality) of this section demonstrates significant lethality, the permittee shall submit the failing test results to the Water Quality Assessment Section (MC-150) within 20 days of test completion of the second retest, for evaluation to determine if further action is required. Test completion is defined as the 24th hour.

3. Whole Effluent Toxicity Testing for Discharges into Marine Receiving Waters

There must be no acute toxicity as determined by requiring greater than 50% survival of the appropriate test organism in 100% effluent using a 24-hour acute toxicity test on discharges of facility wastewater and facility wastewater commingled with storm water discharge associated with industrial activities. This section is not applicable to discharges consisting solely of storm water associated with industrial activities. Monitoring for whole effluent toxicity must be completed at least once per calendar year using a composite sample.

a. Scope and Methodology

i. The following test species must be used: *Mysidopsis bahia* (mysid shrimp) and *Menidia beryllina* (inland silverside). Acute static nonrenewal 24-hour toxicity tests must be conducted using edition of *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* (EPA-821-R-02-012) or latest update. A minimum of five replicates with eight organisms per replicate must be used in the control and in each effluent dilution of this test.

ii. The permittee shall test the effluent for lethality in accordance with the provision of this section. In addition to the use of an appropriate control (0% effluent), testing will determine if an effluent sample meets the requirement of greater than 50% survival of the appropriate test organisms in 100% effluent of a 24-hour period.

iii. The results of testing must be submitted on the DMR.

b. Required Toxicity Testing Conditions

i. Control and Dilution Water - Control and dilution water will normally consist of a standard, synthetic reconstituted seawater.

ii. Control Survival - If more than 10% of the test organisms in any control die within 24 hours, that test, including the control and the 100% effluent, must be repeated with all results from both tests reported as required in Item 3.c, *Reporting*, of this section.

iii. Repeat Test - The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this general permit

are not satisfied. A repeat test must be conducted within the required reporting period of any test determined to be invalid.

iv. Sample Collection and Preservation - Samples must be collected at a point following the last treatment unit and prior to entering receiving waters. One flow-weighted composite sample representative of normal operating flows will be collected from each outfall and a discrete test will be run on each composite sample. Samples must be chilled to 0-6 degrees Centigrade during collection, shipping, and storage. The toxicity tests must be initiated within 36 hours after collection of the sample. The composite sample must be collected in a manner that makes the sample representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance discharged on an intermittent basis.

v. If the outfall ceases discharging during the collection of the effluent composite sample, the requirements for the minimum number of effluent portions are waived. However, a composite sample volume sufficient for completion of the required test must have been collected by the permittee. The abbreviated sample collection, duration, and methodology must be documented in the full report required in Item 3.c.(Reporting) of this section.

c. Reporting

i. The permittee shall prepare a full report of the results of all tests conducted, regardless of whether the tests are valid, invalid, completed, or not completed. The report must be retained for a minimum of three years and must be made available upon request of the executive director.

ii. Enter the following codes on the DMR for the appropriate parameters for valid tests only:

(A) For the mysid shrimp, Parameter TIE3E, enter “0” if the mean survival at 24 hours is greater than 50% in 100% effluent; if the mean survival at 24 hours is less than or equal to 50%, enter “1”.

(B) For the inland silverside, Parameter TIE6B, “0” if the mean survival at 24 hours is greater than 50% in 100% effluent; if the mean survival at 24 hours is less than or equal to 50%, enter “1”.

iii. Enter the following codes on the DMR for retests only:

(A) For retest number 1, Parameter 22415, enter “0” if the mean survival at 24-hours is greater than 50% in 100% effluent; if the mean survival is less than or equal to 50%, enter “1”.

(B) For retest number 2, Parameter 22416, enter “0” if the mean survival at 24-hours is greater than 50% in 100% effluent; if the mean survival is less than or equal to 50%, enter “1”.

d. Persistent Mortality

These requirements apply when a toxicity test demonstrates significant lethality, here defined as a mean mortality of 50% or greater to organisms exposed to the 100% effluent concentration after 24-hours.

i. The permittee shall conduct two additional tests (retests) for each species that demonstrates significant lethality. The two retests shall be conducted once per week for two weeks. Five effluent dilution concentrations in addition to an appropriate control must be used in the retests. These additional effluent concentrations are 6%, 13%, 25%, 50%, and 100% effluent. The first retest must be conducted within 15 days of the laboratory determination of significant lethality. The retests must also be reported on the DMRs as specified in Item 3.c (Reporting) of this section. The permittee shall prepare a full report of the results of all tests conducted, regardless of whether the tests are valid, invalid, completed, or not completed. The report must be retained for a minimum of three years and must be made available upon request of the executive director.

ii. If one or both of the two retests specified in Item 3.d.i (Persistent Mortality)of this section demonstrates significant lethality, the permittee shall submit the failing test results to the Water Quality Assessment Section) MC-150) within 20 days of test completion of the second retest for evaluation to determine if further action is required. Test completion is defined as the 24th hour.

Section B. Storm Water Discharges Associated with Industrial Activity

Discharges of storm water associated with industrial activities not commingled with facility wastewater are subject to the following. Samples must be collected at a clearly defined accessible point following the final treatment unit and prior to discharge into receiving waters:

1. Benchmark monitoring.

Table 3. Benchmark Monitoring Values

Benchmark Parameter	Benchmark Value
Oil and Grease	15 mg/L
Total Suspended Solids	50 mg/L
pH	6.0 -9.0 SU
Total Iron	1.3 mg/L

a. A minimum of one grab sample shall be collected within the first 30 minutes of discharge. If it is not practicable to collect the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity. Sample results shall be kept on site and available for review by TCEQ staff.

b. Sampling is required on a quarterly basis and shall be conducted during the following periods:

First quarter - January 1 through March 31
Second quarter - April 1 through June 30
Third quarter - July 1 through September 30
Fourth quarter - October 1 through December 31

Permittees shall begin sampling in the first full quarter following submission of the NOI. If a facility maintains an inactive status for an entire quarter, quarterly sampling may be waived. A facility must be inactive with no industrial materials or activities exposed to storm water to exercise this waiver. A certification must be maintained with the Storm Water Pollution Prevention Plan (SWP3) (Item 6 of this section) stating that the site is inactive. The certification must be signed according to 30 TAC §305.128, *Signatories to Reports*.

c. The permittee shall compare the results of sample analyses to the benchmark values above and shall include this comparison in the overall assessment of the effectiveness of the SWP3 (Item 6 of this section). Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. Results of analyses are indicators that the SWP3 should be assessed and modifications may be necessary to protect water quality.

d. The pollution prevention team (Item 6(b) of this section) shall investigate the cause of each exceedance and shall document the results of this investigation in the SWP3 within 90 days following the sampling event. The investigation must identify the following:

i. any additional potential sources of pollution, such as spills that might have occurred

ii. necessary revisions to the good housekeeping measures section of the SWP3;

iii. additional BMPs, including a schedule to install or implement the BMPs; and

iv. identification of other parts of the SWP3 that may require revisions in order to meet the goal of the benchmark values.

e. Background concentrations of specific pollutants may also be considered during the investigation. If the pollution prevention team is able to relate the cause of the exceedance to background concentrations, then subsequent exceedances of benchmark values for that pollutant may be resolved by referencing earlier findings in the SWP3. Background concentrations may be identified by laboratory analyses of samples of storm water run-on to the permitted facility, laboratory analyses of samples of storm water runoff from adjacent non-industrial areas, or by identifying the pollutant is a naturally occurring material in soils at the site

2. Numeric Effluent Limits

Table 4. Hazardous Metals Numeric Effluent Limitations and Monitoring Frequencies

Parameter	Daily Maximum	Sample Type	Monitoring Frequency	MAL
Arsenic, Total	0.3 mg/L	Grab	1/year*	0.010
Barium, Total	4.0 mg/L	Grab	1/year*	0.010
Cadmium, Total (inland waters)	0.2 mg/L	Grab	1/year*	0.001
Cadmium, Total (tidal waters)	0.3 mg/L	Grab	1/year*	0.001
Chromium, Total	5.0 mg/L	Grab	1/year*	0.010
Copper, Total	2.0 mg/L	Grab	1/year*	0.010
Lead, Total	1.5 mg/L	Grab	1/year*	0.005
Manganese, Total	3.0 mg/L	Grab	1/year*	0.002
Mercury, Total	0.01 mg/L	Grab	1/year*	0.0002
Nickel, Total	3.0 mg/L	Grab	1/year*	0.010
Selenium, Total (inland waters)	0.2 mg/L	Grab	1/year*	0.010
Selenium, Total (tidal waters)	0.3 mg/L	Grab	1/year*	0.010
Silver, Total	0.2 mg/L	Grab	1/year*	0.002
Zinc, Total	6.0 mg/L	Grab	1/year*	0.005
*When discharging.				

a. Samples must be collected at a clearly defined accessible point immediately following the final treatment unit and prior to discharge into receiving waters.

b. A minimum of one grab sample must be taken within 30 minutes of discharge. If it is not practicable to take the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.

c. Sampling for hazardous metals is required to be performed on an annual basis and must be conducted before December 31st of each year.

d. Permittees qualify for a waiver from monitoring requirements for one or more hazardous metal if one of the following criteria is met, and the waiver is obtained by certifying the conditions exist. This certification must be completed on a form provided by the executive director. A new form must be completed during each permit term, no later than prior to the first sampling event that the permittee is seeking to waive. The form must be either maintained onsite and be made readily available for review by authorized TCEQ personnel upon request. Waivers may be obtained on a metal by metal basis, or on an outfall by outfall basis:

   i. The permittee certifies that the regulated facility does not use a raw material, produce an intermediate product, or produce a final product that contains one (1) or more of the hazardous metals listed at Section B.2 of this permit; or

   ii. The permittee certifies that any raw materials, intermediate products, or final products that contain one or more hazardous metal are never exposed to storm water or runoff (final products are not considered to expose hazardous metals to storm water or runoff if the final product is designed for outdoor use, unless it is a product that could be transported by storm water runoff or the final product will be used as a material or intermediate product); or

   iii. The permittee collects a sample from the first available discharge from the facility occurring during first sampling period of this permit, analyzes the sample for one or more of the listed hazardous metals, and the results indicate that the metal(s) is/are not present in detectable levels. Test methods used must be sensitive enough to detect the parameters at the minimum analytical level (MAL) specified in Table 4 and results of sampling must be retained on site and available for review by TCEQ personnel. When an analysis of a discharge sample for any of the parameters indicate no detectable levels above the MAL, and the test method detection level is as sensitive as the specified MAL, a value of zero (0) may be used for that measurement, and a waiver may be obtained for the duration of

the permit term following the sample collection, for any hazardous metal that measures zero (0).

iv. Hazardous metals monitoring waivers are effective beginning on the date that the waiver certification is made following submittal of an NOI, and lasting for the duration of the term of this general permit. The permittee will be required to comply with any requirements of a reissued general permit with respect to sampling and waivers, including obtaining a new hazardous metals monitoring wavier.

v. Any non-compliance with an effluent limit for any of the hazardous metals required in this permit must be recorded on a DMR and reported at a frequency of once per year. The DMR must be submitted to the TCEQ's Information Resources Division, Central File Room (MC-213), by March 31st of the following year.

3. Quarterly Visual Monitoring

Storm water discharges from each outfall authorized by this general permit must be visually examined on a quarterly basis. Monitoring must be conducted during the normal hours of operation for the facility and samples must be collected in a clean, clear, glass or plastic container and examined in a well lit area.

a. Findings must document observation of the following:

i. Color;

ii. Clarity

iii. Floating solids;

iv. Settled solids

v. Suspended solids;

vi. Foam;

vii. Oil sheen;

viii. Other obvious indicators of storm water pollution; and

ix. Noticeable odors.

Some examinations, such as an examination for odor and foam, may be conducted immediately following collection of the sample.

b. All examinations must be performed in a manner that ensures the sample is representative of the discharge.

c. Records of quarterly visual monitoring must include the following information, and the report must be included in the SWP3:

i. Sample location;

ii. Date and time samples were collected and examined;

iii. Names of personnel who collected and examined the samples;

iv. Nature of the discharge (e.g., runoff, snow melt);

v. Result of the observations;

vi. Probable sources of any observed contamination;

vii. Visual quality of the storm water discharge; and

viii. The reason why any samples were not collected within the first 30 minutes of discharge.

d. Results of the examination must be reviewed by the storm water pollution prevention team. The team must investigate and identify probable sources of any observed storm water contamination. The SWP3 must be modified as necessary to address the conclusions of the team

4. Monitoring Requirements for Storm Water Associated with Industrial Activity.

a. Monitoring, sampling, examinations and inspections of covered discharges that are required as a provision of this general permit must be conducted on discharges of a measureable storm event that results in an actual discharge from the site, and that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour storm interval does not apply if the permittee is able to document that less than a 72-hour (3-day) interval is representative for local qualifying storm event during the sampling period. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at the site.

b. Requirements to sample, inspect, examine or otherwise monitor storm water discharges within a prescribed monitoring period may be temporarily suspended for adverse weather conditions. Adverse weather conditions are conditions that are either dangerous to personnel (e.g., high wind, excessive lightening) or weather conditions that prohibit access to a discharge (e.g., flooding, freezing conditions, extended periods of drought). Adverse conditions that result in the temporary suspension of a permit requirement to sample, inspect, examine, or otherwise monitor storm water discharges must be documented and included as part of the SWP3. Documentation shall include the date, time, names of personnel that witnessed the adverse condition, and the nature of the adverse condition.

c. The permittee shall maintain a rain gauge on-site or use a rain gauge located in the immediate vicinity of the site in order to determine when a representative storm event occurs. The rain gauge must be monitored a minimum of once per week. Records of the date and rainfall total must be retained on-site or made readily available for review for a minimum of three years. Rain gauge monitoring and recordkeeping may be temporarily suspended during a given monitoring period if a representative storm

event has occurred and the required sampling analyses have been performed.

5. Storm Water Pollution Prevention Plan (SWP3)

a. General Requirements

i. Contents - A SWP3 must be prepared and implemented for each facility covered by this general permit that discharges storm water associated with industrial activities. The SWP3 must address, at a minimum, the elements as described in Item 6.b of this section. The SWP3 must identify actual and potential sources of pollution that may reasonably be expected to affect the quality of discharges of storm water associated with industrial activities. In addition, the SWP3 must describe and ensure the implementation of practices that are to be used to prevent or effectively reduce the pollutants in these discharges to assure compliance with the terms and conditions of this general permit, including the protection of water quality. Facilities must implement the provisions of the SWP3 as a condition of this general permit.

ii. Signature - The SWP3 must be signed according to 30 TAC §305.128, *Signatories to Reports*.

iii. Notice of Non-Compliance - The executive director may notify the permittee at any time that the SWP3 does not meet one or more of the minimum requirements of this general permit. Within 30 days of receiving notification and identification of the provisions of the general permit that are not being met by the SWP3, the permittee shall make the required changes to the SWP3 and shall submit a written certification that the changes have been made to the executive director.

iv. Revisions of the SWP3 - The permittee shall revise the SWP3 whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the potential for the discharge of pollutants or if the SWP3 proves to be ineffective in eliminating or significantly minimizing pollutants in the discharge of storm water associated with industrial activities.

b. Minimum SWP3 Requirements

i. Pollution Prevention Team - The SWP3 must identify a specific individual or individuals within the facility organization as members of a storm water pollution prevention team responsible for developing the SWP2 and for the implementation, maintenance, and revision of the SWP3.

ii. Description of Potential Pollutant Sources - The SWP3 must provide a description of potential sources (activities and materials) that may reasonably be expected to affect the quality of storm water

discharges, or that may result in a dry-weather discharge. The following must be developed, at a minimum, in support of developing this description:

(A) Drainage Area Site Map - A site map indicating the following:

(1) each point of discharge (outfall) for discharges of storm water associated with industrial activities and where storm water commingles with facility wastewater;

(2) a depiction of the drainage area, the direction of flow to the outfalls, and an identification of the types of pollutants that are likely to be present in the storm water discharges for each area of the facility that generates storm water discharges with a reasonable potential for containing significant amounts of pollutants, including sediments (e.g., toxicity of the chemical, and the quantity of chemicals used, produced, or discharged).;

(3) structural controls (e.g., ponds, vegetated buffers, and constructed storm water pollution controls) within the drainage areas;

(4) areas that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes; liquid storage tanks; material processing and storage areas; and loading and unloading areas; and

(5) any bag house or other dust control device(s); recycle or sedimentation pond, clarifier or other device used for the treatment of facility wastewater (including the areas that drain to the treatment device); areas with significant materials; and areas where major spills or leaks have occurred.

(B) Inventory of Exposed Materials - An inventory must be developed listing materials handled at the site that may be exposed to storm water and that have a potential to affect the quality of storm water discharges authorized under this general permit.

(C) Spills and Leaks - A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to storm water and that drained to storm water outfalls authorized under this general permit must be developed, maintained, and updated.

(D) Sampling Data - A summary of existing storm water discharge sampling data must be maintained as a part of the SWP3.

iii. Pollution Prevention Measures and Controls - The SWP3 must include a description of management controls to address pollutants identified in the SWP3's Description of Potential Pollutant Sources, and a schedule for implementation of the measures and controls. This must include at a minimum:

(A) Good Housekeeping Measures - Good housekeeping measures must be developed and implemented to maintain vehicle maintenance related activities in a clean, orderly manner.

(1) Permittees shall prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), dust (including kiln dust or fly ash), or other significant materials from paved portions of the site that are exposed to storm water. Measures used to minimize the presence of these materials may include regular sweeping or other equivalent measures. The SWP3 must indicate the frequency of sweeping or other measures. The frequency must be determined based upon consideration of the amount of industrial activity occurring in the area and frequency of precipitation, but must not be less than once per week when cement, aggregate, kiln dust, fly ash, or settled dust is being handled or otherwise processed in the area.

(2) Permittees shall prevent the exposure of fine granular solids, such as cement, fly ash, and kiln dust, to storm water. Where practicable, these materials must be stored in enclosed silos, hoppers, buildings, or other structures to prevent exposure to precipitation or runoff.

(B) Preventive Measures - A preventive maintenance program must include routine inspection and maintenance of storm water management controls (including oil/water separators, catch basins, drip pans, berms, dikes, and other similar controls), as well as inspecting and testing facility equipment and systems to discover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and measures to ensure appropriate maintenance and performance of facility equipment and systems.

(C) Spill Prevention and Response Procedures - Areas where potential spills that can contribute pollutants to storm water runoff and the drainage areas from these locations must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for spill prevention and clean up must be identified in the SWP3 and made available to the appropriate personnel.

(D) Inspections

(1) The permittee shall identify qualified facility personnel to inspect designated equipment and areas of the facility specified in the SWP3 to determine the effectiveness of the Pollution Prevention Measures and Controls. The inspection frequency must be specified in the SWP3 based upon a consideration of the level of industrial activity at the facility, but must be at least once per month while the facility is in operation.

(2) The inspection must take place while the facility is in operation and must, at a minimum, include all areas that are exposed to storm water at the site, including material handling areas, above ground storage tanks, hoppers, silos, dust collection and containment systems, truck wash down, and equipment cleaning areas. If feasible, at least one of the routine inspections each calendar year must be conducted during a period when a storm water discharge is occurring.

(3) At a minimum, the documentation of each routine inspection must include:

a. The inspection date and time;

b. The name(s) of the inspector;

c. Weather information and a description of any discharges occurring at the time of the inspection;

d. Any previously unidentified discharges of pollutants at the site and any control measures needing maintenance or repairs;

e. Any failed control measure that needs replacement;

f. Any incidents of noncompliance that are observed;

g. Any additional control measures needed to comply with the permit requirements; and

h. Identification of any existing BMPs that are not being properly or completely implemented.

(4) When revisions or additions to the SWP3 are recommended as a result of inspections, a summary description of these proposed changes must be attached to the inspection report. The summary must identify any necessary time frames required to implement the proposed changes. Records of inspections must be maintained, be made readily available for inspection upon request, and certified according §305.128, *Signatories to Reports*.

(E) Employee Training - An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3 or otherwise responsible for storm water pollution prevention or the provisions of the SWP3. The pollution prevention plan must identify how often employee training will occur, which must be a minimum of once per year.

(F) Record Keeping and Internal Reporting Procedures - A description of incidents (such as spills or other discharges), along with other information that is obtained regarding the quality and quantity of storm water discharges, must be included in the SWP3. Inspection, training, and maintenance activities must be documented and records of those inspection, training and maintenance activities must be incorporated in the SWP3.

(G) Sediment and Erosion Control - The SWP3 shall identify areas that have a high potential for soil erosion and identify structural or vegetative control measures or BMP to reduce or limit erosion.

(H) Management of Runoff Volume- The SWP3 must contain a narrative description of the plan for reducing the volume of runoff by diverting runoff, using infiltration, using detention ponds, using retention ponds, reusing runoff, limiting impervious cover, or otherwise managing runoff.

iv. Annual Comprehensive Site Compliance Inspection - Qualified individuals shall conduct a site compliance inspection and evaluation at an interval defined in the SWP3 but at least annually. The evaluation must include the following:

(A) Areas draining storm water associated with industrial activities, including but not limited to cleaning areas,

material handling areas, above ground storage tanks, hoppers, silos, dust collection and containment systems, and truck wash down and equipment cleaning areas, must be visually examined for evidence of, or the potential for, pollutants entering the drainage system. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the permittee's SWP3. A visual inspection of equipment needed to implement the SWP3, such as spill response equipment, must be made.

(B) Based on the results of the evaluation, the following must be revised as appropriate within two weeks after the evaluation: the description of potential pollutant sources identified in the SWP3 as required in 6.b.ii. of this section and pollution prevention measures and controls identified in the SWP3 as required in 6.b.iii of this section. The revisions may include a schedule for implementing the necessary changes.

(C) Annual Comprehensive Site Compliance Inspection Report: Within 30 days of performing the annual site compliance inspection, the permittee shall prepare a report that includes a narrative discussion of compliance with the SSWP3. The report must document all of the following information:

1. Names and titles of the personnel conducting the evaluation;
2. The date(s) of the inspection;
3. Findings from the inspection areas of the facilities;
4. Major observations relating to the implementation of the SWP3;
5. Revisions made to the SWP3 made as a result of the inspection; and
6. And any incidents of noncompliance, or if no incidences of noncompliance are discovered, a written certification by the permittee that the facility is in compliance with the SWP3. This report must be completed and maintained as a part of the SWP3 for at least three years from the date of the inspection and the report must be signed according to 30 TAC §305.128, *Signatories to Reports*.

(D) The Annual Comprehensive Site Compliance Inspection may substitute for one of the required inspections delineated in 6.b.iii(D) of this section.

(E) Revision of the SWP3. Within 12 weeks following the completion of the Annual Site Compliance Inspection Report, the permittee shall revise and implement the SWP3 to include and address the findings of the report. Revisions must include all changes resulting from the report and all applicable updates to the following: elements of the SWP3 requiring modification; controls that should be added or modified; site map; inventory of exposed materials; description of the good housekeeping measures; description of structural and non-structural controls; and any other element of the SWP3 that was either found to be inaccurate or will be modified.

6. A permittee with an inactive facility shall provide written notification to the TCEQ's Industrial Permits Team (MC-148) and the appropriate regional office. Following this notification, permit requirements to sample, inspect, examine, or otherwise monitor storm water discharges are waived during the period that a facility is inactive. A facility must be inactive with no industrial materials or activities exposed to storm water to exercise this waiver. A certification stating that the site is inactive must be maintained with the SWP3 stating that the site is inactive. The certificate must be signed according to 30 TAC §305.128, *Signatories to Reports*.

   A permittee with an inactive facility shall notify the executive director in writing at least 30 days before commencing industrial activities and transferring to active status. Inactive status does not apply to facility wastewater or facility wastewater commingled with storm water discharges associated with industrial activities.

7. Monitoring at Substantially Similar Storm Water Outfalls

   a. Monitoring requirements apply to all outfalls authorized by this permit unless the permittee establishes substantially similar outfalls. If discharges of storm water through two or more outfalls are substantially the same, then sampling and monitoring may be conducted at only one of those outfalls and the results may be reported as representative of the discharge from the substantially similar outfall. Before results may be submitted as representative of discharges from substantially similar storm water outfalls, the SWP3 must include a description of outfall locations and provide a detailed justification of why the discharge qualities from the outfalls are substantially similar. To determine if outfalls are substantially similar, the following characteristics of each outfall must be compared:

      i. the industrial activities that occur in the drainage area to each outfall;

ii. significant materials stored or handled within the drainage area to each outfall; and

iii. the management practices and pollution control structures that occur within the drainage area of each outfall.

b. Monitoring at substantially similar outfalls must be performed at each substantially similar outfall on a rotating basis throughout the period of coverage under this general permit.

c. Substantially similar outfalls may not be established for any outfalls that include non-storm water discharges.

8. Results from the bench mark and hazardous metals monitoring along with the SWP3 must retained on-site and made readily available for review by authorized TCEQ personnel upon request.

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

The following requirements are applicable to the use of facility wastewater and storm water discharges associated with industrial activities for on-site dust suppression, soil compaction, irrigation, and fire protection. These requirements are in addition to all other requirements outlined in this general permit.

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

2. Apply facility wastewater or storm water for soil compaction and irrigation only when an area is not in use. This restriction does not apply to dust suppression activities. Do not apply facility wastewater and storm water for dust suppression, soil compaction, and irrigation during times when the ground is frozen, the ground has standing water, the ground is saturated, or within 24 hours of a rainfall event of 0.5 inches or greater during a 24-hour duration. Use BMPs to prevent off site tracking of mud resulting from the use of wastewater or storm water for dust suppression.

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

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

5. Treated facility wastewater and storm water associated with industrial activities may be used for dust control if collected from portable concrete plants installed and dedicated to supply concrete to a construction project. Dust suppression must be carried out as a beneficial use, not as a wastewater disposal method.

Section D. General Requirements

1. Mixing zones must not include an intake for a domestic drinking water supply, and the discharge may not be located within 300 feet of the intake for a domestic drinking water supply.

2. Discharges must be conducted so there is no danger of pollution to private or public water wells.

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

4. Discharges must not contain a concentration of taste or odor-producing substances that interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish, including shellfish, result in offensive odors arising from the receiving waters, or otherwise interfere with reasonable uses of water in the state.

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

6. The disposal of waste and wastewater must be done in a manner that prevents nuisance conditions.

7. The permittee shall provide the following noncompliance notifications:

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

      i. a description of the noncompliance and its cause;

      ii. the potential danger to human health or safety, or the environment;

      iii. the period of noncompliance, including exact dates and times;

      iv. if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

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

   b. In addition, any effluent violation that deviates from the permitted effluent limitation by more than 40% must be reported by the permittee in writing

to the appropriate regional office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance.

c. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, must be reported to by the permittee to the Enforcement Division (MC 224) as soon as possible.

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 permit conditions.
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 facilities, auxiliary facilities or similar systems only when necessary to achieve compliance with conditions of the general permit.
4. The permittee shall submit, upon request of the executive director, any information that is necessary for the executive director to determine whether cause exists for revoking, suspending, or terminating authorization under this general permit. Additionally, the permittee shall submit, upon request of the executive director, copies of all records that the permittee is required to maintain as a condition of this general permit. The requested information or records must be provided within a reasonable timeframe 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 those alterations would result in a violation of the general permit requirements.
6. Inspection and entry must be allowed under TWC Chapters 26, Texas Health and Safety Code §§361.032-361.033 and 361.037; and Title 40 CFR §122.41(I). The statement in TWC §26.014 that commission entry of a regulated entity will occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection are not grounds for denial or restriction of entry to any part of the regulated entity, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
7. Standard monitoring and reporting requirements are as follows:

a. Samples must be collected, and measurements must be taken, at times and in a manner so that it is representative of the monitored activity.

b. All samples must be collected according to the latest edition of *Standard Methods for the Examination of Water and Wastewater* (published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation), or the 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).

c. Sample containers, holding times, preservation methods, and the methods of analyses for effluent samples shall meet the requirements in 40 CFR Part 136 (as amended), or shall be in accordance with the latest edition of "*Standard Methods for the Examination of Water and Wastewater*" referenced above.

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

e. The sampling point must be downstream of any treatment unit or technique.

f. Analytical results for determining compliance with effluent limitations must be recorded on a Discharge Monitoring Report (DMR) (EPA No. 3320-1), a TCEQ-approved self-generated form, or a copy of record, if using the eReporting function of the TCEQ eServices webpage. Effluent sampling shall be conducted in accordance with the monitoring frequencies specified in this general permit and must be submitted on a monthly or annual basis, depending on the required sampling frequency, to the TCEQ Enforcement Division (MC 224) or by eDMR through the eReporting function of the TCEQ eServices webpage. The DMR for any given month shall be due by the 20th day of the following month and must be signed in accordance with the requirements in Part IV.8 of the general permit. If noncompliance with a discharge limitation occurs, the permittee shall provide notification according to Part III.D.7 of the general permit.

g. The permittee shall retain copies of 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 the record. This period may be extended at the request of the executive director. The records must be retained at the facility or be readily available for review by TCEQ personnel upon request.

h. Records of monitoring activities must include:

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

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

iii. date of the laboratory analysis;

iv. identity of the individual(s) and laboratory who performed the analysis;

v. the technique or the method of analysis; and

vi. results of the analysis or measurement.

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

8. All NOIs, NOTs, and NOCs or letters of change must meet the requirements of 30 TAC §305.44(a), *Signatories to Applications*.

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 or water rights of any sort and does not grant any exclusive privilege.

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

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

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

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

Part V. Fees

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