



TCEQ Docket No. 2007-1523-IWD
TPDES GENERAL PERMIT
NO. TXG830000

This permit supersedes and replaces
TPDES General Permit No. TXG830000,
issued on October 02, 2002.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. BOX 13087
Austin, TX 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

Waters contaminated by petroleum fuel or petroleum substances, located in the state of Texas,

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

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

This general permit and the authorization contained herein shall expire at midnight five years after the date of issuance.

ISSUED AND EFFECTIVE DATE: **SEP 12 2008**

Buddy Garcia

For the Commission

**TPDES GENERAL PERMIT NUMBER TXG830000 RELATING TO
PETROLEUM FUEL OR PETROLEUM SUBSTANCE DISCHARGES**

Table of Contents		Page
Part I.	Definitions	3
Part II.	Permit Applicability and Coverage	6
	Section A. Discharges Covered.....	6
	Section B. Limitations on Coverage	6
	Section C. Application for Coverage	7
	Section D. Termination of Coverage	9
	Section E. Authorization Under a TPDES Individual Permit.....	9
	Section F. Permit Expiration	10
Part III.	Permit Requirements	11
	Section A. Effluent Limitations	11
	Section B. General Requirements	13
	Section C. Discharges from Utility Vaults.....	14
Part IV.	Standard Permit Conditions.....	15
Part V.	Fees.....	18

Part I. Definitions

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

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

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

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

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 TPDES program

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

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

General permit - A permit issued under the provisions of 30 Texas Administrative Code (TAC), Chapter 205, 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.

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

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

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

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

Municipal separate storm sewer system (MS4) - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by the United States, a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the Clean Water Act (CWA); (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; (iv) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR § 122.2; and (v) Which 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 or NOC - A written submission to the Executive Director from a permittee authorized under a general permit, providing information on changes to information previously provided to the commission, or any changes with respect to the nature or operations of the regulated entity or the characteristics of the discharge.

Notice of intent or NOI - A written submission to the Executive Director from an applicant requesting coverage under the terms of a general permit.

Notice of termination or 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.

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

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

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

- a. Basic petroleum substances - Crude oils, crude oil fractions, petroleum feedstocks, and petroleum fractions.
- b. Motor fuels - See definition for "motor fuel" in this section.
- c. Aviation gasoline - Grade 80, Grade 100, and Grade 100-LL.
- d. Aviation jet fuels - Jet A, Jet A-1, Jet B, JP-4, JP-5, and JP-8.
- e. Distillate fuel oils - No. 1-D, No. 1, No. 2-D, and No. 2.
- f. Residual fuel oils - No. 4-D, No. 4-light, No. 4, No. 5-light, No. 5-heavy, and No. 6.

- g. Gas-turbine fuel oils - Grade O-GT, Grade 1-GT, Grade 2-GT, Grade 3-GT, and Grade 4-GT.
- h. Illuminating oils - Kerosene, mineral seal oil, long-time burning oils, 300 oil, and mineral colza oil.
- i. Solvents -Stoddard solvent, petroleum spirits, mineral spirits, petroleum ether, varnish makers' and painters' naphtha, petroleum extender oils, and commercial hexane.
- J. Lubricants - Automotive and industrial lubricants.
- K. Building materials - Liquid asphalt and dust-laying oils.
- L. Insulating and waterproofing materials - Transformer oils and cable oils.
- M. Used oils - See definition for "used oil" in this section.
- N. Any other petroleum-based material that has physical and chemical properties similar to the above materials and receiving approval by the Executive Director for designation as a petroleum substance.
- O. Examples of materials which are not petroleum substances include: aldehydes and ketones (e.g., acetone, methyl ethyl ketone); halogenated solvents (e.g., carbon tetrachloride, trichloroethylene), alcohols (e.g., methanol), phenols, nitrogen-containing compounds and oils containing polychlorinated biphenyl compounds.

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

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

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

Texas Land Application Permit (TLAP) - A permit issued by the TCEQ for the land application and disposal of wastewater that does not result in a discharge to surface water in the state.

Texas Pollutant Discharge Elimination System (TPDES) – The state program for issuing, amending, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under the Clean Water Act §§307, 402, 318, and 405, the Texas Water Code, and the Texas Administrative Code regulations.

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

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

fluid), spent industrial oils (e.g., compressor, turbine, bearing, hydraulic, metalworking, gear, electrical, and refrigerator oils), and spent industrial process oils.

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

Part II. Permit Applicability and Coverage

Section A. Discharges Covered

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

1. Groundwater pump tests;
2. Groundwater, surface water, and soil remediation activities;
3. Cleanup activities following spills that occur during transportation of petroleum fuel or petroleum substances;
4. Removal of water from underground and aboveground storage tank systems previously containing petroleum fuel or petroleum substances;
5. Removal of accumulated groundwater from excavation sites; and
6. Removal of accumulated water from utility and pipeline vaults.

Section B. Limitations on Coverage

1. Additional authorization may be required for discharges into or adjacent to water in the state, located within ten stream miles upstream of the Edwards Aquifer recharge zone, as defined in 30 Texas Administrative Code (TAC), Chapter 213 (relating to Edwards Aquifer).
2. Discharges shall not be 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); or
 - c. Any other applicable rules or laws.
3. This general permit does not authorize discharges into or adjacent to water in the state from activities that are regulated by the Railroad Commission of Texas, including crude oil facilities.
4. The Executive Director shall deny an application for authorization under this general permit, and may require that the applicant apply for a Texas Pollutant Discharge Elimination System (TPDES) 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. Denial of authorization to discharge under this general permit or suspension of a permittee's authorization under this general permit shall be done according to commission rules in 30 TAC, Chapter 205 (relating to General Permits for Waste Discharges).

5. This general permit does not limit the authority of a home-rule municipality provided by § 401.002 of the Texas Local Government Code.
6. New sources or new discharges of the constituent(s) of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC, Chapter 305 and applicable state law. Impaired waters are those that do not meet applicable water quality standard(s) and are listed on the Clean Water Act § 303(d) list. Constituents of concern are those for which the water body is listed as impaired.
7. Discharges of the constituent(s) to impaired water bodies for which there is a total maximum daily load (TMDL) implementation plan are not eligible for this permit unless they are consistent with the approved TMDL and the implementation plan. The Executive Director may amend this general permit or develop a separate general permit for discharges to these water bodies. For discharges not eligible for coverage under this permit, the discharger must apply for and receive an individual or other applicable general TPDES permit prior to discharging.
8. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved

Section C. Application for Coverage

1. Unless specifically exempted from the notice requirements under Part II, Section C.4., applicants seeking authorization to discharge under this general permit must submit a completed Notice of Intent (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. Discharges authorized under the previous general permit are required to submit a new NOI within 90 days of issuance of this general permit to continue authorization
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. If the discharge is not located within ten stream miles upstream of the Edwards Aquifer recharge zone, provisional authorization to discharge under the terms and conditions of this general permit begins 48 hours after a completed NOI is postmarked for delivery to the TCEQ. The NOI must be submitted to the address indicated on the NOI form. If TCEQ provides for electronic submittal of NOIs during the term of this general permit, provisional authorization begins 24 hours following receipt of the electronic NOI form by the TCEQ unless restricted by Part II, Section C.3. 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. Applicants seeking authorization to discharge to a municipal separate

TPDES General Permit TXG830000

storm sewer system must provide a copy of the NOI to the operator of the system at the same time an NOI is submitted to the TCEQ.

3. For discharges located within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the NOI to the appropriate TCEQ regional 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, TX 78704-5712
(512) 339-2929

4. An NOI is not required if:
 - a. The discharge is from a utility vault and the discharge is in compliance with the requirements and provisions of Part III, Section C; or
 - b. All free product is removed and disposed of following state law, and the remaining contaminated water is routed to an existing TPDES permitted wastewater treatment system, disposed of under authorization of a Texas Land Application Permit (TLAP), underground injection in accordance with 30 TAC Chapter 331, or other approved disposal method.
 - c. The petroleum fuel or petroleum substance contaminated water is land applied at the site with no runoff to water in the state where:
 - (1) The volume to be land applied is 1,000 gallons or less during any quarter, and discharge limitations in Part III, Section A. are satisfied based on either:
 - (i) results of laboratory analyses; or
 - (ii) written documentation demonstrating that the treatment system is properly operated and maintained and that the treatment efficiency is adequate to meet the effluent limits in the permit based on the intake concentrations; and

- (2) The land application:
 - (i) complies with 16 TAC, Chapter 76 (relating to Water Well Drillers and Water Well Pump Installers); or
 - (ii) is conducted at a minimum distance of 500 feet from all water wells; and
 - (3) The owner or operator maintains records to demonstrate compliance with the requirements of Part II, Section C.4(c).
5. Authorization under this general permit is not transferable. If either the owner or operator of the regulated entity changes, then both the present owner and operator must submit a Notice of Termination (NOT) and the new owner and operator must submit an NOI. The NOT and NOI must be submitted no later than 10 days before the change. Permittees discharging to a MS4 must submit a copy of the NOT to the operator of the system at the same time the NOT is submitted to the TCEQ.
 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 P.O. Box number) an NOC must be submitted within 14 days of the change. Permittees discharging to a MS4 must submit a copy of any NOC to the operator of the system at the same time the NOC is submitted to the TCEQ.

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 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 at midnight on the day that an NOT is postmarked for delivery to the TCEQ.

Section E. Authorization Under a TPDES Individual Permit

1. Discharges eligible for authorization by this general permit may alternatively be authorized by an individual permit according to 30 TAC, Chapter 305 (relating to 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. Authorization under this general permit will be terminated when the Executive Director receives the NOT.
3. Discharges from facilities currently authorized by a TPDES individual permit, and discharges from facilities currently authorized under another TPDES 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;

TPDES General Permit TXG830000

- b. The current individual permit does not contain numeric water quality-based effluent limitations for the discharge (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 total maximum daily loading (TMDL) model, anti-backsliding policy, history of substantive noncompliance, or other site-specific considerations;
 - d. A previous application or permit for the discharge has not been denied, terminated, or revoked by the Executive Director as a result of enforcement or water quality related concerns. The Executive Director may provide a waiver to this provision based on new circumstances at the facility, or if there is a new facility owner or operator; and
 - e. The applicant requests cancellation of the existing TPDES individual permit within 30 days after notice that authorization under this general permit is effective.
4. Discharges from new outfalls at facilities authorized under a TPDES individual permit, or under a different TPDES general permit, may be authorized under this general permit if the following conditions are met:
- a. The proposed discharges meet the applicability and eligibility requirements for coverage under this general permit;
 - b. The current individual permit does not contain numeric water quality-based effluent limitations for discharges that are similar in nature to the proposed discharge (unless the discharges that resulted in the limitations have ceased and any contamination that resulted in these limitations is removed or remediated);
 - c. The Executive Director has not determined that coverage under an individual permit is required based on consideration of a total maximum daily loading (TMDL) model, history of substantive non-compliance, or other site-specific considerations; and
 - d. A previous application or permit for the proposed discharge has not been denied, terminated, or revoked by the Executive Director as a result of enforcement or water quality related concerns. The Executive Director may provide a waiver to this provision based on new circumstances at the facility, or if there is a new facility owner or operator.

Section F. Permit Expiration

1. This general permit is effective for five years from the date of issuance. Authorizations for discharge under the provisions of this general permit may be issued until the expiration date of the general permit. This general permit may be amended, revoked, or cancelled by the commission after notice and comment as provided by 30 TAC §§ 205.3 and 205.5.
2. If the Executive Director proposes to reissue this general permit before the expiration date, the general permit shall remain in effect after the expiration date for those existing discharges covered by the general permit in accordance with 30 TAC, Chapter 205. The general permit 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 accepted or new authorizations honored for authorization under the general permit after the expiration date.

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 TLAP for those discharges.
4. According to 30 TAC § 205.5(d), if the commission has made a determination that the general permit will not be renewed at least 90 days before the expiration date, permittees authorized under this general permit shall submit an application for an individual or alternative general permit before the expiration date. If the application for an individual or alternative general permit is submitted before the general permit expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit or alternative general permit.

Part III. Permit Requirements

Section A. Effluent Limitations

1. Unless specifically exempted from the NOI, under Part II, Section C.4(a),(b), or (c), effluent discharged under the authority of this general permit must meet the following effluent limitations:

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

*When discharging.

- (1) Total petroleum hydrocarbons must be analyzed using TCEQ Method 1005.
- (2) The permittee may request that the monitoring frequency be revised from once per week to once every two weeks if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request must be made in writing to the TCEQ's Industrial Wastewater Permits Team (MC-148) and must include the sworn statement listed in Part III, Section A. 3. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.
- (3) The daily maximum and daily average limitations for total lead are 0.02 mg/l for discharges located in the following counties: Anderson, Angelina, Camp, Cass, Cherokee, Collin,

Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For the other counties in the state, the daily maximum and daily average limitations are 0.10 mg/l.

- (4) If the permittee certifies in the NOI that none of the materials handled or stored at the site contained lead, lead additives or MTBE, then monitoring frequency is once per year. The permittee may also request that the monitoring frequency be revised from once per week to once per month if the permittee demonstrates historical compliance with the effluent limitation for at least six consecutive months. This request must be made in writing to the TCEQ's Industrial Wastewater Permits Team (MC-148) and must include the sworn statement listed in Part III, Section A. 3. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per week.
 - (5) If petroleum fuel or petroleum substance contaminated water is land applied, without any discharge to water in the state, the daily maximum and daily average limitations for benzene are 0.05 mg/l and the daily maximum and daily average limitations for BTEX are 0.5 mg/l.
 - (6) BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylenes.
 - (7) Polynuclear aromatic hydrocarbons shall be measured as the sum of acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene.
 - (8) The permittee may request that the monitoring frequency be revised from once per month to once every three months, if the permittee can demonstrate historical compliance with the effluent limitation for at least six consecutive months. This request must be made in writing to the TCEQ's Industrial Wastewater Permits Team (MC-148) and must include the sworn statement listed in Part III, Section A. 3. If a subsequent noncompliance occurs, the monitoring frequency shall revert to once per month.
 - (9) MTBE is methyl tert-butyl ether.
2. The discharge of wastewater shall cease within 24 hours after the permittee learns that any listed individual polynuclear aromatic hydrocarbon has been detected at a concentration of 0.01 mg/l or greater. Following the guidelines of Part III, Section B.9, a written report shall be submitted to the TCEQ's Enforcement Division (MC-224), to the appropriate regional office, and the TCEQ's Industrial Wastewater Permits Team (MC-148) within five working days. The discharge may not be resumed without written authorization from the TCEQ's Industrial Wastewater Permits Team.
 3. A request to the TCEQ's Industrial Wastewater Permits Team (MC-148) to reduce monitoring frequencies for total petroleum hydrocarbons, total lead, benzene, total BTEX, or MTBE must include the following certification statement and be signed by the owner and operator of the regulated activity:

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

Section B. General Requirements

1. There shall be no discharge of floating solids or visible foam other than in trace amounts, and no discharge of visible oil.
2. The discharge shall be to a splash pad or to a paved area to prevent erosion. The rate of discharge shall be controlled through best management practices to prevent flooding and erosion.
3. Mixing zones shall not encompass an intake for a domestic drinking water supply, and the discharge may never be located within 300 feet of the intake for a domestic drinking water supply.
4. The discharge must be a minimum distance of 500 feet from any water well.
5. The discharge shall not contain concentrations of taste or odor producing substances which would impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the receiving waters, interfere with the treatment of potable water, or otherwise interfere with the reasonable use of the water in the state.
6. Unless specifically exempted from the NOI under Part II, Section C.4, the permittees shall notify the appropriate regional office at least 48 hours before initiating the discharge.
7. Facilities which 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, the solid wastes shall be disposed of in accordance with the Texas Health and Safety Code, Chapter 361.
8. Disposal of waste and wastewater shall be done in such a manner as to prevent nuisance conditions.
9. The permittee shall provide the following noncompliance notifications:
 - a. The permittee shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. The permittee shall immediately cease discharging whenever it is discovered the discharge may endanger human health or safety, or the environment and this noncompliance shall be reported to the TCEQ. Report of such information shall be provided orally or by facsimile (FAX) to the appropriate regional office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the regional office and the TCEQ's Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written submission shall

contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment, the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance and to mitigate its adverse effects.

- b. In addition, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC-224) within 5 working days of becoming aware of the noncompliance.
 - c. Any noncompliance other than that specified in paragraphs (a) and (b) above, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC-224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved DMR form.
10. Air emissions for any regulated entity must comply with either 30 TAC §106.533 (relating to Water and Soil Remediation) or 30 TAC, Chapter 116 (relating to Control of Air Pollution by Permits for New Construction or Modification), as appropriate.

Section C. Discharges from Utility and Pipeline Vaults

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

1. Except for utility vaults designed to automatically discharge accumulated water, through the use of submersible pumps or by gravity flow design, the utility shall test for hydrocarbon vapors using a standard explosimeter test. If the utility does not detect the presence of hydrocarbons, the following requirements of this Part III, Section C.1 are not required. If the utility detects the presence of hydrocarbon vapors, as indicated by the test, the utility shall air purge the vault. Following this initial air purging, but before discharging the contents of the vault, the utility shall again perform a standard explosimeter test. If the second test does not reveal hydrocarbon vapors, the following requirements of this Part III, Section C.1 are not required. If both tests reveal hydrocarbon vapors, the utility shall take a sample of the water and have a laboratory analysis performed to determine the concentrations of benzene and BTEX. If analyses indicate that the concentration of benzene is less than 0.005 mg/l, and that the concentration of BTEX is less than 0.10 mg/l, the following requirements of this Part III, Section C.1. are not required. If the concentration of benzene is greater than 0.005 mg/l, or the concentration of BTEX is greater than 0.10 mg/l, the utility must: submit an NOI for authorization to discharge under this general permit; land apply the water under the conditions of Part II.C.4(c); apply for an individual permit; or dispose of the water through an existing TPDES permitted wastewater treatment system.

Utility vaults that are designed to automatically discharge accumulated water, through the use of submersible pumps or by gravity flow design, should be examined for evidence of petroleum contamination on a schedule consistent with other routine utility inspections. The utility shall test for hydrocarbon vapors using a standard explosimeter test. If the utility detects the presence of hydrocarbon vapors, as indicated by the test, a sample of the discharge must be collected and a laboratory analysis performed to determine the concentration of benzene and BTEX. If an analysis

indicates that the concentration of benzene is greater than 0.005 mg/l, or the concentration of BTEX is greater than 0.10 mg/l, the utility must: submit an NOI for authorization to discharge under this general permit; land apply the water under the conditions of Part II.C.4(d); apply for an individual permit; or dispose of the water through an existing TPDES permitted wastewater treatment system.

2. Discharges from electric utility vaults that contain oil-filled equipment (including transformers) must meet the following additional requirements:
 - a. All oil-filled electrical equipment must be examined to determine if the equipment is leaking. If the equipment is submerged and can not be examined, the water must be visually examined for evidence of contamination. If there is no evidence of contamination from leaking equipment, there are no additional requirements before discharge.
 - b. If contamination from oil-filled equipment exists, the equipment shall be examined to determine if the equipment is considered “non-PCB” according to Title 40 CFR Part 761. If the equipment is “non-PCB,” the following requirements of this Part III, Section C.2 are not required.
 - c. If contamination is from oil-filled equipment that is considered “PCB contaminated,” according to Title 40 CFR Part 761, the water must either be collected and disposed of according to state law or the water shall be sampled, analyzed, and not exceed the concentration of 0.002 mg/l for PCB. The utility must keep records of laboratory analyses at the utility’s office nearest the discharge. The utility must maintain the records for a minimum of three years, and the records must be made readily available to TCEQ personnel upon request.
3. The discharge must not contain free product.
4. The discharge must not cause nuisance conditions.
5. Solid wastes shall be disposed of following the requirements of the Texas Health and Safety Code, Chapter 361.
6. The utility shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. The utility shall immediately cease discharging whenever it is discovered the discharge may endanger human health or safety, or the environment. The problem shall be reported following the requirements in Part III, Section B.9.
7. For emergency repairs to utility equipment contained in utility vaults, where a discharge of petroleum contaminated water is necessary in order to protect that equipment or to facilitate repairs, the utility may discharge as necessary and not follow the requirements of Part III, Section B.1-7. Under these circumstances, the utility must notify the appropriate TCEQ regional office by telephone as soon as possible.
8. Discharges from pipeline vaults do not include discharges of water contaminated by petroleum product from the cleaning, repair, or testing of a pipeline.

Part IV. Standard Permit Conditions

1. The permittee has a duty to comply with all conditions in this general permit. Failure to comply with any condition is a violation of the general permit and the statutes under which the general permit was issued. Any violation may be grounds for enforcement action, for terminating coverage under this general permit, or for requiring a permittee to apply for and obtain either a TPDES individual permit or a 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 discharge to maintain compliance with conditions of the general permit.
3. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with conditions of the general permit. Proper operation and maintenance also includes adequate laboratory and process controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with conditions of the general permit.
4. The permittee shall furnish any information, at the request of the Executive Director, which is necessary to determine whether cause exists for revoking, suspending, or terminating authorization under this general permit. The requested information 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 before physical alterations or additions to the permitted facility if such alterations would result in a violation of the general permit requirements.
6. Inspection and entry shall be allowed under Chapters 26-28 of the TWC; Health and Safety Code §§ 361.032-361.033 and 361.037; and Title 40 of the Code of Federal Regulations (CFR) § 122.41(i). The statement in TWC § 26.014 that commission entry of a regulated entity shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the regulated entity, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
7. Standard monitoring and reporting requirements are as follows:
 - a. Samples shall be collected, and measurements shall be taken at times and in a manner so as to be representative of the monitored discharge;
 - b. All samples must be collected according to the latest edition of "Standard Methods for the Examination of Water and Wastewater" (prepared and published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation), or the 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);

- c. Sample containers, holding times, preservation methods, and analytical methods, shall either follow the requirements in 40 CFR Part 136 (as amended), or the latest edition of "Standard Methods for the Examination of Water and Wastewater;
 - 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. Monitoring results shall be provided at the intervals specified in the permit on an approved DMR (EPA Form 3320-1) that is signed and certified as required by Part IV.8. The permittee must submit the DMRs to the TCEQ's Enforcement Division (MC-224) on a quarterly basis, and the DMR must arrive by the 20th day in the months of April, July, October, and January. The self-report form for any given month shall be due for each discharge which is described by this permit whether or not a discharge is made for the month. If noncompliance with a discharge limitation occurs, the permittee shall provide notification according to Part III.B.9.
 - g. The permittee shall retain all records related to the application, monitoring, or certification for a period of three years from the date of termination of the discharge. This period may be extended at the request of the Executive Director; and
 - h. Records of monitoring activities must include:
 - (1) date, time, and place of sample or measurement;
 - (2) identity of individual who collected the sample or made the measurement;
 - (3) date of laboratory analysis;
 - (4) identity of the individual and laboratory that performed the analysis;
 - (5) the technique or method of analysis; and
 - (6) the results of the analysis or measurement.
8. All reports, NOIs, NOTs, NOCs, or other information requested by the Executive Director shall meet the requirements of 30 TAC § 305.128 (relating to Signatories to Reports).
9. Authorization under this general permit may be suspended or revoked for the reasons stated in 30 TAC § 205.4. Notifying the TCEQ of planned changes or an anticipated noncompliance does not stay any general permit condition.
10. This general permit does not convey any property rights of any sort, or any exclusive privilege.
11. If the permittee becomes aware that it failed to submit any relevant facts in an NOI, or submitted incorrect information in an NOI or in any report to the Executive Director, it shall promptly submit such facts or information.

12. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051, 7.101, 7.148, and 7.149 for violations including, but not limited to, the following:
 - (a) Violating Clean Water Act (CWA), Sections 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a general permit issued under CWA, Section 402, or any requirement imposed in a pretreatment program approved under CWA, Section 402(a)(3) or 402(b)(8);
 - (b) Intentionally or knowingly tampering with, modifying, disabling, or failing to use pollution control or monitoring devices, systems, methods, or practices required under this permit; and
 - (c) Intentionally or knowingly makes or causes to be made a false material statement, representation, or certification in, or omits or causes to be omitted material information from, an application, notice, record, report, plan, or other document, including monitoring device data, filed or required to be maintained by this permit.

Part V. Fees

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