TPDES GENERAL PERMIT
NO. TXG130000

This is a renewal of TPDES General Permit No. TXG130000 issued on April 18, 2006.

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

Concentrated aquatic animal production facilities, aquatic animal production facilities, and certain related activities located in the State of Texas,

may discharge 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 or the Commission), the laws of the State of Texas, and other orders of the Commission. The issuance of this general permit does not grant the permittee the right to use private or public property for the 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 shall expire at midnight on April 18, 2016.

EFFECTIVE DATE: April 18, 2011

ISSUED DATE:

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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.

Concentrated aquatic animal production facilities - An establishment engaged in the propagation and/or rearing of aquatic species that meets the criteria outlined in 40 CFR Part 122, Appendix C and meets the criteria of Level III and Level IV authorizations established in this general permit. These facilities utilize ponds, lakes, fabricated tanks, raceways, cages or other enclosures placed within public waters, or other similar structures for the propagation or rearing of aquatic species. Multiple ponds that are individually owned, managed, or leased may be considered a single aquaculture facility if they are located within a contiguous tract of land, utilize a common water source, or utilize a common discharge canal/route. For the purposes of this general permit, a concentrated aquatic animal production facility does not include: public and private reservoirs constructed and utilized primarily for water supply, flood control, domestic purposes, livestock watering, recreation, or similar uses.

Aquatic animal production facilities - An establishment engaged in the propagation and/or rearing of aquatic species that meets the criteria for Level II authorization established in this general permit, and that does not meet or exceed the criteria in 40 CFR Part 122 Appendix C. These facilities utilize ponds, lakes, fabricated tanks, raceways, cages or other enclosures placed within public waters or other similar structures for the propagation or rearing of aquatic species. Multiple ponds that are individually owned, managed, or leased may be considered as a single aquaculture facility if they are located within a contiguous tract of land, utilize a common water source, or utilize a common discharge canal/route. For the purposes of this general permit, an aquatic animal production facility does not include: public and private reservoirs constructed and utilized primarily for water supply, flood control, domestic purposes, livestock watering, recreation, or similar uses.

Aquatic species - Fish, crustaceans, mollusks, or any other organisms, excluding aquatic plants and algae, living in either fresh or marine waters.

Best management practices (BMP) - 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.

Closed ponds - Ponds (or lakes) without a mechanism to manipulate water levels (except for emergency spillways and other similar non-mechanical structures) or those ponds that are operated such that drawdowns are not allowed. If the use of groundwater wells or the diversion of surface water results in dry-weather discharges, such ponds are not defined as closed ponds.

Coastal zone - That area along the Texas coast of the Gulf of Mexico as depicted in this definition and also as depicted in Figure 1 (from 31 TAC Part 16, Chapter 503). The boundary includes areas within the following Texas counties: Cameron, Willacy, Kenedy, Kleberg, Nueces, San Patricio, Aransas, Refugio, Calhoun, Victoria, Jackson, Matagorda, Brazoria, Galveston, Harris, Chambers, Jefferson, and Orange.

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a. The inland boundary. The inland boundary encompasses the following areas: The boundary begins at the International Toll Bridge in Brownsville, thence northward along U.S. Highway 77 to the junction of Paredes Lines Road (FM Road 1847) in Brownsville, thence northward along FM Road 1847 to the junction of FM Road 106 east of Rio Hondo, thence westward along FM Road 106 to the junction of FM Road 508 in Rio Hondo, thence northward along FM Road 508 to the junction of FM Road 1420, thence northward along FM Road 1420 to the junction of State Highway 186 east of Raymondville, thence westward along State Highway 186 to the junction of U.S. Highway 77 near Raymondville, thence northward along U.S. Highway 77 to the junction of FM Road 774 in Refugio, thence eastward along FM Road 774 to the junction of State Highway 35 south of Tivoli, thence northward along State Highway 35 to the junction of State Highway 185 between Bloomington and Seadrift, thence northwestward along State Highway 185 to the junction of FM Road 616 in Bloomington, thence northeastward along FM Road 616 to the junction of State Highway 35 east of Blessing, thence southward along the State Highway 35 to the junction of FM Road 521 north of Palacios, thence northeastward along FM Road 521 to the junction of State Highway 36 south of Brazoria, thence northward along State Highway 36 to the junction of State Highway 332 in Brazoria, thence eastward along State Highway 332 to the junction of FM Road 2004 in Lake Jackson, thence northeastward along FM Road 2004 to the junction of Interstate Highway 45 between Dickinson and La Marque, thence northwestward along Interstate Highway 45 to the junction of Interstate Highway 610 in Houston, thence east and northward along Interstate Highway 610 to the junction of Interstate Highway 10 in Houston, thence eastward along Interstate Highway 10 to the Louisiana State line.

b. Tidal portion of the boundary. The boundary runs at a distance of 100 yards inland from the mean high tide line along each of the following tidal river and stream segments from the points where they intersect the roadway boundary described below:

   i. on the Arroyo Colorado, to a point 100 meters (110 yards) downstream of Cemetery Road south of Port Harlingen in Cameron County;

   ii. on the Nueces River, to Calallen Dam 1.7 kilometers (1.1 miles) upstream of U.S. Highway 77 in Nueces/San Patricio County;

   iii. on the Guadalupe River, to the Guadalupe-Blanco River Authority Salt Water Barrier 0.7 kilometers (0.4 mile) downstream of the confluence of the San Antonio River in Calhoun and Refugio Counties;

   iv. on the Lavaca River, to a point 8.6 kilometers (5.3 miles) downstream of U.S. Highway 59 in Jackson County;

   v. on the Navidad River, to Palmetto Bend Dam in Jackson County

   vi. on Tres Palacios Creek, to a point 0.6 kilometer (1.0 mile) upstream of the confluence of Wilson Creek in Matagorda County;

   vii. on the Colorado River, to a point 2.1 kilometers (1.3 miles) downstream of the Missouri-Pacific Railroad in Matagorda County

   viii. on the San Bernard River, to a point 3.2 kilometers (2.0 miles) upstream of State Highway 35 in Brazoria County

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ix. on Chocolate Bayou, to a point 4.2 kilometers (2.6 miles) downstream of State Highway 35 in Brazoria County;

x. on Clear Creek, to a point 100 meters (110 yards) upstream of FM Road 528 in Galveston/Harris County;

xi. on Buffalo Bayou, to a point 400 meters (440 yards) upstream of Shepherd Drive in Harris County;

xii. on the San Jacinto River, to Lake Houston Dam in Harris County;

xiii. on Cedar Bayou, to a point 2.2 kilometers (1.4 miles) upstream of Interstate Highway 10 in Chambers/Harris County;

xiv. on the Trinity River, to the border between Chambers and Liberty Counties;

xv. on the Neches River, to a point 11.3 kilometers (7.0 miles) upstream of Interstate Highway 10 in Orange County; and

xvi. on the Sabine River, to Morgan Bluff in Orange County.

c. Wetlands portion of boundary. Except for the part of the boundary adjacent to the Trinity and Neches rivers, the boundary includes wetlands lying within one mile inland of the mean high tide lines of the tidal river and stream segments identified below:

i. Adjacent to the Trinity River, the boundary includes wetlands within the area located between the mean high tide line on the western shoreline of the river and Farm-to-Market Road 565 and Farm-to-Market Road 1409, and wetlands within the area located between the mean high tide line on the eastern shoreline of that portion of the river and Farm-to-Market Road 563.

ii. Adjacent to the Neches River, the boundary includes wetlands within one mile of the mean high tide line on the western shoreline of the river, and wetlands within the area located between the mean high tide line on the eastern shoreline of that portion of the river and Farm-to-Market Road 105.

d. The boundary with the State of Louisiana. The boundary with the State of Louisiana begins in Orange County at Morgans Bluff, the northernmost extent of tidal influence, along the adjudicated boundary between the State of Texas and the State of Louisiana, as established by the United States Supreme Court in Texas v. Louisiana, 410 U.S. 702 (1973); thence it continues in a southerly direction along the adjudicated boundary out into the Gulf of Mexico until it intersects the seaward boundary.

e. The seaward boundary. The seaward boundary is that line marking the seaward limit of Texas title and ownership under the Submerged Lands Act (43 United States Code, §1301 et seq), as recognized by the United States Supreme Court in United States v. Louisiana et al., 364 U.S. 502 (1960).

f. The boundary with the Republic of Mexico. The boundary with the Republic of Mexico begins at a point three marine leagues into the Gulf of Mexico where the line marking the seaward limit of Texas title and ownership under the Submerged Lands Act (43 United States

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Code, §§1301 et seq) intersects the international boundary between the United States and the Republic of Mexico, as established pursuant to the Treaty of Guadalupe-Hidalgo (February 2, 1848) between the United States and the Republic of Mexico; thence it continues in a westerly direction along the international border with the Republic of Mexico until it meets the International Toll Bridge in Brownsville.

g. The excluded federal lands. The excluded federal lands are those lands owned, leased, held in trust by, or whose use is otherwise by law subject solely to the discretion of the federal government, its officers or agents.

Cold water aquatic species - Fish in the family *Salmonidae* (trout and salmon).

Commercial aquaculture facility - An aquaculture facility designed primarily for the production of cultured species for the purposes of sale, barter, or exchange.

Daily average flow - The arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

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, must be reported as the daily average concentration

Daily maximum limitations -The maximum concentration measured or mass calculated 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 - Waterbourne human waste and waste from domestic activities such as washing, bathing, and food preparation.

Edwards Aquifer - As defined under TCEQ Rules at 30 TAC § 213.3 (relating to the Edwards Aquifer), 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

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of the Texas Commission on Environmental Quality and the appropriate underground water conservation district(s).

Extralabel drug - A drug approved under the Federal Food, Drug and Cosmetic Act that is not used in accordance with the approved label directions. This includes, but is not limited to, use in species not listed in the labeling, use for indications (disease or other conditions) not listed in the labeling, use at dosage levels, frequencies, or routes of administration other than those stated in the labeling, and deviation from the labeled withdrawal time based on these different uses.

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.

Flow-through system - A system designed to provide a continuous water flow to water in the state through chambers used to produce aquatic animals.

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

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

Inactive facility - A facility that is not yet operational or where operations have been suspended.

Investigational new animal drug (INAD) - a drug for which there is a valid exemption in effect under Section 512(j) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 360b(j), to conduct experiments.

Land application – The spraying or spreading of wastewater onto the land surface or the incorporation of wastewater into the soil in a way that no nuisance conditions occur and so that the wastewater can either condition the soil or fertilize crops of vegetation grown in the soil.

mg/L - Abbreviation for milligrams per liter.

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) That is not a combined sewer; and (iv) That is not part of a publicly owned treatment works (POTW) as defined at 40 CFR § 122.2; and (v) That does not include very discrete systems such as those serving individual buildings. See also 40 CFR § 122.26 (b)(4), (7), and (16).

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

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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 requesting coverage under the terms of a general permit.

Notice of termination (NOT) - A written submission to the executive director from a permittee authorized under a general permit requesting termination of coverage.

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

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

Pond bottom sludges - Accumulations of silt, soils, and other matter in the bottom of ponds.

Process controls - Structures, technologies, and practices utilized to control the rate, volume, or quality of a discharge.

Production - Weight of aquatic species as measured following harvest and prior to processing.

Production pond - Earthen ponds, raceways, fabricated tanks, or similar structures utilized in conjunction with the propagation or rearing of aquatic species.

Publicly owned treatment works (POTW) - A treatment works owned and operated by a state or municipality that includes any device or systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment. This term also means the municipality that has jurisdiction over indirect discharges to and discharges from such a treatment works.

Recirculating system - A system that filters and reuses water in which the aquatic animals are produced.

Site - The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Shrimp research facilities - Facilities whose primary purpose is inquiry or experimentation to develop scientific research of shrimp aquaculture methods, disease control, waste control, wastewater treatment technology, and similar subjects. For the purposes of this permit, to be considered as a shrimp research facility, the annual revenues from the sale of any shrimp resulting from the research activities must not exceed the cost of conducting those research activities.

Tailwater control - Diked or bermed area, pond or other similar structure placed down-gradient of an irrigation site and designed to prevent off-site runoff or runoff to water in the state.

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) Permit – The state program for issuing, amending, terminating, monitoring, and enforcing permits, and imposing and enforcing

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pretreatment requirements, under the Clean Water Act §§ 307, 402, 318, and 405, the Texas Water Code (TWC), and the Texas Administrative Code (TAC) regulations.

Warm water aquatic species - All aquatic species except those in the family *Salmonidea* (trout and salmon).

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.

Waste management unit - Any structure used for containment, detainment, or treatment of wastewater; including canals utilized to transport wastewater from the production pond to a settling pond or discharge point; not including production ponds used for the grow-out of aquatic species.

Wastewater - For the purposes of this general permit, wastewater is water that is a result of the following aquaculture operations:

a. Propagation, rearing, or transportation of aquatic species.
b. Washdown, cleaning, and flushing of fabricated tanks, raceways, ponds, or other containment structures, or process equipment.
c. Washing, treating, or any other direct contact with aquatic species.

25-Year, 24-Hour rainfall event - The maximum rainfall event with a probable recurrence interval of once in 25 years, with a duration of 24 hours, as defined by the National Weather Service in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments, or equivalent information or state rainfall information.

Part II. Permit Applicability and Coverage

Section A. Discharges Covered

This general permit covers discharges into or adjacent to water in the state by certain concentrated aquatic animal production facilities, aquatic animal production facilities, and other activities related to the propagation or rearing of aquatic species through the use of ponds, lakes, fabricated tanks and raceways, or other similar structures. The permit specifies the facilities that may be authorized under this general permit and those that must be authorized by individual permit.

Eligibility for Authorization by General Permit

1. Level I Authorization

   Operations meeting the following descriptions and criteria qualify for Level I authorization and are not required to submit a Notice of Intent (NOI) for coverage under this general permit. If discharge occurs, all other applicable provisions of the general permit apply.

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a. Retail bait dealers;
b. Discharges resulting from the production of crawfish in conjunction with rice farming;
c. Ponds used as "pay lakes";
d. Facilities that exclusively utilize closed ponds (see definition of closed ponds on Page 3 of this general permit);
e. Public and commercial aquariums and aquarium supplies;
f Live fish hauling tanks;
g. Any aquaculture facility that utilizes cages or other enclosures placed within public waters for the propagation or rearing of aquatic species with a harvest weight equal to or less than 10,000 pounds per year; and
h. Facilities that temporarily hold and do not feed aquatic species.

2. Level II Authorization

Aquatic animal production facilities that meet the following criteria and that do not produce shrimp in the coastal zone are eligible to obtain Level II authorization under this general permit. Submittal of an NOI is required for Level II authorization.

a. Produces cold water aquatic species in ponds, raceways, or other similar structures that:

(i) discharge less than 30 days per year; or
(ii) produce less than 20,000 pounds harvest-weight of aquatic species per year; and
(iii) feed less than 5,000 pounds of food during the calendar month of maximum feeding.

b. Produces warm water aquatic species in ponds, raceways, or other similar structures that:

(i) discharge less than 30 days per year; or
(ii) produce less than 100,000 pounds harvest-weight of aquatic species per year.

c. Disposes of wastewater by land application and does not discharge directly to surface water in the state.

3. Level III Authorization

Concentrated aquatic animal production facilities that meet or exceed the thresholds described below in either (a) or (b) or that consist of a shrimp research facility located inside the coastal zone that meets the criteria below in (c) are eligible to obtain Level III authorization under this general permit. Submittal of an NOI is required for Level III authorization.

a. Produces cold water aquatic species in ponds, raceways, or other similar structures that:

(i) discharge at least 30 days per year; and either
(ii) produce more than 20,000 pounds harvest-weight of aquatic species per year; or

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(iii) feed 5,000 pounds or more of food during the calendar month of maximum feeding.

b. Produces warm water aquatic species in ponds, raceways, or other similar structures that:

(i) discharge at least 30 days per year; and
(ii) produce more than 100,000 pounds harvest-weight of aquatic species per year.

c. Shrimp research facility within the coastal zone that:

(i) discharges less than 60 days per year;
(ii) discharges at a daily maximum flow rate of less than 5 million gallons per day; and
(iii) discharges at a total monthly flow volume of less than 12.5 million gallons.

4. Level IV Authorization

Concentrated aquatic animal production facilities that meet the thresholds of Level III and produce 100,000 pounds or more of aquatic animals per year in a flow-through system or recirculating system may apply for coverage under Level IV. Submittal of an NOI is required for authorization.

Section B. Limitations on Coverage

1. The following facilities are not eligible for authorization under this general permit and must apply for coverage under an individual Texas Pollutant Discharge Elimination System (TPDES) permit or Texas Land Application Permit (TLAP):

a. Any commercial facility producing shrimp species in ponds, raceways, or similar structures within the coastal zone that discharge to water in the state.

b. Commercial shrimp aquaculture facilities located within the coastal zone that conduct collaborative research with a shrimp research facility and discharge to water in the state are considered commercial facilities and must obtain authorization under an individual TPDES permit.

c. Operators of aquaculture facilities who would otherwise be eligible to obtain authorization under this general permit, but who either are unable or choose not to implement all required applicable conditions of this general permit.

d. Any facility discharging to freshwater receiving waters with a total dissolved solids (TDS) difference between the discharge and the receiving water greater than 500 mg/L

e. Any aquaculture facility discharging to an estuarine or marine receiving water with a salinity difference between the discharge and the receiving water greater than 2 parts per thousand (ppt).

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f. Any aquaculture facility that utilizes cages or other enclosures placed within public waters for the propagation or rearing of aquatic species with a harvest weight greater than 10,000 pounds.

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

a. 30 TAC Chapter 311 (relating to Watershed Protection);
b. 30 TAC Chapter 213 (relating to the Edwards Aquifer);
c. 31 TAC Chapter 57, Subchapter C (relating to Introduction of Fish, Shellfish and Aquatic Plants); or
d. Any other applicable rules or laws.

3. 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 implementation plan. The executive director may amend this general permit or develop a separate general permit for discharges to these water bodies. For discharges not eligible for coverage under this permit, the discharger must apply for and receive an individual permit or other applicable general permit authorization prior to discharging.

4. Discharges associated with the processing of aquatic organisms by packing as fresh or frozen product, canning, smoking, salting, drying or otherwise curing, or rendering for use as human or animal food are not authorized by this general permit.

5. The discharge of domestic sewage into or adjacent to water in the state is not authorized by this general permit. All domestic sewage shall be either discharged pursuant to an individual permit issued by the TCEQ; routed to an authorized and adequately designed sewage treatment facility or Publicly Owned Treatment Works (POTW); routed to a septic tank/drainfield system permitted by local authorities; or transported to an approved off-site disposal facility.

6. Facilities that dispose of wastewater by any of the following practices are not required to obtain coverage under this general permit:

a. recycling with no resulting discharge into or adjacent to water in the state;
b. pumping and hauling to an authorized disposal facility;
c. discharge to a POTW;
d. underground injection in accordance with 30 TAC Chapter 331; or
e. discharge to above ground storage tanks (ASTs) with no resulting discharge into or adjacent to water in the state.

7. 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 may deny or suspend a facilities authorization to discharge under this permit based on a rating of poor performer according to commission rules in 30 TAC § 60.3. Denial of authorization to discharge under this general permit or suspension of a permittee's

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authorization under this general permit shall be done according to commission rules in 30 TAC Chapter 205 (relating to General Permits for Waste Discharges).

8. Additional 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 (relating to Edwards Aquifer). Applicants must also submit a copy of the NOI to the appropriate TCEQ 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, Hays	TCEQ, Water Program Manager Austin Regional Office 2800 S IH 35, Suite 100 Austin, TX 78704-5700 (512) 339-2929

9. New sources or new discharges of the constituent(s) of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC Chapter 305 and applicable state law. Impaired waters are those that do not meet applicable water quality standards and are listed on the Clean Water Act (CWA) § 303(d) list. Constituents of concern are those pollutants causing listing of a water body as impaired.

10. 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 qualify for Level 1 authorization are not required to submit an NOI for authorization under this general permit. If a discharge occurs, all other applicable provisions of the general permit apply. Qualifying operations may complete Attachment 1 and use this notice as necessary to demonstrate authorization under this general permit.

2. Facilities that are eligible for authorization under Level II, Level III, and Level IV described in Part II, Section A, must submit a completed NOI on a form approved by the executive director. The NOI shall, at a minimum, include: the legal name and address of the owner and operator, the facility name and address, specific description of its location, type of facility or discharges, and the receiving waters. Permittees authorized under the previous general permit (issued April 18, 2006) are required to submit a new NOI within 90 days of issuance of this general permit to continue discharge or disposal of wastewater authorized under this general permit.

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3. 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. Following review of the NOI, the executive director shall either confirm coverage by providing a notification and an authorization number to the applicant or notify the applicant that coverage under this general permit is denied. Authorization under the terms and conditions of this general permit begins when the applicant is issued authorization of coverage.

4. For activities located in areas regulated by 30 TAC Chapter 213, related to the Edwards Aquifer, this authorization to discharge is separate from the requirements of the applicant's responsibilities under that rule, see Part II B.8. 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.

5. Applicants seeking authorization to discharge to a municipal separate storm sewer system (MS4) must 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.

6. Authorization under this general permit is not transferable. If either the owner or operator of the regulated entity changes, both the present owner and operator must submit a Notice of Termination (NOT) and the new owner and operator must submit an NOI. The NOT and NOI must be submitted no later than 10 days before the change. Any change in a permittee's Charter Number, as registered with the Texas Secretary of State, is considered a change in ownership of the company. Permittees discharging to a MS4 must submit a copy of the NOT to the operator of the system at the same time the NOT is submitted to TCEQ.

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

8. Operators of aquaculture facilities authorized under this general permit that intend or plan to expand facilities, production, number of discharge days, or other factors that would affect the level of authorization under the terms of the permit, must either obtain the necessary and relevant authorization under this general permit, or obtain authorization under a separate individual or general permit prior to initiating these changes.

9. All NOIs, NOTs and NOCs shall meet the requirements of 30 TAC § 305.44(a) (relating to Signatories to Applications).

Section D. Termination of Coverage

A permittee shall terminate coverage under this general permit through the submittal of a NOT, on a from approved by the executive director, when the owner or operator of 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

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delivery to the TCEQ. If electronic submission of an NOT is provided, and unless otherwise notified by the executive director, termination begins immediately following confirmation of receipt of the electronic NOT form by the TCEQ. Compliance with the conditions and requirements of this permit is required until an NOT is submitted. Permittees discharging to a MS4 must submit a copy of the NOT or electronic equivalent to the operator of the system at the same time the NOT is submitted to the TCEQ.

Section E. Authorization Under a TPDES or TLAP Individual Permit

1. 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. The authorization under this general permit will be terminated on the day that the NOT is postmarked for delivery to the TCEQ.

2. 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 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 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 this 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, a history of substantive noncompliance, 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 individual permit within 30 days after notice that authorization under this general permit is effective.

Section F. Permit Expiration

1. This general permit is effective for a term of 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, cancelled, or renewed by the commission after notice and comment as provided by 30 TAC §§ 205.3 and 205.5.

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2. If the commission 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 shall remain in effect for these discharges until the date on which the commission takes final action on the proposal to reissue this general permit. No new NOIs will be processed by the Executive Direcotr 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 facilities, including those covered under the expired general permit, shall submit an NOI according to the requirements of the new general permit, obtain a TPDES individual permit, or obtain a Texas Land Application Permit (TLAP) for those discharges.

4. If the commission does not propose to reissue this general permit within 90 days before the expiration date, permittees must apply for authorization under an individual permit or an alternative general permit, if available. If the application for an individual permit 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 permit or authorization under an alternative general permit.

Part III. Permit Requirements

Section A. Effluent Limitations

Facilities regulated under this general permit under Level II, Level III, and Level IV described in Part II Section A are subject to the following effluent limitations and monitoring frequencies:

1. Numeric effluent limitations applicable to all Level II, Level III, and Level IV authorized facilities:

Parameter	Daily Average Limitation	Daily Maximum Limitations	Sample Type	Monitoring Frequency[1]
Flow (MGD)	Report	Report	Estimate/Meter	1/day
Total Suspended Solids	N/A	90 mg/L	Grab	1/month
Inorganic Suspended Solids	N/A	Report (mg/L)	Grab	1/month
Total Residual Chlorine	N/A	0.1 mg/L	Grab	1/day[2]
pH (Standard Units)	6.0 minimum	9.0 maximum	Grab	1/week

[1] Monitoring frequency for Level II authorizations shall be once every six months with the exception of flow monitoring which shall be conducted daily.

[2] Monitoring for total residual chlorine is required only when the effluent being discharged is chlorinated.

2. Numeric effluent limitations applicable to all Level II, Level III, and Level IV authorized facilities discharging to perennial streams with a head water flow greater than 2.5 cubic feet per second (cfs) and to all other water bodies:

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Parameter	Daily Average Limitations	Daily Maximum Limitations	Sample Type	Monitoring Frequency[1]
Dissolved Oxygen	5.0 mg/L minimum	N/A	Composite[2]	1/week
Carbonaceous Biochemical Oxygen Demand (5-day)	N/A	250 lbs/day	Grab	1/month
Ammonia Nitrogen	N/A	2.0 mg/L	Grab	1/month

[1] Monitoring frequency for Level II authorizations shall be once every six months.

[2] Four grab samples shall be collected and analyzed individually. The results of those analyses shall be averaged for reporting purposes. The first sample shall be taken within 30 minutes of initial discharge. Subsequent samples shall be taken at intervals of no less than two hours and no more than four hours apart with a minimum of four samples or until the discharge is discontinued. At least one of the four samples shall be collected between 6:00 a.m. and 9:00 a.m. if the discharge occurs within this time period.

3. Numeric effluent limitations applicable to all Level II, Level III, and Level IV authorized facilities discharging to perennial streams with a head water flow less than 2.5 cfs:

Parameter	Daily Average Limitations	Daily Maximum Limitations	Sample Type	Monitoring Frequency[1]
Dissolved Oxygen	6.0 mg/L minimum	N/A	Composite[2]	1/week
Carbonaceous Biochemical Oxygen Demand (5-day)	N/A	64 lbs/day	Grab	1/month
Ammonia Nitrogen	N/A	2.0 mg/L	Grab	1/month

[1] Monitoring frequency for Level II authorizations shall be once every six months.

[2] Four grab samples shall be collected and analyzed individually. The results of those analyses shall be averaged for reporting purposes. The first sample shall be taken within 30 minutes of initial discharge. Subsequent samples shall be taken at intervals of no less than two hours and no more than four hours apart with a minimum of four samples or until the discharge is discontinued. At least one of the four samples shall be collected between 6:00 a.m. and 9:00 a.m. if the discharge occurs within this time period.

Section B. General Requirements

1. Any new facility required to obtain authorization under this general permit or an individual permit may not commence construction of any waste management unit without first receiving either authorization in accordance with this general permit, an individual permit, or authorization for the construction.

2. There shall be no discharge of floating solids or visible oil nor shall the discharge cause any nuisance conditions affecting the public along the discharge route. The discharge shall not exhibit foaming of a persistent nature as required by 30 TAC § 307.4(b).

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3. Drugs, Medications and Chemicals

a. Only drugs, medications and chemicals approved by the United States Environmental Protection Agency (EPA) or the United States Food and Drug Administration (FDA) for aquaculture use may be used in water that will be discharged. Treatment shall be limited to those aquatic species and to those purposes for which approval was granted. Treatment shall be used only as necessary, and only as directed on the product label. The water shall be diluted, held for a specific time, or neutralized prior to discharge as directed on the product label or as necessary to comply with 30 TAC Chapter 307 (relating to Texas Surface Water Quality Standards) or as needed to be below the concentration level used for a long-term static treatment, whichever is the lowest concentration. Records of all drugs, medications, and chemicals utilized for treatment shall be maintained on a monthly basis at the facility and shall be readily available for inspection by authorized representatives of the executive director for at least three years. Records shall include treatment concentrations, discharge volumes and dates and a product label or Material Safety Data Sheet (MSDS) for each drug, medication, or chemical utilized.

b. Notification, outlined below, shall be provided to the TCEQ's Industrial Permits Team, of the use of any investigational new animal drug (INAD) or any extralabel drug where such a use may lead to discharge of the INAD or extralabel drug. Reporting is not required for an INAD or extralabel drug use that has been previously approved by FDA for a different species or disease if the INAD or extralabel use is at or below the approved dosage and involves similar conditions of use.

(i) The permittee must provide a written report of an INAD's impending use within 7 days of participating in an INAD study. The written report must identify the INAD to be used, method of use, the dosage, and the disease or condition of the INAD is intended to treat.

(ii) For INADs and extralabel drug uses, the permittee must provide an oral report as soon as possible, preferably in advance of use, but no later than 7 days after initiating use of an INAD or extralabel drug. The oral report must identify the drugs used, methods of application, and the reason for using the particular drug or drugs.

(iii) For INADs and extralabel drug uses, the permittee must provide a written report within 30 days after initiating use of the INAD or extralabel drug. The written report must identify the drug or drugs used and include the following: the reason for treatment, dates(s) and time(s) of the addition (including duration), method of application, and the amount added.

c. Notification shall not be required for the use of compounds that have undergone review by the FDA and have been determined by the FDA to be drugs of low regulatory priority.

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4. Any discharger authorized under this general permit engaged in the propagation and/or rearing of shrimp that exhibit one or more manifestations of disease, as defined in 31 TAC § 57.111 or § 69.75 shall immediately report the observations to the TCEQ's regional office and Wastewater Permitting Section (MC-148), and to the Texas Parks and Wildlife Department (TPWD), and shall comply with all the requirements of 31 TAC § 57.114 or § 69.77 as well as other actions deemed appropriate by the TPWD. The TPWD shall be notified immediately of the disease diagnosis. Any actions that are deemed as necessary by the discharger and approved by the TPWD to prevent transmission of the disease to aquatic life endemic to water in the state shall be implemented as soon as possible. The executive director may additionally require cessation of the discharge of effluent from the facility as necessary to protect aquatic life in the receiving stream from potential adverse effects.

5. Facilities in possession of fish or shellfish shall notify the TCEQ regional office and Wastewater Permitting Section (MC-148) immediately upon a finding that the facility meets the quarantine conditions imposed by TPWD regulations. There shall be no discharge during the quarantine period, except in accordance with an Emergency Plan approved by the TPWD and following approval of the plan by the executive director. The executive director shall lift the prohibition on discharge to allow for implementation of the facility's Emergency Plan, in accordance with a permit from the TPWD, following the lifting of the quarantine condition by TPWD.

6. In the event a facility appears in imminent danger of overflow, flooding, or similar conditions that could either result in the release of exotic species that are regulated by the TPWD or that would result in the violation of a quarantine condition imposed by the commission or TPWD, the permittee may discharge effluent in excess of the permitted flow rates, but only to the extent necessary to comply with an Emergency Plan that is approved by the TPWD

   a. Effluent limitations, discharge flow limitations, and other effluent monitoring requirements of this permit shall be set aside during this activity.

   b. Dischargers shall notify the appropriate TCEQ regional office at least 48 hours prior to initiating any action under an Emergency Plan in response to an emergency event whenever possible, such as landfall of a hurricane, and shall notify the regional office as soon as practicable following initiation of the Emergency Plan.

   c. The discharger shall control discharges relating to initiation of the Emergency Plan in the most environmentally sound manner that is practicable. Within 30 days following initiation of the Emergency Plan, the discharger shall submit a written report to the appropriate TCEQ regional office that includes the following information;

      (i) the cause for initiation of the plan;
      (ii) actions taken to avoid or negate impacts of the discharge to the receiving stream;
      (iii) volumes of wastewater discharged;
      (iv) the dates that discharges occurred; and
      (v) general summary of receiving stream conditions at the time of the discharge.

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d. It is the discharger's responsibility to demonstrate that the discharges were necessary and that conditions required initiation of the Emergency Plan.

7. Facilities authorized under this general permit shall be operated in such a manner as to prevent the creation of a nuisance condition of air pollution as mandated by Chapters 341 and 382 of the Texas Health and Safety Code.

8. All discharges shall comply with 30 TAC § 319.22 (relating to Quality Levels-Inland Waters) or shall comply with 30 TAC § 319.23 (relating to Quality Levels-Tidal Waters).

9. Dead aquatic species must be removed from fish hauling tanks and disposed of properly. Dead aquatic species may not be disposed of into or adjacent to water in the state.

Section C. General Requirements Specific to Level IV Facilities

In addition to the General Requirements described in Part III Section B of this general permit, Level IV facilities must meet the following requirements:

1. Failure in, or damage to, the structure of an aquatic animal containment system resulting in an unanticipated material discharge of pollutants to waters in the state shall be reported orally or by electronic facsimile transmission to the appropriate TCEQ regional office within 24 hours of the permittee becoming aware of the discharge and shall include a description of the cause of the failure or damage and an identification of materials that were released to the environment as a result of the failure. The report shall describe the cause of the failure A written report shall be provided by the permittee to the appropriate TCEQ regional office and the TCEQ's Industrial Permits Team within five working days of the discharge. The written report shall contain:

   a. a cause of the failure or damage to the structure and its cause;
   b. the potential danger to human health or safety, or the environment;
   c. the period of failure, including exact dates and times;
   d. an estimate of the material released;
   e. if the failure has not been corrected, the anticipated time it is expected to continue; and
   f. steps taken or planned to reduce, eliminate, and prevent recurrence of the failure.

2. In the event a spill of drugs, pesticides or feed occurs that results in a discharge to water in the state, the permittee must provide an oral report of the spill to the appropriate TCEQ regional office within 24 hours of its occurrence and a written report within 7 days to the appropriate TCEQ regional office and the TCEQ's Industrial Permits identifying the type and quantity of the material spilled.

Section D Groundwater Protection

1. All ponds whether constructed of earthen or other impervious material shall be designed, constructed, and operated so as to prevent groundwater contamination and to protect water in the State, pertaining to groundwater, as found in Chapter 26 of the Texas Water Code (TWC).

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2. Soils used in the construction of a pond's embankment walls shall be free of foreign material such as brush, trees, and large rocks. All soil embankment walls shall be protected by a vegetative cover to the extent possible or other stabilizing material other than trees and shrubs to prevent erosion. Erosion stops and water seals shall be installed on all piping penetrating the embankments.

3. Waste management ponds and waste management units must be located a minimum horizontal distance from water wells in accordance with 16 TAC § 76.1000 (relating to Water Well Drillers and Water Well Pump Installers). Where 16 TAC Chapter 76 does not apply, the distance to a water well shall be a minimum of 500 feet.

Section E. Waste Utilization and Disposal by Land Application of Wastewater and Pond Bottom Sludges.

1. Management of Solid Waste

a. Facilities that generate industrial solid wastes, as defined in 30 TAC, § 335.1, shall comply with the provisions of 30 TAC Chapter 335 (relating to Industrial Solid Waste and Municipal Hazardous Waste). If the requirements of 30 TAC Chapter 335 do not apply to particular solid wastes they shall be disposed of in accordance with the Texas Health and Safety Code, Chapter 361.

b. The facility shall maintain management records for all sludge (or other waste) removed for disposal. Records must include the following, at a minimum:

(i) volume of waste disposed of off-site;
(ii) origin and general composition of waste;
(iii) date(s) of disposal;
(iv) identity of hauler or transporter;
(v) location and total acreage of disposal site; and
(vi) method of final disposal.

The above records shall be maintained on a monthly basis and be available at the facility site for inspection by authorized representatives of the TCEQ for at least five years.

c. All solid waste stockpiled or retained on-site shall be isolated from all run-on of storm water by dikes, terraces, berms, or ditches or other similar structures. The dike, terrace, berm, ditch, or similar structures shall be maintained to prevent run-on of the volume of rainfall generated by a 25-year, 24-hour storm event.

d. Adequate solid waste storage capacity shall be provided and be based upon waste production.

e. Removal of pond bottom sludges (or other solids) from production ponds or wastewater management or treatment ponds shall be conducted during favorable wind conditions that carry odors away from nearby receptors such as residences, businesses, and public buildings. At no time shall emissions from any activity create a nuisance odor condition.

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f. When land applying solid waste, a buffer area must be utilized around water wells to prevent the possibility of waste transport to groundwater via the well or well casing. Wastewater may not be land applied within 100 feet of any private water well (utilized for domestic or irrigation use) and within 500 feet of a public water supply well.

2. Irrigation Requirements

a. Irrigation practices shall be designed and managed to prevent contamination of ground or surface waters and to prevent the occurrence of nuisance conditions. Tail water control facilities shall be provided, where necessary, to prevent the discharge of any wastewater that might drain from irrigated lands to water in the state and to reduce or minimize ponding or puddling of wastewater on the site. The hydraulic loading rate shall be designed based on crop needs in accordance with 30 TAC § 309.20 and applied in a manner to prevent excessive nitrogen application.

b. When land applying wastewater, a buffer area must be utilized around water wells to prevent the possibility of waste transport to groundwater via the well or well casing. Wastewater may not be land applied within 100 feet of any private water well (utilized for domestic or irrigation use) and within 500 feet of a public water supply well.

c. The permittee shall maintain an operating log that records the volume of wastewater used for irrigation each day, the time at which each wastewater application period commences and terminates, and the actual surface area irrigated each day. The operating log shall be retained on site for a minimum period of five years from the date of the record, measurement, or report for inspection by authorized representatives of the TCEQ.

d. No wastewater may be applied within 24 hours after a measured rainfall of 0.5 inches or greater, or to any zone containing standing water.

e. The permittee shall maintain a perennial crop of vegetative cover over the irrigated area. The irrigated fields shall be mowed at least once each year or as necessary to prevent nuisance conditions and all resulting hay shall be removed from the fields. Fertilizers or other nutrient sources may be used if necessary to maintain healthy vegetation on the irrigated fields.

f. The permittee shall provide adequate maintenance of the irrigation system to ensure that the system is in good working condition.

g. Storm water drainage shall be prevented from entering any irrigation holding ponds and prevented from running onto any irrigation tract.

h. Level II facilities authorized under Part II. Section A.2(c) that dispose of wastewater by irrigation and do not discharge directly to water in the state shall meet the following criteria:

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(i) The facility shall comply with all irrigation requirements in Part III. Section D.2. of this permit.

(ii) The irrigation holding ponds shall provide for adequate storage to prevent overflow. The storage requirements of the irrigation holding ponds shall be based on a design rainfall year with return frequency of at least 25 years (the expected 25 year - one year rainfall, alternately the highest annual rainfall during the last 25 years of record may be used) and a normal monthly distribution, the application rate and cycle, the effluent available on a monthly basis, and evaporation losses in accordance with 30 TAC § 309.20.

(iii) There shall be no discharge of wastewater to water in the state.

i. Level II facilities authorized under Part II. Section A.2.(c) that dispose of wastewater by evaporation ponds shall meet the following criteria:

(i) Evaporation ponds shall be sized to prohibit overflow. Evaporation ponds shall be sized using:

(1) The year with the lowest net evaporation (for a minimum period of record of 25 years) or other appropriate data (e.g. highest precipitation and lowest pan/lake evaporation). The calculation should include the volume of effluent routed to the evaporation pond on a monthly basis for an entire year.

(2) The average net evaporation (for the entire period of record) or other appropriate data (e.g. average precipitation and average pan/lake evaporation). When two consecutive average years are reviewed, there should be no accumulation of water in the evaporation system. The calculation should include the volume of effluent routed to the evaporation pond on a monthly basis for an entire year.

(ii) Evaporation ponds shall be operated to maintain a minimum freeboard of two feet at all times.

(iii) There shall be no discharge of wastewater to water in the state.

Section F. Required Best Management Practices (BMPs)

The following BMPs are required and shall be utilized to abate the discharge of suspended solids and other pollutants.

1. Dewatering of ponds shall be accomplished by discharge of the uppermost portion of the water column, when possible, to avoid discharge of disturbed bottom sediments.

2. The reuse of pond wastewater should occur to the maximum extent possible. Pond wastewater shall be recirculated or reused wherever appropriate and cost effective.

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3. Dead aquatic species shall be routinely removed from ponds and properly disposed of as is required to prevent contamination of water in the state and to prevent a nuisance or public health hazard.

4. Discharges shall be controlled such that flow rates minimize any increase in turbidity of the receiving stream due to erosion or suspension of sediments.

5. Discharges shall not cause substantial and persistent changes from ambient conditions of turbidity and color.

6. Earthen levees and dikes shall be protected by a vegetative cover to the extent possible using trees, shrubs, other vegetation, or other stabilizing material to prevent erosion. Vegetation, when utilized, shall be maintained at all times through mowing, watering, and/or other suitable maintenance practices.

7. Removal of accumulated solids from raceways and fabricated tanks must be conducted in a manner to prevent exceedance of the effluent limitations located in Part III. Section A. of this permit.

Section G. Required Best Management Practices (BMPs) Plan Specific to Level IV Facilities

In addition to the BMPs described in Part III Section F of this general permit, facilities that meet the requirements of Level IV must develop and maintain a BMP plan describing how the permittee will achieve the following:

1. Solids Control. The permittee must:

   a. Employ efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth in order to minimize potential discharges of uneaten feed and waste products into or adjacent to water in the state.

   b. In order to minimize the discharge of accumulated solids from settling ponds and basins and production systems, the permittee shall identify and implement procedures for routine cleaning of rearing units and off-line settling basins, and procedures to minimize any discharge of accumulated solids during the inventorying, grading and harvesting aquatic animals from the production system.

   c. Remove and properly dispose of aquatic animal carcasses on a regular basis to prevent discharge into or adjacent to water in the state.

2. Materials Storage. The permittee must:

   a. Ensure proper storage of drugs, pesticides, and feed in a manner designed to prevent spills that may result in the discharge of drugs, pesticides or feed into or adjacent to water in the state.

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b. Implement procedures for properly containing, cleaning, and disposing of any spilled material.

3. Structural maintenance. The permittee must:

a. Inspect the production system and the wastewater treatment system on a routine basis in order to identify and promptly repair any damage.

b. Conduct regular maintenance of the production system and the wastewater treatment system in order to ensure that they are properly functioning.

4. Recordkeeping. The permittee must

a. In order to calculate representative feed conversion ratios, maintain records for aquatic animal rearing units documenting the feed amounts and estimates of the numbers and weight of aquatic animals.

b. Keep records documenting the frequency of cleaning, inspections, maintenance and repairs.

5. Training

a. All relevant facility personnel must be trained in spill prevention and how to respond in the event of a spill.

b. Training of staff shall include the proper operation and cleaning of production and wastewater treatment systems including training in feeding procedures and proper use of equipment.

The permittee must certify in writing to the TCEQ's Industrial Permits Team (MC-148) that a BMP plan has been developed at the time of NOI submittal. The plan must be kept on site for a minimum of three years from the date of the record or sample, measurement, report, or certification. and be made available for inspection by authorized representatives of the executive director.

Part IV. Discharge Monitoring and Reporting Requirements

Section A. Sampling Requirements

1. Monitoring samples and measurements shall be taken at times and in a manner so that it is representative of the monitored activity.

2. The sampling point used to determine compliance with the monitoring conditions of this general permit must be downstream of any treatment unit used and prior to discharges commingling with the receiving waters.

3. All samples must be collected according to the latest edition of "*Standard Methods for the Examination of Water and Wastewater*" (prepared and published jointly by the

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American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation), the Environmental Protection Agency's, "*Methods for Chemical Analysis of Water and Wastes*" (1979), or the Environmental Protection Agency's, "*Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents*" (1973).

4. 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.

5. 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.

Section B. Reporting Requirements

1. Monitoring results shall be provided at the intervals specified in the permit on an approved Discharge Monitoring Report (DMR) (EPA Form 3320-1). Effluent sampling shall be conducted in accordance with the monitoring frequencies specified in this general permit. DMRs shall be submitted on a monthly basis to the TCEQ's Enforcement Division (MC 224). The DMR for any given calendar month shall be due by the 20th day of the following calendar month for each discharge that is described by this permit regardless of whether there is a discharge during the reporting month. DMR data may also be submitted electronically.

2. The records of all monitoring activities shall be maintained at the facility and shall be readily available for inspection by authorized representatives of the TCEQ for a minimum period of five years from the date of the record or sample, measurement, report, or certification.

   Records of monitoring activities shall include:

   a. Date, time and place of sample or measurement;
   b. Identity of individual who collected the sample or made the measurement;
   c. Date of the analysis;
   d. Identity of the individual(s) and laboratory who performed the analysis;
   e. Technique or the method of analysis; and
   f. Results of the analysis or measurement.

3. Noncompliance Notification

   a. According to 30 TAC § 305.125(9) any noncompliance that may endanger human health or safety, or the environment, shall be reported by the permittee to TCEQ. Report of such information shall be provided orally or by electronic facsimile transmission to the appropriate TCEQ regional office within 24 hours of the permittee becoming aware of the noncompliance. A written report shall be provided by the permittee to the appropriate TCEQ regional office and to the TCEQ Enforcement Division (MC-224) within five working days of the

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permittee becoming aware of the noncompliance. The written report shall 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. Any noncompliance other than those specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible.

Part V. Standard Permit Conditions

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

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 activity to maintain compliance with the 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 the permit conditions. 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 the conditions of the general permit.

4. The permittee must 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 must 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 time frame and in no case later than 30 days from the date of the request.

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

6. Inspection and entry shall be allowed under TWC Chapter 26 of the Texas Health and Safety Code §§ 361.032-361.033 and 361.037, and Title 40 CFR § 122.41(i). The

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statement in TWC § 26.014 that commission entry of a facility shall 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 facility, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.

7. Any noncompliance other than that specified in this general permit, or any required information not submitted or submitted incorrectly, shall be reported to the executive director as promptly as possible.

8. All reports and other information requested by the executive director shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

9. Authorization under this general permit may be suspended or revoked for reasons stated in 30 TAC § 205.4 (relating to Authorizations and Notices of Intent). The filing of a notification by the permittee of planned changes or anticipated noncompliance, does not stay any permit condition.

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

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

    b. Falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required to be maintained under this general permit; or

    c. Knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under this general permit, including monitoring reports or reports of compliance or noncompliance.

11. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.

12. The permittee shall retain all records related to the application, monitoring or certification for a period of five years from the date of the record or sample, measurement, report, application or certification.

Part VI. Denial or Suspension of Authorization

1. The executive director may deny a NOI to discharge under this general permit based on the potential or actual adverse impact. A determination of potential adverse impact may arise from consideration of such factors as proposed flow rate, production rate, or nature of the receiving stream. The executive director shall also consider any sensitive aquatic habitat in the coastal zone identified in the general guidelines developed by TPWD. In

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making a determination of potential adverse impacts, the executive director may also consider other factors, as necessary.

2. Denial of a NOI or suspension of a permitteer's authorization under this general permit shall also be conducted in accordance with commission rules under 30 TAC Chapter 205 (relating to General Permits for Waste Discharges), that were in place at the time the NOI was submitted for coverage.

Part VII. Enforcement

If any permittee fails to comply with the terms of this general permit, the executive director may take enforcement action as provided by TWC §§ 7.051, 7.101, 7.148, and 7.149 and in accordance with commission rules relating to enforcement actions.

Part VIII. Fees

Submission of an NOI submitted to the executive director must include an application fee of $100.00. Additionally, the executive director will assess an annual water quality fee under TWC § 26.0291, in accordance with the following fee rate schedule.

1. Level I Authorization
   No annual water quality fee will be assessed.

2. Level II Authorization
   An annual water quality fee of $100.00 will be assessed.

3. Level III Authorization
   An annual water quality fee of $250.00 will be assessed.

4. Level IV Authorization
   An annual water quality fee of $250.00 will be assessed.

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Attachment 1

Notice of Level I Authorization by Texas Commission on Environmental Quality Texas Pollutant Discharge Elimination System General Permit No. TXG130000

This operation qualifies for, and is authorized under, Part II.A.1 of Texas Pollutant Discharge Elimination System (TPDES) general permit TXG130000, a general permit authorizing discharges from aquaculture and aquaculture-related activities. This operation qualifies under the following description and criteria:

- ☐ Retail bait dealer.
- ☐ Crawfish production in conjunction with rice farming.
- ☐ Ponds used as "pay lakes".
- ☐ Facility that exclusively utilizes closed ponds.
- ☐ Public or commercial aquarium and aquarium supplies.
- ☐ Live fish hauler.
- ☐ An aquaculture facility that utilizes cages or other enclosures placed within public waters for the propagation or rearing of aquatic species with a harvest weight equal to or less than 20,000 pounds.
- ☐ A facility that only temporarily holds and does not feed aquatic species.

Contact Name and Phone Number	Site Address, or Description of the Location

I _____ (Typed or Printed Name Person Completing This Certification) certify under penalty of law that I have read and understand the eligibility requirements for claiming an authorization under Part II.A.1. of TPDES General Permit TXG130000 and agree to comply with the terms of this permit. I am aware there are significant penalties for providing false information or for conducting unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

_____ _____
Signature and Title Date

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